

HOW LABOR GETS FRAMED

Labor and the Corporate
Media

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ILC: Cornell 2004

Historical Changes in U.S. Culture

American labor's promising position immediately after World War II was largely due to the passage of the National Labor Relations (Wagner) Act in 1935, which established the legal infrastructure for labor unions to exist and collectively bargain with industry.⁴⁰ The Wagner Act attempted to balance what it described as "the inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association." To remedy this disparity in bargaining power and help secure a more prosperous economy, the Act specified employee rights of association: "Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection."⁴¹ According to Robert Zieger, the passage of the Wagner Act (and its favorable review by the U.S. Supreme Court in 1937)

ended a period of violent confrontation in which "literally hundreds of workers had been killed and thousands injured in a long history of disputes stretching back into the nineteenth century."⁴²

Somewhat surprisingly, then, labor's postwar decline came during a period of relative labor-industry peace and legally sanctioned unions. It was through the more subtle, overlapping factors of unfavorable legislation, employer resistance, labor's own growing conservatism, and changes in popular attitudes toward unions that labor's membership declined and its economic and political power began to unravel:

Unfavorable Legislation

Passage of the Wagner Act in 1935, which had evolved from labor provisions in President Roosevelt's National Recovery Administration (NRA), sealed labor's connection to Roosevelt and the Democratic Party. Although industry grudgingly accepted the existence of unions, it also immediately began efforts to amend labor law in its favor. Zieger notes that "throughout the late 1930s, employers, right-wing newspapers, and conservative legislators assailed the NLRB [National Labor Relations Board]. The new agency, they charged, stacked the deck in favor of unions. Communists dominated its staff, they asserted. The 'unfair labor practices' sections of the Wagner Act made employers sitting ducks for all sorts of union coercion."⁴³

Labor's champion in the White House, Roosevelt, died in 1945. The legislative culmination of conservative antiunion efforts occurred shortly thereafter, with the Taft-Hartley Act of 1947. The Act's veto by Democratic President Truman was overridden by the Republican majority in Congress. Although Truman vetoed Taft-Hartley, making an official display of continuing Democratic sponsorship of labor's interests, his true support for labor was only mild at best.⁴⁴

The provisions of the Taft-Hartley Act were devastating for the union movement's hopes of organizing beyond the industrial centers of the North, Midwest, and West Coast. By outlawing most secondary strikes, sitdowns, slowdowns, and wildcat strikes (i.e., strikes by rank-and-file members that occur during the course of a contract, *without* union leadership approval), labor's primary means of redress necessarily became the slow, legalistic challenges through the National Labor Relations Board or the courts. By permitting states to adopt laws that ban "union shops" (which require workers who are hired to become members of the union), most southern and western states subsequently adopted so-called right-to-work laws that created "open shops" where workers are not required to join a union, thus hindering union organizing and shop-floor cohesiveness.⁴⁵

Finally, Taft-Hartley, in the political atmosphere of the day, required that union officers sign affidavits swearing that they were not Communists and that they were loyal to the U.S. government. The loyalty oaths, required for the union to obtain NLRB collective bargaining privileges, exploited the leftist origins of unions and increased the political tensions

within the unions. Unionists turned against each other, with ultimate expulsion of leftists. The Landrum-Griffin Act of 1959 finished the work of the Taft-Hartley Act by further limiting secondary strikes and picketing rights and by opening union records to government investigators. Sociologist Howard Kimeldorf notes that "after driving out the organized left, the industrial union movement drifted unchecked to the right, abandoning independent political action before finally collapsing into the waiting arms of the Democratic Party."⁴⁶

Although common wisdom has it that labor unions have always enjoyed special treatment from the Democratic Party, the experience of the past thirty years suggests otherwise. In the 1970s, the Democratic Party, increasingly abandoned by white southern voters and weakened by the breakup of the northern political machine, began to more actively woo suburban, educated middle-class voters as its new base. Kim Moody argues that the transformed Democratic Party that brought "New South moderate" Jimmy Carter to the White House in 1976 had little interest in labor: "The new Democratic constituency produced a generation of Democratic politicians with no loyalty to labor or other traditional groups that favored liberal economic policies. Indeed, much of this increasingly middle-class electorate had a material interest in the perpetuation of the near poverty of service workers, whose low wages subsidized the consumer preferences of the newly affluent. Redistributive income policies, like labor unions, were anathema to them."⁴⁷

Moody reports that "labor's major legislative goals were defeated one after another" in 1977 and 1978, even with Democrats in control of the White House and Congress. Even the Federal Aviation Administration (FAA) plans that helped Reagan quickly break the 1981 PATCO strike were formed under the auspices of the Carter administration.⁴⁸ The Reagan-Bush administration's stand against the striking PATCO workers is well known. But the administration's general policies (passed with a Democratic Congress) had an adverse effect on organized labor (and all working people) as well. The combination of increased capital mobility and sharp reductions in the government-supported social safety net created a situation in which industry gained the power to make "take it or leave it" propositions stick.⁴⁹

To date, labor has failed to successfully push any major pronoun legislation in the postwar era, a testament to labor's declining political clout.

The Clinton administration changed some of the Reagan administration's most egregious antilabor moves. For example, the probusiness NLRB of the Reagan-Bush era was replaced by members who vow to return balance to the board's enforcement and adjudication of labor law.⁵⁰ Unable to pass legislation preventing the hiring of replacement workers (scabs), Clinton signed Executive Order 12954 on March 8, 1995, to prohibit federal agencies from contracting with companies that use replacements for striking workers. Although a similar government ban in Canada has not resulted in more frequent or longer strikes there, Republican leaders in Congress later nullified Clinton's order.⁵¹

Yet, for most of Clinton's eight years in office, labor organizations required a great deal of time and effort to fight poorly conceived trade agreements, particularly the North American Free Trade Agreement (NAFTA), an initiative of President George Bush that the Clinton-Gore administration embraced with great enthusiasm. Approved in 1994, NAFTA resulted in a large outsourcing of U.S. industrial and textile production to miserable maquiladora factory towns just across the Mexican border and oppressive sweatshops in Central America—all places where U.S. companies and the host countries flagrantly violated workers' rights to organize due to NAFTA's weak labor rights enforcement provisions.⁵²

Taylor Dark, in his 1999 book, *The Unions and the Democrats: An Enduring Alliance*, critiques the notion that unions have lost political power in recent decades, arguing that "there is no causal force requiring that declining union density should inevitably translate into declining union political power." At least in the realm of national politics, Dark asserts that labor unions are still "major but not dominant players in the Democratic Party" and that, like most political interest groups, labor has a mixed but not altogether poor record in national politics.⁵³ For example, Dark notes, although the Clinton-Gore administration abandoned labor when it supported NAFTA, the labor unions showed their political muscle when they were able to successfully rally Congress in 1997 and 1998 against Clinton's efforts to gain "fast-track" authority for future trade agreements (which would grant the President the power to negotiate international trade agreements that cannot later be debated and amended by Congress).⁵⁴

Nevertheless, Dark agrees that "at some point, the unions have got to staunch the loss of membership. Eventually decline will decisively undermine union power, though the moment of crisis may not arrive for an-

other decade or perhaps much longer."⁵⁵ Indeed, unions will fail as a popular movement if there is not a sufficient population within them. Moreover, it becomes easier to cast unions in general as a special political interest group if they lack a flourishing and democratic membership base to back up their political efforts.

Employer Resistance

As noted earlier, employer resistance has become much less violent than it was in the days when Henry Ford's "Service Department" of more than three thousand thugs regularly beat and intimidated employees to undermine unionization.⁵⁶ In the postwar era, employer resistance has taken three quieter, yet largely effective, forms. One method of resistance has been through the seemingly benign structural changes that industry has experienced. Economic developments such as those discussed above—increased capital mobility, outsourcing, globalization, and flexible specialization—are not only strategies for improving profit levels but can also be used to gain concessions from unions, destabilize them, or eliminate them entirely.⁵⁷

A second employer resistance strategy has been increased probusiness lobbying. Industry was fairly unorganized as a lobbying force prior to World War II, and the NLRA was a bitter defeat. In the postwar period, though, business coordination scored several successes for capitalism and severely curtailed union power with the passage of the Taft-Hartley and Landrum-Griffin Acts, while preventing additional legislation that would reform law in favor of labor. Goldfield argues that "there has been a continuous, growing capitalist anti-union offensive, widening in both its forms of resistance and its sectoral importance, since at least the 1950s." Trade associations such as the National Association of Manufacturers, the National Retail Merchants Association, the American Hospital Association, and the National Public Employee Relations Association have all "developed vigorous anti-union programs," according to Goldfield.⁵⁸ Most effective has been the Business Roundtable, a high-powered business group founded in the early 1970s to lobby Washington with a precise business and economic agenda of corporate tax breaks, deregulation of the transportation, finance, and energy industries, and the repeal of labor legislation. (The Business Roundtable's agenda became the Reagan boilerplate in the 1980s.)⁵⁹ Since the mid-1980s, corporations have also spent

millions of dollars on a new lobbying strategy that mimics the best grassroots efforts of unions, civil rights organizations, and public interest groups. As investigative writer Ken Silverstein explains,

Once a term that conjured up wholesome images of citizens spontaneously mustering to protect their interests, "grassroots lobbying" is now an industry directed by enormously expensive [Washington] beltway consulting firms. The goal is to mine populist revolt. The phony grassroots set up phone banks, manufacture letter-writing campaigns, arrange meetings between legislators and "white hat" community figures—preferably a religious leader or Little League coach—and rent "third party experts" to draft op-ed articles or testify before elected officials.⁶⁰

Business groups have also utilized political action committees (PACs) to their advantage. Originally invented by organized labor in 1943, PACs serve as a conduit for contributing money to political candidates and parties. A change in the law in 1974 permitted corporations and business associations to form PACs, which they did rapidly. By 1982, corporate PACs easily outstripped union PACs in campaign contributions, \$84.9 million to \$35 million. In the 1990s, PAC money was overshadowed by the gushing flow of so-called soft money campaign contributions, which went to national political parties and totaled nearly \$500 million by election year 2000. Although unions were a major force in these contributions, businesses again had far greater assets to extend their influence; the securities industry alone contributed \$72 million in soft money during the 1990s, more than the \$59 million from all labor unions during the same period.⁶¹

Finally, businesses have resisted unions through more direct antunion activities. By 1985, a reported "95 percent of employers actively resist unionization, and 75 percent of all employers hire so-called labor-management consultants" to guide their efforts to avoid unionization at an estimated cost of over \$100,000,000 annually."⁶² The May 1994 *Fact Finding Report* of the Dunlop Commission offered evidence of increasing corporate antunionism. The report charted the frequency of illegal firings when workers attempt to organize a union bargaining in a workplace: "In the early 1950s, approximately 600 workers were reinstated each year because of a discriminatory discharge during certification campaign. By the late 1980s, this number was near 2,000 a year. Adjusted for the number of cer-

tification elections and union voters, the incidence of illegal firing increased from one in every 20 elections affecting one in 700 union supporters [in the early 1950s] to one in every four elections victimizing 1 in 50 union supporters [in the late 1980s]."⁶³

A 1999 analysis of NLRB election data found even greater frequency of firings, noting that "a third of the companies in the NLRB study illegally fired union supporters during elections . . . up from a mere 8 percent in the 1960s." Moreover, "half threatened to close facilities if the union won, and 91 percent required workers to meet one-on-one with supervisors on the issue."⁶⁴ Even if workers are able to successfully organize a bargaining unit, employers can fail to bargain in good faith and can bring in scab replacement workers in the event of a strike, often exhausting well-intentioned union member energies.⁶⁵ Loopholes in federal law make professional union busting a successful and profitable business.⁶⁶

Shifting Union Ideology

Looking at the state of labor in the United States in the early 1990s, then AFL-CIO president Lane Kirkland saw a victory of sorts: "We've maintained our membership in the most extraordinary combination of adverse circumstances."⁶⁷ Looking at the same state of labor, Moody and several other leftist critics find not a valiant AFL-CIO defense but instead AFL-CIO inaction. Moody argued that, "the AFL-CIO's inability to respond effectively must be explained by the frozen ideological and institutional matrices of union leadership in the United States since the late 1940s and above all by the concept and practice of business unionism." *Business unionism*, as defined by Moody, is "a unionism that sees members primarily as consumers and limits itself to negotiating the price of labor."⁶⁸ Thus, the individualist approach of business unionism is the antithesis of a social unionism that seeks to build a labor movement.

The roots of business unionism trace back to the two original large labor organizations, the American Federation of Labor (AFL), which represented mostly trade unions (e.g., carpenters, plumbers, electricians), and the Congress of Industrial Organizations (CIO), which represented mostly industrial workers (e.g., steel and auto workers). There had long been a philosophical split between the two organizations. Formed in the 1880s, the AFL was a relatively conservative organization with often discriminatory practices; it was accustomed to organizing workers into local units by

trade. But, with the huge influx of new union members under the NRA provisions and, later, the Wagner Act in 1935, the AFL was grossly underprepared to organize unskilled industrial workers. Where would they fit into the AFL's organizational logic? The CIO was formed by breakaway AFL official John L. Lewis of the Mine Workers, who quickly began to organize industrial workers.⁶⁹

Industrial unionism tended to be much more leftist and diverse. The CIO traditionally worked for social change and presented itself as a labor movement for all working people. It was one of the first institutions to support racial minorities and women in the workplace and to guarantee the same pay for the same work. Particularly in Detroit, there was a strong relationship between the CIO and the National Association for the Advancement of Colored People (NAACP). The CIO also drew on the experienced organizing skills of its Communist members, several of whom were top CIO officials.⁷⁰

Although Communists were valuable contributors to the CIO movement, they were increasingly viewed as a liability. There had been persistent rumblings about Communists in labor from the Roman Catholic Church, Evangelical Protestants, and right-wing politicians and editors. Over the course of World War II, Communist union members were among the most adamant supporters of the wartime no-strike pledge and faster production rates, which angered some union members who felt that the Communist Party members were more concerned about the fate of the Nazi-invaded Soviet Union than the fate of the union.⁷¹ In the postwar union power struggles, both the AFL and CIO acceded to increasing demands from within and without to purge Communists from the unions. In their efforts to rid themselves of Communism, unions also gave up most of their progressive socially oriented activities. Zieger notes that "since Communists were active in such progressive causes as civil rights, union organizing, and support for the unemployed, hostility toward them often spilled over to include anyone involved in those endeavors."⁷² The resulting purges made most of the major unions strongly disciplined, undemocratic organizations focused on income maintenance for their members.

As it eliminated the more radical union members, the CIO also gave up efforts to form a U.S. labor party and allied itself more closely with the Democratic Party. This stronger alliance also compromised labor's radi-

callism. Labor had long planned on organizing the South, and in 1946 the CIO embarked on Operation Dixie to do so. Unfortunately, the effort failed; Goldfield attributes this to labor's hesitancy to offend conservative southern Democrats (who had been allied with Roosevelt), its lack of resolve to demand complete equality for blacks, and its preoccupation with purging Communists.⁷³

Having eliminated their gulf of differences, the AFL and CIO merged in 1955, symbolically creating a new institution for business unionism. Organizationally, though, the resulting top-down style of business unionism was problematic to new organizing. If members looked to leadership for mobilization, they rarely got it from business unionists. Radical self-mobilizers historically have often been quashed by international union leadership, such as the case of Austin, Minnesota's Local P-9 of the United Food and Commercial Workers (UFCW) in their lone 1985-86 efforts to resist the UFCW-approved concessions to meat processor Hormel.⁷⁴

Nevertheless, the failure of radicalism and the normalcy of business unionism in the United States is not all-pervasive. Howard Kimeldorf's study of the radical socialist International Longshoremen's and Warehousemen's Union (ILWU) of the West Coast, which has operated with great success since the 1930s even as the East Coast longshoremen's union has been a bastion of conservative business unionism, teaches a valuable lesson. Kimeldorf argues that "the ILWU offers proof that... alternatives to business unionism were not only possible but practical, and that socialist leadership remained a viable option well into the twentieth century for at least some American workers."⁷⁵

Indeed, reformist movements in U.S. labor unions began to finally yield dividends in the 1990s. Reform candidate John J. Sweeney, who had led the Service Employees International Union (SEIU) to great growth during the 1980s while most other labor union were in decline, was elected president of the AFL-CIO in 1995. Sweeney's leadership called for reinvigorating unions by refocusing efforts on building social movements and by shifting away from increasingly ineffective attempts to influence policies via Washington lobbying and from unquestioned support of the Democratic Party. Sweeney and the AFL-CIO initiated the Union Summer program to instruct young activists and built a grassroots campaign on the theme that "America Needs a Raise."⁷⁶ The campaign spread union ac-

tivism beyond the membership and eventually led to an increase in the minimum wage.

However, new leadership alone does not guarantee a more progressive or radical unionism. Under Sweeney's leadership, the AFL-CIO gave only limited support to workers involved in the 1993-95 A.E. Staley lockout in Decatur, Illinois and the 1995-98 Detroit Newspaper strike and lockout.⁷⁷ And after acknowledging that union members wanted the AFL-CIO to stop its ineffective "political lapdog" strategy of trying to win influence via relationships with the Democratic Party and its candidates, the AFL-CIO endorsed Vice President Al Gore on October 12, 1999, for the 2000 presidential election, more than a year in advance of election day. Just a few years earlier, Sweeney had argued that "restoring out independence will make us more effective than tethering ourselves to a political party."⁷⁸

Union reformers with the Teamsters also experienced both joy and disappointment in the 1990s. Ron Carey, a candidate supported by the reform group Teamsters for a Democratic Union, was elected to lead the Teamsters in 1991. Carey helped to shepherd United Parcel Service (UPS) workers through a dramatic strike victory in 1997. But later that year, federal investigators nullified Carey's 1996 reelection to head the Teamsters due to illegal campaign fundraising conducted by his aides. The Teamsters later elected James P. Hoffa, son of the late Teamsters leader Jimmy Hoffa (whose name is commonly synonymous with union corruption). Reformers feared a turn away from their movement for greater democracy in the union.⁷⁹

The most progressive grassroots workers' organizations of recent decades haven't necessarily been labor unions. In 1973, 9 to 5: The National Association of Working Women was established by a group of Boston clerical workers to highlight women's labor issues; it is now a grassroots national women's advocacy organization.⁸⁰ The National Labor Committee (NLC), supported mainly by religious organizations, is a human rights advocacy group established in 1981 that is dedicated to promoting and defending the rights of workers. One of the NLC's most famous accomplishments is bringing to light the Central American and Asian sweatshops that employed child labor to sew Kathie Lee Gifford-label clothing for Wal-Mart and apparel for Disney, the Gap, Liz Claiborne, Ralph Lauren, Ann Taylor, among other companies and labels. The NLC's work has

inspired United Students Against Sweatshops, a college campus movement in which students have pressured their universities (including Duke, Michigan, Wisconsin, Georgetown, and Stanford) to ensure workers' rights for clothing produced bearing collegiate logos.⁸¹ Finally, Jobs with Justice is a human rights group established in 1987 that works in the United States with community, religious, and labor groups for worker rights and economic justice.

Changing Popular Attitudes

Public approval of labor unions has slipped since the era of the Wagner Act. In 1936, public approval of labor unions stood at 72 percent; by 1985, 58 percent of the public approved.⁸² Public support for labor unions is complicated though, with a high percentage of Americans receptive to the practical utility of unions, even as overall support waned. For example, in a 1985 labor issues survey, 75 percent of respondents in a nationwide survey agreed that "unions in general improve the wages and working conditions of workers" and 80 percent agreed that "unions are needed so that legitimate complaints of workers can be heard."⁸³

Other popular attitudes, though, suggest a legacy of decades of business unionism and, perhaps, misconceptions. In the labor issues survey of 1985, 65 percent of nonunion workers thought that "unions force members to go along with decisions they don't like." Sixty-three percent of nonunion workers believed that union leaders, and not union members, decide whether or not to strike. Half of all workers agree that "most union leaders no longer represent the workers in their union." In issues of business efficiency, 54 percent of nonunion workers believed that "unions will increase the risk that companies will go out of business," while 57 percent believed that "unions stifle individual initiative," and 52 percent believed that "unions fight change."⁸⁴

By 1999, some popular attitudes had shifted in favor of labor. A national survey found that 52 percent of those polled thought it would be good for the country if more workers had union representation, whereas only 22 percent said it would be bad.⁸⁵ But another survey found that when posed with the question of voting for a union in a NLRB election at their workplace, only 32 percent of nonmanagerial/nonunionized workers would vote to have a union. Conversely, 90 percent of workers who already belonged to a union would vote again to keep a union in their workplace,

suggesting a very high degree of satisfaction with union representation for those who had actually experienced it.⁸⁶

So, why is it that most Americans seem to overwhelmingly accept the theoretical practicality of labor unions, yet largely reject unions as a valid response to their everyday workplace conditions? The next chapter attempts to answer this question by investigating the way in which labor unions are presented to the public by the news media.