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# Viewpoint

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## INDUSTRIAL UNION DEPARTMENT, AFL-CIO 815 16th Street, N.W. Washington, D.C. 20006

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# Learning From the Past

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## *There Is Still Unfinished Business*

**by I. W. Abel**

*President*

*Industrial Union Department*

George Santayana, that wise and compassionate poet and philosopher, once remarked that "those who cannot remember the past are condemned to repeat it."

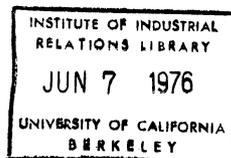
This year, our nation is making a special effort to remember its past. It is most fitting, I think, that we in the Industrial Union Department take part in this Bicentennial effort to look back upon and draw the right lessons from our national experience.

This issue of *Viewpoint* gives us a glimpse at some of the conditions that necessitated the formation and growth of trade unions and some of the effects of trade unions upon our national life. Our goal is not to glorify the past, but to learn from it to improve the future.

Two lessons leap from these pages at us. One is that only through cooperative action, oftentimes galvanized by the worst injustice, have the working people of America been able to improve and advance their economic, social, and material well-being. The other is that, since their origins, trade unions have been a force for general progress in the American community, as well as defenders of their members.

In the past 200 years, American working people have managed to cast off and advance from the worst kinds of exploitation and misery, with the help of their trade unions. We have come a long way from the days of slavish indentures, sweatshops and indifference to starvation of both the mind and body.

America's trade union movement has, indeed, a proud and progressive past. Its accomplishments can spur us to overcome those obstacles that still remain to economic security and individual dignity for American working men and women.



# The First Efforts Were Feeble

## State Labor Laws Were Few, Loose

By David F. Selvin  
Editor  
*Northern California Labor*

Sam Slater's cotton mill, built in 1790 and often called the first successful American factory, was operated by seven boys and two girls between the ages of seven and 11. Alexander Hamilton, prophet of the young nation's industrial revolution, argued that manufacturing establishments rendered the labor of women and children "more useful, and the latter more early useful . . . than they would otherwise be." As factories spread across the rocks and rills of New England, more and more children were rendered "more early useful" 70 and 75 hours a week.

It was no accident, then, that the young nation's earliest attempts at protective labor legislation were directed to child labor. Nor was it coincidence entirely that the mechanics' demand in the 1850s for free public education paralleled the steady extension of child labor. Massachusetts enacted a child labor law in 1824 and amended it in 1842 because its earlier effort was ineffective. These were only the forerunners, though, of scores of laws attempting in the next century to deal with child labor; most of them, too, were frustrated. The frustration in fact became a familiar pattern in labor legislation as repeated attempts were made—and defeated—to deal with the excesses and inhumanities of the nation's burgeoning industry.

Most protective labor legislation has been, all these years, a response to industry's exploitation of its work force. The worker (and the community) have been compelled of necessity to seek shelter from the consequences of unemployment, death or injury on the job, of inordinate hours or oppressive conditions of work, of the ruthlessness of employers responsible for sweatshops, homework, company stores, and low wages—or, all too frequently, no wages at all.

Workers and their organizations have never been wholly agreed on how these safeguards were to be accomplished. They frequently looked to their unions and economic means. No less often, they turned to politics and legislation. Usually, they relied on both, using one to reinforce the other, turning to one when progress by the other seemed stalled, never totally abandoning either. They sought laws in some areas at some times; at other times and in other areas, they gave priority to economic action through their own organizations.

They were compelled, in either case, to thread their way through a seemingly endless minefield of court decisions to achieve protection. For years, the judges gave unwilling employers generous aid and comfort. Their decisions yielded a variety of legal theories that repeatedly upset protective laws. Maximum hours of work, compensation for industrial accidents and minimum wages were only a few of the legislative proposals that ran afoul of constitutional requirements (the courts ruled).

"Due process," "equal protection," and "freedom of contract" were effectively used to block protective laws of almost every kind. Nevertheless, the essential inequality in the employer-employee relationship, the harsh realities of public and private health, the public interest joined with the pressures of worker and public concern to create in time a new climate for labor legislation.

### First Laws Were Limited

A law prohibiting the employment of children under fourteen, said a delegate to the founding convention of the Federation of Organized Trades & Labor Unions in 1881, would be an interference with individual rights. "There is no greater crime," replied Richard Powers, a delegate from the Chicago Seamen's Benevolent Union. Sam Gompers told the delegates of seeing "little children, six and seven and eight years of age, seated in the middle of a room on the floor, in the dirt and dust, stripping tobacco. Little, pale-faced children, with a look of care upon their faces . . . Shame upon such crimes; shame upon us if we do not raise our voices against it." The resolution was written—"unanimously"—into the Federation's first platform.

By the turn of the century many states had some form of child labor legislation. Many of the laws, however, applied only to limited areas of employment or to certain jobs. They were often riddled by exemptions and poorly enforced, if at all. Most existing laws failed to meet basic standards in the



Regulation of child labor, such as in the food processing plant above, was a first goal of organized labor.

eyes of the National Child Labor Committee, formed with American Federation of Labor participation, in 1904. The census counted hundreds of thousands of children under 16 in non-farm employment, many more in agriculture. The first effort at federal regulation prohibited the transportation in interstate commerce of goods produced with the help of child labor. The Supreme Court ruled it unconstitutional. The law, it said, invaded state control of purely local matters; it also went beyond the authority over commerce delegated to Congress.

A second law, imposing a tax on profits of firms employing child labor, was similarly thrown out. An effort to add a child labor amendment to the U.S. Constitution drew the comment from a Mississippi senator: "It is part of a hellish scheme laid in foreign countries to destroy the government." It fell short of ratification. And little more was accomplished until the mid-1930s.

Hours of work, like child labor, were an early concern. A largely worker-supported movement campaigned for a law establishing a 10-hour work day in the 1830s and 1840s. The eight-hour day

### Time Table of the Holyoke Mills,

To take effect on and after Jan. 3d, 1868.

The standard being that of the Western Rail Road, which is the Meridian time at Cambridge.

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**MORNING BELLS.**

First Bell ring at 4.40, A. M. Second Bell ring in at 5, A. M.

**YARD GATES**

Will be opened at ringing of Morning Bells, of Meal Bells, and of Evening Bells, and kept open ten minutes.

**WORK COMMENCES**

At ten minutes after last Morning Bell, and ten minutes after Bell which "rings in" from Meals.

**BREAKFAST BELLS.**

October 1st, to March 31st, inclusive, ring out at 7, A. M.; ring in at 7.30, A. M.  
April 1st, to Sept. 30th, inclusive, ring out at 6.30, A. M.; ring in at 7, A. M.

**DINNER BELLS.**

Ring out at 12.30, P. M.; ring in at 1, P. M.

**EVENING BELLS.**

Ring out at 6.30,\* P. M.

\* Excepting on Saturdays when the Sun sets previous to 6.30. At such times, ring out at Sunset.

In all cases, the first stroke of the Bell is considered as marking the time.

emerged soon after the Civil War, in the words of the National Labor Union, as "the first and grand desideratum of the hour." A report to the founding convention of the Federation of Organized Trades and Labor Unions (later the American Federation of Labor) in 1881 declared: "Grasp one idea, viz., less hours and better pay. . . . How will we accomplish this? As the capitalists and wage-grabbers obtain their ends—by law." Still, in 1884, its membership and influence drastically reduced, the Federation called for a general strike for the eight-hour day on May 1, 1886. Time and again, thereafter, the AFL renewed its commitment to the shorter workday, never ceasing to urge its troops to greater efforts.

### Special Legislation Sought

The AFL rejected legislation as a means of regulating the workday, except in the cases of women and minors, occupations affecting health and morals, and in federal, state, and local employment. State and local central bodies lobbied energetically to secure such specialized legislation for those whose particular situation seemed to demand it—miners, rail-

way employees, machinists, women workers, government employees.

Here, as in virtually every phase of labor legislation, the laws had to make their way through a judicial gauntlet. The Supreme Court in 1898 upheld a Utah law limiting the hours of work of miners to eight. The decision sustained legislative findings that hours of work were intimately related to health and that the miners in fact did not have freedom of contract, since they "do not stand on equality" with the mineowners. In 1905, however, the court overthrew a New York law covering bakers. "Clean and wholesome bread," the opinion said, "does not depend upon whether the baker works 10 hours a day. . . ." Laws limiting hours of work, it went on, "in which grown and intelligent men may labor to earn their living are a meddlesome interference with the rights of the individual. . ." Still, the court sustained laws limiting hours of work of women and minors.

Minimum wages, too, had been frustrated by unfavorable court decisions. A law providing minimum wages for women and minors in the District of Columbia was reversed by the Supreme Court in 1923. Women, it said, are not subject to different restrictions on liberty of contract than men. The differences—"otherwise than physical"—that led the Court to uphold earlier legislation dealing with women's hours of work have "continued 'with diminishing intensity' In view of the great—not to say, revolutionary—changes which have taken place . . . in the contractual, political and civil status of women, culminating in the Nineteenth Amendment, it is not unreasonable to say that these difference have now come almost, of not quite, to the vanishing point."

Many years later, numerous laws protecting women—laws governing minimum wages, maximum hours, and general working conditions—were challenged on similar grounds—that they denied equality to women. Court decisions upheld the challenge and many of the laws were knocked down. In some cases—California, for instance—the protective laws were amended to cover men as well as women. And these, up to now, have been generally accepted without legal question.

The Great Depression, though, earlier wrapped up the whole question in one package. Interestingly, it grew from a demand by the AFL, abandoning a long-time stand, for a statutory six-hour, five-day work-week. Incorporated in the Black bill and passed by the Senate, the AFL's thirty-hour week demand led directly to the development of the National In-



Unions began seeking an eight-hour day more than a century ago.

dustrial Recovery Act of 1933. Incorporated in its provisions were regulation of child labor, maximum hours of work, minimum wages—and, not just incidentally, a guarantee of the right of workers to organize unions of their own.

### **FLSA Is Milestone**

The NIRA was killed by court decree. But, in 1938, its essential provisions, recast and broadened, were enacted in the Fair Labor Standards Act. In the markedly changed judicial climate of the latter Roosevelt years, its constitutionality was upheld. Since then, of course, the level of the minimum wage, the industrial and occupational coverage of the law have been widely extended, largely at the urging of organized labor. The law has, by now, become a fixed star in labor's political constellation.

Workers' compensation was compelled to run a similar obstacle course. In its 1881 convention, the Federation called for laws making employers liable for all accidents resulting from their negligence or incompetency; only later would it come around to

demanding complete employer liability in a "no-fault" structure of compensation.

The employer was then required under common law to exercise reasonable care to prevent injuries to his employees. To collect damages for a job injury, the employee was compelled to prove the employer's negligence. The defense that employers developed under both English and American law made that increasingly difficult, and more often impossible. The employer was able to mitigate his own liability by showing that the employee, too, was negligent, that a "fellow servant" had been negligent, that the employee himself had assumed the risk involved in continuing to work.

Thus, an engineer was denied compensation when he was injured in an accident after working a stretch of 30 hours. A steelworker engulfed in molten steel was denied damages because the accident was the fault of a fellow employee—an employee whom he had met only once and who worked on a different shift. The two strangers, the court said, "had ample opportunity to exercise upon each other an influ-

### **Depression breadlines were among causes for federal legislation affecting labor.**



ence promotive of care and prudence in the matter of performing their work." A young woman lost her arm in the unprotected gears of a grinding machine; yet she could collect no compensation because, though she had expressed fear of the naked gears, she continued to work. She needed the job. With such defenses, employers were able to avoid liability for death or injury on the job in eight or nine cases in every ten.

The AFL sought, at the outset, to modify the employer defenses. Later, though, it joined with the National Civic Federation, an organization of employers not unfriendly to dealing with organized labor, in drafting and advocating a model compensation law. The model statute made the employer financially liable for job-related injury or death, provided income and medical care (and later, rehabilitation) for the victim or damages for his dependents. The cost became a charge against production and was ultimately paid by the consumer. A New York court held such a law "plainly revolutionary." It said it knew of "no principle on which one can be compelled to indemnify another for less unless it is based upon contractual obligation or fault." Later rulings, however, upheld laws abolishing the fellow servant rule, modifying other employer defenses, and establishing compensation laws affecting particular groups of employees such as railroad workers and government workers. In 1917 the Supreme Court in a series of rulings upheld several types of compensation laws, ratifying virtually all laws then in existence. By 1920 all but six Southern states had enacted workers' compensation laws. Prodded by organized labor, state legislatures extended the benefits, coverage, and comprehensiveness of the laws. Today, the AFL-CIO leads the way in seeking to upgrade compensation, medical care, rehabilitation and other provisions in widely-varying states systems to adequate national standards.

### **Unemployment Compensation Came Late**

Perhaps no consequence of our industrial society has been more difficult to deal with than unemployment. In other times, unemployment was often seen as individual sin, somehow morally unworthy. Too, an expanding nation seemed to offer unlimited opportunity, down the road a piece or half a continent away. In 1893, in the midst of a bitter depression, the AFL demanded immediate and adequate relief for the unemployed, along with expanded public works to build good roads and provide jobs. "When

the private employer can not or will not give work the municipality, state or nation must," the convention resolved. Only the sheer size and reach of unemployment in the Great Depression, however, hammered home its exorbitant cost—to the worker, to the economy, to the nation.

Unemployment insurance proposals were introduced and debated in the states as early as 1916, but none was acted on until the Great Depression forced a decision. Wisconsin enacted the first state law. It was extended nationwide in 1935 when the federal Social Security Act was passed. The basic law enacted a 3 percent employer tax which could be offset, up to 90 per cent, by contribution to a state unemployment insurance scheme. Organized labor has since led the way in raising benefits, extending their duration, bringing more and more workers under coverage, in insuring the financial soundness of the state plans. Standards, however, still vary widely; only federal standards, a major legislative goal of the AFL-CIO, can bring these differing standards to uniform national levels.

More progress has been made over these past 40 years in dealing with the human consequences of an industrial society than in the preceding 160. The courts have accepted the necessity of state intervention, recognized the essential inequality of bargaining power between employee and corporate employer, and found in the nation's law the sanction for effective legislation. If the results fall short of what is needed or of what should be, at the very least the way is open and the direction signs are posted.

1776



1976

# The Action Started Early

## U.S. Workers Have a Long Political History

By Al Barkan  
Director  
AFL-CIO COPE

In the mid-1950's, a COPE staffer arrived in a large southwestern community to work with the AFL-CIO central labor body's political program as part of his normal responsibilities. He was an American citizen doing the best work of American citizenship—involving people in the democratic process.

Yet, the day after his arrival, the local newspaper came out with the kind of spooky headline Pravda would carry upon discovering a CIA operative in the Kremlin:

"Secret Political Agent for Big Labor Here", it said.

It might have been funny at the time had it been less typical than it actually was. In fact, it was common in those days for the press in many communities to treat a routine visit by a non-resident labor political staffer like the first case in an imminent epidemic of bubonic plague.

It was, of course, none of that. It was simply men and women of the labor movement helping out in efforts to register union members, to educate them on issues and candidates' records and to get them out to vote on election day.

The newspapers weren't alone. Even some of our endorsed "friends" back then preferred us out of sight. "Go ahead and support me but don't endorse me openly," some would say. "Give me all the financial help you can. Get out the vote for me. But for heaven's sake, don't let anyone know about it . . . and if you come to visit, use the back door."

Times have changed. Occasionally newspapers still have a field day playing up "outside union people" in a political campaign. But it's become rare. Not too many journals beat that dead horse anymore.

And our endorsed friends? None of them acts now as if we have a communicable disease. Most of them openly welcome COPE endorsement and even publicly acknowledge it with pride. We knew we'd turned that corner when, last fall, COPE's winning candidate for governor of Mississippi proudly described the role of the labor movement in his victory and thanked the state labor people for it. The millennium had arrived.

But in ways far more important than these, we've come a long way from "then" to "now"—"then" being when the former AFL Labor's League for Political Education and the former CIO Political Action Committee merged into COPE with the merger of the AFL and CIO in late 1955.

Jacksonians appealed to the 'labor vote.'

**SHIP  
CARPENTERS**  
*To Your Posts!!!*



**Moses H. Grinnell,**  
WILL NOT EMPLOY  
**Any Ship Carpenter, who Dares  
TO AVOW HIS SUPPORT OF  
THE HERO of NEW-ORLEANS.**



**Will ANY SHIP CARPENTER, HAVING  
THE SOUL OF A  
FREEMAN,**  
Submit to such Aristocratic dictation? You answer,  
**NO!!!**  
To the Polls then. Fellow Citizens, and shew that  
**Cornelius W. Lawrence,**  
Who opposes the United States Bank, and supports  
the PEOPLE, is the candidate of your choice.

**NEW YORK:**  
**SATURDAY, OCTOBER 31, 1829.**

**WORKING MEN'S TICKET.**

ASSEMBLY.

ALEXANDER MING, senior, Printer.  
FREDERICK FRIEND, Brass Founder.  
THOMAS SKIDMORE, Machinist.  
CORNELIUS C. BLATCHLEY, Physician.  
ROBERT M. KERRISON, Whitesmith.  
ALDEN POTTER, Machinist.  
AMOS WILLIAMSON, Carpenter.  
EBENEZER WHITING, Cooper.  
SIMON CLANNON, Painter.  
EBENEZER FORD, Carpenter.  
BENJAMIN MOTT, Grocer.

SENATE.

SILAS WOOD, of Suffolk.  
EDWARD J. WEBB, of New York.

**PROSPECTUS.**

In issuing the first number of our paper without first circulating a prospectus, we have departed from long established custom; but we imagine that neither our readers nor ourselves will suffer any inconvenience from this mode of proceeding. On the contrary, by seeing the first number, they will be better enabled to judge of the character and utility of the paper, and we shall sooner ascertain whether our efforts are considered deserving of encouragement.

We have long thought it very desirable, that the useful and industrious classes of this populous city should have at least a weekly, if not a daily, paper devoted to their interests, which should freely and fearlessly discuss all questions of importance to them, and assist them in ascertaining the best and most effectual remedies for the evils and deprivations under which they are suffering; and we have as long lamented our own li-

**Workingmen's parties fostered a workingmen's press 150 years ago . . . and even (opposite page) picked up some outside support.**

Building step by step, labor's political programs have grown increasingly effective. As in all things, those of us in labor political action now stand on the shoulders of our predecessors—and the effectiveness of National COPE today, of the state and local COPEs and the international union political committees derives from the earlier efforts of the Jack Krolls and Jim McDevitts and others whose vision, enterprise and dedication launched the modern era of labor in politics.

### **The Roots Are Deep**

For this has been the modern era. It has not been the beginning. That goes further back—back even to the colonial period when now-nameless heroes fought against entrenched interests and long odds for political rights—and legislative progress—for working people.

Americans tend to forget in this year of bicentennial celebration of democracy—that democracy

came neither fast nor easy, that it developed slowly and at great cost, and that rights now taken for granted were fought for bitterly in the decades and centuries after the success of the American Revolution.

Early in our history, both the nation and its states practiced elitist politics. Delaware was typical of the states. Two hundred years ago, when the state government was established and its General Assembly created, most residents were prohibited from participation in its political decisions. Blacks, even if they were free, could not vote, nor could women. Jews could not hold public office. Political rights of Catholics were severely restricted. Not even within the dominant group of white Anglo-Saxon Protestants was suffrage general. To vote, one had to own at least 50 acres of property or equivalent values in cold cash and other holdings.

Obviously, the new democracy did not include workers among its principal beneficiaries. But gradually, the barriers were torn down. Workingmen agitated, formed political parties in many cities, protesting economic exploitation and second-class citizenship.

Their parties were short-lived, but their achievements substantial. In fact, a major reason for their decline was that established parties absorbed their causes—shorter workdays, free public education for all children, currency reforms, abolition of imprisonment for debt, removal of the stigma of criminal conspiracy applied to workers' unions.

### **A Chorus of Squeaks**

As we grew in strength economically, we grew in strength politically. It's said, with truth, that "the wheel that does the squeaking gets the grease." Workers and their unions "squeaked" loud and long, forcing national and state governments to become more aware of their problems and more responsive to their needs.

But for every gain, sweat was spent. Like the turtle, John Steinbeck's symbol for man's progress in his classic "Grapes of Wrath," it was a case of two steps forward and one step back. For others were squeaking, too, the controlling corporate associations and their allies, the political mossbacks.

In the early part of this century, the National Association of Manufacturers launched a nationwide offensive against unionism and swore "to cut off labor's influence at the source by defeating congressmen and senators favorable to labor." (The goals of

the NAM, incidentally, are little changed since that time, though its rhetoric is less full-blown.)

We survived the NAM onslaught and subsequent ones, continued to take our two steps forward for every backward one, and today—economically and politically—the labor movement stands taller than ever before.

Where are we in our political programs? What substantive changes have taken place since COPE

was established? How do we measure success?

Well, we don't measure it simply by the box-score, the won-and-lost record. If this standard alone were used, we would be the Pittsburgh Steelers of the political leagues. In the many campaigns since 1955, over-all more than 60 percent of COPE's endorsed candidates have won.

But a box-score is an over-simplification of successful political effort, and by itself meaningless. There are other, more important yardsticks for measurement. One is what follows the won-and-lost record of election day. What do our friends do once elected? Do they take seriously the issues we take seriously and worked to elect them for? Jobs? Prices? Tax justice? The health and education of our people? Do they put their votes—as well as their voices—on the line, most of the time, anyway? Do they resist the constant efforts of the troglodytes to return to the political cave?

The answer to this has been yes—and it grows better with the years. With few exceptions, our endorsed friends keep acting like friends once they're elected. They are not rubber stamps. We don't look for rubber stamps. They're men and women with minds of their own who differ with us sometimes. But over the long road, they are with us.

## How COPE Built

An important measure of political success that demonstrates the difference between the "then" of 1955 and the "now" of 1976—is participation and program. Are more and more members participating in COPE's activities, voluntarily contributing their time to registering members, to do an education job on issues and candidates' records, canvass the neighborhoods, get out the vote on election day? Do our programs keep up with the times, use and develop new tools, take advantage of new technology?

Again, the answer has to be yes. In every respect, the COPE program "now" has built successfully on the COPE program "then".

Volunteers? In COPE's early days, perhaps a few thousand men and women of the labor movement across the country shouldered the whole load. Today, we can count on some 120,000 volunteers to staff the COPE offices in communities all over the U.S. We have phone banks functioning in almost all communities of any consequence during registration and get-out-the-vote campaigns. On election day, we provide transportation to the polls for members needing it, baby-sitters, poll-watchers—probably

From the (Alabama) Spirit of the Age.

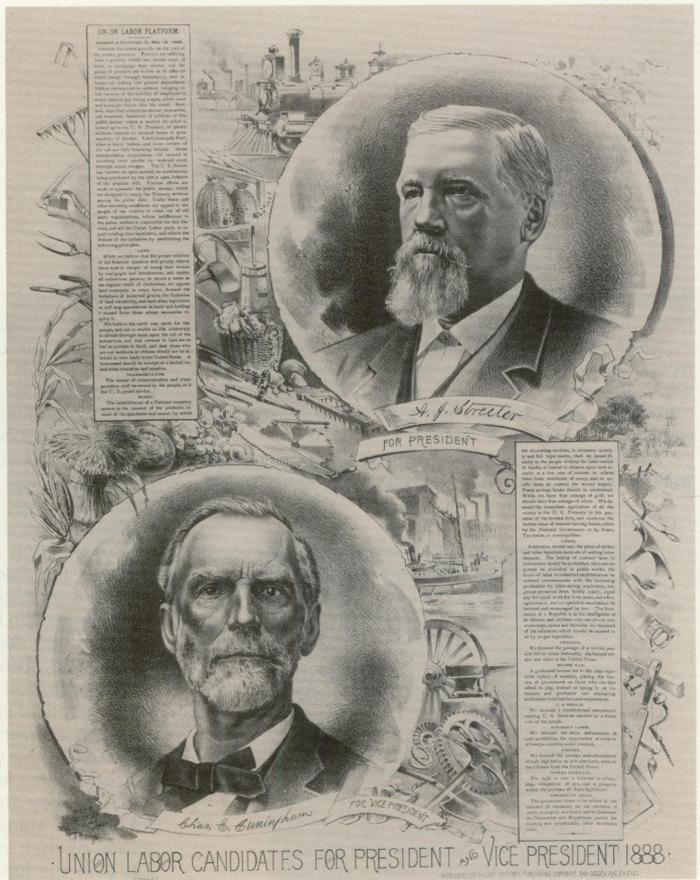
### SPRIT OF IMPROVEMENT.

We have, on several occasions, called the attention of our readers to the efforts that are making, by the working classes, in the eastern cities, to advance the political interests of the great class of producers, of every name, whether farmers, mechanics, or other laborers. But our columns being very much engrossed, recently, with other matters, those efforts have not had as great a share of our attention, as in our opinion they merit.

The complaint is, that the poor are oppressed, and constrained to the performance of excessive labor; that their children are deprived of education, for want of suitable institutions—for want of pecuniary means, and for want of leisure. Legislators, it is said, are generally selected from the nonproductive classes; and the existing system of things is such, in its tendency, as to make the poor poorer, and the rich richer; to enable the few to live at ease on the labors of the many.

It is, therefore, contended that there is something radically wrong in the laws and institutions of the country; and that these existing evils ought to be remedied. The opinion also prevails that a remedy cannot reasonably be looked for, but by those who are most deeply interested taking their affairs into their own hands. Hence the origin of what has been sometimes called the working men's party.

The extent of this excitement may be inferred from the fact, that there are now in the city of New York two daily papers, the "Friend of Equal Rights," and the "New York Daily Sentinel," and one weekly paper, the "Working Man's Advocate," devoted to the interest of the working men.



more and better-trained than in either political party.

Voting performance? Twenty years ago there was a huge gap in voter participation between our members and the citizenry at-large. Members were registered 10-15 percent lower than the general electorate, voted 15-20 percent lower.

### Modern Methods for Modern Times

Not any longer. Today, nationally, union members register and vote in higher percentages than the electorate at-large. In 1974 congressional elections, only 38 percent of all eligible voters went to the polls, while more than 50 percent of our members and voting-age members of their families did. In a year when most voters turned off, our members turned out. After all, COPE helps register about seven million members in an election year—in addition to those millions already registered. This translates into far more votes on election day for our candidates.

We'll never be satisfied with 50 percent. But in the context of the disgust with politics that followed Watergate, 50 percent was almost an heroic turnout—and was a vast improvement over our early days.

Technology? Twenty years ago, I was astonished by the marvels of an address-o-graph machine, and felt that here was the ultimate in political technology. Would wonders never cease, I thought. But, as it turned out, the address-o-graph—for all its usefulness—was simply a device to make mailings somewhat easier.

Today, on the 7th floor of the AFL-CIO building in Washington, the names of 10 million union members and the political data on them are on tap by the push of the button on a sophisticated high-speed computer. It can churn out 75,000 mailing labels an hour, 60,000 three-by-five cards.

Most of all, it gives us what we've never had—accurate precinct walking lists. They're pure gold. With them, we can get into the neighborhoods where our members live, and that's where our political programs count most, right in the members' homes.

This was not possible on a broad scale 20 years ago—precinct walking lists, when they were provided at all, were as accurate as astrologers, right one out of three times, and then more by luck than by design. Today, we hit it on the mark in the neigh-

borhoods where members live.

So, technologically, too, we've come a long way.

Coalitions? Twenty years ago, we functioned almost alone. Over the years, we have built solid bridges to the black community through the A. Philip Randolph Institute; to the youth community through Frontlash; to the seniors through Concerned Seniors for Better Government; to the Latino community through the newly-formed Latin-American Labor Council. Each of these groups works to bolster the COPE program and to help elect COPE-endorsed candidates. They have contributed tremendously to our growth in recent years.

Funding? Members contribute more to COPE now than ever. Today, we collect almost twice as much in voluntary donations as we did 20 years ago. We'd like to do better, for our friends rely heavily on us. They have no access to the big corporate and fat-cat money that dominates political giving.

As important as funding is in politics, however, COPE's strength is people, always most of all people—the thousands of volunteers who make the COPE program go and who provide the nuts-and-bolts support services that are so crucial to winning elections: registration, education and getting out the vote.

COPE volunteers have helped labor's political effectiveness grow steadily over the years. And it will be the volunteers of today, and those of tomorrow, who will assure its continued growth. For we still have a long way to travel.

Too many of our members still don't contribute to COPE. Too many local unions still don't have a COPE committee. Too many members still are not registered. Too many still do not vote.

How much this can hurt was demonstrated clearly in 1974 elections. Successful as we were over-all, had just a few thousand more members turned out in North Dakota, Nevada, Oklahoma and Kansas, working people would have four additional friends in the U.S. Senate right now.

So, we don't win them all. We never will. Nobody does. After all, our opponents have great resources. Recently the Federal Election Commission opened wide the door of direct corporate political activity by permitting use of corporate funds to es-

tablish their own political contributions committees. No need to dwell on where their money will go. This was followed up by a U.S. Supreme Court ruling knocking down many of the 1973 election law's key restrictions on use of money in politics by wealthy individuals.

However, the huge funding advantage for conservative candidates is nothing new. It seems to be one of the few unchanging facts of political life.

COPE will keep counting on people, for it's people who work and people who vote, not dollars. And when it comes to people, no organization can match the quality, enthusiasm, dedication and effectiveness of the scores of thousands of volunteers who are the heart and soul of labor's political programs.

Looking back over 200 years of American history, political participation of trade unionists has run a hard and uneven course. Although we have come a long and satisfying way, we cannot rest content with our progress, because we still have a long way to go.



# So the Kids Can Have It Better

## *Unions Early Led the Fight for Education*

By **Albert Shanker**  
President  
*American Federation of Teachers*

It would be pleasant to report, in this Bicentennial year, that America has produced a system of public education worthy of our national greatness in so many other respects. Sadly, that would not be an accurate assessment. While we have attained a high plateau in the development of public education, we must look upward, still higher, to glimpse a level of educational quality which our resources today would allow, and which social imperatives demand. Moreover, education has suffered considerably from years of economic recession, and now is threatened with further erosion of standards because of the slashing of school budgets in one community after another.

Organized labor is, without question, the strongest advocate of quality education of any American institution. While this should be and is a source of pride for those of us in the labor movement, it is ironic and tragic that our concern has not been shared by the majority of school boards throughout the country, or by recent national administrations.

Labor, in fighting for adequate funding for education and for measures to improve classroom instruction, is continuing to play a role it assumed early in the last century. The creation of public education, in fact, was the first legislative objective of American trade unions.

At one time education was all but unavailable to working people and their children. The concept of universal free education was not born until the 1830's. Before that period, publicly supported schools were maintained only for the indigent, and they specialized in little more than basic literacy instruction. In most cases, parents would have to submit to the humiliation of a signed pauper's oath before their children were admitted. The cost of private schools was more than the average wage earner or tradesman could afford. During the era, not surprisingly, most children simply did not go to school, and what training and education they received came through apprenticeship.

### **How It All Got Started**

The first organized demand by workers for free public education, open to children of all economic classes, came in 1827, in the City of Brotherly Love and the birthplace of American independence. Philadelphia trade unions formed a committee to study the process of education in Pennsylvania, and set about surveying candidates for the state legislature on their views toward "an equal and general system of education." This committee drew up plans for public education throughout the state, tax-supported and governed by elected school boards in each community school district.

These efforts eventually brought passage of a Pennsylvania law in 1834, permitting, but not requiring, school districts to provide free education. The same year, a national convention of unionists meeting in New York called for "an equal, universal, republican system of education."

**Schools such as this were truly called "crude, depressing, and totally inadequate."**



The movement for public education was the impetus to organized union legislative activity on a broader scale. Nearly coincident with the efforts of Philadelphia unions, workingmen's parties were formed in New York, Boston, and other cities, and began agitating for universal free education. Denied the right to strike for higher wages, which was considered criminal conspiracy, unions of that period naturally turned to the political and legislative arenas to improve their members' lives, much as today's public employee unions have done. And they saw public education as necessary for class struggle. Horace Mann, an early educational leader, aptly noted: "If one class possesses all the wealth and the education, while the residue of society is ignorant and poor, the latter will be the servile dependents and subjects of the former."

Of course, members of the power structure realized the truth of this statement, too, and mounted a bitter struggle against public education. They tried to claim that members of the privileged classes alone were capable of benefiting from education, and that the rest of society somehow lacked the necessary intelligence. The *National Gazette* put it this way:

The 'peasant' must labour during those hours of the day which his wealthy neighbor can give to abstract culture of his mind; otherwise the earth would not yield

### A Scholar Speaks

Dr. John Dewey, perhaps the single most important American educational influence in the 20th Century, held Membership Card No. 1 in the American Federation of Teachers. Dr. Dewey died in 1952 at the age of 93. A strong and active advocate of the trade union movement, he once gave the following reply when asked why a scholar of his eminence and attainment should join a union:

"As to why I am a member of the Teachers Union, the query comes to mind, why should I not be, why should not every teacher be? I find that teachers have to pay their bills just the same as everybody else. I find that the respect in which they individually and collectively are held in the community is closely associated with the degree of economic independence which they enjoy."



Proposing publicly financed education for children like these was called "socialistic."

enough for the subsistence of all; the mechanic cannot abandon the operation of his trade for general studies; most of the conveniences of life and objects of exchange would be wanting; languor, decay, poverty, discontent would soon be visible among all classes.

Opponents of public education maintained the "social Darwinist" idea that wealth and power were God-given rewards for natural superiority. The wealthy and powerful were, in fact, smart enough to doubt that the average citizen would endorse such a concept after exposure to the writings of the world's great thinkers.

For proposing free public education, the New York Workingman's Party was vilified in the *New York Commercial Advertiser* as "emerging from the slime . . . more beastly and terrible than the Egyptian Typhon." Its members were viewed as "Lost to society, to earth and to Heaven, godless and hopeless." Elsewhere the business-dominated press echoed similar sentiments, and occasionally even attempted rational arguments against public education, such as in attacking the use of tax money for this purpose as "socialistic," a threat to individual initiative.

### Other States Follow Suit

After Pennsylvania's public school law of 1834 survived a repeal threat, with eloquent support from



Thaddeus Stevens, New Jersey established a public school system in 1838, and the other states began following suit. The struggle would now center on the quality of education provided in the schools, a struggle that still continues.

Child labor remained a widespread phenomenon after creation of public education. Labor efforts near the turn of the century turned toward winning passage of compulsory school attendance laws, as well as outright abolition of child labor. AFL President Samuel Gompers stated labor's position well at the 1893 Federation convention: "The damnable system which permits young and innocent children to have their lives worked out of them in factories, mills, workshops and stores, is one of the very worst of labor's grievances. We shall never cease our agitation until we have rescued them, and placed them where they should be, in the schoolroom and the playground."

Labor's staunch support for education never relaxed. As early as 1916, the AFL was urging federal support for public schools, and the CIO, established later on, joined in a united labor commitment for federal funding, racial equality in the schools, and improvement in educational standards. The AFL-CIO led the way in the successful legislative battles for the Elementary and Secondary Education Act, the Higher Education Act, the GI Bill, and others, includ-

ing last year's veto override effort to preserve full congressional appropriations for public education.

Giving strength and direction to union interest in public education was the unionization of teachers, who have been in a unique position in their ability to evaluate educational needs and combine professional observations with direct action through union political activity. Teachers in Chicago formed a union in 1897, and affiliated with the AFL five years later. The American Federation of Teachers was chartered as a national union by the AFL in 1916.

As with other white-collar occupations, teacher unionization at first was handicapped by an attitude of misguided "professionalism," a refusal to identify with other working people and feeling that public servants must indeed be servile. The 1922 AFL convention noted in a major resolution that "Men and women, in becoming teachers, do not thereby surrender their rights as American citizens. Inquisitions by school authorities into the personal, religious, political and economic views of teachers is intolerable in a free country, strikes at the very basis of our public school system, and can result only in the development of mental and moral servility, and the stultification of teachers and pupils alike."

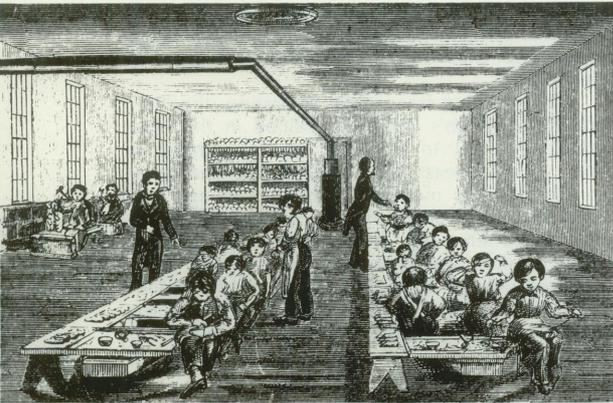
Over the years teachers have come more and more to realize the soundness of that statement, and to realize that their professional roles are only enhanced by the exercise of their full citizenship—by speaking out and stepping out of ivory towers, to influence an educational process which they understand more intimately than the administrators and school boards they work for.

## Teachers Have Dual Role

Teacher organization has soared dramatically during the past fifteen years, along with teacher militancy and participation in the labor movement as a whole. This has been a fortunate trend, given the extent of official indifference and hostility to the goals of public education during the Nixon-Ford years, and the economic chaos caused by their policies.

Teachers are realizing ever more their kinship with workers in private industry. The public and private sectors alike are suffering from economic recession, as declining tax bases in city after city force cutbacks in public services and massive layoffs of teachers and other public employees.

In this period of crisis, teachers find themselves in a dual role at the bargaining table, fighting both



**The first American factories depended on child labor for profitable operation.**



**Learning came hard to children, who worked all day and attended classes at night.**

equitable contracts, and for the preservation of educational standards. They are battling attempts in scores of communities to enlarge already crowded classrooms, initiate multiple school sessions, cut back on learning materials and processes as well as eliminate many instruction courses. It isn't surprising, therefore, that this school term has seen a record number of teachers' strikes around the country.

For public education today, it is a time of both crisis and opportunity. For some, the growing numbers of qualified teachers means a "teacher surplus," and a chance to cut back on facilities and programs in the name of economy.

But informed educators realize that we now have the resources to move ahead with early childhood education, to reach youngsters at their most formative years, between the ages of two and six, when their potential learning capabilities are at a peak.

### **The Tools Are Available**

We now have the space and personnel to lower class sizes to a level where every child is guaranteed the individual attention he or she needs and deserves.

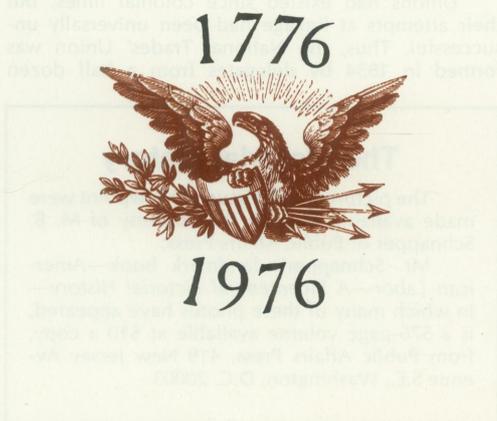
We have the means to develop an internship program, whereby new teachers are not merely thrown into a full program and told "sink or swim,"

but are helped to reach their full potential as teachers before they assume full responsibility as teachers.

We also have the resources to offer enrichment programs throughout the public school experience; to provide adequate guidance and other individual services; to expand adult education programs, both for skill upgrading and higher education, to offer a second chance to many working people who were forced to drop out of school early in life.

These are among the points in AFT's comprehensive program for improving educational quality in America, also strongly supported by the AFL-CIO. It is a realistic program which, making use of existing facilities and trained teachers, would constitute only a relatively modest financial investment toward the welfare and happiness of our people, and the strength of our nation.

We are at a point in 1976 where, with decisive and responsible leadership, we could easily usher in a golden age of American education. Or, with continued short-sightedness and neglect, we can witness the unraveling of 150 years of progress.



# Building a Strong House of Labor

## *It Took Many Decades and Many Forms*

### 1. The American Federation of Labor

Labor history in America did not start on Dec. 8, 1886, when the American Federation of Labor was born, but everything that went before was prologue.

What had happened most recently before that date was the creation of the Federation of Trades and Labor Organizations, in 1881. Its craft union affiliates had come out of the Knights of Labor; they reflected dissatisfaction with the Knights' policies and they were searching for more practical labor programs.

Out of this group came the modern labor movement—and indeed the AFL-CIO looks upon 1881 as the year of its birth.

Unions had existed since colonial times, but their attempts at linkage had been universally unsuccessful. Thus, the National Trades' Union was formed in 1834 by delegates from a half dozen

eastern cities. But three years later the economic panic of 1837 put an end to the NTU and to most of its constituent unions.

Later, after the Civil War, the National Labor Union came into being. It was the first successful effort to bring together perhaps the dozen national organizations that had been founded since 1850 as the country began to industrialize. The NTU was based in the central labor bodies, but it rather soon drifted away from bread-and-butter issues to a program of social reform. It became a casualty of the depression of 1873.

The Knights of Labor came on the scene in 1878, flourished and grew to a membership of 700,000, and by 1886 had disintegrated. But most labor historians recognize that in its brilliant and turbulent short career, it set the foundation for a more permanent labor movement. Certainly the slogan of its principal leader, Terrence Powderly—"an injury to one is the concern of all"—became a permanent slogan of America's unionists.

On Dec. 8, 1886, a group of unionists from various crafts was called together in Columbus, Ohio, by Samuel Gompers of the Cigar Makers Union. They were opposed to the 'utopian' philosophy of the Knights; the 42 delegates from 25 unions wanted a movement geared to day-to-day union problems. United in that belief they formed the American Federation of Labor.

Gompers was elected president (his salary was a handsome \$1,000 a year) and Peter J. McGuire was elected secretary. In addition there were two vice presidents, a treasurer and a five-man executive council. As Gompers later wrote: "the growth up to 1892 was very slow."

### 2. The Congress of Industrial Organizations

The CIO was born in the aftermath of the worst depression in the nation's history. It had a long gestation period, a pugnacious infancy, a belligerent youth, and merged with the AFL after nearly 20 years of separation from the older federation.

John L. Lewis was the father of the CIO. As president of the United Mine Workers, he sat for many years on the executive council of the AFL. But with the coming of Roosevelt's New Deal, he implored the AFL leaders to take advantage of the new organizing opportunities created by new laws and new popular views of unionism.

The Mine Workers, the Garment Workers, the Clothing Workers—all embracing all the workers in their industries in a vertical, or industrial, form of

### The Pictorial History

The pictures in this issue of Viewpoint were made available through the courtesy of M. B. Schnapper of Public Affairs Press.

Mr. Schnapper's landmark book—*American Labor—A Bicentennial Pictorial History*—in which many of these photos have appeared, is a 576-page volume available at \$10 a copy, from Public Affairs Press, 419 New Jersey Avenue S.E., Washington, D.C. 20003.



**AFL President George Meany (left) and CIO President Walter Reuther led the two organizations into one.**

union—did seize the opportunity, and grew most rapidly. On Nov. 9, 1935, the day after the AFL convention, Lewis and leaders of seven other unions formed the CIO—at first called the Committee for Industrial Organization—“to foster recognition and acceptance of collective bargaining in basic industries.”

To men like Lewis, Philip Murray and Sidney Hillman, the issue was to organize quickly the workers of the open shop basic industries.

To William Green, the AFL’s president, the issue soon became “dual unionism” and disregard for the structure and jurisdiction of the AFL. In August, 1936, the CIO unions were expelled from the AFL, and in 1938 a founding convention formed the Congress of Industrial Organizations.

To a large degree the CIO succeeded in its mission: steel, rubber, auto, glass, aluminum and other basic industries were organized. After World War II, CIO unions conducted dramatic strikes to gain big economic advances; but at the same time internal struggles led to the expulsion of nearly a dozen CIO unions as Communist dominated.

With the passing years, the antagonisms between the two union groups diminished; and after the deaths of Philip Murray and William Green, within a fortnight of each other, in 1952, the stage was set for unification of the labor movement.

### 3. The AFL-CIO

In January, 1953, the new presidents of the AFL and the CIO—George Meany and Walter Reuther—held their first formal meeting since their elections late the previous year, and agreed that the joint unity committee of the two groups should be reactivated. Within months it worked out a No-Raiding Agree-

ment between the two federations, and with the ratification of that document at subsequent conventions, a major source of inter-federation friction was diminished.

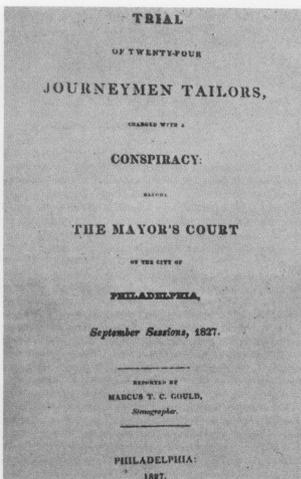
In meetings at Washington in October, 1954, and Miami in February, 1955, the unity committee reached agreement on a merger document. By May the committee had produced a draft constitution, which was ratified by the two federations in a short time.

Thus the way was prepared for the historic merger convention in New York on Dec. 5, 1955. Together, George Meany and Walter Reuther held a symbolic out-sized gavel and called the convention to order. Unity had been achieved, and American labor was headed for two significant decades of influence and progress.

By the Bicentennial Year, American labor was the one large group speaking out on all the issues that affect the citizenry of this nation.







## Legal rulings inhibited organizing efforts.

This philosophy accorded well with that of the early settlers, whose religious beliefs dominated their views on all other matters. In the eyes of these Puritans, a man's economic condition became intertwined with his spiritual state. Thus, success was equated with saintliness while the poor, to a large extent, were believed to be in such circumstances owing to laziness, drunkenness, and other less mentionable vices. To provide public assistance—except in well documented, individual cases—was to provide encouragement for such behavior.

Besides Puritanism, America also inherited from England the tradition of caring for the needy as directed by the Elizabethan Poor Law, created in 1601 and adopted, basically unchanged, by the former colonies. Under that law, children were liable for the care of their unemployable parents and grandparents. Some public assistance was provided for "the lame, impotent, old, blind, and such other among them being poor, and not able to work."

## Poverty as a Local Problem

Caring for one's parents became more and more difficult as America changed from a predominantly rural handicraft society, into an urban industrial society. The extended family, which had prided itself on the great age of its eldest member, splintered, as the young were driven to the cities in search of work.

Congress, in the 19th century, made no move to provide any protection against the calamities of old age, leaving the problem to the states and localities. In a report of the secretary of state for New York in the year 1824, four major means of social welfare are listed. They are: 1) contracting with a family to care for a needy person (similar to the foster home arrangement current for children); 2) auctioning an old or unemployable person at a public auction—whoever agreed to provide care at the lowest price won the bid; 3) housing several needy people in one building, called an almshouse, where they would be fed and sheltered; 4) providing "outdoor relief," in which an individual remaining in his

own home would be provided with financial assistance.

The almshouse—or poorhouse, as it came to be called—varied from a large public institution to a run-down farmhouse operated by a farm couple. The picture was the same for all, however: a large number of people crowded together in unsanitary conditions, poorly cared for and poorly fed.

A survey of poorhouses in New York State conducted in the latter half of the 19th century concludes "The poorhouses throughout the state may be generally described as badly constructed, ill-arranged, ill-warmed, and ill-ventilated. The rooms are crowded with inmates . . . the aged mother is lying in perhaps her last sickness, unattended by a physician, and with no one to minister to her wants."

Indicative of the way in which old age was regarded during this period is a listing called "Classification of Persons" found in old records kept by the Blockley Almshouse in Philadelphia. One grouping of inmates is headed, "Old Women's Asylum and Incurable;" another, "Old Men's Infirmary and Incurable."

Terrible as these poorhouses were known to be, there was still strong opposition to providing "outdoor relief" to needy persons. In a speech dripping with patriotic rhetoric, one early Philadelphia politician claimed that such relief was "calculated in an especial manner to blunt and ultimately destroy the noble pride of independence, the birthright of every American citizen, on which the very pillars of our Republic, have their basis . . ." This type of argument came to be repeated many times, up to the time it was used to attack the present social security program.

Since the relief provided was commonly a very small sum, given with the understanding that it would be supplemented with assistance from relatives and friends, there was little chance of its destroying the "noble pride" of the elderly poor.

## The Emergence of Social Insurance

During the latter half of the 19th century, alternatives to relief were being successfully created in some European countries through the establishment of social insurance programs. The underlying principle of any program of social insurance is the pooling of funds for the support of individuals no longer able to support themselves. Such programs recognize the reality of risks faced by all human beings, and attempt to deal with economic loss

A hundred years ago, these “cheap lodging houses” were the only refuge of those who managed to keep themselves out of the poorhouse.



before it actually occurs. This was the basic philosophy that led to the protection of shipping merchants by Lloyds of London early in the 19th century. If shipping merchants could be protected from loss, why not men and women who worked for a living? There was no question of the inevitability of hardship and suffering following the death or disability of a workingman. Why should he not be covered by a program of social insurance also?

This question—asked by American labor leaders—led to the passage of the Workmen’s Compensation Law for federal employees in 1908 and, following this lead, the establishment of state Workmen’s Compensation programs throughout America. This was the first type of social insurance program adopted in this country. Unlike relief, payment of benefits entailed no loss of dignity; and no shame was attached to being provided for under the program. Through it, labor alleviated one of the greatest threats to working people—that of industrial accidents.

The demand for a social insurance program that would protect those too old to work was also growing at this time. In 1922, Abraham Epstein had aroused public opinion by his classic study, “Facing Old Age,” which exposed much of the misery and suffering common to a large segment of America’s elderly population. Also, in the 1920’s, a less realistic, but no less enthusiastic exponent of problems of the aged, Dr. Francis Townsend, was promoting his solution to the problem. Under his plan, all persons over the age of 60, irrespective of personal means, were to receive \$200 a month, providing that they retired from employment and that they agreed to spend the money every month. Hundreds of clubs supporting the Townsend program sprang up around the country—an indication of the growing demand for some kind of federal program directed to the needs of the elderly.

One result of all this agitation was that, by 1934, 30 states had established some type of program to provide for old age pensions. Also by that time, however, the Great Depression had taken over the country, and state pension programs, like state relief programs, were clearly inadequate to the needs of the starving elderly. In addition, in an age of mass unemployment, the aged could no longer hope for help from even their children.

### President Roosevelt Sets Up Council

Early in his first Administration, President Franklin D. Roosevelt set up an Advisory Council to make recommendations for protective measures against destitution and dependency. Several representatives from organized labor served on this Council, whose report was submitted to the President on Jan. 15, 1935. Two days later a bill incorporating several of the proposals of these labor leaders was introduced in the Senate by Sen. Robert F. Wagner of New York, and in the House by Reps. David L. Lewis of Maryland and Robert L. Doughton of North Carolina. That bill, as it finally emerged from the hearings and floor debates of both houses, contained the broad principles of our present social security system. The keystone of this system then, as now, was a federal contributory insurance system providing benefits to those retiring because of age.

On signing the Social Security Act, President Roosevelt said: “We can never insure 100 per cent of the population against 100 per cent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age. . . . If the Senate and the House of Representatives in their long and arduous session had done nothing more than pass this bill, this session would

be regarded as historic for all time.”

Since its adoption, the social security program has undergone many changes and improvements. As first written, only retirement benefits were paid. Today, social security also pays benefits to the survivors of a deceased worker, including payment for the education of his children. In addition, disabled workers and their dependents are now eligible for monthly payments under the Act.

Over the years, changes have also been made affecting the size of the monthly benefit check. Although far from adequate, benefits have been increased for all retirees, and the original payment formula has been revised to better compensate the low-income worker. Another important revision was the inclusion of a cost-of-living clause to give added protection to the elderly against the double-digit inflation that has swept the country in recent years.

When social security was first enacted, there were many Americans who were not covered. Since then, coverage has been extended to non-career federal employees, regularly employed farm and domestic workers, and most self-employed persons. It is estimated that 90 per cent of all Americans aged 65 and over are now eligible to receive benefits.

Social security has been described as “a social compact between generations which each generation enjoys when it grows old.” Although far from perfect, there is general agreement that it has operated successfully over the past 40 years of its existence, and there is no question that most retirees receive far more in benefits than they pay in contributions. The advantages of social security to the

entire economy have been proved. Not only does it assist individuals receiving the benefit checks, but it provides a continuing stimulus to the economy in periods of recession.

When social security was first enacted, it was sometimes described as one leg in a three-legged stool that would support the retired worker in the future. The other two legs would be pension plans and income from investments. It is indeed true that since 1935 many unions have negotiated excellent pension plans with employers which have meant a valuable addition to their retirement income. However, there are today approximately 30 million workers for whom such plans are unavailable. Most of them, unfortunately, are among the lowest paid workers—the very ones who are most in need of additional income in their later years. For them—as for many others—the stool supporting their retirement years is more than a little wobbly, since the only income of any real significance for older people is their monthly social security check.

## Constitutional Battle Won

Three years before the late Miss Ida Fuller of Ludlow, Vt., the first beneficiary under the program, received her retirement check in 1940, the legal battle to save social security was taken all the way to the Supreme Court. In 1937, in a landmark 7-2 decision, the program was declared constitutional. Expressing the opinion of the court—and of the country—Justice Benjamin Cardozo wrote:

“The hope behind this statute is to save men and women from the rigors of the poorhouse as well as from the haunting fear that such a lot awaits them when journey’s end is near.”

In the eyes of the senior citizens of this country, and of its workers, this was the Court’s finest hour.

For a nation that had, since its beginning, looked the other way as far as the well-being of its elderly was concerned, Justice Cardozo’s words pointed a new direction.

It was true that there was a new wind in Washington—but it was moving very slowly. As it happened, the elderly had to wait nearly 20 more years for the passage of further legislation reflecting their special needs. It was in 1956 that this disability provision was added to the program.

In 1965, two more major pieces of legislation affecting the elderly were written. They were the



President Roosevelt signs the Social Security Act, Aug. 14, 1935.



**Getting into a soup kitchen wasn't a casual undertaking.**

Older Americans Act and Medicare. Like the original Social Security Act, the American labor movement was largely responsible for both of them. Their passage was proof of recognition by Congress that the elderly in America had needs that were not being met by their monthly retirement check.

Under the Older Americans Act, there was established for the first time a federal agency, the Administration on Aging, whose focal point would be the needs of older Americans. In addition, each state would designate an agency specifically charged with administering the programs created for the elderly under the Act.

Since 1965, the Older Americans Act has been amended several times—each time to expand various programs or add new ones. Among the most important are the State and Community Grant programs, the Nutrition Program, and the Community Employment Program, under which men and women over 55 years of age are provided with part-time employment in community service jobs. The National Council of Senior Citizens sponsors a number of employment programs for older people under the Act, in cooperation with the Department of Labor.

### **Programs Operating In Several Areas**

The Nutrition Program is one of the most successful and widely used programs for older people. With the federal government paying 90 per cent of the cost, low-cost (or no-cost in many cases) meals are served to persons 60 years of age or over in a community setting, such as a senior center or a public school cafeteria.

Within each state, under the OAA, area agencies continue to be set up, both for providing serv-

ices to the elderly, and for evaluating the needs of the older men and women in a particular community to determine what special problems exist and where additional services are needed.

The Senate Special Committee on Aging recently reported that state programs for the elderly are now operating across "a very wide spectrum of program areas and fields." These include, in addition to employment and nutrition, transportation, home care, nursing home standards, recreation facilities, information and referral.

The same year that Congress passed the Older Americans Act, it also started the first national health insurance program for the elderly, known as Medicare. The passage of Medicare was as much a victory for the labor movement as it was for the senior citizens, since it was a battle jointly fought and jointly won by senior citizens and labor organizations. The labor movement contributed the bulk of the manpower and money that went into the fight for Medicare, starting with the formation of the organization formed for the specific purpose of achieving national health insurance for America's elderly. That organization is the National Council of Senior Citizens. President Johnson once remarked "Without the National Council of Senior Citizens, there would have been no Medicare."

He might have added, "And without organized labor there would have been no National Council of Senior Citizens."

While today we deplore the failure of Medicare to provide for even half of the estimated cost of the medical needs of the elderly—a failure due largely to the enormous increase in doctor's fees—there is no doubt that Medicare has helped to ease the burden of medical expense for older people, and, until we achieve a program of national health

security for all, it must be zealously safeguarded. AFL-CIO President George Meany, and the leaders of a number of labor unions, are alert to the present Administration's attempts to erode the Medicare program.

### Unity Between the Aged and Labor

The unity between our senior citizens and our labor leaders that helped to achieve Medicare continues and is now being used to preserve and improve it.

Among other federal programs from which the American elderly now benefit are the Supplementary Security Income program, Medicaid, and the food stamp program, currently threatened by Administration proposals.

Such threats make apparent the increasing need for continued unity between men and women in the working population and those no longer able to work. The proportion of older people in the population is steadily increasing. In 1870, we had 1.2 million men and women over 65, approximately 3 per cent of the population. Today we have 22 million people over 65, meaning that every 10th American in this country is now over 65.

With all the achievements we have made over the past half-century, there are still many problems. Because we do not see them, we tend to forget about the thousands of poor old men and women in nursing homes, half of which have been evaluated as "unacceptable" following a nation-wide study conducted by the Senate subcommittee on long-term care. Sen. Frank Moss (D., Utah), who heads the subcommittee, called confinement in a nursing home "the greatest single dread of an old person today."

The solution lies not only in strict application of federal standards for nursing homes, but in programs of home health care so that the dreaded confinement might be avoided.

For those older people still able to work, we must prevent the continued discrimination in employment now faced by men and women still in their middle years. According to recent Labor Department testimony, forced retirement, "without regard to the quality of performance or to any other factor than age," is appearing at an increasing rate for those 55 years of age and over. Labor unions must guard against agreements—including pension plans—which permit the involuntary retirement of any worker. In this, as in many another matter, la-

bor unions can play an important role in determining the quality of life likely to be experienced by a worker on approaching old age.

As America celebrates her 200th birthday, her senior citizens cannot help but reflect that when the elderly of this country have needed good friends to champion their cause, they have found them in the men and women of the labor movement.

Now that our older men and women, through membership in the National Council of Senior Citizens, have achieved a political strength of their own, their senior power can be used not only in the achievement of their own goals, but the goals of all Americans—and especially of American working men and women.



# Staying Alive and Well Hasn't Been Easy

## Job Safety Is a Continuing Concern

by **John J. Sheehan**  
Legislative Director  
United Steelworkers of America

During the Bicentennial Year, there are constant references to specific historic events which, taken together, form the political and social character of the American nation. It is a proud background in which all segments of our society can trace the particular beginnings of their own institutional strivings to make meaningful the pledge (although sometimes only the promise) and hope of political and economic democracy.

Although the whole is the sum of its parts, in a political society the whole takes on greater significance than some of its parts. While the general public may prosper and enjoy the exercise of greater freedoms, not all the elements of society participate at the same level in the attainment of the benefits of our free society. Each group can plot its own course to fuller expression.

The history of the labor movement is certainly replete with the "catch-up" notion. It was not until the 1930s and the Wagner Act that freedom of speech and association was statutorily secured for workers who might want to band together in their own unions. Despite some awareness—although sometimes aroused only by legislative regulations—on the part of American industry about the safety and quality of its industrial product as it affects the consumer, it was not until 1970 with the enactment of the Occupational Safety and Health Act that there was any effective recognition of the safety and health impact upon workers of its industrial process.

There were, of course, earlier evidences of concern and even outrage when workers trapped in unsound workplaces were burned to death. On March 24, 1911, in New York City, more than 100 working girls died in the disastrous Triangle Shirtwaist Company fire. Just the year previous a strike for recognition by the ILGWU had been broken.

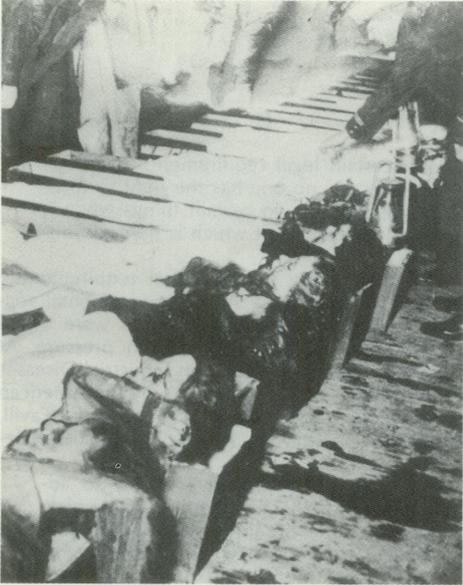
"If the union had won we would have been safe. Two of our demands were for adequate fire escapes and for open doors from the factories to the street. But the bosses defeated us and we didn't get the open doors or the better fire escape. So our friends are dead," a worker said. Fires in the loft buildings in which thousands of needle trade workers toiled very long hours for very low pay did arouse a genuine reaction for worker safety—but safety more related to building codes and fire codes. As important as this effort for workers' protection was, it should be realized that the general public's effort did not extend to workers' occupational injuries and illnesses which were associated with the industrial process itself. Employers might become liable to enforcement penalties for their failure to comply with general safety codes relating to fire hazards and sanitation conditions, but workers were still fighting to become eligible for workers' compensation benefits because of the employers' failure to provide safe and healthful workplaces.

### Concern Was Lacking

It is hard to fully comprehend the frustrations which faced the social reform movements of the early 1900s, because of the enormity of the social



The Triangle Shirtwaist fire ignited public opinion.



**Their union defeated, Triangle girls and women died in their sweatshop behind locked doors and a blocked fire escape.**



injustices against which the reformers battled. The working conditions inside the plants were indeed matched by the living conditions outside the plants. Philip T. Silva in "The Position of Workers in a Textile Community" (*Labor History*, Spring Edition 1975) depicted the conditions in Fall River, Mass., around 1883:

"The tenement buildings of nine corporations (of the city) stood on swampy land; refuse littered the yards, and decaying vegetable matter and other rubbish and even, according to one source, dead chickens as well as rats, were scattered about; and among other complaints, lack of private sewerage, dirty and odorous outdoor privies, and infrequent painting. Complaints about the interiors (of the buildings) centered around poor ventilation, flooded cellars, and an inadequate indoor water supply."

There seemed to be a massive insensitivity to the human tragedy of workers trapped in their plants and in their living quarters. Concern over occupational health and safety was too much a refinement of the overall problem to elicit effective reform activity.

Child labor, although opposed by many (for social and humanitarian reasons) as a scourge of our industrial system, had heavy occupational safety and health implications. Sam Gompers in 1902 declared: "Child labor is a menace to our civilization, involving as it does the deterioration of our race."

Yet it was not until 1938 with the passage of the Fair Labor Standards Act that the federal government established controls on child labor. It was, however, inconceivable to think that the working conditions should be controlled also.

Leon Wolff, in his book *Lockout*, displayed the conditions which existed in the steel mill town of Homestead, Pa., just prior to the strike of 1892:

"Aside from working conditions the accident rate was appalling. No over-all death and injury figures exist for 1892 but one may extrapolate backward from certain statistics and contemporary writings to recreate the nightmare. In a single later year 195 men were killed in Pittsburgh's iron and steel mills; 22 from hot metal explosions, five from asphyxiation, 10 from rolling accidents, 73 during the operations of cars and cranes, 24 from falling from heights or into pits . . . Mechanization was still in its infancy and the men worked only inches away from brimming ladles of molten metal . . . An engineer said he had lost count of the men whose hands were smashed during hook-ons. . . . The Carnegie Company awarded not a cent in recompense for bodily damage or death except for a few isolated acts of generosity. . . . In a single plant, during the span of 12 years, 3,273 immigrants were killed or injured; their accident total was twice that of the rest of workers."

Alice Hamilton, Medical Investigator, Illinois Commission on Occupational Diseases, wrote in 1910 about lead poisoning in Illinois:

"The foremen in these places (smelters) tell one that this (turnover) is due entirely to the character of the help employed, that the men are Negroes or Slovaks or Pollacks or Greeks or Dagoes and by nature unsteady and given to drink but the men and the physicians say that it is because of the dangerous character of the work. . . . the worst factory I have seen has a payroll of only 80, but takes on between 400 and 500 men in the course of the year."

The disastrous results of a recent medical study of workers at two lead smelters in Indianapolis by Dr. Selikoff of the Mt. Sinai School of Medicine, at the request of the Steelworkers, makes one wonder whether times have changed very much.

Early labor had indeed an almost insurmountable task in trying to better the living conditions of working people. It concentrated upon collective bargaining as the best means to secure its ends. The bargaining efforts were directed mainly at wages and working conditions. However, the working conditions did not as a rule focus upon unsafe and unhealthy conditions because control of these conditions was beyond the grasp of bargaining power. As late as 1939, Secretary of Labor Frances Perkins stated:

"Undoubtedly in the long struggle for union recognition and for betterment of conditions of wages and hours, there has been less attention given to the problems of safety by labor groups."

There was also very strong opposition to the concept of union rights in this tightly guarded area of managerial prerogatives—namely, management's right to control the production process. Writing for the *Journal of the American Medical Association* as "recently" as June 30, 1945, for instance, J. J. Bloomfield, U.S. Public Health Service, while making a strong plea for greater union participation in industrial health problems, nevertheless felt constrained to declare:

"Such action (labor-management cooperation) does not necessarily mean that labor will run management's business or that such a business will be run by a committee of labor and management. After all, management owns the plants and provides for safety and health in accordance

with certain legal requirements. Such being the case, no one has the right to force management to do certain things when it is only management which is held responsible."

Notwithstanding "certain legal requirements," what was lacking was a strong governmental regulatory presence. Nevertheless, voices were raised over the years to demand just such pressure. At the First National Conference on Industrial Diseases held in Chicago on June 10, 1910, by the American Association for Labor Legislation, Dr. Henry Favill, President of the Chicago Tuberculosis Institute declared:

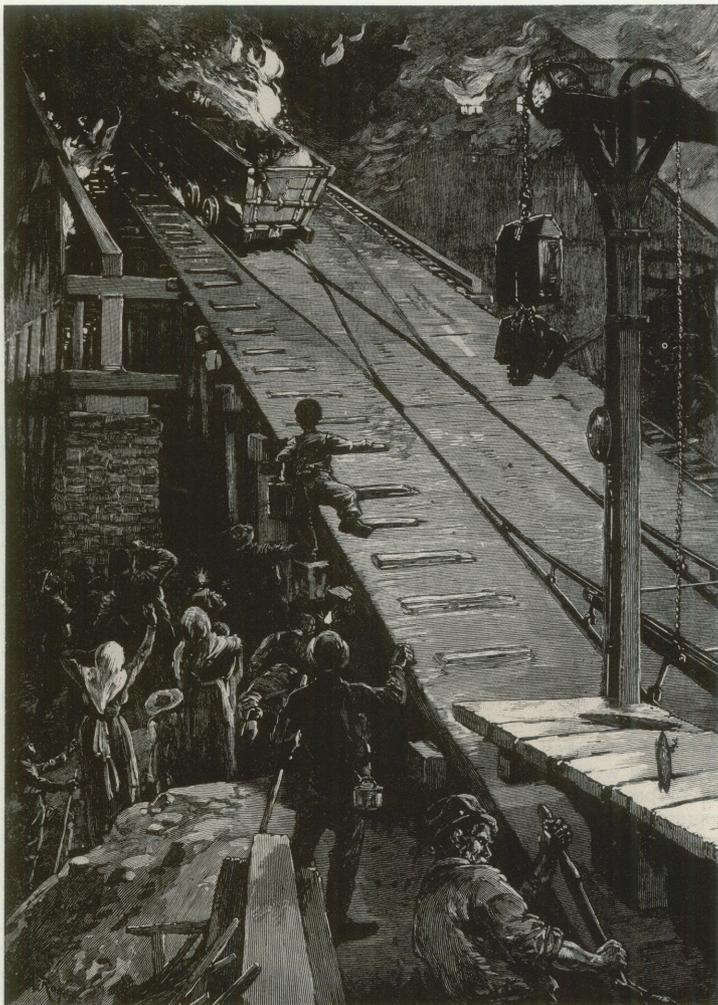
"There is apparently no way to advance industrial hygiene but through police power . . . It is the imperative duty of government to find out what is wrong, what is right and promulgate its findings as a foundation for social benefit (of the workingman)."

It took many years before that police power was finally assumed by the federal government. In the intervening years a greater deal of emphasis—and political and legislative agitation—was placed upon the concept of the trade-off; that if a worker was injured he should be compensated for it. Agitation probably connotes accurately the frustration associated with this activity. Although the worker (in the mind of the general public) may have been entitled to compensation for work-related injury, the delivery of the benefits was rare indeed.

The labor movement and social progressives strove to change the system of employers' liability into one of industrial accident insurance wherein the no-fault principle would guarantee injured workers compensation. The workmen's compensation movement, to whose cause rallied many of the social reformers of the early 1900s, had a two-fold objective:

- (1) To provide workers with their due compensation.
- (2) To stimulate employer improvements in accident preventions.

While these two objectives were indeed laudable and their accomplishment absolutely necessary, the more liberal compensation system seemed to make more humane the rationalization that occupational injury and sickness were integral consequences of the industrial process. In a piece entitled "Conflict and Compromise: The Workmen's Compensation Movement in New York, 1890-1913"



**Luck was very important to turn - of - the - century mine workers.**

(*Labor History*, Summer 1971), Robert F. Wesser stated:

"Beginning in 1907, child labor reformers, settlement workers, and members of the intellectual community took the lead in exposing the terrible social results—chronic dependency, intemperance, lowered standards of living, breakdown of widows' health, and dispossession—of a system that forced employees injured at work to launch an expensive libel suit against their employers. Making matters worse was the fact that employers, once in court, could actually count on a rigid interpretation of the applicable common law doctrines in their defense.

"Perhaps the most revealing of all the exposures was Crystal Eastman's famous

Pittsburgh Survey of 1907-1908 (in which she) recorded the industrial killing and maiming of hundreds of laborers over a period of one year. Many of these accidents, she found, were not caused by the workman's negligence . . . Yet economic deprivation of the injured and their dependents was the end result. What stronger argument could be made for a program of automatic compensation than one showing that industrial injuries took place not because particular individuals were careless but *because of the nature of the modern manufacturing process itself?*"

The insurance system also gave greater weight to the so-called "voluntary safety movement" which was the main platform of the National Safety Council. Premium costs could be controlled by the em-

ployer through a greater effort at accident prevention, and, as we were to learn later, that fact could be used to mute any drive for strong regulatory intervention. It was argued that this provided the employer with enough self interest to provide a safe workplace.

Nevertheless, this no-fault system was difficult to obtain. It is ironic that one day before the Triangle Shirtwaist fire in the New York State Court of Appeals declared unconstitutional the new 1910 Worker's Compensation law. The effort to enact workmen's compensation laws and continuously upgrade their benefit schedules consumed a tremendous amount of labor political activity. To a certain extent, though, it was the best response that labor and its friends could give to the industrial carnage which surrounded them.

### **There Is a Public Responsibility**

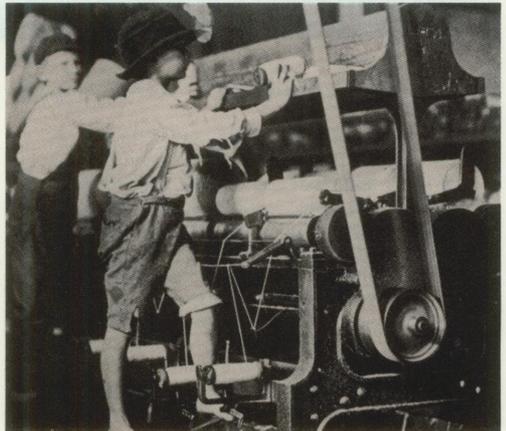
However, in the enactment of OSHA labor had to overcome many of the obstacles which were inherited from the past. Principal to its passage was the proposition embraced by Congress that the industrial safety and health environment was no longer the exclusive domain of management. There is indeed a public responsibility in the implementation, and it is a responsibility in which workers have a key role.

The worker and his union's input is very evident in the list of statutory rights under OSHA. The Act allows him to participate in the establishment of mandatory workplace standards, involving engineering and work practices controls, which can strike deep into the managerial prerogatives of control over the industrial production process itself. The worker's presence is no less prominent in the enforcement function of OSHA; he can be part of the actual regulatory inspection of his own plant.

What is of great significance with the passage of OSHA is the evolution of public sector rights in the protection of workers. Despite the more recent political campaign attacks on government regulation of business and pronouncements which encourage private sector mechanisms for developing standards, OSHA firmly establishes the principle that there is a third party responsibility—a social or public ingredient—which must be satisfied before any workplace safety and health standard will be considered adequate. This public aspect of OSHA poses a profound challenge to the labor movement.

The procedure is more than just a sharp shift from past practice, wherein standards were either the result of political action in the various state legislatures or voluntary action—voluntary, that is, as practiced through the efforts of collective bargaining and/or through the deliberations of consensus or professional organizations like the American National Standard Institute (ANSI), and the American Conference of Governmental and Industrial Hygienists. The new procedure will test labor's capacity to compete with industry in scientific and engineering fields on a professional level. The skills of industrial medicine and hygiene, epidemiology and toxicology must be acquired so that labor will be able to place a proper response in the public record which can serve as a basis for OSHA to promulgate standards that can withstand judicial review attacks by industry.

An early version of OSHA that was proposed by the Nixon Administration would have severely restricted the standard-making role of the Labor Department. Under the Republican-sponsored measures, OSHA would have been a virtual prisoner of private sector organizations, like ANSI, in that government could make mandatory only those standards submitted to it by "consensus" organizations. Fortunately, those measures were defeated, and the labor movement finds itself challenged to commit finances and manpower to this new dimension of union activity. While the occupational safety



**Danger on the job added to the abuse of child labor.**

and health activity of unions may not be new, there definitely is a new, complex framework under which the union role must be performed if we are to have any impact upon the workplace environment.

### **Citations Are Now Mandatory**

Another significant departure from voluntarism is to be found in the philosophy behind the enforcement provisions of OSHA. Up to 1970, the prevailing principle behind state occupational safety activity was the "force" of consultation. State inspectors engaged in a primarily privileged (closed) relationship with employers to advise and consult with them. The workers' compensation system was another arm of the voluntary approach in that the "force" of employers' self-interest in wanting to cut down insurance costs would lead to safe workplaces. OSHA changed all this by providing for first instance citations, administratively imposed penalties and so-called walkaround rights to workers who might want to accompany inspectors in a tour of the plant. The inspector must issue a citation upon his first observation of a violation and propose a penalty upon the finding of a serious violation.

As far back as 1912, ineffective state inspection activity was accurately described in a report filed by a New York state advisory committee, of which Sam Gompers was a member:

"It was claimed that in many cases the inspector's visit was known beforehand. The average inspector first visits the office, obtains some statistical information, and then, in company with the proprietor or his representative, goes through the manufacturing department. Employees testified that this method of inspection, prevented them from complaining to the factory inspector of violations of law. Testimony was given to the effect that on some occasions while the inspector was in the office interviewing the employers, various immediate changes, involving certain violations, were effected . . . so that the place presented a decent aspect when the inspector finally appeared. A witness testified that children working illegally were removed from the building either before the inspector arrived or while he was in the office . . . and that in some cases the children were put in the elevators, which were lowered so

that they were between the floors and could not be seen." ("Report of the Factory Investigating Commission," State of New York, 1912, Robert Wagner, Chairman).

Five years after the passage of OSHA, this shift in the enforcement approach still continues to draw constant criticism from employers. Employer associations still attempt to revert to the old procedure by converting the inspection visit into a consultative visit without citations. An on-site consultative bill has already passed the House. Hopefully, the Senate will reject any similar provision.

A voluntary approach is supposed to have its system of awards and penalties. Under the old voluntary system, theoretically, there was an incentive for the employer to provide a safe workplace; failure to do so might subject him to the penalty of high insurance premiums. While that incentive-penalty factor still remains, the enactment of OSHA introduced an additional "stick"—the civil penalties which are mandatory for serious violations and discretionary for non-serious violations. The purpose of the penalties is not to be punitive, but stimulative. Since there are so many workplaces and so few inspectors, the chances of being inspected are slight. Implementation, then, must rely upon voluntary action. The incentive for the voluntary compliance lies in the employers' knowledge that if he should be found to be in violation, he might be penalized. The penalty was also designed to offset the calculated decision not to comply until caught and thus simply postpone the abatement costs. Congressman Daniels (D-N.J.) in presenting the final bill to the House described the penalty section: "The conference report presented to this body today emphasizes the preventative rather than the punitive aspect of job safety regulation."

### **Questions Still Remain**

However, despite favorable reaction to the inducement of voluntary compliance under the old system of the insurance premium penalty, employer groups oppose the voluntary inducement system of OSHA. The OSHA penalty system is under debate and evaluation, both in Congress and before the Occupational Safety and Health Review Commission. The main thrust of the evaluations is to determine whether OSHA's penalty experience has been overly harsh or too weak. But these questions miss the point. It should be asked whether the penalty system has been implemented so as to be effectively stimulative.

If, however, punitiveness is to be incorporated 29

**Laboring at home didn't do much for an immigrant's working conditions.**



with the process of eradicating occupational safety and health hazards, as some are suggesting, perhaps the punitive aspect would best be incorporated with the worker compensation system. If the repeated violation of a standard does in fact result in an injury, perhaps then the injured worker should be entitled to a punitive award over and above what he would otherwise receive in compensation. It makes more sense to have extra money collected through a punitive procedure (that is, money in addition to compensation and "stimulative" penalties) go directly to the worker who has suffered than simply to be collected for collection's sake.

The legislative history of the passage of OSHA is, of course, replete with the struggles which marked the change from the past. But the question still remains: Will a change from the past procedures bring about a change from the past dismal statistics of industrial accidents and diseases?

The environmental movement generated a greater awareness of "quality of life" objectives. It challenged the attitude that economic growth had to be accompanied by pollution which threatened the health and lives of the general public. In doing so, the labor movement has been confronted with a new problem and a new challenge of resisting environmental blackmail. OSHA carried that same challenge

into the workplace environment and effectively questioned the old adage that smoke means jobs.

Certainly there has been a tremendous change in public consciousness of workplace hazards, and recent tragic events with vinyl chloride, kepone, arsenic and other industrially used substances have greatly accelerated that growth in consciousness regarding workplace diseases.

The authors of the OSHA legislation were very precise in their recognition of a need for a national awareness of occupational diseases. Congressman Daniels stated:

"National attention quite properly has been focused on environmental problems . . . However, this concern with the 'environmental crisis' fails to give sufficient recognition to the pertinent question of occupational safety and health . . . This on-the-job pollution crisis is one of the most vital issues in the whole environmental question, for it is from the workplace that much of the pollution problem arises . . . Records do not exist . . . regarding the creeping death and disability caused by environmental hazards to health."

Senator Williams pointed also to the enormity of the health problem:

"Occupational diseases which first commanded attention at the beginning of the industrial revolution are still undermining the health of workers. Substantial numbers, even today, fall victim to ancient industrial poisons such as lead and mercury . . . Other materials long in industrial use are only now being discovered to have toxic effects. In addition, technological advances and new processes in American industry have brought numerous new hazards to the workplace. . . . Indeed, new materials and processes are being introduced into industry at a much faster rate than the present meager resources of occupational health can keep up with. It is estimated that every 20 minutes a new and potentially toxic chemical is introduced into industry. New processes and new sources of industry present occupational health problems of unprecedented complexity."

As a result, there has been a profound shift in focus upon occupational diseases. Workers' tolerances for the trade-off of lives for production (and jobs) have been sharply lowered. The ethical code of practice in the occupational medicine profession is under searching scrutiny. Can this profession, financed as it is for the most part by industry, perform its essential preventative role with regard to workplace health hazards? Can it in effect blow the whistle on its master? There are some who think it can. It will be to the distinct advantage to the worker if this transformation can occur.

The trade-off debate or cost-benefit analysis comes into sharper focus when we confront the occupational disease issue. The current advocacy of deregulation of business, especially in the area of environmental and occupational health standards, infers that industrial workers are expendable in the name of economic growth and energy expansion. The Ford Administration has required that an inflationary impact statement shall accompany every safety standard as if an economic threshold on cost must first be ascertained before an occupational health threshold can be promulgated.

It is only since the enactment of OSHA that these tremendous negative pressures against workers' safety have begun to be brought into the public forum for public sector resolution rather than being confined to the private sector where priorities are quickly shuffled as the result of market place competition. As a result of OSHA—and EPA—there will

be a new orientation in technology. The technology of production will no longer suffice. It must be accompanied by the technology of control—control of the injurious elements of the industrial process.

### **A Job for Unions to Do**

In 1911 after the Triangle Shirtwaist fire, an ILGWU member explained that because they were without the union at that plant "our friends are dead." Without the unions in 1970, there would have been no OSHA. It is now necessary for the unions to turn to a positive orientation with OSHA as it moves through its various implementation crises. Despite congressional pressures to disown the Act and industrial efforts to cripple it, the labor movement must resist the temptation to be merely critical and must gear itself to use the challenge and opportunity of OSHA for the betterment of working people. Before OSHA, we were limited to our collective bargaining activity. Now there is no such limitation. We can evolve a true public sector social responsibility posture so that a safe and healthful workplace is not bargained off for other private sector gains. OSHA is our tool for bringing quality of life to the workplace.

The historical development of the occupational safety and health movement certainly does not indicate revolutionary instant changes. However, since 1970, the evolutionary progress of the past might well be emerging into a revolutionary pace, the rapidity of which can be stimulated only by the labor movement.



# It All Boils Down to the Right to Say 'No'

## *The Ability to Strike Makes the System Work*

By Jack Barbash

Professor of Economics  
University of Wisconsin

In 1786, printers in Philadelphia struck for a minimum wage of \$1 a day. Five years later, the carpenters of that city struck for a 10-hour working day. In the following year, the Philadelphia shoemakers organized themselves into the first trade union in the United States.

From the beginning, the ability to strike—to withhold their labor from employers—has been fundamental to the ability of trade unions to advance the interests of their members.

The era of the strike as ideological warfare peaked in the late 1930's with the great strike eruption in the mass production industries. American labor history had known many of these great struggles in the period of 1877-1937. The railroad strikes of 1877, the Haymarket riots of 1886 over the eight-hour day, the Homestead strike of 1892 at Carnegie Steel, the 1892 strike of the Debs-led American Railway Union against Pullman, the Ludlow "massacre" of 1914 in the mine fields, the "Great Steel Strike" of 1919-1920, the 1922 shopcrafts strike, and the 1930's strike wave capped by the sit-down strikes in General Motors, and the Memorial Day Massacre in 1937 have been unequalled anywhere for violence and bitterness.

What made these and other strikes in the past so bitter was the business perception of the strike as rebellion against the free enterprise system, even though American unionism was probably the least radical (as the word is commonly understood) of the world's labor movements. What brought an end to these class confrontations was the dawning recognition by business that (1) the union's purpose in striking was to improve the conditions of work, not to put the employer out of business; (2) that the unions were not outside "agitators" but did in fact speak for employees; and (3) that the union could shut production down.

The strike has been civilized, so to speak, but by no means has it withered away. In fact, the strike has experienced a resurgence since the middle

1960's. From 1968 on, the annual number of work stoppages has not fallen below 5,000—a level previously reached only in 1952 and 1953. More strikes—6,074—occurred in 1974 than in any year since records have been kept. In 1946, a year noted for the upsurge of postwar strikes, there were just short of 5,000 work stoppages.

Measured by impact (workers involved as a proportion of total employed, and man-days idle during the year as a proportion of total working days in the total economy) strikes are not at record levels. Both of these measures peaked in 1946, were at low levels from 1956 to 1965 (1959 excepted) and have risen sharply since then. Strikes have had a tendency to last longer in the period from the late 1960's to the early '70's, but not necessarily to involve larger numbers of workers per strike.

Strikes rise with the pace of price increases in relation to wage increases and decline with the rate of unemployment. For obvious reasons workers are less inclined to strike when their bargaining power is weakened by relatively low levels of demand, and employers are more inclined to settle rather than take a strike when business is good. Similarly,



Morale was high in the steel strike of 1919 . . .



**But in 1936, steel mill workers were forced to organize again—this time successfully.**

workers are more inclined to strike with the worsening of their real wage position.

The historic ebb and flow of strikes is associated with the larger industrial relations tendencies of the times. The late 1920's and the pre-New Deal 1930's were marked by desperation strikes against wage cuts. Union organizing and recognition strikes erupted in the New Deal 1930's and to World War II.

World War II saw successful efforts at strike containment and wage control. As unions reacted from the wage repression of World War II an unprecedented wave of strikes racked the country in the immediate postwar years. Strikes declined after the postwar period due mainly to four recessions; but from the later 1960's on the long economic expansion brought about a strike resurgence. As this is written, eroding real wages, notably in the public sector, are probably the dynamic cause which runs through the current cycle of strikes.

### **“Normalization” of Strikes**

We note as specific tendencies in strike behavior since World War II: (1) the “normalization” of the strike; (2) its reinforcement by the consumer boycott; (3) the pressure for strikes in the ranks; (4) the unsettled state of the public sector strike; (5)

the change in meaning of the “emergency” strike; (6) the employer counter-strategy of the long strike; (7) some special cases of reversion to the ideological strike.

The important qualitative change in the strike is, as we have said, that it is not the highly charged class conflict which it was in the 1930's. The strike has been normalized, which means that the strike has become more of a measured, calculated means to an end than an all-out struggle. In most cases management's counter-strike objective is to moderate union demands—not to eliminate the union.

From the worker's standpoint the strike has become a routine risk which must be taken if union demands are to be made credible to the employer. From the standpoint of management the strike is no longer a rebellion but an unavoidable—even if not always agreeable—part of the bargaining exercise if management interests are to be protected.

The character of the strike as a means rather than an end is indicated first of all by the parties' willingness to pursue less costly means of resolving disagreement. Thus, grievance arbitration, longer duration of contracts, productivity bonuses, escalator clauses, and other automatic adjustments are substitutes for wage determination by strike. They achieve the same purpose but at lower cost. Federal law has introduced union recognition procedures, representation elections, mandatory bargaining obligations and preventive mediation to resolve issues in dispute by due process of law which earlier had to be resolved by strikes.

Experiments in pre-crisis bargaining, study committees, negotiation by technical subcommittees, and new-contract arbitration have led to improvement in the quality of negotiations and cut the risks of strikes. But none of these strike substitutes has been sufficient to do away with strikes altogether. The strike still retains its purpose for all parties as the means of last resort.

Violence in the course of a strike is now a marginal phenomenon. When the strike is called it follows a settled procedure. Picketing is token—that is, it is purely informational—except in the infrequent instances where an employer chooses to operate the plant in earnest. Most often the union and management come to an understanding as to how the strike procedures can conform with the union interest in no productive work, the management interest in the maintenance of plant safety and security, and the common interest in minimizing friction which will



**These working women helped show garment factory owners the determination of their employees to unionize in 1909.**

## ... The Essence of Free Collective Bargaining

The ability of both sides to withhold something the other side needs is the essence of free collective bargaining. The employer comes to the bargaining table and subsequently makes concessions because he calculates that a strike would be more costly to him than agreement with the union. The employer, on his side, can withhold his demand for labor, thus depriving the workers and union of income until terms are reached.

The ability of unions to threaten strikes serves an important purpose in modern American industrial relations. Both sides are forced to be reasonable, if they are to avoid or minimize the costs of strikes.

Outsized contract demands by unions can bring high costs to it and its members if a long strike results. The employer also must face up to the costs of being "unreasonable" in responding to union demands. The strike, in other words, exposes the bargainers to a discipline of reasonableness.

It is the credible threat of a strike, and only infrequently the strike as such, which imposes this discipline on the parties. Strike threats actually materialize into strikes in only a small fraction of cases. In the heaviest strike year (1946) strikes accounted for 1.04% of the total working time. In the last decade

strikes have never risen above 0.37% of working time and have more often hovered in the neighborhood of 0.25% of working time.

Assuming a 40-hour week, strikes accounted for an average equivalent to less than six minutes a week, which ranks strikes considerably below such lost-time producers as coffee-breaks and the common cold. All of this is not meant to underestimate the significance of the strike. The strike can impose hardships on the workers, their unions and their employers and, of course, the public. The point is, however, that the strike is not as numerically important as many other less advertised sources of lost time.

If strikes were in fact to materialize frequently the costs would be impossible for the union, its members and employers to bear because excessive striking would result in a destruction of the enterprise and successively the workers' jobs, and collective bargaining and the union. The strike in American industrial relations is consequently a means to an end, not an end in itself; and it is often the threat not the actuality that matters in bargaining.—J.B.

**Strikers all too often suffered the fate of this 1915 chemical plant striker. He was among 16 casualties, including two dead, from "deputies'" bullets.**

impair the relationship when the strike is over. In short, the strike has become an agreement on how to disagree.

This does not mean that the stakes have somehow become inconsequential. On the contrary, the issues over which great strikes have been fought include pensions, guaranteed employment, union security, work rules, wage-price relationships, industry-wide bargaining, coordinated bargaining, and government controls.

### **Consumer Boycott Revived**

The Farm Workers dramatized the revival of an old weapon—the consumer boycott—which in Cesar Chavez' hands became more than an economic act. It became an integral part of the Chicano struggle for civil rights and dignity in the fields.

The boycott became essential to Farm Workers strategy when a massive inflow of legal and illegal aliens into the fields frustrated the labor-withholding effects of the strike. The strike was further weakened by Teamster rivalry and by the large territory which the pickets had to patrol.

Under these circumstances the consumer boycott which acts to withhold consumer demand proved indispensable. The Amalgamated Clothing Workers' strike of Mexican-American workers against the Farah Company, a Texas manufacturer of men's pants, also relied crucially on a consumer boycott as "a moral crusade," as *Fortune* described it.

Shop-floor and office discontent have been important causes of strikes in recent years. The strike experience of the last decade or so indicates that the stereotype of the union leader as the initiator of strikes is overdrawn. It is more probable that the strike impulse comes from the ranks and that the leader's role is to temper it.

The types of rank-and-file strikes which seem to have increased are: (1) grievance impasse strikes over grievances not contractually subject to final and binding arbitration; (2) the continuation of a national or multiemployer strike until "local" issues have been resolved; and (3) the "wildcat" strike. The wildcat most frequently arises in the circumstances of technological change, tightening of work standards, grievance delays, contracting-out of work, discontent with wage settlements, plant relocation, and tougher supervision. It is triggered by suddenness in management change and dissatisfaction with acts of union leadership.

The unsettled state of industrial relations in the



public sector may be due largely to the uncertain state of the strike.

"When all strikes are barred," industrial relations authority Ted Kheel has said, "collective bargaining, a joint determination, is out except to the extent that express or implied threats to violate the law create a bargaining atmosphere—which is hardly the way to encourage respect for law."

### **Public Sector Uncertainties**

The strike—or the threat of it—we said earlier, disciplines the collective bargaining relationship in the private sector. The uncertain status of the public sector strike inhibits the parties from facing up fully to the consequences of their respective bargaining positions and coming to a settlement sooner. It is just possible that legalization of the strike in the public sector might ultimately lessen strikes, because the costs of striking would become clearer to the parties.

There is a feeling in some quarters—although not among many trade unionists—that an absolute right to strike is not tenable. There seems to be general agreement that the principle which should qualify the right to strike is not (a) public vs. private—there are private sector strikes which can be more disabling to the society than most public sector

strikes—or (b) national vs. local—the strikes which have come closest to inflicting widespread deprivation are local essential service strikes of security, sanitation and health employees.

The sticking points in qualifying the right to strike are not the broad principles but (1) the language which defines the restrictions and (2) the processes which should be required for fair resolution of impasses whereby the strike becomes obsolete, not by fiat but by the option of the parties.

### Management Strategy

Management counter-strike strategy seems to have evolved from the strikebreaking and anti-unionism of the 1930's to "taking a strike" and, if necessary, taking a long strike. The employer's taking a long strike means, as a practical matter, increasing the risks of striking to strikers, by withholding agreement and prolonging the strike's duration beyond the tolerable margin of strikers' staying power. At the same time the employer acts to cut his own risks through strike insurance, automatic labor-less operations, pre-strike overtime, stockpiling, relocation of production, imports, and campaigns against welfare, food stamps and unemployment compensation for strikers. The counter-strategy of the long strike is currently evident in the public sector, where fiscal retrenchment has emboldened public managements into pursuing a "harder line." This hard line has included strike replacements, injunctions and fines, and has been particularly noticeable in several teachers' strikes.

Once in a while there is a reversion to earlier confrontations in which the strike is both an economic and an ideological conflict. The strikes of the west coast Farm Workers has been one such struggle. On a somewhat smaller canvas the Kohler strike in Wisconsin was another. The Farm Workers seem on their way toward normalizing collective bargaining with the growers. The UAW and Kohler have been engaged in an amicable collective bargaining relationship for about a decade now.

The common perception of the strike undoubtedly has undergone profound change. To begin with, the strike is less likely to be perceived as "conflict," "warfare," or "force," to name a few of the more unfavorable connotations. The strike is more likely to be perceived as the essential—even if not sufficient—condition of the collective bargaining discipline.

Nor is it altogether acceptable any more that

the strike necessarily represents gross waste and loss. From the worker's viewpoint strike time can be made up by overtime for stockpiling before a strike or to replenish inventory after a strike. From the employer's viewpoint resistance to the strike is the price he may have to pay for lower labor costs and strengthened competitive position in the product market. Newspaper stories of wages and business lost due to a strike therefore can be seriously misleading. For the public the strike's inconvenience is the price which has to be paid for more responsible and realistic bargaining and hence, perhaps, a better balanced wage-price relationship.

It is evident that there is a close association between the quality of democratic life in a society and whether or not workers have an effective right to exit from their jobs while employers have a right to say no, in pursuit of their respective interests. By the same token, no right is so absolute, even in a democracy, that the parties who exercise it are freed from the responsibility for reasonable self-restraint, if the democratic order is to be preserved from anarchy or dictatorship.



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