

# The War On Working Americans

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## Part I

As Labor Day approaches, what better time to assess the state of working America. It's under assault and weakened by decades of eroding rights in the richest country in the world once regarded as a model democratic state. It's pure nonsense in a nation always dedicated to wealth and power, but don't try finding that discussed in the mainstream. Today, it's truer than ever making the struggle for equity and justice all the harder. That's what ordinary working people now face making beating those odds formidable at the least.

In a globalized world, the law of supply and demand is in play with lots more workers around everywhere than enough jobs for them. It keeps corporate costs low and profits high and growing with Business Week (BW) magazine reporting in its April 9 issue "the share of (US) national income going to corporate profits (compared to labor) is hovering around a 50 year high." BW then quoted Harvard economist Richard Freeman's research paper saying only "a global pandemic that kills millions of people" could cause a labor shortage and elevate worker bargaining power.

There's little in sight, and the result is a huge reserve army of unemployed or underemployed working people creating an inevitable race to the bottom in a corporatized marketplace. It harms workers everywhere, including in developed nations. They're outsourcing good jobs abroad to lower wage countries and pressuring workers to do more for less because they've got little bargaining power to fight back. More on this below.

## Organized Labor in the US - Its Rise and Decline

Organized labor's rise began modestly and was fragile in the earliest days of the republic. It gained strength in good economic times, then lost it in downturns like the depression in 1873. By the 1880s, things were better as the nation underwent rapid industrialization. With it came rising prosperity and workers wanting a share of the benefits. They turned to unions for help with skilled artisans leading the way helping the unskilled as well in their efforts to organize.

New labor organizations arose, older ones expanded, and as they did, they grew more active and militant. It led to the "great uprising of labor" in 1886, including the landmark Chicago May 4 Haymarket Riot protesting police violence against strikers the previous day. Its impact was hugely negative at first. It forced organized labor to regroup and settle in for a long period of recovery.

This was at a time the incipient labor movement was over two million and rising beginning with its organizing efforts launching it in the 1870s. By the 1880s, it had enough strength to

stage huge strikes for better pay and working conditions like the struggle for an eight hour day that had 80,000 strikers parading peacefully down Chicago's main Michigan Avenue on May 1, 1886 in what's now regarded as the first ever May Day Parade.

Workers were helped from community-based emerging independent political parties sensitive to their rights. That's unheard of today in an age where no effective political party stands for working people despite Democrats and Republicans saying they do. Workers are now on their own. They're left to struggle in a global marketplace with pathetically little help weak unions can provide.

Earlier in the 19th century, the first national union arose as workers began asserting their rights. It was called the National Labor Union (NLU), emerged after the Civil War, but was short-lived. Next came the Knights of Labor in 1869 with a mandate to protect all workers including women and blacks after 1883. They were represented by industry groups rather than trade and skill level that was common until then. Its goals were high but achievements few at a time of widespread worker repression in the 1880s. It led to its decline as a more resilient union emerged the result of disaffection with the Knights.

It was called the American Federation of Labor (AFL) and was founded by Samuel Gompers in 1886 to replace its predecessor, the Federation of Organized Trades and Labor Unions. The ill-fated American Railway Union (ARU) followed in 1893, the largest industrial union of its day for a time, and the Industrial Workers of the World (IWW) that at its peak in the 1920s had 100,000 members.

The Wobblies are still around 102 years after Big Bill Haywood, Eugene Debs and others founded the union in 1905 as a commitment to working people in their struggle with corporate employers. It's motto was "an injury to one is an injury to all," its goal was revolutionary, and it's still true to its root ideology today as stated in the current IWW Constitution:

"The working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among millions of the working people.....Between (workers and employers) a struggle must go on until the workers of the world organize as a class, take possession of the means of production, abolish the (unfair) wage system, and live in harmony with the Earth....It is the historic mission of the working class to do away with capitalism....By organizing industrially we are forming the structure of the new society within the shell of the old."

That philosophy under dedicated men like Haywood, Debs and others set the Wobblies on a collision course with government and big business that tried to crush it. During WW I in 1917, it was vicious under Woodrow Wilson's Justice Department (DOJ). It used the repressive Espionage and Sedition Acts to raid and disrupt union meeting halls across the country. It's the same tactic used today against Latino immigrants and Muslims in the concocted "war on terrorism" and the one against undocumented workers.

In 1917 and later, Wilson's DOJ acted much the same way arresting 165 Wobbly leaders on the grounds they hindered the war effort by using their First Amendment right to speak out against it. They were tried near war's end in 1918, all convicted, and given long prison terms under a Democrat President thought of reverentially today. Bill Haywood was luckier. After conviction, he was released on bail and fled to the Soviet Union where he remained until his death, but the IWW was never again the same.

They were hammered again from 1918 - 21 during the infamous Palmer Raids under Wilson Attorney General Mitchell Palmer. He targeted radical left wing groups like the Wobblies at the time of the first "Red Scare" after the 1917 Russian Revolution. It launched J. Edgar Hoover's career in the DOJ Bureau of Investigation's new General Intelligence Division that later became the FBI in 1935. The IWW is still around, still dedicated to its founding principles, but it's worldwide membership is only around 2000, mostly in the US.

The AFL fared much better. It became the largest union in the first half of the 20th century even after the founding of the Congress of Industrial Organizations (CIO) in 1935 with which it merged in 1955. Today, it's still the country's largest federation of unions. Its web site claims a membership of around 10 million workers, even after the Service Employees International Union (SEIU), Teamsters, UNITE-HERE and United Food and Commercial Workers (UFCW) broke away from the federation in 2005. The United Brotherhood of Carpenters and Joiners of America (UBC) did as well in 2001, and the Laborers International Union of North America (LIUNA) left in 2006. They formed a new Change to Win federation in September, 2005 representing about 5.5 million workers. It likely left AFL-CIO with fewer members than it claims with its true size closer to 8 million or less.

AFL-CIO's state is a metaphor for the times. Organized labor today is weak in the face of declining membership and corporate dominance with workers losing out in a globalized world. It's fall has been long-term and painful with worker rights hammered since the 1980s. It's a long way today from when the landmark Wagner Act passed in 1935 under Franklin Roosevelt. It established the National Labor Relations Board (NLRB) guaranteeing labor the right to bargain collectively on equal terms with management for the first time ever, but it wasn't an act of kindness.

It came at the height of The Great Depression when those in power feared the worst. FDR and Congress acted to save capitalism at a time they feared mass worker hostility might boil over like it did in 1917 Soviet Russia. Like all other worker victories, this one came through struggle. It was from organizing, pressing their demands, taking to the streets, going on strike, holding boycotts, battling police and National Guard forces supporting management against working people, paying with their blood and lives and finally achieving results. They got an eight-hour day, a living wage, and on-the-job benefits because strong unions went head-to-head with management and won. It's worlds different now with corporate giants in bed with friendly governments, and Democrats and Republicans vying to see which party can be more accommodative.

From the 19th century forward, it was never easy for labor from the height of the movement's strength to the present. Unions were always disadvantaged even at a time of reasonable labor-management harmony. The passage of the harsh 1947 Taft-Hartley Labor-Management Relations Act showed how tenuous their position always was. Harry Truman vetoed the bill but was overridden. He called it a "slave labor bill" and then hypocritically used it 10 times, the most ever by any President to this day. The law throttles organized labor by giving the President power to stop strikes by court-ordered injunction for 80 days. He can claim the national interest, some other one, or none at all that's always the same one - to help corporate management deny workers their rights.

Taft-Hartley is still the law and was last invoked by GW Bush in the summer of 2002 against 10,500 west coast dock workers "locked out" (not striking) by the Pacific Maritime Association representing shipping companies and terminal operators.

Earlier in 2001 and new in office, Bush showed his anti-labor stripes straightaway. He invoked the Railway Labor Act blocking a threatened strike by 10,000 mechanics, cleaners and custodians at Northwest Airlines set for March 12. He acted again against United Airlines' 15,000 mechanics in December. He also took management's side in August, 2006 against Northwest's 8700 flight attendants' planned job action against the bankrupt airline's unfair demands for huge wage cuts and increases in hours worked. Bill Clinton was just as unfriendly invoking the Railway Labor Act against American Airline's pilots and to prevent railroad strikes 13 times.

Laws like these, and Presidents' willingness to use them, crushed the spirit and letter of the Wagner Act. They greatly weakened or revoked hard won provisions, and as a consequence, diminished union clout. Taft-Hartley allows stiff penalties for union violations but minimal ones for companies. It enacted a list of "unfair (union) labor practices" prohibiting jurisdictional strikes (relating to worker job assignments), secondary boycotts (against firms doing business with others being struck), wildcat strikes, sit-downs, slow-downs, mass-picketing against scabs brought it, closed shops (in which employees must join unions), union contributions to federal political campaigns, and more while legalizing employer interventions aimed at preventing unionizing drives.

It began a process of gradual erosion of union power to bargain collectively. That's their weapon now weakened because of devious employer tactics. They can illegally fire union sympathizers (thousands each year) and get away with only minor wrist slap fines after years of expensive litigation to prove wrongdoing. Further, employers can fire workers for any lawful reason like incompetence or no stated reason at all. Even the right to strike is neutralized with employers able to hire replacements or threaten to ship jobs offshore. With government on their side, they're empowered to fire union workers and legally replace them with lower-paid scabs or Latino immigrants.

The Reagan administration marked the beginning of the current trend in its first year. He was contemptuous of organized labor while hypocritically saying "I support unions and the rights of workers to organize and bargain collectively." He showed it in August, 1981 by firing 11,000 striking PATCO air traffic controllers, jailing its leaders, fining the union millions of dollars, and effectively busting it in service to the monied interests backing him. It was a shot across organized labor's bow and a clear message to business and industry of what to expect from a friendly Republican President. Nothing changed since under Democrat or Republican administrations with workers unable to match the power and influence of capital. The toll ever since has been devastating.

Union membership has been in steady decline from its post-war high of 34.7% in the 1950s. It held fairly constant through most of the 1970s at around 24% where it stood in 1979. At the end of the Reagan era, it was down to 16.8% and is currently around 12% overall with about 36% of government workers unionized but only 7.4% of them in the private sector. It's the lowest it's been since the beginning of the mass unionization struggles of the 1930s and in the private sector in over 100 years. It's because of Democrat and Republican antipathy to organized labor and corporate threats to close plants and outsource jobs. It's forced workers to take pay cuts and fewer benefits that are dropping to where they'll be none, and they'll be on their own to live or die by market-based rules rigged against them.

George Bush supports corporate interests aiming to crush unions so they have free reign to treat workers any way they wish or go find other work. In the wake of 9/11, he took on public sector unions straightaway. He denied 170,000 new Department of Homeland

Security (DHS) employees their civil service protection and right to bargain collectively. Those affected included Transportation Security Administration (TSA) newly federalized airport screeners. They lost their right to unionize in the name of national security that could as easily been for any reason or none at all. But this was just for starters. Bush also wants federal positions contracted out to private companies. That jeopardizes 850,000 federal employees likely to get lower pay, fewer benefits, loss of other unionized rights, and many of them ending up out of work.

Overall, organized workers always get higher wages and greater benefits, which explains why strong unions are vital. The evidence comes from David Sirota in his his 2006 book, "Hostile Takeover." He showed:

- 89% of union members have employer-paid health care coverage compared to 67% for nonunion members; as fewer companies now provide it, those numbers are lower; in addition, companies continue making employees pay a greater share of the cost of coverage;

- employers pay a larger share of union member health care premiums than nonunion members get (but the percentage is falling);

- over two-thirds of union members have short-term disability insurance compared to about one-third for nonunion workers;

- union members get about 26% more vacation time and 14% more total paid leave than nonunion workers; and

- Economic Policy Institute (EPI) data show union influence gets high school graduating members about 8.8% more pay than nonunion workers.

Greater worker clout under unions is why management wants to destroy them. It's to deny working people their right to organize, earn more and get greater benefits corporations don't want to provide. It's happening in the gilded age of George Bush, and a recent example came in a ruling late last year when his administration's NLRB ruled 3-2 against registered nurses' right to union membership if they perform certain minimal supervisory duties.

It was in a case where United Auto Workers (UAW) were trying to organize nurses at a Taylor, Michigan-based hospital. US labor law doesn't guarantee supervisors the right to organize making the NLRB ruling hugely important for up to eight million workers in other trades. It may potentially deny their right henceforth to qualify for union representation if employers want to use this ruling to add enough supervisory responsibilities to employees' job descriptions to throw them into a union-exempt category.

Bush further ended the Clinton administration's regulation requiring federal agencies vet companies' compliance with the law when awarding federal contracts. He also issued harsh anti-union, anti-worker executive orders (EOs) as well as a tsunami of other repressive ones. He barred automatic union-recognition agreements on federally funded construction projects, abolished labor-management cooperation partnerships aimed at improving productivity and working conditions, and mandated contractors henceforth must inform employees they no longer had to join a union without having to tell them it's their legal right.

Just the way Ronald Reagan busted PATCO, George Bush tipped his hand straightaway in office. He's a company man and union-hater, so henceforth it's been open season on workers and their rights under his administration. His policies range from:

- a one-sided support for management;
- stripping workers of their right to unionize;
- cutting pay raises for 1.8 million federal workers on the pretext of a "national emergency;"
- denying millions overtime pay;
- appointing anti-union officials;
- scheming to weaken (and then end) retirement security by replacing Social Security with risky private accounts managed by Wall Street sharks that so far has gotten nowhere because of public opposition to it;
- weakening environmental regulations and protections; and more in an endless war on workers in service to corporate interests that elected and own him.

The failed "immigration reform" legislation was, in fact, a Trojan Horse. It's down but not dead and remains a thinly veiled scheme targeting all workers. It's a dagger aimed straight at organized labor in a plan to create a workplace of unempowered serfs, a "bracero America," including US citizens having few or no benefits and no security. If this legislation ever becomes law, workers will be at the mercy of business to hire and fire them at will.

Another anti-labor tool is the repressive Department of Homeland Security (DHS) and its Immigration and Customs Enforcement (ICE) arm. It conducts paramilitary border and workplace assaults on undocumented Latino workers as part of a larger agenda to disenfranchise all working Americans and deny them the right to bargain collectively with management through unions. By targeting undocumented workers first, the eventual aim is to create a large exploitable disposable reserve army worker pool; strip all workers of their rights; empower employers to offer low wage, low or no benefit jobs; and pretty much be able to operate as they please.

#### The Employee Free Choice Act (EFCA) - Some Hope for Worker Rights Now Denied

EFCA was introduced to "amend the (landmark pro-labor) National Labor Relations Act (passed in 1935)" that's been systematically dismembered piece by piece ever since. Its aim was to "establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes." On June 26, Senate Republicans blocked labor's top legislative priority by preventing the bill's supporters from getting the 60 votes needed to end debate and bring it to a vote.

For now the bill is dead, but if it ever passes, it will change federal law on worker rights. They'll henceforth be able to organize by signing cards authorizing union representation, penalize employers violating worker rights to do it, and establish new mediation and arbitration processes for first-contract disputes. It might also end or slow down the firing, demoting, laying off, or suspending without pay of over 20,000 US workers annually

because of their union activities.

The bill was introduced in the 108th and 109th Republican-controlled Congresses but failed to pass. It was introduced again in the 110th Congress on February 5, 2007, got 233 co-sponsors by month's end, and passed in the House March 1, 2007 for the first time. On March 2, it was placed on the Senate calendar where leading Democrats expected it to pass despite Republican opposition. They were wrong.

That's bad news for a bill that would have won back some worker rights after decades of losing them. It's backed by over five dozen organizations including the NAACP, United for a Fair Economy, Jobs with Justice and numerous other civil, human and labor rights groups. The US Chamber of Commerce and other organizations joined with big business against the bill. They oppose all worker rights, and their lobbying paid off. They claimed the bill allowed them the right to organize before employers can explain why doing it is not in their best interest. Ignored is that union workers always have more rights that include higher pay, greater benefits and added job security. That's bad for business and why corporate giants fought to kill the bill.

They have a powerful ally in the White House making their job a lot easier. In a mid-February speech before a business lobby group, Dick Cheney announced George Bush would veto EFCA legislation if it passed on his watch. He assured those attending this administration will keep its anti-labor record unblemished on something polls show 77% of working Americans want but won't get as long as George Bush is in office.

### **Global Unionization - Another Potential Ray of Hope**

In April editions of The American Prospect, the Washington Post and ZNet, Harold Meyerson wrote about "a radical new direction for the globalized economy" in his article titled "Unions Gone Global." He noted the United Steel Workers (USW) here are negotiating a merger with two of Britain's largest unions to create "the first genuinely multinational trade union" that with about three million members will be the world's largest. Meyerson reported the goal, as USW's Gerald Fernandez put it, is "to fight financial globalization (by) fight(ing) it globally....by building a global union (in this case a) federation of metal, mining, and general workers."

The partners in this one stated a commitment to "fund human rights and union rights in parts of Africa and Colombia" where more unionists are killed annually than anywhere else, and the country gets billions in US aid each year to help out. They also plan a global effort "to protect employees' retirement benefits" from corporate predators wanting to end them. For now, there's no way to know if the idea behind the merger will spread, whether workers here and abroad will benefit from it, or even if the USW and their British partners will follow through effectively on their committed aims to help win back what unionized workers have been losing for years.

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