

## INTRODUCTION

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For persons in my generation born before the onset of the depression, who came of age in the 1930's and 1940's, who are products of the New Deal, and who reached political maturity during the era of Franklin Roosevelt, labor was always a symbol of progress, of what was right, what was forward-looking, and what we signed petitions for. Labor was synonymous with the New Deal, with recovery from the depression, with broadening the concepts of political and economic equality. Indeed, the depression had so affected all Americans, including owners of businesses, that sympathy for the aims of the labor movement permeated far beyond the ranks of labor itself, and included supporters from professional and business interests, and the sons and daughters of business executives and business owners.

We remember the struggles of the 1930's, the sit-in strikes, and the brutalities inflicted on union organizers. We also remember that union leadership was expected to infuse a liberal, progressive perspective, not only into our economic life, but also into our political attitude. Indeed, the alliance of Franklin Roosevelt and the leaders of labor appeared at that time to foreshadow a kind of golden era in the political life of the country. I can recall rallies being held on college campuses throughout the country in 1947, when students were urged to send—and did send—telegrams to members of Congress containing three words, “Sustain the Veto.” How many students today could guess that these words referred to President Truman's veto of what was then called the “Slave Labor Taft-Hartley Law.”<sup>1</sup> The adjectives used were so widely used at the time, that to a whole generation of Americans, “Slave Labor” was almost the unofficial name of the act, and one expected to find it in the statutes.

Labor has indeed used its power to obtain many victories over the years. It was instrumental in obtaining the passage of the Norris-LaGuardia Act.<sup>2</sup> It won passage of the National Labor Relations Act,<sup>3</sup> which sought both to protect unionism and to foster industrial peace. In addition, the labor movement played a key role in the passage of Social Security, unemployment insurance, minimum wage and occupational health and safety legislation in the four decades after the Wagner Act was passed.

The number of union members has more than tripled since the National Labor Relations Act was passed.<sup>4</sup> Labor has won important increases in real earnings that their forebears of the nineteenth century would never have

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1. Labor Management Relations (Taft-Hartley) Act, 29 U.S.C. §§ 141-44 (1976).

2. Norris-LaGuardia Act of 1932, 29 U.S.C. §§ 101-15 (1976).

3. National Labor Relations Act, 29 U.S.C. §§ 151-69 (1976).

4. In 1935, when the NLRA was enacted, union membership totalled 3,728,000. By 1978, it had grown to 21,734,000. BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, HANDBOOK OF LABOR STATISTICS, 412 (1980) (Table 165).

dreamed of. In addition, the labor movement played a key role in the civil rights movement, cosponsoring the 1964 March on Washington for Jobs and Justice. As one with a special interest in constitutional law, I would like to note that we are indebted to the labor movement for having won such important first amendment cases as *Hague v. C.I.O.*,<sup>5</sup> *Thomas v. Collins*,<sup>6</sup> and *Thornhill v. Alabama*.<sup>7</sup> The American labor movement has undeniably played a vital role in raising the standard of living and dignity of the American worker through these significant victories.

My first loss of innocence concerning the ideological purity of the labor movement occurred in February of 1947, when as a student and editor of the school newspaper at Williams College, I led a campaign and a lawsuit against a barber who refused to cut the hair of a black student. I discovered that our real opponent was not the barber, but the barber's union which enthusiastically paid for the barber's legal defense.

Only a few years later, the attitude of many of our major labor unions during the McCarthy period demonstrated that the commitment of organized labor to civil liberties was not as solid as appeared to be the case when union organizers were claiming the protection of the first amendment. While labor did lend strong support to the Civil Rights Movement of the 1960's, when Dr. King extended his campaign into an anti-Vietnam War effort some of the strongest negative reaction came from the ranks of organized labor. Nor has labor's role in combating racial discrimination been one of uniform support. Some building trade unions and some unions representing the uniformed forces in city government have spotty records in these areas.<sup>8</sup>

Today the labor movement is on the defensive in many places. Once proud unions now act with new caution and timidity. Their membership rolls have dwindled due to massive layoffs. The United Auto Workers has agreed to historic concessions with the troubled domestic auto makers. Steel workers and auto workers are coping with unprecedented unemployment in their industries, and public employees are experiencing serious problems. The strike of the professional air controllers was easily broken, and even the Teamsters have accepted a wage freeze.

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5. 307 U.S. 496 (1939).

6. 323 U.S. 516 (1945).

7. 310 U.S. 88 (1940).

8. See *Gen. Bldg. Contractors Ass'n v. Pennsylvania*, 50 U.S.L.W. 4975 (U.S. June 24, 1982) (minority job seekers in construction trades charged discriminatory practices in hiring hall procedures and apprenticeship programs); *Peterson v. Lehigh Valley Dist. Council, Union Bd. of Carpenters & Joiners*, 676 F.2d 81 (2d Cir. 1982) (minority apprentice carpenters alleged they had been denied entry to the union's apprenticeship programs on racial grounds); *Detroit Police Officers' Ass'n v. Young*, 608 F.2d 671 (1979), *cert. denied*, 452 U.S. 938 (1981) (association's request to enjoin the operation of an affirmative action program denied).

These certainly are times that are trying the souls of men and women in the labor movement. The great Northeast-Midwest industrial belt that made this nation strong is suffering from plant closing after plant closing while large-scale capital investment is migrating to the lower-wage South and Southwest, the regions of the country where antiunion animus has been greatest. What is more, unions are now losing more than half the representation elections that are being held.<sup>9</sup> When layoffs are high and company profits low, unions are reluctant to seek generous contracts, and in these difficult times, management is instead seeking concessions. Certainly the election of Ronald Reagan left labor in a weakened position politically. Although some labor leaders and many union members supported Governor Reagan's candidacy, this administration is proceeding with a range of policies that labor bitterly opposes. Indeed labor's political power seems to be at a low ebb.

The troubled state of the labor movement makes clear that labor is at an historic crossroad. It is not clear whether the labor movement will rebuild or decline; nor is it clear whether labor will seek to revitalize itself by fighting management or by cooperating with it. What is clear, however, is at this juncture it is important for friends of the labor movement to come together to analyze the state of the movement and to explore ways to strengthen it. This period of adversity for the movement gives it an opportunity to be creative, to experiment with new solutions to new problems. This Colloquium aims to study these problems and possible solutions. The Colloquium will explore how the labor movement should react to such developments as high unemployment, high inflation, imports, automation, and the migration of investments to nonunion areas. Panelists will examine how unions can fight the rash of plant closings that is plaguing our region. Another important issue to be explored is what unions can do to organize workers during an economic and political climate that is unfavorable. In addition, the Colloquium will examine the whole structure of American labor relations—collective bargaining, arbitration, and other important subjects—and discuss how that structure affects the ability of unions and workers to obtain what they want. Lastly, the Colloquium will devote two panels to analyzing ways to make unions more responsive to their members.

This is indeed a timely colloquium. It should also prove interesting and productive. I welcome you all here to listen and participate in it.

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9. In the fiscal year 1981, unions won 48.6% of the initial representation elections reported by the NLRB. NATIONAL LABOR RELATIONS BOARD, ELECTION REPORT: SIX MONTH SUMMARY xvii (Sept. 1982).

