States of the Union

A NEW CHALLENGE TO LABOR

BY RICHARD J. MARGOLIS

AMERICAN labor unions have been struggling to grow in stony capitalist soil ever since the journeymen cordwainers of Philadelphia banded together in 1794 and announced their determination to fight for a 12-hour work-day. In those times, and far into the 19th century, the picketers were chiefly white, male and urban. The imbalance of organizing activity—especially the part pertaining to geography—began to shift when it became clear that mine operators, growers and mill owners were pillaging an unorganized rural labor force with cheerful abandon.

The Norris-LaGuardia Anti-Injunction Act, which Herbert Hoover signed reluctantly in 1932, restricted the courts' power to suppress union activities and also symbolized the new political alignment inside the labor movement: New York's Fiorello LaGuardia looked out for the cities; Nebraska's George Norris kept an eye on the rural scene. Henceforth organized labor would profess an interest in both sectors.

Today's pursuers of the Philadelphia cordwainers' dream—that portion of the national work force that is still trying to organize—are likely to be black, brown, female, or rural. Just one out of every eight working women, for example, belongs to a union. As for rural workers, no one has bothered to separate the organized from the unorganized—not the states, not the Federal government, not even the labor unions. The Bureau of Labor Statistics (BLS) does claim to possess a 1974 census tape that enumerates unaffiliated rural workers, but the tape has never been run through a computer; it remains buried in the BLS files.

Still, we can safely guess that to be a rural employee is, in most instances, to work in a nonunion shop. The Ironworkers union estimates that "upwards of 80 per cent" of the unorganized ironworkers live in small towns. Similar rough counts have been offered by the International Ladies Garment Workers Union (ILGWU) and the Amalgamated Clothing and Textile Workers Union. And the authors of a recent study on *Employment, Income and Welfare in the Rural South* conclude that the pattern of low wages and paltry fringe benefits found there is due in part "to the almost total absence of unionism in these counties."

Rural or nonrural, the victims of nonunionization are the working poor, the very ones whom politicians on both side of the aisle insist they are rooting for. During the past year, the working poor asked Congress to lend them a hand by passing the Labor Law Reform Act, a bill designed to do little more than shore up the rickety National Labor Relations Act of 1935, which corporations have learned to circumvent with the greatest of ease. But the business lobby has so far prevailed in its effort to protect companies that defy Federal law.

The House has passed a version of labor reform; a majority of senators support it; the Carter Administration has endorsed it; and, according to a recent Harris poll, voters favor it by a margin of nearly 2:1. Yet the bill (S 2467) hangs in limbo, having been recommitted last month to Senator Harrison A. Williams' labor subcommittee after liberals on the floor of the Senate failed by two votes to suppress an antilabor filibuster. Williams (D.-N.J.) has promised to send the measure back to the floor as soon as he sees "some movement," meaning as soon as AFL-CIO lobbyists can persuade a couple of senators to switch their votes on closure. On such gos-

samer strands do the futures of the working poor depend.

The bill itself is remarkably moderate—hardly the scourge of free enterprise that its detractors have branded it. In brief, the measure seeks to prevent companies from using unconscionable delaying tactics whenever workers seeking union protection take them to court or ask for hearings before the National Labor Relations Board (NLRB). Corporations like J. P. Stevens (textiles) and Winn-Dixie (supermarkets) have been able to break Federal statutes—firing organizers, prohibiting representation elections, refusing to recognize duly certified unions—without fear of the consequences, mainly by hiring lawyers who know how to slow down the judicial wheels. The bill would speed things up by hiring more law clerks to help NLRB judges wade through mountains of paperwork. Since 1967, the annual number of cases citing unfair labor practices has more than doubled —both a sign of growing corporate wiliness and an increasingly intolerable burden to NLRB judges, who at present are facing a backlog of nearly 15,000 cases.

The legislation would also impose stiffer penalties on companies found in violation of labor laws, penalties that could include time-and-a-half back pay to workers illegally dismissed. In addition, the measure would permit Federal agencies to cancel government contracts with offending companies, so long as those contracts were not deemed to further "national security."

Antilabor senators, egged on by the U.S. Chamber of Commerce and the National Association of Manufacturers, have reacted to these mild provisions the way Roman senators must have reacted to the coming of the Goths. One senator, who with misgivings voted for closure, told me the other day that many of his colleagues "aren't willing to walk the plank twice in one session, and they walked it once when they voted for the Panama Canal treaty." I asked this senator why he thought a pro-labor reform position could be so politically damaging when all the polls suggested that voters would go along.

"It's not the voters they're worried about," he said. "Its their sources of campaign money."

It must be admitted, too, that polls seldom tell the whole truth. It may be that a majority of citizens, when asked, will declare their preference for labor reform; but it may also be that they are not especially exercised over the issue. Women, minorities and ruralites are not popular causes this year. In his autobiography, George Norris made the point that the labor reform law he and LaGuardia put through "can be destroyed only if those ... who always have opposed it seize upon the temporary tides of American public opinion." Nowadays American public opinion is hard to locate; much of it seems apathetic and underground, like a dried-up spring. The drought provides an ideal climate for the National Association of Manufacturers and its colobbyists on the Hill.

THE PROCESS of collecting senatorial votes invariably drifts toward abstraction—more a game than a struggle. In this case, though, the game's outcome can make a real difference in the lives of millions of citizens. Lest we forget, here are some selected examples of the unfair and often desperate fight being waged every day in rural America.

Anderson, Indiana: Robert Isenhour, a 10-year Army veteran, joined Carter's Industrial Service as a welder last year, averaging $3.75 an hour on a "piece rate" basis. Before long he became a leader in the United Auto Workers' (UAW) organizing drive, and that's when the trouble started. Suddenly Isenhour was getting faulty metals to work with, making it impossible for him to keep up with the rate system. "I was for the union, so I started getting the worst stuff. Some of the bins had 'Scrap' written on them." Isenhour and other workers wearing a "Vote Yes, UAW" badge were segregated in one corner of the factory; workers wearing badges that said "We don't need a union" had the run of the plant. The UAW filed an unfair labor practice charge against Carter last February.

Louisville, Georgia: When the International Union of Electrical Workers tried to organize Thermo-King, a division of Westinghouse, the company had police arrest Garny Browning, a union organizer. Other union leaders were dismissed. After that the intimidated workers voted not to organize. As one of them said, "We could've won if the election had been held before the company scared the people."

Morgan City, Louisiana: In 1975 the International Association of Professional Divers was certified by the NLRB as bargaining agent for divers and others working at the J. Ray McDermott company. But the union had to wait three years for an enforcement order from a Federal court. By then, all the key union members were fired and blackballed in the Gulf of Mexico area. To this day the company has not met with a union bargaining agent. "They have already won the first round," says a union spokesman, "through more than three years of attrition, discharges and demoralization."

Morgantown, Kentucky: Ruth Lindsey, a widow with six children, joined in an effort to organize an ILGWU local at the Kellwood Mill. For her troubles the company cut her wages in half, from $4.25 an hour to $2.10. She complained—and was fired. The Lindsey case was on the NLRB docket for two years; when a judge at last ordered her reinstatement, the company appealed. Final settlement could take another three years. Meanwhile, Mrs. Lindsey has been working in a restaurant for $1.50 an hour.

The list is long and melancholy—a litany of petty corporate triumphs and painful worker disappointments. But I have run out of space, and out of patience with the United States Senate, which—to borrow from Pope—makes its little Senate laws, and sits attentive to its own applause.

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