Card Check: Labor's Charlie Brown Moment?

written by Robert Fitch | January 12, 2010

The Passive Revolution

SOMETIMES THE STORY IS JUST AN APPENDAGE to the back-story. What it means for Sisyphus to watch his rock roll back down the hill can't be understood unless we know it was not exactly the first time. Organized labor's recent effort to move the Employee Free Choice Act — popularly known as "card check" — up Capitol Hill involves a similar back-story.

Jimmy Hoffa had only recently gone missing. Jimmy Carter sat in the White House. And unions still represented one of five private sector workers when the AFL-CIO began its lightning campaign to close the loopholes in the 1935 National Labor Relations Act, loopholes that allowed employers to fire pro-union workers and forestall union representation by a Fabian strategy of endless legal delays.

Carter had not only pledged support, he even wrote the bill himself. His Labor Law Reform bill mandated elections in thirty days after unions obtained a majority by signing representation cards ("card check"). Yet Carter told Labor to be patient; he had other legislative priorities. (Like the Panama Canal Treaty.) And by 1978, when the bill was finally introduced, the Administration had lost its political capital. Republicans filibustered it to death.[1]

In the twelve years of Republican rule following Carter, organized labor's private sector domain shrank to one in nine workers. But the election of Bill Clinton revived hopes for labor law reform — expectations that were only somewhat jarred when newly appointed Labor Secretary Robert Reich opined in the *New York Times* that "The jury is still out on whether the traditional union is necessary for the new workplace."[2] Clinton insisted that he backed labor law reform; just not right away. So he appointed a panel of experts to study it. The Dunlop Commission labored twenty months before delivering a report providing only tepid support for reform, but barren in any case because by then the Republicans had taken over Congress.[3]

Fourteen years passed. But at last, after the fall 2008 elections, labors' chiefs discerned a parting of the legislative waters. Now, for the first time in a generation, the Democrats had what was practically a filibuster proof majority. With organized labor down to just one out of 14 private sector workers, prospects for passage of what was now called the "Employee Free Choice Act" seemed brilliant. EFCA was a beefed up version of the Carter plan — only with triple penalties for employer violations; binding arbitration after 120 days of negotiations to get a first contract; and the card check option without having to hold secret ballot elections.

Union leaders, who'd spent $40 million lobbying Congress on card check in 2008, expressed confidence in their Capitol Hill clout.[4] United Steelworkers President Leo Gerard noted that mass demonstrations are less needed in the United States than in Europe "because often all that is needed is some expert lobbying in Washington to line up the support of a half-dozen senators."[5] And in Barack Obama, Labor had a Democratic President who had pledged while campaigning during the

Iowa primary, "If a majority of workers want a union, they should get a union. It's that simple. We need to stand up to the business lobby and pass the Employee Free Choice Act. That's why I've been fighting for it in the Senate and that's why I'll make it the law of the land when I'm president of the United States."[6]

But the business lobby had spent $80 million lobbying against card check in 2008 in a campaign that managed to put labor on the defensive.[7] Led by the U.S. Chamber of Commerce which had waged a furious but futile battle against passage of the original NLRA and sought afterwards to dilute it at every opportunity, the Lobby crafted a powerful if thoroughly hypocritical campaign. The Chamber now presented itself as the defender of Labor's Magna Carta and the supporter of workers' rights to a secret ballot election, which EFCA effectively bypassed.

Teamster president Jimmy Hoffa Jr. tried to downplay the problem. "Since when is the secret ballot a basic tenet of democracy?" he asked.[8] Other EFCA supporters insisted card check wouldn't replace secret ballot elections. They started calling it "majority sign-up" instead of "card check." Under pressure from the business lobby, though, support from erstwhile Democratic Senatorial backers started melting away.

There had been a proleptic moment about a week before his inauguration, when President Obama announced: "There are going to be steps that we can take other than the Employee Free Choice Act that will make a difference."[9] Like Carter and Clinton, he adopted a "not tonight, dear" strategy, refusing to make labor law reform a legislative priority. In April, SEIU chief Andy Stern, who enjoys unparalleled White House access for a labor leader, tactfully pointed out the delay. "The President has said he has a series of things — that we agree that he needs to get done — which are major for every man woman, and child, like health care, like the budget, like financial."[10] But Stern's subtle nudging didn't get Card Check back on the legislative track. In May, Obama effectively pronounced it dead.[11]

As the summer recess approached, EFCA receded in legislative priority, marginalized by issues like health care, energy, and the Supreme Court nominee hearings.[12] Senate leaders offered an unattractive compromise — "reform" without Card Check or perhaps even binding arbitration. Should labor accept legislative table scraps or go for the whole meal again after next years' mid-term election? Sounding more like an unruly game show audience than a coherent political force, labor leaders talked over each other. Some followed SEIU chief Andy Stern, shouting, "Take the deal!"[13] Others, backing UNITE-HERE president John Wilhelm, insisted "No deal!"[14] Evidently, organized labor had taken another beating. Over thirty years of failure to reform labor law — over sixty if you count the efforts to repeal Taft Hartley.

In the annals of futility, the most august name may be Sisyphus, but the most relevant to labor's predicament is probably Charlie Brown in *Peanuts*. Unlike Sisyphus, he is not condemned by the gods to repeat a hopeless ritual; he does so anyhow of his own free will. For decades Charlie Brown has tried to kick that football, but each time his designated holder, Lucy, pulls the football away, and Charlie Brown winds up taking an ignominious pratfall. ("Aaughh!) By now, Charlie is highly suspicious of Lucy, but she always manages to convince him that this time she won't pull the ball away.

It says something either about the breadth of Charles Schultz's vision in *Peanuts* or the narrowness of the labor honchos' perspectives that their world fits so snugly in his. Organized labor seems ever destined to play the role of Charlie Brown, the inevitable loser, while the Democratic occupant of the White House plays Lucy — doomed ever to disappoint. Lucy's younger brother, Linus, is often critical of Charlie Brown, still he sticks by him — very much like the relationship between the *bien pensant* labor Left and the AFL-CIO. Still, it's a telling fact about Linus' ability to

judge character, that every Halloween, he sits in a pumpkin patch waiting for the Great Pumpkin to appear. It's a prospect only slightly less probable than the labor Left's long-held belief — going back to early 20th century figures like Victor Berger and Morris Hillquit — in the possibility of transforming the AFL into a genuine workers' movement.

CHARLIE BROWN'S QUEST ENDED after 50 years with the retirement of Schultz, but labor is an institution. The battle for election law reform as the virtual panacea to halt membership decline can go on practically indefinitely. Imagine the future! In 2039, with the unions down to 1.8 percent of the workforce and the labor movement constituted now by fifteen major federations, all under the titular leadership of Jimmy Hoffa III, legislation is proposed to allow employees to vote by telekinesis. The bill passes both houses of Congress but then succumbs to a Lucy-like *coup de grace* delivered this time by President Sasha Obama.

Understanding the meaning of organized labor's latest Charlie Brown moment can be enriched by comparing it to a "Machiavellian moment": that sudden awareness, described by J.G. A. Pocock in his 1975 eponymous classic, that the republic is seriously threatened by internal corruption and external enemies — requiring a mass mobilization of its citizens in its defense. The difference between a Charlie Brown and a Machiavellian moment is more than the difference between flight or fight. A Machiavellian moment demands both *rinnovazione* and *recorso*: on the one hand, *recorso* — a return to republican values — above all the resistance to despotism defined as the domination of sectional interests over common interests. And the almost instinctive revulsion of the republican for corruption — understood not simply as taking bribes, but as the loss of self-determination — as clientism, the sycophantic dependence on a boss; the incapacity for self-determination.

Yet the return to republican values never regresses to mere nostalgia because it is keyed to the recognition of the need for *rinnovazione* –the creation of new political forms to advance common interests subverted by corrupt institutions. Existing political forms have reduced citizens to dependence, fragmentation, apathy. New forms are required to confront the adversary and refocus on the pursuit of the common good.

Mastering a Machiavellian moment demands ruthless, unsparing self-scrutiny — the recognition of the need for the republican ideal of *vivere politico*: thinking and acting politically — that is, in ways that promote common interests — as opposed to sectional or corrupt interests. A Charlie Brown moment, by contrast, is anything but innovative; repeated failures are explained away; the blame externalized. Eventually, acting in the Charlie Brown mode leads to the near total incapacity for thinking and acting politically. Do we fail? Oh well, as the philosophical Linus observes, "It always rains on the unloved." After all, the business lobby is so powerful! What can possibly be done?

Antonio Gramsci, who self-consciously fuses Marxian and republican traditions furnishes an example. He was successively a journalist, an activist in the Turin workers' council movement during the *bienno rosso*, (the two 'red years' of 1919-1921) a party leader, a Communist senator, and like Machiavelli whose republican resistance to the Spaniards and the Medici landed him in jail, Gramsci's resisted Mussolini and the fascists, and this also earned him a prison sentence. It was there he wrote *Notes on Machiavelli* among other now influential works. In the 70's, he was in vogue on the U.S. and European Left as an exemplar of the cultural turn in politics away from labor and "economics." This is just as misleading as the commonplace notion of Machiavelli as a kind of Karl Rove to Renaissance despots. "Can there be," Gramsci asked in *The Modern Prince,* "cultural reform and can the position of the depressed strata of society be improved culturally, without a previous economic reform and a change in their position in social and economic fields?"[15] No, he answered. "The program of economic reform is precisely the concrete form in which every intellectual and moral reformation presents itself."[16]

Indeed, rather than the prophet of "the long march" through exclusively cultural institutions, Gramsci carries on the classical republican ideal of *vivere politico*; he deepens Machiavelli's breakthrough insight into the importance of furthering plebian struggles ("tumults") – as a means of transforming the state. He fuses Marxian analysis of capitalism with the republican political tradition; and he serves as a model of how to behave in a Machiavellian moment.

Facing the destruction of the Italian labor movement by fascism's passive revolution, Gramsci defined the Machiavelli moment of the 1920's Italian Left: "that a collective will, already in existence, has become nerveless and dispersed, has suffered a collapse which is dangerous and threatening but not definitive and catastrophic, and that is necessary to reconcentrate and reinforce it."[17] (240)

Gramsci's response was a *ricorso* to Machiavellian discourse as a step towards *rinnovazione.* The notion of a political party of a new type, as the collective prince who strengthens and unifies the national popular will. In pre-prison writings, Gramsci had also emphasized innovation — seeing the labor movement in the form of workers' councils as potential expression of collective will — but which needs to break from ossified form of union organization. He urged support for Turin's factory council movement, at the expense of the hierarchical CGL: "The factory council tends to spark off the class war at any moment," he observed, "while the trade union, by virtue of its bureaucratic form, tends to prevent class war from ever breaking out. "[18] In other words Gramsci stood not for a withdrawal from the labor movement but a transformation of it.[19]

On the other hand, it would be a mistake to interpret Gramsci as a syndicalist. He criticized Europe's most famous syndicalist, Georges Sorel, who saw the union as the sole embodiment of collective will. The point here though, is not to try settle the argument over where the collective will of the working class ought to be primarily located — in unions, councils, or parties. It's rather is to understand and live up to the demands of our own Machiavellian moment.

At present this is not happening. As labor journalist David Bacon observed, "Each month for almost a year, over half a million people have lost their jobs. Meanwhile, banks have been showered with hundreds of millions of dollars to keep them afloat, while working families can't get their loans renegotiated so they can stay in their homes. Yet there has been no national demonstration called by either labor federation, demanding a direct federal jobs program or redirecting the bailout to workers instead of the wealthy."[20]

In the same passive vein, what's telling is not that the card check provision of the Card Check bill — proclaimed as labor's most important legislative campaign of the last fifty years — went down. It's that the battle took almost entirely on a legislative plane, without any truly mass mobilizations much less mass strikes.[21] "[We] could have done a lot of things," AFL-CIO President Rich Trumka acknowledged, in an interview with POLITICO, "But we didn't, and we are where we are."[22]

"Coulda/shoulda" also characterizes the way the United Auto Workers accepted without audible resistance the Obama Administration's Auto Task Force mandate to shrink pay and benefits to non-union levels; (Actually, with bottom tier wages at $14 an hour, far below transplant levels); while stiffing resistance from its own rank-and-file opposition, the Soldiers of Solidarity. The December 2008 Republic Windows factory occupation in Chicago suggests that in the American working class, there exists ignitable human material for resistance. Surely there are millions who felt the way those 219 did. But the uniquely local structure of the American labor movement acts as a kind of foam retardant cooling the fire, coating the flame.

What took priority in 2009 over resisting the recession's 7 million lay-offs, the halving of union pay in the auto industry, or the backlash against EFCA was in house squabbling over union

jurisdictions. As the merger between HERE and UNITE unraveled, SEIU and HERE battled over who would get control of organized labor's only wholly owned commercial bank, the $4.5 billion Amalgamated. And SEIU itself fought the leaders of its largest health care local for control of assets and jurisdictions in California.

Labor and its left allies are sleepwalking their way through a passive revolution that has left it "nerveless and dispersed" without any serious strategy for a counter-attack; without an adequate analysis of what needs to be changed or who should try to do what to change it.

Wrestling with Labor's Angels

SOCIOLOGIST C. WRIGHT MILLS wrote *New Men of Power* in 1948 on the premise that organized labor represented "the chief social power upon which a genuine democracy can rest."[23] So if labor's promise were to be realized, it was crucial to identify its "publics" — those who were politically active with informed, sophisticated ideas about the labor movement and its potential in American society. Mills identified four pro-labor publics: the far left, the independent Left, the liberal center; and the Communists. Sixty years later, just two remain recognizable and operational: the liberal center and the independent Left.[24] Most importantly, the two surviving publics share a vital understanding: that the special agonies of American capitalism can be explained in terms of the deeply problematic status of organized labor.

Left-liberals. Today, as in Mills' era, liberals are Democrats who read *The Nation* and the *New Republic* both of which gave Card Check strong support. Now of course these main organs are supplemented by the *New York Review of Books*, the *American Prospect*, *Mother Jones, NPR*, Bill Moyers' *Journal*, innumerable websites, and blogs. But much of the rest of the furniture in the House of Liberalism remains eerily unchanged and totally familiar. In social terms, it's still made up mainly of middle class professionals who identify unions with "the people." And who believe what helps them helps everybody.[25] Just as Mills' liberals were touched by guilt for having departed from more radical postures assumed in college days, so too the left liberals of today, a sentiment which gives labor leaders the benefit of the doubt. "In many liberal minds," Mills notes, "there seems to be an undercurrent whispering, 'I will not criticize the union and their leaders. There I draw the line.'"[26] Such restraint serves as the anchor of liberal political identity. Observes Mills, "Anyone who ventures to criticize labor is considered to be playing into the hands of reactionaries whose blackness makes the liberals seem so white."[27]

In terms of the embodiment of ultimate ideals, today's left liberal is no longer America-centered.[28] (S)he looks to Europe as an exemplar of social democracy. The U.S. deviation from the European social market model — in areas such as inequality; overwork; poor health care outcomes and costs — is understood as due in no small part to the exceptional weakness of organized labor in comparison with Europe.[29] Indeed, according to Nobel Prize-winning economist Paul Krugman, writing in *Conscience of a Liberal*, the defining feature of our Second Gilded Age is that labor after its New Deal revival in the 1930s has been simply "crushed" by the big foot of capital.[30]

The jackboot metaphor absolves liberals from concern with the internal workings of labor unions. The classic liberal study of American unions addresses the question "what do unions do? But not how they do it."[31] That's because for most left-liberals, unions are black boxes whose institutional contents — the relations between members and leaders and its legal infrastructure — can be ignored in explaining their behavior. So that the problem with the unions has nothing to do with what's inside the box, but simply that the box labeled "labor" has shrunk. In a word, today's unions lack numbers. Because they're less numerous, unions can't exercise adequate market power; and so they can't do what unions ideally do — equalize wages, provide workers with a "voice" in determining conditions of employment while raising the overall share of wages in national income.

For Mills' era liberals, union power — "countervailing power" in John Kenneth Galbraith's terminology — shaped a benign political equilibrium. Three co-respective elites dominated American capitalism — one each from government, the corporations, and labor. What's upset the old equilibrium is the collapse of union power. How it happened, explains Paul Krugman, "is simple and brutal." Business interests emboldened by Republican rightists went on the offensive against unions beginning in the 1970s "firing one out of eight workers who voted for union representation."[32]

Brutal, yes. But simple? If hundreds of thousands of workers have been fired during the last generation for exercising their legal rights, why are we just now learning about it? Couldn't the unions have launched a broad, public counter-offensive? More generally, why does the United States have what is arguably the advanced economies' weakest labor movement, whether the standard is the share of workers covered by contracts, basic labor rights, hours worked, income equality, union-non-union premiums, strikes? Can it be simply that our employers are so much more beastly? If so, why do they behave so much more agreeably when they operate in Europe?

And what about the peculiar norms of American unions? As far back as the 1920s an Australian labor expert observed, "Unionism in America is not a political creed or a social movement. Each trade sought only its own material advantage and lost no time worrying about others." Noted another rather stunned union observer: "The amazing fact … is that American trade unions alone among all the trade unions in the world are engaged on a large scale in political jurisdictional disputes." Indeed, in one year, 1919, in the craft unions, between 80 and 90 percent of all strikes in major cities were launched not against employers but against other workers.[33]

By banning jurisdictional strikes, the Taft-Hartley Act (1947) partially checked this penchant for forming circular firing squads. But it still breaks out at the most inopportune times, as it did in the many-sided battles for jurisdictional control that raged out of control during the EFCA debate. (See above.) There is no similar territorial competition among European unions because there are no exclusive jurisdictions to fight over.[34]

THE AMERICAN LABOR MOVEMENT has other inconvenient exceptionalisms. Despite the bottom-feeding rank of U.S. unions among the labor movements in advanced economies, its labor leaders still receive the world's highest pay.[35] It's a liberal taboo to say so, but the U.S. movement is uniquely characterized by the extent and persistence of institutional — not just individual — corruption. For example, since the 70s, when Teddy Maritas took charge, every boss of the New York City District Council of Carpenters has been either indicted, like the present chief officer, for racketeering, incarcerated like his predecessor, or like Maritas presumed murdered.[36] Exceptional? This year the head of New York's Central Labor Council was imprisoned for stealing millions and running a racketeering enterprise. The U.S. government is seeking to expel his chosen successor from the Teamsters on grounds that he ignored reports that officers of his local union were taking bribes in exchange for allowing employers to defraud the pension funds.[37] The liberal response to evidence of unparalleled institutional corruption is to observe that corporation leaders steal more than labor leaders. Or that speaking about corruption only benefits the employers.[38]

But such lame excuses are rarely necessary, since these exceptional features of American labor institutions are almost never discussed in *The Nation* or on *NPR*. Unions have 16 million members; yearly income somewhere between $4 and $6 billion; six of ten of the nation's largest campaign contributors since 1989 are unions.[39] But in terms of agency, unions and their leaders are seen by left liberals as the equivalent of well-meaning, but helpless welfare moms: to question their actions or the make-up of their institutions is to behave like a churlish Bill Cosby criticizing single parent families.

Unions are simply the objects of bosses' actions which are portrayed as not only brutal, but

actually perverse. Especially given liberals' belief that unions ought to be partners with corporations helping them achieve their goals by raising productivity and lowering employee turnover.[40] Given these assumptions, the battle for Card Check represents not legislative class struggle, but a sensible and forceful remedy to get employers to do what's really in their own interest. Passage could spell the end of the Second Gilded Age the way break-through progressive labor legislation helped define the First.

In December 2008, Krugman joined twenty union presidents, 120 economists, and 100 progressive leaders, organized by the Institute for America's Future (IAF), calling for a new New Deal. Labor legislation– the Wagner Act (1935) and the Work Projects Administration, (1935) triggered the Second New Deal. Many of the new New Dealers hoped EFCA would similarly ignite the Obama Administration's reform agenda. The failure of organized labor to mount a serious campaign for EFCA's passage clearly represents a huge setback to liberal hopes for expansive reform. Less clear is whether it will lead to any revision in the liberals' assessment of American labor unionism. But American liberals will never get a French-style social democracy without a French-style labor movement.[41]

The labor Left. Those Leftists without a genuine political home either in a party or even a monthly magazine constitute what Mills calls "the independent Left." "A powerless third camp of opinion oscillating between lament and indignation," is his acid description. "But," he concedes," when left organizations are on the move, the independent Leftists are not without considerable influence."[42]

In social terms, the independent Left, like the center-Left, tends to be heavily middle class and professional — only with an even greater percentage of intellectuals. What differentiates them from the center-Left is the much greater likelihood that they joined a Marxist-Leninist party. That experience has left them permanently seared by sectarianism, but at the same time too inured to anti-capitalist norms to hook up with the Democrats. As a result, the independent Left operates in the organizational wilderness that stretches between two well-demarcated territories — the fragmented Marxist-Leninist *groupuscules* that border on the Left and the Democratic Party on the right.

Mills' independents traded freedom of thought and action for political leverage and even relevance. The independent Left is unable, he says, to address the essential political question — "Who do you want to do what?"[43] Since Mills wrote, though, perhaps the biggest change in Labor's politics, after the almost total fade out of the CPUSA and far Left Marxist-Leninist groups, is the ability of the independent Left to answer Mills' basic question. With the collapse of the post Cold War barrier that existed between the independent Left and organized labor, desert-wandering independent Leftists have repositioned themselves as insiders — if sometimes prickly ones — within organized labor. When asked what should we do, the answer now rings out clearly: "Get a job in a progressive union or work within a reform union caucus to build a revitalized labor movement. *Labor Notes*, the *Nation* magazine of the labor Left, supported by a network of labor leaders and staffers, proclaims it is "putting movement back in the labor movement."

According to UC Santa Barbara Professor Nelson Lichtenstein, who is among the most prominent Left labor intellectuals, John Sweeney's 1995 successful AFL-CIO presidential campaign "opened the door to the cadres of the Left whose agenda closely resembled that of the Leftists of the 1930s." What he calls "the Sweeneyite revival" energized key elements in organized labor: "probably five to ten thousand people who hold the key staff positions and local union offices." They've been aided, he notes, by hundreds of others who teach, write, and lecture on behalf of unions."[44]

Sweeney's "New Voice," duly celebrated at the Columbia Teach-in co-chaired by Lichtenstein, represented less of a beginning than the culmination of twenty years of political base-building in the

unions by the labor Left. It featured a steady migration of former 60s and 70s party-less radicals into staff jobs in the SEIU, AFSCME, AFT, CWA, UFCW, as well as the "industrialization" of the Berkeley-based Independent Socialists who formed caucuses in auto, steel, transit, but above all and most lastingly in the IBT as Teamsters for a Democratic Union. The TDU'ers left Berkeley in the 70s as Third Camp Trotskyists but by the 80s they had publicly renounced socialism and dual unionism, transforming themselves into another type of vanguard — the advanced guard of union democratizers, who claimed many reform triumphs, securing an effective vote on contracts; the right to vote for general president; the victory of Ron Carey as General President; and above all the UPS strike – which looms now in labor Left chronicles of the 90s as a veritable Paris Commune.

In a sense, as Lichtenstein suggests, the labor Leftists could be understood as direct descendents of the 1930s Left: the Left which had existed up to the postmodern turn towards the Politics of Difference. The seeds of difference politics were sown in a period when a broad consensus on the Left became convinced that advanced capitalism had conquered the problem of scarcity. And that labor's big problem was "incorporation." In his foundational work *One Dimensional Man,* (1964), Herbert Marcuse reported a labor leader complaining: "All the things we fought for the corporation are now being given to the workers."[45] True, workers had serious problems, as Stanley Aronowitz explained in his Marcusian *False Promises* (1971): reification, commodification, their own authoritarian personalities. But nothing that a labor movement could solve.[46]

IT WAS NO WONDER that Aronowitz made his way from the regional directorship of the Oil Chemical and Atomic Workers (OCAW) to the editorial board of *Social Text,* one of America's most prominent journals of difference politics. In Weberian terms, the adepts of difference politics were concerned not with life chances growing out of class and market relations but with the status and "social honor" — particularly of disfavored groups. Naturally they firmly quashed any idea of a labor-centered politics, promoting the advent of new social movements. Such movements according to Frankfurt School philosopher Jurgen Habermas were "not ignited by distribution problems (such as wage struggles) but by questions having to do with the grammar of forms of life."[47]

In the United States, however, beginning in the 1970s, rationing, gas lines, falling wages, closing factories, urban arson, and stagflation scrambled the syntax of the Frankfurtian lifeworld. By 2006, the top 10 percent drew a greater share of U.S. national income than even during the fabled Gilded Age.[48] Between 40 and 50 million had no health insurance. A politics purely focused on issues of group recognition and unconnected with vast income differences and life chances now seemed too detached from elementary human needs and remote from historical leftist norms. Surely, politics can't be reduced to money. But a politics that renounces incomes as an object for contention can't be taken seriously. Especially when such renunciation is a one-sided gesture by a mostly academic Left untouched by its impact. The unashamedly labor-centric labor Left at least could be seen as addressing the growing material crisis of U.S. society which couldn't be solved without income re-distribution — a task that unions were invented for.

The labor Left was well-positioned to exploit the larger Left's remoteness from plebian concerns. But gradually, as they achieved professional success and became vested in union pension plans, the party-less labor Leftists paid a price for their enhanced relevance: the loss of independence. Union staffers and consultants don't constitute a powerful bureaucracy who determine policy; they keep their jobs by doing whatever elected labor leaders tell them. Progressive labor journalists lose access to the leaders if they write critical stories. Even the most progressive elected officers who devoutly believe in bottom-up democracy, are unable to resist the temptations to rely on the inherent powers of compulsion and patronage afforded by union contracts, constitutions, and the American legal system. They can't reach out too far to independent rank-and-file movements without risking charges of dual unionism — a sin as unthinkable to AFL-CIO theologians as burning the Koran to the mullahs. Some progressive trade union leaders might like to form a genuine Labor Party, but they

can't for the obvious reason that it would antagonize useful allies in the Democratic Party. [49]

One symptom of the labor Leftists' incorporation problem — these are activists whose watchwords are "rank and file" and "union democracy" — is that despite some skepticism, they broadly supported EFCA, which would reform an undemocratic electoral process by taking away workers' right to strike; the rank-and-file's right to approve contracts; and although they vigorously deny it, effectively liquidate workers' rights to a secret ballot election.

Today's labor left, unlike the old independent Left but very much like organized labor's Democratic Party allies, no longer holds out the prospect of an alternative to capitalist society. Rather it seeks an alternative unionism. In giving up on the possibility of socialism, argues Bill Fletcher Jr., a former aide to John Sweeney and his co-author Fernando Gapasin, "segments of the left wing of labor tended to treat the organization of workers into unions as the central project."[50] What's wrong with that?

IT WOULD BE TOO GLIB to say that the labor Left has replaced the old illusion of socialism in one country, by settling for democracy in one union local. First of all because a not insignificant swath of the labor Left — and the swath becomes wider the closer they get to union leadership — rejects union democracy. Even the very trimmed down version of democracy that defines it in terms of workers' Landrum-Griffin rights: to speak at union meetings; get their votes counted in fair elections, etc. Lichtenstein's Columbia Teach-in co-chair Steve Fraser, who also produced a well-received biography of another notable CIO labor leader, argues that unions are armies and soldiers can't hope to be generals. And as far as gifted labor generals are concerned, democracy wasn't worth "a rat's Ass."[51]

Moreover, the pro-democracy faction of the labor Left doesn't present their reform program as self-contained. They see the transformation of union locals from top down to bottom up institutions as the catalyst for the democratization of the entire country. "At stake," observes Lichtenstein, "is not just an effort to resolve America's labor question but the revitalization of democratic society itself."[52]

"Reform labor, reform America" makes up the larger agenda of the labor Left. Some argue union reform begins with union democracy; then having democratized the unions, it will be possible to mobilize an energized rank-and-file for massive organizing campaigns. A greater share of the workforce (union density) will increase union bargaining leverage, raise wages, redistribute income. (Democracy first, the TDU model.) Others, particularly those who promote the SEIU model, say density must come first. Unions can't do anything to advance workplace democracy if they fall beneath 10 percent representation in their industry (density first)[53] . Nor, say the density advocates, need a revived labor movement derive its momentum exclusively from bottom-up energies. What's crucial are innovative tactics by the leadership (corporate campaigns, community outreach, social networking). Look, they say, at the now iconic LA janitors' struggle, the Bread and Roses movement of 1989-90. Where would the activists have been without Sweeney's investment of resources into organizing?[54]

But the viability of either project depends a lot on suitability of the proposals to the task. As far as the density first strategy is concerned, do even the best-practice organizing strategies have serious potential to reverse the sixty-year decline in private sector density? SEIU's density in its signature industry — janitorial services — is below 10 percent. Nor, according to UNITE-HERE president John Wilhelm, has it fared very well in its other main private sector industry – it represents less than 10 percent in the private sector health care industry.[55]

If the density first faction hasn't raised density, the democracy first faction aims only at a

simulacrum of democracy. It leaves untouched the actual structures of domination along with the fragmented governance system, which anchors business unionism. "Union democracy" tends to be the bare bones model advocated by Association for Union Democracy's (AUD's) Herman Benson. It consists essentially of strict enforcement of the Landrum-Griffin Act (1959) - the right to free speech at union meetings, and a fair count in local elections. Fair trials before impartial tribunals. The right to vote on contracts.[56] It also includes a more top-down variant that stresses the need for leaders to act without membership consent to secure important progressive objectives; to form progressive machines ("caucuses") based on those who provided electoral support; and to make sure the staff is not a neutral bureaucracy, but serves as the political arm of the leadership.[57]

Neither of these allows for what Gramsci calls "collective will formation " –collective in the broadest sense of creating a national-popular will. Such a will is formed in a project of moral and political reform for the entire nation, based on the common good of the working class, but which transcends the material interests of this or that local, trade, or industry. The labor Left, in contrast, remains hopelessly ensnared in the organizational limits of the localistic, job control business unionism they seek to transform.

Trapped in the structures of business unionism, the labor Left tends to define the phenomenon in the shallowest possible way. Business unionism becomes a set of leadership attitudes — thinking and acting like businessmen; adopting business norms. Talking in terms of "market shares" like Andy Stern. Or perhaps as frequently, as labor leaders acting in self-serving ways, using their office at the expense of the membership.

But in the deeper and more substantive meaning of business unionism, it takes place not at the expense of the membership, but in their interests narrowly conceived. As when the members of a craft union decide to exclude new members in order to push up their own wages; or the members of an industrial union vote to adopt a two tier wage system, shifting concessions to new hires ("killing the unborn"). Or the historic opposition to unemployment relief by the AFL on the grounds it would undermine private union plans. Or more universally, the union members who are totally preoccupied with the terms and conditions of their own contract and show indifference to what happens to other workers.

Robert Hoxie and E.H. Downey characterized the syndrome well in a work written nearly a century ago:

> Business unionism expresses the viewpoint and interests of the workers in a craft or industry rather than those of the working class as a whole. It aims chiefly at more here and now, for the organized workers of the craft or industry, in terms mainly of higher wages, shorter hours, and better working conditions, regardless for the most part of the welfare of the workers outside the particular organic groups. When market conditions change — wage structure threatened tends to become more altruistic and stress the need to organize. But overall, the business unionist tends to be conservative and self-seeking (because they're acting in defense of a relatively privileged, market-protected minority — one well exemplified by the railroad brotherhoods.)[58]

In a sense, as British sociologist Richard Hyman suggests, "sectionalism" — the British term for business unionism — represents the form of unionism natural to the early stages of capitalism.[59] It's organization based on a kind of mechanical solidarity — workers who do the same kind of work, look like each other, and who seek to protect the same terms and conditions of work organize first. The problem, as John Stuart Mill classically observed of the unionism in his day, is that it becomes,

instead of a means of redistribution from capital to labor, a means of re-distribution from the lower stratum of the working class to the higher which is able through "combination" to entrench itself to a degree against competition.[60]

The "new unionism" of the late 19th c. in Great Britain and on the continent — where it was more successful — represented a self-conscious attempt to transcend "mechanical solidarity" and achieve a more organic solidarity, based on common interests and the common good of the entire working class. It was a transition that the U.S. labor movement never fully achieved — not even by the CIO where bargaining was confined to single industries rather than single trades. And the point of bargaining was to advance the interests of particular workers ("enterprise egoism") — even if it undermined the interests of all, as with Walter Reuther's decision to scrap campaigning for national health insurance and go for private benefits.

What's most troublesome about "union democracy" is that the vital distinction between the mechanical and organic forms of solidarity disappears. And what's promoted is a kind of Smithian view of the labor movement in which the welfare of all is advanced by the democratic, participatory strivings of members in each local union aiming strictly at its own welfare.

"History," (much of it anyhow) "is the history of class struggle." But it doesn't take place between columns of figures drawn from the Bureau of Labor Statistics. It's a contest between institutionalized persons: parties, movements, corporations, unions. Insofar as we lose sight of the real structures of these institutions — the relations that explain who rules whom and how — we lose both the capacity to combat adversarial institutions and the ability to amplify the power of our own. If you can't explain how something works, you can't fix it.

For a generation, *Labor Notes* and co-founder Kim Moody have provided the sharpest criticism of organized labor's lack of union democracy, pervasive corruption, and failure to organize. This is no small thing. If the school bus has been driven into a ditch, it's important to say so. And not to keep insisting, as our labor press is wont to do, that it isn't in the ditch at all; or that if it is, it's playing the bosses' game to say so in public. What's missing in Moody is a plausible explanation of how the bus got in the ditch — what's not working — why unions don't organize; why democracy hasn't flourished. Why local union governance almost invariably takes the form of "one party rule." Why union principles ("An Injury to All") so rarely materialize. Because we share Moody's principles — unionism from the bottom up — and because in contrast with timid or actually sycophantic labor academics he dares to criticize the unions' main drift, his implausible analysis — that unions are run by bureaucrats — gets the benefit of the doubt. Along with his equally insufficient remedy. Moody does not suggest a restructuring of the 19th c. American union model. He identifies but does not call for scrapping "the stabilizing institutions of American business unionism."[61] Rather he advocates better leaders to replace the bureaucrats, leaders who will bring a more dynamic ideology, and elicit more member participation.[62]

Crucially, however, bureaucrats do not run American unions. Bureaucrats are unelected staff persons who administer rules and carry out specialized functions. They do not make rules or set policy; they obey elected officials. (This is something you don't need to be told if you've ever worked for a union.) Unions are Schumpeterian, not Jeffersonian or Madisonian democracies. That is, the officials are elites who rule because they've won a competition — however narrow — for votes. The question is: Why is it that the competition in American unions tends to be a comparatively narrow one between ethnic groups, racial groups, personal and even family cliques? The short answer is because American unions, going back to the creation of the AFL, have been predominantly local rent-seeking institutions. So the problem of union governance was basically a question of which groups would get to share in the rent. This economic goal dictated a politics of closure rather than a politics of mass mobilization. Any effort to open up the union, to engage in mass organizing, to really

democratize it would undermine the fundamental business union principle of exclusive bargaining — and result in a lesser share of rent. The problem is not so much an unrepresentative, overbearing autocracy trampling the members' rights and ignoring their interests. It's rather that the elected leadership tends to represent certain favored, higher paid strata in the split or dual labor market: whites over blacks; men over women; natives over immigrants; older over younger workers. It's an hegemony that's maintained less by outright violations of Landrum-Griffin rights than by the way union boundaries are drawn and maintained. And within the union by wage tiers; seniority systems; and by the creation of permanent temporary workers. Blaming "the bureaucrats" for the failures of business unionism ignores the powerful microeconomic forces that shape many members' immediate interests and therefore union political institutions.

Go to Part 2

Footnotes

1. Taylor Dark, The Unions and the Democrats (Ithaca, New York: Cornell University Press, 1999),107-114. See also Steve Early, "Labor Law Reform 30 Years Later: Back to the Future with EFCA," Labor; 2008; 5:7, 7-16.
2. August 8, 1993. cited here.
3. Dark, 172-176.
4. See here.
5. See here.
6. See here.
7. See here.
8. See here.
9. See here.
10. See here.
11. See here. For Stern's influence, see Peter Nicholass, "Union Leader Has Obama's Ear," Chicago Tribune, June 28, 2009.
12. Interview, Senate Labor Committee staffer, Steve Wymer, June 15, 2009.
13. See here.
14. Wilhelm himself had reservations about EFCA, but attacked Stern for signaling a willingness to compromise. See here.
15. Antonio Gramsci, The Antonio Gramsci Reader, David Forgacs, ed. (New York: NYU Press, 2000), 242.
16. Ibid., 242-3.
17. Ibid., 240.
18. Ibid., 94.
19. Confederazione Generale del Lavoro.
20. See here.
21. Far less mobilization took place than fifteen yeas ago when organized labor made a concerted legislative stand against NAFTA.
22. See here.
23. C. Wright Mills, The New Men of Power, Introduction by Nelson Lichtenstein. (Urbana: University of Illinois,1948 {2001}, xv.
24. While still maintaining a kind of job network in the labor movement, the CPUSA appears to lack a serious labor union analysis or plan for independent work in labor institutions. Many Marxist-Leninist groups barely even discuss unions. (See here.) The Green Party program endorses labor law reform: "Majority Card Check Recognition" is their number one priority, but has no program explaining how activists would achieve these reforms.
25. Even in Moyers' case when the Chicago Teamsters are involved.

26. New Men, 21.
27. Ibid., 20.
28. American Capitalism has only a few peripheral mentions of European institutions.
29. Conscience of a Liberal (N.Y., W. W. Norton, 2009), 140-141.
30. Ibid., 149-152. See also Paul Krugman, "State of the Unions," New York Times, December 24, 2007.
31. Richard B. Freeman and James L. Medoff, What Do Unions Do? (New York: Basic Books, 1984).
32. Conscience, 150.
33. William Haber, Industrial Relations in the Building Trades (Cambridge, MA: Harvard University Press, 1930) 500
34. Derek C. Bok, "Reflections on the Distinctive Character of American Labor Law," Harvard Law Review 89, no.6 1971 (1394-463).
35. The head of UNITE-HERE (367,000members) last year earned nearly $392, 000 in salary plus another $100,000 in compensation from the Amalgamated Bank, owned by the union. But when the president of UNITE, Britain's largest union, with 2 million members raised his salary to the equivalent of $146,000 it made headlines.

In the U.S. the head of UNITE-HERE, with 366,000 members, earned $392,000 plus another $100,000 from UNITE's bank. Department of Labor Employment Standards, LM-2. File 000-511 31 March 2009.
36. U.S. District Court, Southern District of New York, U.S.A. v. Michael Forde et al. Sealed Indictment. S3 08 Cr 828.
37. U.S. District Court, Eastern District of New York. U.S. A. v. Local 282 et al of the IBT. Civil Action NO. CV-94-2919.Platt, J. See here.
38. "Any union illegal conduct should be rooted out, but in a world of multi-billion corporate corruption, unions are pure as snow." See here.
39. See here.
40. Freeman and Medoff, 162-180.
41. See Robert Fitch, "Our Labor Leaders Need French Lessons," New Politics, Vol. 6, no.1, Summer 1996. See also an important study on the origins of the difference between the two labor movements, Gerald Friedman. State-Making and Labor Movements. France and the United States, 1876-1914 (Ithaca, New York: Cornell University Press), 1998.
42. New Men, 17.
43. Ibid., 18.
44. Surprisingly, given that URPE was founded by David Gordon, there seems to be little interest in labor economics. See for example the topics explored at URPE's most recent conference.
45. p.31.
46. The key text for translating Marcusian analysis into discourse about the inherent limits of labor movements is probably Stanley Aronowitz, False Promises: The Shaping of Working Class Consciousness, [1973] (Durham, N.C.: Duke University Press, 1992).
47. Jurgen Habermas, (1987) 372.
48. Emmanuel Saez,"The Evolution of Top Incomes in the U.S.," Department of Economics, UC Berkeley, March 15, 2006.
49. The legislators who, in exchange for contributions, make good on labor leaders' promises to employers that they can deliver extra state funds if the employers recognize the union.
50. Bill Fletcher Jr., and Fernando Gapasin, Solidarity Divided, Berkeley: University of California Press, 2008), 129.
51. See here.
52. State of the Union: A Century of American Labor. (Princeton, NJ: Princeton U. Press, 2002), 276.
53. Kim Moody, U.S. Labor in Trouble and Transition, p. 177. See also Steve Early Embedded With Organized Labor (New York: Monthly Review Press, 2009).
54. Ruth Milkman, (ed.) Organizing Immigrants (Ithaca, New York: Cornell University Press, 2000),

21.
55. See here.
56. Herman Benson, Rebels, Reformers and Racketeers: How Insurgents Transformed the Labor Movement (lst Books, 2004).
57. Mike Parker and Martha Gruelle, Democracy is Power (Detroit: A Labor Notes Book, 1999), 44, 153, 184.
58. Robert Franklin Hoxie and E.H. Downey, Trade Unionism in the United States (New York: D. Appleton & Co.1917),45-6.
59. "Imagined Solidarity".
60. Principles of Political Economy (Amherst, New York: Prometheus Books, {1900}2004), 852.
61. An Injury to All (New York: Verso, 1988), 338.
62. U.S. Labor in Trouble and Transition (London: Verso, 2007), 246.
63. Summary of 2008 NLRB report.
64. Unregulated Work in the Global City, Brennan Center for Justice, 2007.
65. Angus Maddison The World Economy: Historical statistics, Organisation for Economic Co-operation and Development. Development Centre, 2003.
66. Gerald Friedman, State-Making and Labor Movements (Ithaca: Cornell University Press,1998), 121.
67. "Increasing the elasticity of the demand for labor," economists call it.
68. Engels to Bebel, October 28, 1885, In (Lapidus, ed., Marx and Engels on the Trade Unions), 132.
69. Erickson, Milkman et. al., "California's Revolt at the Bottom of the Wage Scale"; SEIU Local 1877 Justice for Janitors Fact Sheet, 17 May 2008.
70. William Haber, Industrial Relations (Cambridge, MA: Harvard University Press), 152.
71. Ibid., 232.
72. Mancur Olson, The Logic of Collective Action (Cambridge, MA: Harvard U. Press, 1971).
73. Thomas Hobbes, Leviathan, [1651] (London: Penguin Books, 1968), ch. 20, p. 107.
74. John Stuart Mill, Principles of Political Economy (Amherst, NY: Prometheus Books, 2004), 852.
75. See here.
76. Federalist 10, 128.
77. See here.