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Solidarity for Never



By Marty Kaplan

Since conservative orthodoxy has turned out to be voodoo economics after all, now would be an excellent time to unmask its demonization of labor unions as yet another con job that big business has pulled on the American people.

You know the knock on big labor. It's bleeding the private sector. The health care benefits and pension plans it has extracted from the private sector are ruinous to global competition. Its contracts prevent bad workers from being fired. Unions are losing members, they're losing power, and as a sign that organized labor is in its death throes, its number one goal — the price it's extracting for helping Democrats win — is stealing the right to a secret ballot from American workers. Is nothing sacred?

This menacing caricature of labor is standard Republican dogma, core CEO doctrine, conventional Washington wisdom, kneejerk media narrative and a traditional Beltway litmus test of Democrats' neo-liberalism, common groundism, post-partisan centrism, and countless other euphemisms for a willingness to shaft the workers who voted for you.

A massive corporate PR onslaught now under way is attempting to convince Americans that unions want to bring Soviet-style tyranny to the American workplace. The proposed Employee Free Choice Act, you see, is a dangerous threat to democracy. If this bill passes, when outside activists try to force the workers of a company to unionize, those workers will no longer be able to cast secret ballots. Instead, unions will force workers to vote in public, leaving them vulnerable to intimidation and retaliation if they don't knuckle under to the labor goons.

What a crock. This case — this one-note war that Chambers of Commerce are waging on the Employee Free Choice Act — is a textbook disinformation campaign. Whether Americans fall for it will be a measure of whether corporate propoganda in a post-derivatives, post-bubble, post-masters-of-the-universe era still has juice.

Here's how organizing actually works under current law. To unionize a workplace, a union has to get more than 30 percent of that company's workers to sign cards saying they want the union to negotiate with management on their behalf. The union gives the cards to the National Labor Relations Board (NLRB), which certifies them and sets a date for a vote within 42 days.

During this period — which the company can drag out for years via NLRB extensions and appeals - the balance of power between management and labor is ridiculously lopsided. Owners enjoy a monopoly. While pro-union workers can only post literature in break areas during break time, employers can distribute anti-union information anywhere and at anytime. While owners can enforce a total ban on employees' even talking about unionizing outside the break room, bosses can hammer away at how bad unions are at mandatory staff meetings. Management can threaten workers, and unleash professional union-busters in the workplace, and can claim that unionizing will shut down the work site. At one-on-one meetings, supervisors can tell employees that "a union is a declaration of disloyalty to me personally and an affront to everything the company stands for." When at long last election day arrives, the polling place is right on the job site, where workers can be forced to run a gauntlet of grim supervisors who will watch their faces as they mark and cast their ballots. Under these circumstances, it's a miracle whenever the organizing side tops 50 percent and gets a union. This is the fabulous process that big business says that big labor wants to take away from workers.

But here's how it would work if the Employee Free Choice Act were passed. To organize a workplace, a union would have to get more than 50 percent of the company's employees to sign cards saying they want to unionize. Those cards would go to the NLRB for certification, and then — well, and then it's all done: the union would be recognized.

In other words, the right to a secret ballot that business says labor wants to steal is actually business's right to a protracted unilateral campaign of intimidation.

What's more, the Employee Free Choice Act says that if workers want a secret ballot election, they can have one. That's right: there's nothing in this legislation that would stop employees from casting their votes in private. The difference is that under the Employee Free Choice Act, the decision to call for a secret ballot election would be an option exercised by workers, rather than a union-crushing privilege that management automatically exercises.

Over the past few months, pretty much all of the Reagan credo has proven to be delusional. The magic of the marketplace, the holiness of deregulation, the good of greed, the genius of "supply side" tax cuts, the wisdom of the wise men of Wall Street: except for the Gipper's famous smile, precious little of Republican fundamentalism has withstood reality's recent assault. All that remains of conservative orthodoxy is the most massive transfer of wealth from the middle and the bottom to the one percent on top since the Pleistocene era. That, plus the slander that Americans' rights at work are a grave threat to freedom.

Their bonuses may have been capped, their jets grounded, their securitized mortgages and credit default swaps unmasked as tulipomania. But there is an obdurate arrogance in the financial power elite that no clawback has yet reached. It reared its head in their attempt to crush unions and break contracts under

cover of rescuing the auto industry, and it was apparent in the threat by their wholly owned Senators to derail Rep. Hilda Solis's (D-Calif.) nomination as Secretary of Labor because she supported the Employee Free Choice Act.

Workers who belong to unions are as patriotic as any other Americans. Across the economy, unions are making painful concessions to keep their employers in business. In the wake of this economic meltdown, maybe it's time to put to rest, at long last, the conservative canard that respecting workers' rights to unionize and to bargain collectively is tantamount to a communist coup d'etat.

This is my column from The Jewish Journal of Greater Los Angeles. You can read more of my columns here, and e-mail me there if you'd like.

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