

## PREFACE

From the time that the Industrial Revolution landed on our shores, the labor movement has been a beacon for the workers of the United States. For cigar rollers and sewing machine operators, for coal miners and carpenters, for railroad porters and steelworkers, the labor movement was a source of hope. It furnished them with a light, a lantern, to lead them out of their long tunnel of low wages, long hours, unsafe conditions, and dehumanizing workplaces. Workers saw that by themselves they were poor, powerless and alone, very alone. They quickly learned that in numbers they were rich, if not financially, then in spirit, that in unity they were strong, and that in collective action they could achieve progress—at least some of the time. The respectable paychecks, human hours and decent conditions that many, but certainly not all, of the nation's workers enjoy today were not handed over voluntarily, but were won by the painful, often-unappreciated strikes and struggles of their parents and grandparents.

The labor movement had a magical dynamic that fed upon itself; successes begot other successes. Labor organizers and lawyers brought the lessons and skills they learned in one unionization campaign to their next destination. News of victorious strikes was wired across the country and inspired workers everywhere. There was electricity in the idea of solidarity.

Not only in the workplace and on the picket line, but also in court-houses, state capitals, and the nation's capital, the labor movement carried on its struggles. Labor lawyers and the jailed union members they represented won landmark cases guaranteeing the right to speak, assemble and picket. Through their collective energies, American workers won passage of the Norris-LaGuardia Act and the National Labor Relations Act. Thanks to the labor movement, the minimum wage, the forty hour week, occupational safety, and Social Security—the list goes on and on—were also enacted.

None of this is to say that the struggle was painless or that when labor made its demands, management cringed and surrendered. Strikes often lasted months and months. Workers were beaten and killed; parents and children went cold and hungry. After winning recognition through a bitter strike, workers many times discovered that their employer would not bargain in good faith. Capital recognized labor's promise and power, and that is why it so often marshalled all its might to resist workers united.

The achievements of the labor movement were what inspired the editors of *The Review of Law and Social Change* to organize its colloquium, "The Labor Movement at the Crossroads." The *Review's* editors were concerned that the movement's beacon was no longer burning so brightly. Unions are having a hard time organizing. The labor movement is still reeling from recession after recession and shutdown after shutdown. High unemployment has made many workers too insecure to try to organize and has, somewhat understandably, caused many labor leaders to be more concerned with protecting those within, than organizing those without. "Give back" has replaced "more" as the most common phrase at the bargaining table.

Management has stepped up its already redoubtable fight against labor. Corruption, race discrimination and a lack of democracy still fester within some unions.

At the same time, significant battles have been raging in the field of labor law. Unions have been grappling with management over labor's efforts to get the NLRB and Congress to make it easier for unions to organize workers. In the *First National Maintenance* case, the Supreme Court has restricted the right of unions to bargain over the important subject of plant shutdowns on the ground that they fall within management's unilateral prerogative. At the time of the colloquium, incumbents and insurgents within the United Steelworkers of America had squared off in the Supreme Court over whether the union could bar challengers from receiving campaign money from people who did not belong to the union.

These legal developments and the concern that the labor movement is no longer the dynamic, inspiring force that it once was—and we believe can still be—prompted the *Review's* editors to convoke "The Labor Movement at the Crossroads." We wanted to offer the friends of labor a hospitable forum where they could come together to examine the state of the labor movement and explore ways for it to move forward again.

The *Review's* editors would like to thank Dean Norman Redlich for the generous support that he gave to the colloquium; without his support, the colloquium would not have been possible. We also want to thank Professor Thomas Christensen, Professor Daniel Collins, and Stanley Engelstein, former director of the N.Y.U. Labor Law Clinic, for participating in and providing advice for the colloquium. Professor Samuel Estreicher also deserves thanks for the valuable guidance he provided us in setting up the colloquium. Lastly, we would like to thank the panelists for contributing their time, energy and thoughts toward the success of the colloquium.

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