

## ABSTRACT

Title of dissertation: KNOCKING ON LABOR'S DOOR: UNION ORGANIZING AND THE ORIGINS OF THE NEW ECONOMIC DIVIDE (1968-1985)

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The 1970s were a pivotal decade for the creation of twenty-first century economic inequality, and the loss of union power was one important driver away from shared U.S. prosperity. Yet why did U.S. labor grow so weak? Much recent scholarship shifts blame for labor's decline to unions and the working class, and asserts that private-sector workers were simply no longer trying to organize by the mid-1970s.

The dissertation instead paints the 1970s as a decade of working-class promise and reveals a previously-unstudied wave of half a million workers a year who tried to form unions in the private sector. Many of these workers were the women and people of color who had long been excluded from the nation's best jobs and from some unions, yet who had recently gained new access through Title VII of the 1964 Civil Rights Act. Once these workers got the coveted jobs, many went knocking on labor's door. This dissertation explains how after World War II union organizing became the narrow door through which workers could access the most secure tier of the U.S. employer-provided social welfare system: collective bargaining. Increased resistance to union organizing among employers by the 1970s, however, thwarted these workers' organizing attempts.

When fewer workers could access unions, the stage was set for growing economic precarity and inequality.

This dissertation features four case studies: the largest union election ever in the South which was among Newport News, Virginia shipyard workers in 1978; campaigns in 1974 and 1985 by Cannon Mills textile workers in Kannapolis, North Carolina; the 1979 campaign among 5300 department store at Woodward & Lothrop in Washington, DC; and the women office workers' group "9to5" in Boston who forged a new kind of labor organizing. Sources include government statistics, oral history, local and national union records, business organization archives, polling, periodicals and previously unexamined anti-union consultant records.

Knocking on Labor's Door: Union Organizing and the Origins of the New  
Economic Divide (1968 – 1985)

by

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When I worked as a union organizer and labor communicator, every campaign was a collaborative project from start to finish. Even when I was alone in a small, Southern town for days on end, I knew my work was part of a larger effort. Creating a dissertation may be a more solo endeavor, yet I could never have done it alone. Woven into these pages are the ideas, encouragements and hard work of many individuals.

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## List of Abbreviations

ACTWU	Amalgamated Clothing and Textile Workers Union
ACWA	Amalgamated Clothing Workers of America
AFA	Association of Flight Attendants
AFTC	American Fair Trade Council
AFL-CIO	American Federation of Labor – Congress of Industrial Organizations
AFSCME	American Federation of State, County and Municipal Employees
AFT	American Federation of Teachers
ATMI	American Textile Manufacturers Institute
CBTU	Coalition of Black Trade Unionists
CLUW	Coalition of Labor Union Women
CUAIR	Construction Users Anti-Inflation Roundtable
CWA	Communications Workers of America
DRUM	Dodge Revolutionary Union Movement
EEOC	Equal Employment Opportunity Commission
ERP	Employee representation plan
FFACT	Fiber, Fabric and Apparel Coalition for Trade
GE	General Electric
GCIU	Graphic Communications International Union
GM	General Motors
HERE	Hotel Employees and Restaurant Employees Union
IUMSWA	Industrial Union of Marine and Shipbuilding Workers of America
IAM	International Association of Machinists
IBEW	International Brotherhood of Electrical Workers
IBT	International Brotherhood of Teamsters
ILGWU	International Ladies’ Garment Workers Union
IUD	Industrial Union Department (AFL-CIO)
IUE	International Union of Electrical, Radio and Machine Workers
LAOOC	Los Angeles – Orange County Organizing Committee
LLRG	Labor Law Reform Group
MFA	Multi-Fiber Arrangement
NAACP	National Association for the Advancement of Colored People
NAFTA	North American Free Trade Agreement
NAM	National Association of Manufacturers
NEMB	New England Merchants Bank
NLRA	National Labor Relations Act
NLRB	National Labor Relations Board
OCAW	Oil, Chemical and Atomic Workers International Union
OPEIU	Office and Professional Employees International Union

PATCO	Professional Air Traffic Controllers Association
PSA	Peninsula Shipbuilders Association
RCIA	Retail Clerks International Association
RCIU	Retail Clerks International Union
RITAC	Retail Industry Trade Action Coalition
SEIU	Service Employees International Union
TWUA	Textile Workers Union of America
UAW	International Union, United Automobile, Aerospace & Agricultural Implement Workers of America
UE	United Electrical, Radio and Machine Workers
UFCW	United Food and Commercial Workers Union
UFW	United Farmworkers Union
UMW	United Mineworkers of America
UNITE	Union of Needletrades, Industrial and Textile Employees
USWA	United Steelworkers of America
WE	Women Employed
WTUL	Women's Trade Union League

## Introduction

Prospects were promising for the American working class in the early 1970s, and Jan Hooks wanted in. Real incomes had roughly doubled since the 1940s, income inequality was low by historical standards, and employer-provided health care and pensions were common, especially among union members.<sup>1</sup> Hooks remembers when the Newport News shipyard in Virginia began hiring scores of women in 1973 following a series of Equal Employment Opportunity Commission (EEOC) suits.<sup>2</sup> After getting hired as a shipwright -- and as one of the new generation of women in the yard -- she joined her 19,000 co-workers in winning a union election in 1978, the largest such election of the decade. In doing so, Jan Hooks became part of a wave of workers who tried to form unions in the private sector in the 1970s -- a wave which heretofore has been largely invisible within labor and working-class history. These organizing drives often were led by young baby boomers just entering the workforce, many of whom were women and people of color. Such workers had long been excluded from the nation's best jobs and from some unions, yet had recently gained new access through Title VII of the 1964 Civil Rights Act.<sup>3</sup> In the pages that follow, I argue that once these workers got the coveted

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<sup>1</sup> Judith Stein, *Pivotal Decade: How the United States Traded Factories for Finance in the Seventies* (New Haven, Yale University Press, 2010) xi-xii, 1-8; Chad Stone et al, "A Guide to Statistics on Historical Trends in Income Inequality," (Washington, DC: Center on Budget and Policy Priorities, 2015) <http://www.cbpp.org/cms/?fa=view&id=3629> (accessed on February 20, 2015); Thomas Piketty and Arthur Goldhammer, *Capital in the Twenty-First Century* (Cambridge, MA: The Belknap Press of Harvard University Press, 2014) 24-25; Lawrence S. Root, *Fringe Benefits: Social Insurance in the Steel Industry* (Beverly Hills: Sage Publications, 1982) 185-196.

<sup>2</sup> Jan Hooks, interview with the author, Newport News, Virginia, October 27, 2010. For more information on the EEOC suits, see chapter four of this dissertation.

<sup>3</sup> For more of the impact of Title VII of the Civil Rights Act of 1964 on workers see Nancy MacLean, *Freedom is Not Enough: The Opening of the American Work Place* (New York; Cambridge, Mass.: R.

jobs, many went knocking on labor's door, hoping to shore up their economic security by organizing unions. Increased resistance to union organizing among employers, however, thwarted these workers' organizing attempts and blocked their access to collective bargaining, a key economic equalizer in the U.S.'s employer-centered social welfare system. When fewer workers could access unions, the stage was set for growing economic inequality.

In the years since Hooks first entered a ship's hold, working people's economic prospects have dimmed - - not only in the U.S, but across developed nations. Many workers face a new economic insecurity, laboring all hours of the day, juggling part-time jobs, and barely scraping by on low wages and paltry benefits. In the U.S., production workers' wages have fallen, work hours have increased, insurance and pension coverage has shrunk, and the gap between the wealthy and poor has become a chasm.<sup>4</sup> The 1970s were an economic turning point. The post-war economic boom ended by 1974 when the economy collapsed into inflation and unemployment, and the trend toward egalitarianism began to reverse. Never again would production and nonsupervisory workers take home as large a weekly paycheck in real dollars as they had in 1972. When the economy

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Sage; Harvard University Press, 2006) 76-154; Dorothy Sue Cobble, *The Other Women's Movement: Workplace Justice and Social Rights in Modern America* (Princeton, N.J.: Princeton University Press, 2004) 174-177, 215-221; Gavin Wright, *Sharing the Prize the Economics of the Civil Rights Revolution in the American South*, (Cambridge, MA: Belknap Press of Harvard University Press, 2013) 107-121; Timothy J. Minchin, *Hiring the Black Worker: The Racial Integration of the Southern Textile Industry, 1960-1980* (Chapel Hill: University of North Carolina Press, 1999) 43-65.

<sup>4</sup> Arne L. Kalleberg, *Good Jobs, Bad Jobs: The Rise of Polarized and Precarious Employment Systems in the United States, 1970s to 2000s* (New York: Russell Sage Foundation, 2011) 1-18; Guy Standing, *The Precariat: The New Dangerous Class* (London: Bloomsbury Academic, 2011) 30-39; Lawrence Mishel, Josh Bivens, Elise Gould, *The State of Working America* (12<sup>th</sup> Edition) (Ithaca, NY: ILR Press, 2012); Stein, *Pivotal Decade*, xi – xiii; Juliet B. Schor, *The Overworked American: The Unexpected Decline of Leisure* (New York, NY: Basic Books, 1992) 1-15; Timothy Noah, *The Great Divergence: America's Growing Inequality Crisis and What We Can Do About It* (New York, NY: Bloomsbury, 2012) 23-27; Piketty and Goldhammer, *Capital in the Twenty-first Century* 24-25.

rebounded in the late 1980s and 1990s, those with high incomes prospered, but America's working men and women never fully shared in the recovery.<sup>5</sup>

In part, the reasons for this growing inequality were rooted in the economy's shifting structures. A new international division of labor forced workers from all across the globe to compete for jobs, and the well-paid jobs in the manufacturing sector lost ground to far worse jobs in retail and service.<sup>6</sup> Yet U.S. workers' shrinking access to labor unions also fed the nation's growing economic divide for it meant that fewer workers were able to benefit from collective bargaining's equalizing effects.<sup>7</sup> In 1973, twenty-four percent of workers in the U.S. private sector were members of a union. That figure fell to a mere eleven percent twenty years later and to a paltry six percent by 2013, a nadir not seen since in the U.S. since 1900.<sup>8</sup> The precipitous decline in union density, or the percentage of the workforce with a union, meant that the American working class lost an important tool for countering neoliberal policies and for maintaining broadly shared prosperity in the face of globalization and economic structural change. Between one-fifth and one-third of early twenty-first century economic inequality can be traced to the loss in union density between 1973 and 2007. For blue-collar men, the effect of de-

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<sup>5</sup> Mishel, Bivens, Gould, *The State of Working America* (12<sup>th</sup> Edition) 184; Noah, *The Great Divergence*, 26-27.

<sup>6</sup> Eric John Hobsbawm, *Age of Extremes: The Short Twentieth Century: 1914-1991* (London: Abacus, 2003) 277-280; Niall Ferguson, *The Shock of the Global: The 1970s in Perspective* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2010) 8-11; Tony Judt, *Postwar: A History of Europe since 1945* (New York: Penguin Press, 2005); David Harvey, *A Brief History of Neoliberalism* (Oxford; New York: Oxford University Press, 2005) 14-25; Standing, *The Precariat*, 41-45.

<sup>7</sup> Jake Rosenfeld, *What Unions No Longer Do* (Cambridge: Harvard University Press, 2014) 2-4.

<sup>8</sup> Barry T. Hirsch and David A. Macpherson, "Union Membership and Coverage Database from the CPS," ([www.unionstats.com](http://www.unionstats.com) accessed February 21, 2015). The 1900 union membership figure is calculated from United States Bureau of the Census, *The Statistical History of the United from Colonial Times to the Present* (New York: Basic Books, 1976) 137 and 178.



unionization has been especially stark. The decline in union density accounted for three-quarters of the growth in the blue-collar / white-collar wage differential for men from 1978 to 2011.<sup>9</sup>

Scholars offer a number of explanations for labor's demise, commonly placing the blame squarely on the unions, which they portray as inept and complacent, and a working class which they argue lost interest in organized labor. Private-sector organizing declined in the 1970s, so the story goes, when unions stopped reaching out to workers and workers turned away from unions. Scholars often cite as evidence AFL-CIO President George Meany's response when asked in 1972 why AFL-CIO membership was sinking as a percentage of the workforce: "I don't know. I don't care... Why should we worry about organizing groups of people who do not appear to want to be organized?... The organized fellow is the fellow that counts."<sup>10</sup> Yet few historians have dug underneath this leader's utterly tone deaf statement to see that the very next year, in absolute numbers, was the historical peak of union organizing elections, and that the entire decade was one of huge contestation around organizing.<sup>11</sup> The narrative about weak and indifferent unions is pervasive in much of labor history, dominating even textbooks. "Despite some continuing

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<sup>9</sup> Bruce Western and Jake Rosenfeld, "Unions, Norms, and the Rise in U.S. Wage Inequality," *American Sociological Review* 76, no. 4 (2011), 513. On de-unionization's effects on blue-collar men, see Mishel, Bivens, Gould, *The State of Working America* (12<sup>th</sup> Edition) 268 – 279, especially 274-275.

<sup>10</sup> "US Needs '30,000 New Jobs a Week Just to Break Even': Interview with George Meany, President, AFL-CIO," *U.S. News and World Report*, February 21, 1972, 27. Versions of this quotation are abundant in the literature on the decline in organizing. See, for example, Richard B. Freeman, *America Works: The Exceptional U.S. Labor Market* (New York: Russell Sage Foundation, 2007) 77; Rick Fantasia and Kim Voss, *Hard Work: Remaking the American Labor Movement* (Berkeley: University of California Press, 2004) 125; Steven Henry Lopez, *Reorganizing the Rust Belt: An Inside Study of the American Labor Movement* (Berkeley: University of California Press, 2004) 3.

<sup>11</sup> National Labor Relations Board annual reports, 1949-1999, Tables 10, 11 and 13 (<http://www.nlrb.gov/reports-guidance/reports/annual-reports>). See Appendix A.

populist rhetoric, most unions became agents acting on behalf of their dues paying members on a shrunken field of combat. With but a few exceptions, (Teamsters, ILGWU, SEIU), no great organizing drives were undertaken by major national unions or the AFL-CIO itself for decades” asserts one such labor textbook.<sup>12</sup> This framing undergirds Jefferson Cowie’s recent much-acclaimed *Stayin’ Alive*. Cowie finds that unions were striking and even organizing at the start of the 1970s, but he then misses the enormity of organizing throughout the entire decade, arguing that by mid-decade the “record-breaking strikes... and vibrant organizing drives that had once promised a new day for workers were reduced to a trickle.”<sup>13</sup> Scholars often place the white working class - - many of whom were union members - - at the center of this narrative about weakening labor, citing the vicious riots against school busing, for instance, or the male construction workers who beat up Vietnam War protestors as the roots of conservative “Reaganism.” Scholars also assert that an individual “rights consciousness” growing out of the Civil Rights movement undermined the collectivity of the New Deal thinking and

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<sup>12</sup> Philip Yale Nicholson, *Labor's Story in the United States* (Philadelphia, PA: Temple University Press, 2004) 281. Other scholarship which holds that unions’ decline is due to a lack of organizing efforts include Michael Goldfield, *The Decline of Organized Labor in the United States* (Chicago: University of Chicago Press, 1987); Kim Moody, *An Injury to All: The Decline of American Unionism* (London; New York: Verso, 1988); Mike Davis, *Prisoners of the American Dream: Politics and Economy in the History of the US Working Class* (London: Verso, 1986); Thomas Geoghegan, *Which Side are You On?: Trying to Be for Labor When It's Flat on Its Back* (New York, N.Y., U.S.A.: Plume, 1991); Leo Troy, "Twilight for Organized Labor," in *The Future of Private Sector Unionism in the United States*, eds. James T. Bennett and Bruce E. Kaufman (Armonk, N.Y.: M.E. Sharpe, 2002); Fantasia and Voss, *Hard Work*; Staughton Lynd and Alice Lynd, *The New Rank and File* (Ithaca, N.Y.: ILR Press, 2000).

<sup>13</sup> Jefferson Cowie, *Stayin' Alive: The 1970s and the Last Days of the Working Class* (New York: New Press, 2010) 12.

that by the 1970s a newer civil rights-based legal and political paradigm eclipsed that of labor.<sup>14</sup>

The story changes dramatically, however, if we shift the gaze of labor history away from the white, blue-collar men who already had unions in the 1970s and toward the people who were outside labor's ranks, trying to get in. Doing so quickly complicates the common narratives for labor's decline and reveals that, in fact, many workers were actively organizing unions throughout the 1970s and many of these would-be unionists were women and people of color who sought to use a combination of labor and civil rights law to win economic security. It turns out that roughly half a million private-sector workers each year voted in National Labor Relations Board (NLRB) elections in the 1970s, a level of organizing attempts which was more or less consistent from 1949 (the first year for which full data is available after the passage of the Taft-Hartley Act) until the early 1980s. (See Appendix A) Add to this number the roughly 400,000 public sector workers who were successfully joining unions each year throughout the 1970s, and

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<sup>14</sup> Cowie; *Stayin' Alive*, 135-138, 236-250; Dominic Sandbrook, *Mad as Hell: The Crisis of the 1970s and the Rise of the Populist Right* (New York: Alfred A. Knopf, 2011) 47-64; Thomas Byrne Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: Norton, 1991). For more on the construction workers attacking protestors, see Joshua Benjamin Freeman, *Working-Class New York: Life and Labor Since World War II* (New York: New Press: Distributed by W.W. Norton, 2000) 237-240. On busing see Ronald P. Formisano, *Boston Against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill: University of North Carolina Press, 1991) and Anthony J. Lukas, *Common Ground: A Turbulent Decade in the Lives of Three American Families* (New York: Knopf, Distributed by Random House, 1985). On the individuality of rights consciousness eclipsing New Deal communitarian values see Nelson Lichtenstein, *State of the Union: A Century of American Labor, Revised and Expanded Edition* (Princeton, N.J.: Princeton University Press, 2013) 191-211, esp. 192. See Lichtenstein's new introduction for a discussion how historians have contested and expanded on this concept. A legal and political analysis of this dichotomy is found in Paul Frymer, *Black and Blue: African Americans, the Labor Movement, and the Decline of the Democratic Party* (Princeton: Princeton University Press, 2008). On discussion of civil rights changes opening the door to more free market thinking, see Thomas Borstelmann, *The 1970s: A New Global History from Civil Rights to Economic Inequality* (Princeton, N.J.: Princeton University Press, 2012) 122-174.

it becomes clear that the decade was a time of tremendous organizing efforts.<sup>15</sup> Though the proportion of the total private-sector workforce voting in union elections declined somewhat by the 1970s compared to earlier decades, the precipitous drop off did not happen until the early 1980s. The high level of private-sector organizing in the 1970s is especially remarkable considering the enormous increase in employer resistance to union organizing in that decade. From 1970 to 1980, the number of all charges of employer unfair labor practices more than doubled, as did the number of illegal firings.<sup>16</sup> Though workers were trying to form unions, increasingly they lost their union elections. While workers won roughly 80 percent of the union elections in the 1950s, by the late 1970s workers won fewer than half.<sup>17</sup>

A reconfigured working class led the way in organizing unions in the 1970s, often seeking the protection of unions against economic downturn. Women and people of color had long been excluded from the full promise of the New Deal's liberal economic policies. They could not get the kinds of jobs covered by New Deal social security programs, such as old age pensions, nor join the unions sanctioned by its legislation.<sup>18</sup> The Wagner Act (1935), which protected industrial workers' right to organize and bargain collectively, excluded domestic and farmworkers entirely, occupations held by

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<sup>15</sup> Based on National Labor Relations Board annual reports, 1949 – 1999. See Appendix A for an in-depth discussion of this data. The 400,000 figure for annual public sector unionization growth in the 1970s is derived from Table 1f, Union Membership, Coverage, Density, and Employment Among Public Sector Workers, 1973-2007, in Hirsch and Macpherson, *Union Membership and Earnings Data Book*, 16.

<sup>16</sup> See Appendix D.

<sup>17</sup> Goldfield, *The Decline of Organized Labor in the United States*, 90 - 91.

<sup>18</sup> Ira Katznelson, *When Affirmative Action was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: W.W. Norton, 2005); Alice Kessler-Harris, *In Pursuit of Equity: Women, Men and the Quest for Economic Citizenship in 20<sup>th</sup> Century America* (Oxford, New York: Oxford University Press, 2001) 106.

many black and female workers. Yet the Civil Rights Act of 1964 finally resolved some of the New Deal's contradictions and lowered the barriers to workforce entry for millions of previously-excluded workers. The result was that the 1970s were far from the "last days of the working class," as asserted by Cowie.<sup>19</sup> Rather, they were the first days of a reshaped working class full of women, people of color, young workers and Southerners who readily combined old working-class tools - - like unions and the Wagner Act - - with newer laws from the Civil and Women's Rights movements in order to shore up their prospects in a changing economic environment. These groups of people had long been members of the working class, of course, through their paid employment, neighborhoods and families. What was new by the 1970s, however, was that they now had greater access to the sorts of well-paid, secure jobs that were at the heart of the nation's economy.<sup>20</sup>

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<sup>19</sup> Jefferson Cowie, *Stayin' Alive*, 18-19.

<sup>20</sup> Scholars have greatly expanded our understanding of the working class beyond a definition that focuses on workers' relationship to the powers of production. Class is not just a function of the workplace, but is determined by all levels of people's experiences, such as through the family, community and the state. See, for example, Eric Arnesen, Julie Greene, and Bruce Laurie, eds., *Labor Histories: Class, Politics, and the Working-Class Experience* (Urbana and Chicago: University of Illinois Press, 1998) 1-15 and Ira Katznelson, "Working-class formation: constructing cases and comparisons," in *Working-Class Formation: Nineteenth-Century Patterns in Western Europe and the United States*, eds., Ira Katznelson and Aristide R. Zolberg, (Princeton, NJ: Princeton University Press, 1986). Because I am studying workers who are struggling with the breakdown of the industrial system, I have found scholars' conceptions of the pre-industrial and early working class particularly helpful for understanding the contours of class in the late twentieth century. For example, Simon Middleton and Billy Smith define class as: "...neither simply a reflection of the productive relations of the objective world nor a subjectively constructed identity fashioned from available linguistic and cultural resources. Instead, it comprises a constitutive element of social relationships emerging from inequalities in material conditions and social and cultural capital that serves as a primary way of signifying relationships of power." Simon Middleton and Billy G. Smith, eds., *Class Matters: Early North America and the Atlantic World* (Philadelphia: University of Pennsylvania Press, 2008) 11. I use the term "working class" in this study to denote those people who share in a state of relative material inequality as well as a lack of social power within the U.S.'s political economy. I am arguing that by the 1970s certain members of the working class were able to gain more economic and social power by gaining access to the sorts of jobs that were at the nation's economic core. This reshaped the working class.

Scholars have too often conflated unions' declining efficacy with working-class motivation and action. *Knocking on Labor's Door* reveals that in scholars' rush to explain the decline in union density and power they have overlooked the magnitude and breadth of the organizing efforts that a transformed working class waged in this crucial decade. This study of private-sector union organizing campaigns ruptures assumptions about a hard-hatted, silent majority, and instead identifies the 1970s as a decade of working-class promise. It does so by asking a new set of questions about the working class at a pivotal historical moment and by looking at what many working people were actually doing in the 1970s: trying to organize unions. Who were these would-be unionists and what happened to their efforts? What did they think they would gain by forming unions? If workers were still actively forming unions in the 1970s, how does that change our understanding of the rise of a new conservatism and the shaping of late-twentieth century capitalism?

In the pages that follow we will see that manufacturing workers struggled to form unions in the 1970s, as did bank tellers, hospital workers, university clericals, nurses, flight attendants, wait staff, and athletes. Even security guards who worked for Pinkerton, the notorious strike-breaking firm, successfully won a union in this decade.<sup>21</sup> Though NLRB statistics do not indicate the race or gender of the voters in union elections, this study uses a host of sources to unearth the complexity of the workforce going to the union voting booth in the 1970s. Polling, oral history interviews, news accounts, union records and even the records of corporate, anti-union attorneys reveal that many of the

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<sup>21</sup> See NLRB election report: cases closed in NLRB monthly reports, 1970 – 1979. The Pinkerton election was among 330 guards in Detroit, Michigan in March of 1977.

workers who wanted to form unions were young, female and/or black - - exactly the sort of new workforce that had gained access to the nation's good jobs following advances achieved by the civil and women's rights movements. Many were among the two million African-Americans who began a reverse migration to the Southern states after 1970, and who carried with them union experience gained up North.<sup>22</sup> They were people like Edward Coppedge, one of four African-American men who were so dissatisfied with the pace of change at the Newport News shipyard under Title VII of the Civil Rights Act that they launched a campaign to overthrow their company union in 1978. They were people like Rosa Halsey, a young, black retail worker who fought against declining labor standards in that industry by winning a union at the Woodward & Lothrop department store in Washington, DC in 1979. They were workers in the ascendant Sunbelt who in the 1970s organized at a rate higher than in surrounding years, even as companies moved south to avoid the more unionized areas in the North. And increasingly, they were service and retail workers - - a quarter of NLRB voters in the 1970s worked in the service, retail or finance sectors, nearly double the percentage of the late 1960s.<sup>23</sup>

When you shine the historical spotlight on the working people who tried to form unions in the 1970s, it becomes clear that the set of factors that led to unions' demise is far more complicated than what can be explained by lousy labor leaders or an individualistic working-class culture. *Knocking on Labor's Door* identifies increased employer resistance to organizing as the main culprit in late twentieth-century labor's decline and shows how the U.S. system of labor law did little to curb it. Unions' demise

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<sup>22</sup> Wright, *Sharing the Prize*, xi.

<sup>23</sup> See Appendices B and C for more specific data on union elections in the South / Sunbelt and in various economic sectors.

in the 1970s and beyond is rooted in a key development in the post-World War II social welfare system regarding collective bargaining and labor organizing. The U.S. first built a national social safety net through the New Deal, but the net was thin and much of it depended on employment. After World War II, even as European governments bolstered their state-based social welfare provisions - - such as through universal health care and pension plans - - the U.S. turned to a more privatized system that depended on employers to provide such social welfare benefits. Employers were not required by law to provide health care plans or good retirement pensions, however. Rather, unions in the U.S. negotiated with employers for much of citizens' social welfare through collective bargaining, the scope of which expanded after the war to include health and welfare plans.<sup>24</sup> At that same historical moment, the Taft-Hartley Act of 1947 made it more difficult for people to enter those same unions and to benefit from collective bargaining. America's working men and women thus needed unions to negotiate with employers for greater levels of economic security, even as employers gained new legal power to block workers' ability to join unions. Employers in the U.S., meanwhile, had a higher incentive than employers in other nations to fight union organizing because so much of the nation's social welfare provision now came through employers.<sup>25</sup> After all, if workers won a union, employers would most likely be on the hook for not only higher wages, but also

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<sup>24</sup> Jennifer Klein, *For All These Rights: Business, Labor, and the Shaping of America's Public-Private Welfare State* (Princeton, N.J.: Princeton University Press, 2003) 204-257; Jacob S. Hacker, *The Divided Welfare State: The Battle Over Public and Private Social Benefits in the United States* (New York: Cambridge University Press, 2002) 125-130; Marie Gottschalk, *The Shadow Welfare State: Labor, Business, and the Politics of Health-Care in the United States* (Ithaca, N.Y.: ILR Press, 2000) 40-48; Beth Stevens, "Blurring the Boundaries: How the Federal Government Has Influenced Welfare Benefits in the Private Sector," in *The Politics of Social Policy in the United States*, Margaret Weir, Ann Shola Orloff, Theda Skocpol (eds.) (Princeton, NJ: Princeton University Press, 1988) 140-141.

<sup>25</sup> Richard B. Freeman and James L. Medoff, *What Do Unions Do?* (New York: Basic Books, 1984) 230-239; Richard B. Freeman, *America Works*, 80-82; Rick Fantasia and Kim Voss, *Hard Work*, 75-76.



better retirement and health benefits and perhaps even supplemental unemployment compensation. When employers faced escalating global competition in the late 1960s and 1970s, they took greater advantage of the opportunities to resist unionizing that had first opened up under the Taft-Hartley Act. They increasingly resisted workers' organizing efforts, became quicker to hire anti-union consultants and broke labor law more frequently, firing union supporters and threatening to close down if the workers chose to have a union. Employers effectively narrowed workers' access to unions and fewer workers than ever could benefit from collective bargaining's power to improve their social welfare.

When workers knocked on labor's door, did unions answer? Did union leaders do enough to reach out to the reshaped working class of the 1970s? Their record was mixed. Although many more unions were organizing than scholars have realized, organizing efforts were still concentrated among too few unions.<sup>26</sup> As the pressures on collective bargaining increased, leaders found themselves struggling to balance the need to shore up existing membership with the need to organize new members. Racism and sexism were still very real in unions in the 1970s and sometimes workers had to pry their doors open using charges under the Civil Rights Act. Even as many women and people of color reached out to labor, unions were slow to diversify their staffs, and the pace of change at the leadership level was glacial. Yet unions' mixed record on reaching out to

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<sup>26</sup> The AFL-CIO's own research reveals that only 14 out of 97 unions were running more than 100 NLRB elections each year by the end of the 1970s. "Single Union RC & RM Elections, 1977 – 1982" in "Analysis of 20 AFL-CIO Unions Most Active in NLRB Organizing from 1977 – 1982" in addendums to Report Presented to the Conference on the Evolution of Work, January 27, 1984, in Folder 10, Box 4, Alan Kistler papers, AFL-CIO archives, University of Maryland Special Collections, College Park, Maryland (hereafter Kistler papers.) Total number of unions found in "Membership Change," June 29, 1984, Folder 10, Box 4, Kistler papers.

these workers should not obscure workers' propensity to organize in these pivotal years. Workers often pulled wary union officials into their organizing efforts as, for instance, at Newport News where the organizing director of the USWA thought the workers did not have a chance of winning a union, but agreed to run a campaign if the workers gathered enough union cards. The shipyard workers' win turned out to be the largest in that union's history. In the end, *Knocking on Labor's Door* reveals that structural impediments to organizing were more decisive factors in labor's decline than were union leaders' bigotry or working-class complacency.

This study offers an interpretation of labor organizing spanning the post-World War II years, and the bulk of its focus is on the years from 1968 to 1985. I roughly divide this time span into two periods: 1968 to 1981, or the "long 1970s," and 1982 to 1985, when organizing dropped dramatically.<sup>27</sup> In 1968, labor was still strong even as global competition began to deepen, and liberal social movements were potent enough to shape the administration of President Richard Nixon. The long 1970s ended in 1981 when President Ronald Reagan took office and many neoliberal theories became national policy. This study's second time period covers the years from 1982 to 1985, the nadir of union organizing when unions struggled with the enormity of the need to transition to a new kind of union organizing. I include the entire 1968 to 1985 time span in each of the

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<sup>27</sup> I am using the term the "long-1970s" to refer to the years from 1968 through 1981. Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: Free Press, 2001) also begins his study in 1968. Cal Winslow, "Overview: The Rebellion from Below, 1965-1981," in *Rebel Rank and File: Labor Militancy and Revolt from Below in the Long 1970s*, eds. Aaron Brenner, Robert Brenner, and Calvin Winslow, (London; New York: Verso, 2010) 2 uses the term "the long-1970s" to refer to the "mid-1960s" through 1981. Others begin in 1973, such as Borstelmann, *The 1970s*, 7, and Edward D. Berkowitz, *Something Happened: A Political and Cultural Overview of the Seventies* (New York: Columbia University Press, 2006). Cowie's *Stayin' Alive* covers the years from 1968 to 1982, though he argues that the first half of the decade was very different than the last half.

chapters, and concentrate on the 1982 – 1985 time period in the conclusion. I argue that the years that followed, from 1986 through the close of the twentieth century, were a distinct period in the history of labor organizing when unions began to regroup and try new methods to address the kinds of obstacles I describe in these pages. I touch on this post-1985 time period in the conclusion, but it is not a major focus of this dissertation.

Though roughly half a million workers a year voted in NLRB union elections during the 1970s, in 1982 union organizing plummeted. Half as many workers voted in union elections that year as in 1979. By 1983, a mere 165,000 workers voted in NLRB elections. To this day, the number of workers voting in NLRB elections has never again risen anywhere near that of the 1970s when millions of members of a newly-transformed workforce picked NLRB elections as their class weapon of choice.<sup>28</sup> When we fully appreciate the breadth of union organizing efforts in the 1970s, then the impact of employers' resistance to those efforts is revealed as all the more calamitous. America's working people were finally poised to lay claim to an inclusive and broadly-shared economic prosperity, one which had been promised by the New Deal but only started to bear fruit by the late 1960s after years of protest by social movements. Yet in this same historical moment, employers faced increasing global competition, and they reacted to the reconfigured working class's organizing efforts by attacking workers' organizing efforts. In fact, we will see how workers' union organizing served as one impetus for a new political activism among conservative employers. In closing the door on union organizing, employers limited workers' access to robust economic security and helped set the terms for a more precarious twenty-first century U.S. economy.

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<sup>28</sup> See Appendix A.

## Historiographical Interventions

*Knocking on Labor's Door* intervenes in U.S. working-class and labor historiography on three levels: first, it corrects depictions of the 1970s working class; second, it offers fresh context for the rise of conservatism in that decade and; third, it identifies union organizing's precarious role within the post-World War II social welfare regime as a key contributor to the weakening of New Deal liberal economic policies.

First, and most importantly, this study fundamentally challenges the narrative among labor and working class historians that by the 1970s, workers and unions were simply no longer organizing very much. In fact, America's working people waged a fierce battle throughout the entire 1970s for more economic security and broadly-shared prosperity during the formative years of neoliberal conservatism, and they did so on many fronts, including strikes, popular union democracy movements and NLRB union elections. This worker-centered study serves as a necessary correction to Jefferson Cowie's cultural study of the 1970s which found that the idea of a working-class collectivity lost salience by the close of the decade. While Cowie roots his analysis of the early 1970s in statistics, the denouement is situated within pop culture. We hear more from Archie Bunker and Merle Haggard in the late 1970s than we do from the workers themselves. *Stayin' Alive* has no place for a working class that was vibrant, active and organizing throughout the entire decade.<sup>29</sup>

When scholars have taken note of the potency of the 1970s working class, they have missed the level of new private-sector organizing. In *Rebel Rank and File*, a

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<sup>29</sup> Cowie, *Stayin' Alive, 178-189, 192-197*. On neoliberalism in the 1970s, see Harvey, *A Brief History of Neoliberalism*, 2.

number of authors argue that the 1970s was a moment of rank-and-file militancy marked, for instance, by the 1970 wildcat strike among postal workers, yet none focuses on private-sector union organizing.<sup>30</sup> When 1970s union organizing has received scholarly attention, it is often in the public sector. Joseph McCartin, for instance, correctly argues that public-sector organizing in the 1960s and 1970s was a wave of activity that rivaled the private-sector wave surrounding World War II. Yet private-sector organizing remains key to understanding working-class history in the postwar period. After all, 81 percent of the nation's workers in the mid-1970s were in the private sector.<sup>31</sup>

Private-sector union organizing does make appearances within the historiography of post-World War II labor, yet the focus is often on organizing in the 1940s through the 1950s, such as in Robert Korstad's work on tobacco, Michael Honey's look at Memphis, and Barbara Griffith's study of the CIO's post-war attempt to organize the South, Operation Dixie.<sup>32</sup> Fewer historians have focused on private-sector organizing in the years after the 1950s. Important exceptions include Timothy Minchin's history of the JP Stevens union organizing effort as well as Leon Fink and Brian Greenberg's work on hospital organizing by District 1199, both of which were key building blocks for this

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<sup>30</sup> Brenner, Brenner, and Winslow, eds., *Rebel Rank and File*.

<sup>31</sup> Joseph A. McCartin, "'A Wagner Act for Public Employees': Labor's Deferred Dream and the Rise of Conservatism, 1970-1976," *The Journal of American History*, 95, no. 1 (2008); Joseph A. McCartin, "'Fire the Hell Out of them': Sanitation Workers' Struggles and the Normalization of the Striker Replacement Strategy in the 1970s," *Labor: Studies in Working Class History of the Americas* 2, no. 3 (Fall, 2005), 67. US Census Bureau, Statistical Abstract of the United States: 2003, "Nonfarm Establishments – Employees, Hours and Earnings by Industry: 1919 to 2002" <http://www.census.gov/statab/hist/HS-31.pdf>, (accessed December 21, 2014).

<sup>32</sup> Robert Rodgers Korstad, *Civil Rights Unionism: Tobacco Workers and the Struggle for Democracy in the Mid-Twentieth-Century South* (Chapel Hill: University of North Carolina Press, 2003); Barbara S. Griffith, *The Crisis of American Labor: Operation Dixie and the Defeat of the CIO* (Philadelphia: Temple University Press, 1988); Michael K. Honey, *Southern Labor and Black Civil Rights: Organizing Memphis Workers* (Urbana: University of Illinois Press, 1993).

study.<sup>33</sup> Like the home health care workers Eileen Boris and Jennifer Klein describe in *Caring for America*, the office workers I examine in chapter seven also struggled with NLRB organizing in the 1970s and 1980s, ultimately choosing to explore a different organizing model.<sup>34</sup> Lawrence Richards, in *Union-Free America*, also examines private-sector labor organizing in this period, yet we come to very different conclusions. Richards finds that unions were losing power because workers no longer wanted unions, yet he bases his thesis on the faulty consensus that the number of workers trying to form unions had dropped dramatically by the 1970s.<sup>35</sup>

Why have so many scholars overlooked workers' 1970s organizing push in the private sector? In part, they simply were not looking for it. Labor scholars often choose as their key variable union density figures or the number of workers actually winning union elections, both of which turned downward in these years. Few look at the number of workers voting in union elections, which held more or less steady until 1982. Yet the problem is deeper than data sets. New Left historians were profoundly disappointed by labor's pro-war stance on the Vietnam War and wrote from a deep-seated suspicion of organized labor which led them to overlook the continued level of union organizing. In

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<sup>33</sup> Timothy J. Minchin, *Don't Sleep with Stevens!: The J.P. Stevens Campaign and the Struggle to Organize the South, 1963-80* (Gainesville: University Press of Florida, 2005); Leon Fink and Brian Greenberg, *Upheaval in the Quiet Zone: 1199SEIU and the Politics of Health Care Unionism* (Urbana: University of Illinois Press, 2009).

<sup>34</sup> Eileen Boris and Jennifer Klein, *Caring For America: Home Health Workers in the Shadow of the Welfare State* (Oxford and New York: Oxford University Press, 2012) 125-148.

<sup>35</sup> Lawrence Richards, *Union-Free America: Workers and Antiunion Culture* (Urbana: University of Illinois Press, 2008). Like many labor historians, Lawrence is too quick to conflate workers' desire to form unions with the actual end results of the employer-influenced elections. He makes much of 1970s polling which shows a weakening of public support for unions, but does not delve deeply into these surveys to explore why women and African-American's were more likely than other workers to say they wanted unions. I discuss this polling further in chapter two.

his recent introduction to the new edition of *Labor's War at Home*, Nelson Lichtenstein, eminent labor historian, puts his work within the context of the ideas of the New Left generation who saw trade unions as “positively anathema to many of us. The AFL-CIO remained a firm backer of the war in Vietnam; moreover, even the more progressive unions... appeared so strapped by bureaucracy, law, contracts and political allegiances that they hardly seemed an appropriate vehicle to advance the class struggle.”<sup>36</sup> Yet even as Lichtenstein wrote his seminal 1974 dissertation and 1982 book, the labor movement was engaged in what may prove to be its last great wave of private-sector union organizing.

A new generation of leftist scholars followed the New Left scholars' lead. Kim Moody and Mike Davis, for instance, asserted that labor had become so bureaucratized and weak by the 1970s that unions were no longer organizing. Thomas Geoghegan's widely-read 1991 *Which Side Are You On?* urges liberals to be for labor despite unions' lethargic ways, but Geoghegan's narrative on union organizing lacks historical context - he overlooks the breadth of workers' attempts to unionize all the way through the 1970s.<sup>37</sup>

In my efforts to reclaim workers' organizing efforts, I have benefitted enormously from the recent work of labor historians who find a conjuncture, rather than a disconnect between the civil rights, women's rights and labor movements. *Knocking on Labor's Door* thus builds on the work of Nancy MacLean, Kathleen Barry and Dennis Deslippe who reveal how workers agitated to make real the promises of Title VII of the Civil

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<sup>36</sup> Nelson Lichtenstein, *Labor's War at Home the CIO in World War II: With a New Introduction by the Author*, (Philadelphia: Temple University Press, 2003) vii.

<sup>37</sup> Moody, *An Injury to All*; Davis, *Prisoners of the American Dream*; Geoghegan, *Which Side are You On?*.

Rights Act. MacLean focuses on women who fought their way into construction jobs, for instance, and Barry shows how white, female flight attendants were among the first workers to show up in Equal Employment Opportunity Commission offices to file charges about routinely getting fired at age thirty-five.<sup>38</sup> I bring union organizing into this discussion, adding to this scholarship the idea that many of these same workers not only fought to win the jobs from which they had been excluded, but went on to form unions after they won that coveted access. My research found that women in shipyards and department stores, for instance, joined the office workers, flight attendants and domestic workers who Dorothy Sue Cobble showed were acting collectively and organizing in the 1970s as part of “workplace feminism.”<sup>39</sup> I build on Judith Stein’s assertion in *Running Steel, Running America* that unions and the liberal order could stretch enough to bring in those who had been left out -- and I add that the demise of the freedom to organize served as a key factor in the unraveling of that liberal order.<sup>40</sup>

Having established that the working class was active and organizing in the 1970s, *Knocking on Labor’s Door’s* second intervention puts this reframed working class in dialogue with the rise of conservatism in the 1970s and 1980s. I argue that though politically conservative employers may have tilted a rapidly changing economy in their favor, they did not do so with a free hand. Rather, working-class labor organizing helped

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<sup>38</sup> MacLean, *Freedom is Not Enough*; Dennis Deslippe, *Rights, Not Roses: Unions and the Rise of Working-Class Feminism, 1945-80* (Urbana: University of Illinois Press, 2000); Kathleen M. Barry, *Femininity in Flight: A History of Flight Attendants* (Durham: Duke University Press, 2007).

<sup>39</sup> Dorothy Sue Cobble, "A Spontaneous Loss of Enthusiasm": Workplace Feminism and the Transformation of Women's Service Jobs in the 1970s," *International Labor and Working Class History*, no. 56 (1999).

<sup>40</sup> Judith Stein, *Running Steel, Running America: Race, Economic Policy and the Decline of Liberalism* (Chapel Hill: University of North Carolina Press, 1998).



inspire employers' growing resistance to labor law and unions, which in turn served as the impetus for some of their first political organizing efforts.

A number of scholars have identified business leaders' pivotal role in the turn to conservatism, following how capital moved, squeezed labor, and broke its promises to workers in these years. Kim Phillips-Fein in *Invisible Hands* reminds us that business anti-unionism was hardly new and conservative business and political activists never accepted the New Deal and liberalism's ideas. Yet many scholars do find that business leaders and groups helped launch an anti-union ideology that would hold particular sway starting in the 1970s. Sophia Lee studies how conservative business groups co-opted civil rights language in the 1970s, for example, and Jacob Hacker and Paul Pierson's *Winner-Take-All Politics* and Benjamin Waterhouse's *Lobbying America* trace the rise of political lobbying among corporate groups.<sup>41</sup> Yet where are the workers themselves in these studies? In fact, they remain rather uncomplicated victims in this developing narrative of business conservatism. Scholars may have missed the potency of the emerging working class, but employers did not. Employers were keenly aware that America's working class was transforming and mobilizing, and they faced a bevy of

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<sup>41</sup> Jefferson Cowie, *Capital Moves: RCA's Seventy-Year Quest for Cheap Labor* (Ithaca, N.Y.: Cornell University Press, 1999); Bennett Harrison and Barry Bluestone, *The Great U-Turn: Corporate Restructuring and the Polarizing of America* (Basic Books: New York, 1990); James A. Gross, *Broken Promise: The Subversion of U.S. Labor Relations Policy, 1947-1994* (Philadelphia: Temple University Press, 1995); Kim Phillips-Fein, *Invisible Hands: The Making of the Conservative Movement from the New Deal to Reagan* (New York: W. W. Norton & Company, 2009); Elizabeth A. Fones-Wolf, *Selling Free Enterprise: The Business Assault on Labor and Liberalism, 1945 – 1960* (Urbana and Chicago: University of Illinois Press, 1994); Sophia Z. Lee, "Whose Rights? Litigating the Right to Work," in *The Right and Labor in America: Politics, Ideology, and Imagination*, eds. Nelson Lichtenstein and Elizabeth Tandy Shermer (Philadelphia: University of Pennsylvania Press, 2012); Jacob S. Hacker and Paul Pierson, *Winner-Take-All Politics: How Washington Made the Rich Richer and Turned its Back on the Middle Class* (New York: Simon & Schuster, 2010) 118; Benjamin C. Waterhouse, *Politics and Society in Twentieth-Century America: Lobbying America: The Politics of Business from Nixon to NAFTA* (Princeton, NJ: Princeton University Press, 2013).

viable union organizing drives. For instance, a number of scholars note that General Electric (GE) officials played a central role in shaping 1970s business conservatism, helping to start the Business Roundtable, for instance.<sup>42</sup> *Knocking on Labor's Door* unearths union records revealing that GE officials developed these conservative organizations while the company's workers triggered an impressive 437 separate NLRB elections at GE facilities from 1961 to 1982. When such corporate leaders helped build a rightward-focused political economy, they did so in reaction to unions that they perceived as a potent threat.

When workers do appear in the literature on 1970s conservatism, they are often painted as having either succumbed to Nixon's class strategy or being driven by a racial backlash. Robert Self, Lisa McGirr, Thomas Sugrue, and Matthew Lassiter, for instance, all find that as the white, working class moved to the suburbs, it nurtured a right-wing analysis that was anti-state and anti-tax and which was rooted in a reaction to the changes wrought by the civil rights movement.<sup>43</sup> In highlighting interracial organizing campaigns and the interracial unions that resulted, *Knocking on Labor's Door* suggests that the historiography on white, grassroots conservatism has overlooked a key source of working-class radicalism, including that in the South. Jan Hooks, the Newport News shipwright, was cut from the same cloth as other white working-class women - - those Wal-Mart moms - - whom Bethany Moreton describes as helping to bring in a god and

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<sup>42</sup> Phillips-Fein, *Invisible Hands*; Marc Linder, *Wars of Attrition: Vietnam, the Business Roundtable, and the Decline of Construction Unions* (Iowa City: Fanpihua Press, 1999); Waterhouse, *Lobbying America*.

<sup>43</sup> Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton, N.J.: Princeton University Press, 2001); Robert O. Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton, N.J.: Princeton University Press, 2003); Kevin Michael Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton, N.J.: Princeton University Press, 2005); Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006).

employer-based conservatism in the 1970s. Jan Hooks, however, was a white woman active in a black-led union and she helped push for progressive politics, such as by marching for the ERA in Virginia.<sup>44</sup> While it was certainly true that many white Southerners were deeply racist and conservative, there were also young, white Southerners who had grown up in integrated schools and in the wake of the Civil Rights movement and were more willing to join with the African-Americans who pushed through new unionization drives. This study thus serves as a necessary corollary to studies of white, suburban-based conservative grassroots politics in the 1970s.

This dissertation's third intervention is to identify the structural limits on union organizing as a key factor in the unraveling of liberal New Deal economic policies and the "New Deal order" which Steve Fraser and Gary Gerstle found had shaped the mid-twentieth century American political economy.<sup>45</sup> *Knocking on Labor's Door's* analysis differs from that of scholars who argue that the seeds of the destruction of workers' power were sown in the 1930s, before the Wagner Act even passed, when unions accepted a compact with capitalism.<sup>46</sup> Instead, like the work of Robert Korstad in *Civil Rights Unionism*, it finds that the National Labor Relations Act boosted workers' power by giving workers what was, for a time, a potent, state-backed tool with which to battle capital. However, when employers successfully resisted the majority of workers' union organizing attempts by the late 1970s, they effectively rolled back the New Deal's

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<sup>44</sup> Bethany Moreton, *To Serve God and Wal-Mart* (Cambridge, MA: Harvard University Press, 2009) 4-5.

<sup>45</sup> Steve Fraser and Gary Gerstle, eds., *The Rise and Fall of the New Deal Order, 1930-1980* (Princeton, N.J.: Princeton University Press, 1989).

<sup>46</sup> See, for instance, Steve Fraser, "The Labor Question," in *The Rise and Fall of the New Deal Order*, eds. Fraser and Gerstle and Alan Brinkley, "The New Deal and the Idea of the State," in *The Rise and Fall of the New Deal Order*, eds. Fraser and Gerstle.

protections for workers who wanted to form unions and cut off their access to the most secure tier of the U.S. social welfare regime.

In order to make this intervention into the discussion of union organizing's place within the New Deal order's demise, I have benefitted from a rich literature on the development of the social welfare state. Scholars make clear that though the U.S. has a comparatively weak public social safety net, public policy has encouraged a much more robust private social safety net through employer-provided benefits. A number of scholars of the U.S. social welfare system build on sociologist Gosta Esping-Andersen's argument that the concept of a "welfare state" does not capture the full range of public and private provisions which support social welfare. Esping-Andersen identifies instead a social welfare "regime" as the mechanism by which "social risks are managed and distributed between state, market and families."<sup>47</sup> Jacob Hacker's *The Divided Welfare State*, for instance, focuses on how federal public policy, regulation and tax law in the U.S. have positioned employers as the source of the most robust social safety net. He points out that the US citizens' economic security is really determined not only by visible state programs, like Social Security, but also "hidden" government policies, like tax policy which undergird this employment-based system. Jennifer Klein labels this employer-dependent social welfare system the "public-private" welfare state, and Marie Gottschalk, who focuses on health care policy, calls it the "shadow welfare state." All these scholars identify collective bargaining as one such "hidden" intervention into the

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<sup>47</sup> Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Princeton, N.J.: Princeton University Press, 1990) 24; Gøsta Esping-Andersen, *Social Foundations of Postindustrial Economies* (Oxford and New York: Oxford University Press, 1999) 36.

U.S.'s social welfare state and a number of scholars, like Beth Stevens and Michael Brown, place collective bargaining at their studies' centers.<sup>48</sup>

Yet when these scholars of the U.S. social welfare state focus on unions' role within it, they only focus on unions that were already established. I bring in union organizing into this discussion, and refocus the discussion on the workers who were outside the system and sought to enter it by triggering state-backed NLRB elections. Union organizing was the gateway through which these workers had to enter before they could fully access the most secure tier of this employer-centered social welfare regime. A number of scholars focus on how women and people of color had long had limited access to the U.S. social welfare state.<sup>49</sup> I show how members of these groups were leading union organizing drives in order to gain full access by the 1970s. Adding in union organizing to this discussion about the contours and limits of the U.S. social welfare model allows us to more clearly see how weak labor law around union organizing was one key factor narrowing workers' access to robust social welfare provisions. Through signing up for federal NLRB union elections, many working people in the 1970s were using unions to deepen their demands on the state. The fact that they were not able to win their unions - - and were denied access to collective bargaining's economic security - - limited the efficacy of the New Deal's economic policies in their lives.

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<sup>48</sup> Hacker, *The Divided Welfare State*, xi-xii, 5-27; Klein, *For All These Rights*, 2; Gottschalk, *The Shadow Welfare State*, 2; Stevens, "Blurring the Boundaries"; Michael K. Brown, "Bargaining for Social Rights: Unions and the Reemergence of Welfare Capitalism, 1945-1952," *Political Science Quarterly* 112, no. 4 (Winter, 1979).

<sup>49</sup> Linda Gordon, *Pitied But Not Entitled: Single Mothers and the History of Welfare, 1890-1935* (New York; Toronto: Free Press; Maxwell Macmillan Canada; Maxwell Macmillan International, 1994) 293-299; Alice Kessler-Harris, *In Pursuit of Equity*, 88-100; Michael K. Brown, *Race, Money and the American Welfare State* (Ithaca: Cornell University Press, 1999) 63-96.

Through such a lens, it is apparent that the New Deal push for security Jennifer Klein identified in *For All These Rights* extended well into the 1970s. Here, the working people who organized in the 1970s are more akin to the coal miners who Robyn Muncy finds fought for an expanded social welfare regime in the 1960s, and are more in step with union leaders who Alan Derickson and Tracy Roof find continued to push for universal health care and progressive public policies well into the twentieth century.<sup>50</sup>

Unearthing the robust level of labor organizing in the 1970s allows us to more clearly see that the U.S.'s working class was more in line with those around the world than scholars have realized. Workers' labor unions grew throughout much of the globe in the 1970s as working people struggled against an incipient neoliberalism. Workers in Italy, Australia, England, Sweden, Germany, Canada and elsewhere all increased the size and strength of their unions. Of 23 developed nations, 18 saw their union movements grow during the 1970s.<sup>51</sup> It was a decade of major labor unrest in Latin America as Mexico saw the largest strike wave since the 1940s and miners struck in Peru. The shrinkage of manufacturing drove workers into the streets in Italy's "hot autumn" of 1969 and England's "winter of discontent" in 1978-79. These massive strikes bookended a decade of turmoil in Europe.<sup>52</sup> Scholars have pointed to declining union density rates in

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<sup>50</sup> Robyn Muncy, "Coal-Fired Reforms: Social Citizenship, Dissident Miners, and the Great Society," *The Journal of American History*. 96, no. 1 (2009); Alan Derickson, *Health Security for All: Dreams of Universal Health Care in America* (Baltimore: Johns Hopkins University Press, 2005); Tracy Roof, *American Labor, Congress, and the Welfare State, 1935-2010* (Baltimore: Johns Hopkins University Press, 2011).

<sup>51</sup> Bruce Western, *Between Class and Market: Postwar Unionization in the Capitalist Democracies* (Princeton, N.J.: Princeton University Press, 1997) 18-24.

<sup>52</sup> Jonathan C. Brown, *Workers' Control in Latin America, 1930-1979* (Chapel Hill: University of North Carolina Press, 1997) 8-9; Tara Martin "The Beginning of Labor's End? Britain's 'Winter of Discontent' and Working-Class Women's Activism," *International Labor and Working-Class History*, Vol. 75, Issue 1,

the U.S. and have concluded that the U.S. working class by the 1970s was somehow different, more quiescent.<sup>53</sup> Yet a metamorphosed U.S. working class did, in fact, join this worldwide uprising in the 1970s, and union organizing through NLRB elections was one of their chosen platforms. U.S. workers were the first to face the sorts of anti-union, neoliberal impulses that would soon sweep the globe, such as the Thatcherism British miners faced soon thereafter. By the 1980s and early 1990s, workers' unions came under attack around the world.<sup>54</sup> Yet a global perspective reminds us that though macro structural changes like globalization mattered, the particular way they unfolded mattered more. In other nations, workers could enter unions far more easily, and many turned toward unions to help mediate change even as manufacturing shrunk. In the U.S., however, employers in manufacturing routinely used workers' precarious position in the global economy as a threat to convince them to vote against unions. Like the Knights of Labor activists Kim Voss identifies in *The Making of American Exceptionalism*, U.S. workers in the 1970s had much in common with their European counterparts and were active and organizing, but they faced far greater employer resistance than did workers in other nations.<sup>55</sup>

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49-67; Michele Salvati, "May 1968 and the Hot Autumn of 1969: The Responses of Two Ruling Classes" in *Organizing Interests in Western Europe: Pluralism, Corporatism, and the Transformation of Politics*, ed. Suzanne Berger, Joint Committee on Western Europe, (Cambridge [Eng.]; New York: Cambridge University Press, 1981).

<sup>53</sup> Goldfield, *The Decline of Organized Labor in the United States*, 11-15; Seymour Lipset and Ivan Katchanovski, "The Future of Private Sector Unions in the U.S.," in *The Future of Private Sector Unionism in the United States* edited by James T. Bennett and Bruce E. Kaufman (Armonk, N.Y.: M.E. Sharpe, 2002) 19-20.

<sup>54</sup> Western, *Between Class and Market*, 145-154; Hobsbawm, *Age of Extremes*, 403-415.

<sup>55</sup> Kim Voss, *The Making of American Exceptionalism: The Knights of Labor and Class Formation in the Nineteenth Century* (Ithaca: Cornell University Press, 1993).

The comparison to Gilded Age workers is, in fact, an apt one. Historians often compare the working class of the 1970s to that of the 1930s, finding it much weaker.<sup>56</sup> However as we gain greater distance from the twentieth century, it is becoming increasingly clear that the entire “long 1970s” was a period of class contestation that more closely resembled the late nineteenth century. Workers in both eras found themselves at the beginning stages of seismic shifts in capitalism. In the late nineteenth century, big firms first began to drive the industrial economy and the U.S. government expanded, shifting power from the local and state level to the national. Workers waged numerous strikes and protests over the terms of their labor within that new form of capitalism, such as in the Uprising of 1877 and the Pullman Strike of 1894. They never got a firm hold on capitalism’s shifts, but their children and grandchildren won increased power in the 1930s through the successful sit-down strikes and the New Deal’s Wagner Act.<sup>57</sup> By the 1970s, a reshaped U.S. working class scrambled once again in the face of capitalism’s latest transmutation. The new U.S. economy was more de-industrialized and the retail, service and financial sectors carried new economic weight. The big, Fordist structures started to break up as the economy shifted toward disintegrated firms and strings of world-wide supply chains. The locus of economic power shifted once again, this time from the national to the global. In this frame, the people who organized in

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<sup>56</sup> See, for instance, Jefferson Cowie and Nick Salvatore, “The Long Exception: Rethinking the Place of the New Deal in American History,” *International Labor and Working-Class History*, 74 (Fall, 2008), 1-32. See also Borstelmann, *The 1970s*, 123; David Frum, *How We Got Here: The 70's, the Decade that Brought You Modern Life (for Better or Worse)* (New York, NY: Basic Books, 2000) 19-25.

<sup>57</sup> Alfred D. Chandler, *Strategy and Structure: Chapters in the History of the Industrial Enterprise*. (Cambridge: M.I.T. Press, 1962). On shift of state power from the local to the federal, see Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1992). Philip Foner, *The Great Labor Uprising of 1877* (New York: Pathfinder Press, 1977). On the rising power of unions in the 1930s see Robert H. Zieger, *The CIO, 1935-1955* (Chapel Hill: University of North Carolina Press, 1995).



America's factories, stores, hospitals, and government jobs are seen not as the last generation of the New Deal, but rather as the first working-class generation to face the massive structural changes that would mark the 21<sup>st</sup> century. Like their Gilded Age counterparts, workers in the 1970s fought to determine their fate in capitalism's new paradigm.<sup>58</sup>

### **Chapter Outline**

Part one - - encompassing chapters one, two and three - - offers a national level study of union organizing. This section's structure mirrors a tri-partite model, and these chapters focus in turn first on the state, then workers and finally on employers. Part two includes chapters four through seven. It features four local cases studies of union organizing drives from a variety of industries through which I deepen my case for the breadth and depth of 1970s private-sector union organizing. A short conclusion covers the nadir of union organizing in 1982 to 1985.

Chapter one describes how U.S. workers sought to form unions in the 1970s because they saw unions as the key to economic security within the U.S.'s employer-based social welfare system. I marry a theoretical framework of the social welfare state with a description of how New Deal-based labor law developed in the fifty years after the Wagner Act's passage, arguing that U.S. workers' failure to win more organizing drives was structural. Chapter two unearths the volume and breadth of private-sector union

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<sup>58</sup> For a global analysis of the sources of workers' power in the late 19<sup>th</sup> century compared to the 1930s and 1970s, see Beverly J. Silver, *Forces of Labor: Workers' Movements and Globalization since 1870* (Cambridge; New York: Cambridge University Press, 2003).

organizing in the 1970s and so squarely challenges the declension narrative of working-class history in this pivotal decade. It starts with an examination of how the working class itself was being reconfigured as women and people of color won broader access to more jobs through Title VII of the Civil Rights Act of 1964. We meet many of the people who, like Jan Hooks, led the nation's new unionizing push: the baby boomers, women, African-American workers, immigrants and Southerners. Chapter three reveals how employers' attacks on union organizing were a cornerstone of their turn toward conservative politics in the 1970s. It details how mainstream corporations tried to roll back labor law in the late 1960s, and then sharply stepped up workplace resistance to union organizing, including widespread use of anti-union consultants. By the close of the decade, employers had effectively narrowed the door through which America's workers could gain more economic security.

The case studies that comprise part two - - chapters four through seven - - demonstrate how these organizing workers, recalcitrant employers and weakened labor laws coalesced on the ground level in various industries and geographic areas. Chapter four begins with the Newport News shipyard in Virginia where, in the largest NLRB election ever held in the South, 19,000 workers formed a USWA union in 1978. Though other unions had tried four times to overthrow the yard's company union over the previous forty years, the workforce that was finally able to do so included more women and people of color than ever before. Here, the fruits of the civil and women's rights movements clearly fed the union's fire. But perhaps Newport News was an outlier? After all, Navy ships by law had to be built in the U.S., so these shipyard workers were arguably less affected by a globalizing economy and so perhaps felt free to organize.

Chapter five explores this question by examining two union elections among workers in another Southern industrial setting - - textile workers at Cannon Mills in Kannapolis, North Carolina. This chapter brings the shop level struggle around unionizing into dialogue with trade policy and shows how they impacted the terms on which U.S. textile workers would experience globalization.

But Newport News and Cannon Mills were both industrial sector employers, and much of the job market shift in the 1970s was into service and retail. Perhaps unions did not try very hard to organize workers in these new sectors of the workforce? Chapters six and seven argue that many workers did try to form unions in these growing sectors. Chapter six follows the successful organizing effort by 5300 department store workers at Woodward and Lothrop department store in Washington, DC and discusses how organizing efforts in the retail sector grew at nearly the same rate as did the retail sector itself in the 1970s. Chapter seven focuses on the service sector, turning our attention to efforts by Boston's female clerical workers who first organized for workplace power outside the increasingly fraught collective bargaining system through the organization called 9to5. The dissertation's conclusion focuses on the 1982 to 1985 period when unions pulled back from NLRB organizing in the face of recession, continued resistance from employers and the further weakening of labor law under the Reagan Administration.

### **Sources and Methodology**

*Knocking on Labor's Door* is a worker-centered history of union organizing in the 1970s. Whenever possible, I have tried to get as close as possible to uncovering the actions,

motivations and hopes of the workers themselves within the NLRB statistics, news reports, polling, and union and business archives that serve as this study's sources. I have conducted 33 interviews with workers, labor leaders and government officials, and have tapped a number of other oral history collections. These discussions have proven indispensable for unearthing a previously-untold history of union organizing in this decade. Oral history presents obstacles, on one hand, for memory is both fallible and malleable. Yet oral history opens up the possibility to learn not only what happened, but the meaning of what happened at a deeper level, such as people's intentions.<sup>59</sup> Far too few recent historical studies purporting to analyze the working-class of the 1970s feature discussions with working people themselves.

Labor archives have been an enormous resource, of course, though I have found that many union records for these years are still in unions' storage facilities, or are not yet processed. For the Newport News and Woodward & Lothrop studies, for example, I have largely relied on unions' own stashes of newsletters and files, sometimes asking staff to pull dusty boxes out of closets or to pull records out of cold storage. Though employer records are notoriously hard to come by, I accessed Cannon Mills and Woodward & Lothrop archival records (and found the latter scrubbed of issues of class conflict.) I also unearthed a fresh employer source, the archival collection of a Baltimore-based anti-union lawyer, Earle K. Shawe. The records of the National Association of Manufacturers and the Labor Law Reform Group were also instrumental.

I have found NLRB reports to be a rich source and have carefully chosen one NLRB statistic - - the number of workers eligible to vote in union elections - - as the

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<sup>59</sup> Daniel James, *Dona Marie's Story* (Durham: Duke University Press, 2000) 134; Alessandro Portelli, *The Death of Luigi Trastulli and Other Stories: Form and Meaning in Oral History* (Albany: State University of New York Press, 1991) 50.

main variable for this study because it is the best available for unearthing worker intent.<sup>60</sup> I have supplemented these NLRB annual statistics with specific election examples from the NLRB monthly reports, which list out information on every single union election. I also use polling statistics throughout the study, including national level surveys on union attitudes which include demographic break outs. Local surveys of organizing workers at Cannon Mills and Woodward & Lothrop allowed me to better understand these workers' motivations.

## **Conclusion**

*Knocking on Labor's Door* complicates the scholarly conversation about how unions in the U.S. so dramatically weakened in the late twentieth century. The fact that many unions were still organizing and millions of workers were still trying to join unions in the pivotal 1970s - - often led by the female and black workers who had long been excluded from the nation's higher-paying jobs and unions - - disrupts standard narratives about labor and liberalism's ultimate decline. Many workers may have possessed individualistic attitudes and unions certainly could have organized more, but these shortcomings were not the deciding factors in labor's decline. The barriers these organizing workers encountered were deeply structural and the contours of those barriers are only becoming clear with more historical distance. Employers in the U.S. had a large incentive to fight unions because unions forced employers to provide citizens with the fullest social welfare benefits the U.S. had to offer. Federal policy continues to embrace this firm-based social welfare model in the early twenty-first century, yet still has not

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<sup>60</sup> I further describe this choice of variable in Appendix A.

strengthened workers' access to collective bargaining, nor has the state created other, newer tools strong enough to force employers to provide the levels of job security, good wages, and guaranteed pensions once won through collective bargaining. The result is that unions' decline has contributed to widespread economy inequality, stagnant wages, and increasing precarity for America's working men and women. Any twenty-first century attempt to build power for working people in the U.S. economy will have to wrestle with these structures which so clearly disempower working people.

This fact that U.S. labor law was too weak to uphold workers' rights to form unions set the terms on which U.S. workers would encounter a globalizing and deindustrializing economy. When they turned to unions to shore up their security, far too few were able to enter through labor's doors. *Knocking on Labor's Doors'* case studies on retail and textile workers remind us that while a global economy and the rise of the traditionally non-union retail and service were certainly key factors in labor's decline, scholars should be wary of the idea that capitalism's latest shifts inherently precluded working-class power. No natural law says retail and service jobs must be bad jobs, that global interconnectedness must mean class disparity, nor that broad economic prosperity is unattainable today.

"I think more unions, more working people, are going to get together, statewide, nationwide. We know what we want, we want a fair shake," asserted Peggy Carpenter in 1981 soon after she and her co-workers won a union at Newport News shipyard.<sup>61</sup> Carpenter, of course, was wrong: U.S. workers did not organize at unprecedented levels

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<sup>61</sup> Carpenter quote from Ann Braden, "Shoulder to Shoulder," *Southern Exposure*, Vol. IX, No. 4, Winter, 1981, 93.

in the 1980s. Carpenter's hope and optimism, however, reminds us that even as the Reagan Administration took office, workers had reason to believe that they could win greater power at the workplace and in government. This study asks readers to dwell in that moment when U.S. unions were still relatively strong, and when labor's decline seemed far less certain. There were more union members in the U.S. in 1979, 21 million, than at any other point in the nation's history. Though the percentage of workers who had a union - - union density - - had been on a slow decline since its peak in 1954, a quarter of America's nonagricultural workers had a union by the end of the 1970s (compared to 11.3 % in 2013).<sup>62</sup>

In 2015, unions remain a state-backed income leveler for the few who can access them. Union workers make 27 percent more than workers without a union, and that union difference rises to 33 percent for women and 31 percent for African-Americans. Union members are also far more likely to have good health care coverage and defined-benefit pensions than are workers without a union. This union differential was very similar in the late 1970s. What has changed is that far fewer workers are privy to this more robust level of social welfare, and so declining unionization has helped drive the nation's growing economic inequality.<sup>63</sup>

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<sup>62</sup> 1970s union density statistic found in Goldfield, *The Decline of Organized Labor in the United States*, 90-91; 2013 membership and wage and benefits statistics found at Bureau of Labor Statistics, "Union Members - 2013," <http://www.bls.gov/news.release/pdf/union2.pdf> (accessed December 21, 2014). Note that the private sector union density was lower than the overall union density figure, which includes public sector union membership.

<sup>63</sup> Wage and benefits statistics found at Bureau of Labor Statistics, "Union Members - 2013." For information on unions and benefits and pensions see also Jake Rosenfeld, *What Unions No Longer Do* and Richard Freeman, "Unions, Pensions and Union Pension Funds," in *Pensions, Labor and Individual Choice*, ed. David A. Wise (Chicago: University of Chicago Press for NBER, 1985) 89-121.

Working people like Hooks and Carpenter had a vision for a very different economic future than the precarious, unequal one which actually developed by the end of the twentieth century. They sought to win higher wages, good benefits, and control over the terms of their work by forming unions. We will never know what would have happened if U.S. workers had succeeded more broadly in their organizing efforts. We have no way of knowing what may have happened if working people had been allowed freer access to unions - - as were those in other nations. We will never know whether the resulting swell in unions' ranks might have tempered neoliberal policies in the United States or tilted the political field in the working class's favor. What is clear is that when America's workers faced a new economic structure in the 1970s, one which was more global and less industrial, they did so without having full access to unions and so faced those fundamental changes on much weaker footing. What follows is the story of the working women and men who stood on the threshold of that change and who fought to make the nation's new economic structures work in their favor by knocking on labor's door.



## **PART ONE**

## *Chapter One*

### **Organizing a Union for Social Welfare**

Barbara Cash and her co-workers faced a social welfare dilemma in 1979. Cash packed boxes for the Woodward & Lothrop department store in Washington, DC but she and her co-workers could not afford the company's health care plan, and the few people who had pensions were the bosses. Inflation was rampant, and nearly 70 percent of the workers had family incomes below what the federal government determined they needed just to get by. While top management members had a carefully calibrated contract, including generous stock options and huge severance packages should they be laid off, Woodward and Lothrop's rank-and-file workers had no such guarantee of economic security. Though they had an independent union - - the Union of Woodward & Lothrop Employees - - it was a weak hold-over from a company union whose sole founding purpose had been to dodge the CIO in 1938. "With a union you get a raise every year...with the independent union you got whatever they thought you should have, it wasn't no set thing," remembers Cash.<sup>1</sup> Cash and her co-workers organized a new union with the United Food and Commercial Workers (UFCW) Local 400 in 1979, and negotiated a strong collective bargaining agreement to shore up their social welfare.

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<sup>1</sup> Barbara Cash interview with author, Upper Marlboro, Maryland, August 8, 2013; Form 5500, Annual Return / Report of Employee Benefit Plan, Woodward & Lothrop, August 30, 1978, corporate files - W, c07/c/19, , Box 19, FAST records, AFL-CIO archives, College Park, Maryland (hereafter FAST records); Form 5500, Annual Return / Report of Employee Benefit Plan, Woodward & Lothrop, July 31, 1978, corporate files - W, c07/c/19, Box 19, FAST records; "A Survey of Opinion Toward Unions Among Woodward & Lothrop Employees in the Washington Metropolitan Area," provided by the United Food and Commercial Workers Union research department, Washington, DC and in the author's possession; *Retail Clerks Advocate* "It Costs \$17,000 to Live Halfway Decently Today," June, July 1978; Proxy Statement, Woodward & Lothrop, Inc, May 21, 1979, corporate files - W, Box 19, FAST Records. On the Union of Woodward & Lothrop Employees, see chapter six.

They won an eight percent annual wage increase, a more robust retirement plan and an affordable health care plan for their families, including access to a union-run dental and eye care facility.<sup>2</sup>

Barbara Cash's story reminds us of the central role which firm-level collective bargaining played in the U.S. employer-based social welfare system. If Cash had been born in another country - - in France, or Germany, for instance - - she would not have had to vote in a union election in order to receive robust social welfare provisions. In fact, most of her social welfare would not have been determined by her employer at all. Rather, Cash would have received health care coverage and an ample retirement pension by virtue of citizenship, her wages would have been subjected to higher levels of government intervention, and her nation's laws would have guaranteed her far more job protection. In most European nations, collective bargaining covered far fewer social welfare issues than in the U.S, and it was also industry-wide, rather than firm by firm.<sup>3</sup> In the U.S., however, most citizens in the post-World War II era received social welfare provisions through their individual employers or a family member's employer, a system one scholar labels a "public-private welfare state."<sup>4</sup> The government offered only a thin safety net, much of which also depended on employment, including a minimum wage and

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<sup>2</sup> See chapter six for more discussion of the Woodward & Lothrop workers' organizing efforts and contract with Local 400 of the UFCW.

<sup>3</sup> Bruce Western, *Between Class and Market*, 29-49; Thomas Geoghegan, *Were You Born on the Wrong Continent?: How the European Model Can Help You Get a Life* (New York, N.Y.: New Press: Distributed by Perseus Distribution, 2010) 119 - 133.

<sup>4</sup> Klein, *For All These Rights*, 1-15. For more analysis of the U.S.'s employer-based social welfare state see Gottschalk, *The Shadow Welfare State*; Hacker, *The Divided Welfare State*; Edward Berkowitz and Kim McQuaid, *Creating the Welfare State: The Political Economy of 20th-Century Reform. Second Edition, Revised and Expanded* (New York, NY: Praeger Publishers, 1988); Stevens, "Blurring the Boundaries"; Brown, *Race, Money, and the American Welfare State*; Gordon, *Pitied but Not Entitled*; Roof, *American Labor, Congress, and the Welfare State, 1935-2010*.

Social Security provisions that benefitted mainly retirees. In fact, many people in the U.S. received little to no social welfare at all, especially if they did not work for wages. So how did the U.S. ensure that its individual corporations continued to step up and fulfill their social welfare role? The government provided some carrots, through what Jacob Hacker terms “hidden” state supports, like tax breaks for employer-provided health care.<sup>5</sup> It also relied on a big stick: firm-level collective bargaining through labor unions.

Though at first glance collective bargaining - - negotiations over wages, benefits and working conditions - - seems to have been a private affair between a labor union and an employer, the government’s role was central. Employers did not bargain collectively out of good will. They did so because they were required by federal law to negotiate with employees who voted in a union. In fact, collective bargaining held a central place in the nation’s post-World War II “welfare regime,” the multi-layered framework of policies and public and private institutions promoting social welfare.<sup>6</sup> Collective bargaining enabled unions to set higher wage and benefits standards not only for union members but for much of the industrial economy because employers routinely followed the lead of the unionized industrial giants in pay and benefits.<sup>7</sup> Collective bargaining thus undergirded the most robust and secure tier of the U.S. public-private welfare regime. “Organized labor wasn’t simply a minor bit player in the ‘golden age’ of welfare capitalism in the United States,” notes Jake Rosenfeld in *What Unions No Longer Do*. “It was *the* core

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<sup>5</sup> Hacker, *The Divided Welfare State*, xi-xii, 5-27.

<sup>6</sup> Muncy, “Coal-Fired Reforms: Social Citizenship, Dissident Miners, and the Great Society,” 73; Esping-Andersen, , *Social Foundations of Postindustrial Economies*, 34-35; Esping-Andersen, *The Three Worlds of Welfare Capitalism*, 24; Hacker, *The Divided Welfare State*, 7.

<sup>7</sup> Rosenfeld, *What Unions No Longer Do*, 1- 9; Western and Rosenfeld, "Unions, Norms, and the Rise in U.S. Wage Inequality," 513; Freeman and Medoff, *What Do Unions Do?*, 82-85.

equalizing institution.”<sup>8</sup> In the U.S., unions made sure that rising productivity translated into rising wages and thus bore the weight of economic redistribution that the state bore in many European countries in the post-World War II period.<sup>9</sup> Collective bargaining did not lift everyone, however. Historians have made clear how the U.S. social welfare regime developed as stratified, with the highest tier reserved for the white men most likely to hold the unionized, industrial jobs at its core.<sup>10</sup> Yet women and people of color gained new access to the nation’s best jobs following the Civil Rights Act of 1964, and many of them quickly turned to organizing new unions in order to shore up their economic security. They understood that union organizing was the entryway into collective bargaining and a lever for increasing their levels of social welfare provisions.

Scholars of the social welfare state have identified collective bargaining’s central place in the U.S. welfare regime, yet many treat the institution as static and monolithic.<sup>11</sup> In fact, from a worker’s perspective, collective bargaining was quite fluid. Workers routinely dropped out of its reach when they or a family member lost a job. Like Barbara Cash, they sometimes switched a weak union for a strong one. Those who were not union members, meanwhile, had three ways to enter collective bargaining’s influence: they could organize a union, get a job in a unionized facility, or get a job with an

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<sup>8</sup> Rosenfeld, *What Unions No Longer Do*, 2.

<sup>9</sup> Unions have a more modest effect on wages and social welfare in other countries, such as in Scandinavian countries, in part because there unions are directly involved in setting state macroeconomic policies and so in lifting all wages. See Richard B. Freeman, “What Do Unions Do? The 2004 M-Brane Stringtwister Edition,” in *What Do Unions Do?: A Twenty-Year Perspective*, eds. Bennett and Kaufman.

<sup>10</sup> Linda Gordon, *Pitied But Not Entitled*, 1994, 293 – 299; Brown, *Race, Money, and the American Welfare State*, 63-96; Kessler-Harris, *In Pursuit of Equity*, 88-100.

<sup>11</sup> Klein, 13 and 254; Hacker, *The Divided Welfare State*, 60-61; Gottschalk, *The Shadow Welfare State*, 46-47; Brown, *Race, Money, and the American Welfare State*, 140-146; Stevens, “Blurring the Boundaries.”

employer that matched unionized wage and benefit levels. In each case, someone - - somewhere, at some point in time - - had to organize a union. Union organizing thus held a very specific and heretofore understudied place within the U.S. public-private welfare regime. It was the narrow door through which America's working men and women had to enter before they could benefit from collective bargaining's leavening effects and before they could harness the state's full redistributive power.

Union organizing, however, turned out to be an Achilles heel when it came to achieving broad, sustained economic prosperity. When the U.S. developed an employer-based social welfare system after World War II, unions took on the responsibility of chief negotiator for the social wage and the new employer-provided benefits. Yet at that same historical moment, developments in labor and employment law - - triggered by the Taft-Hartley Act - - gave employers new power to narrow workers' access to those very same unions. This contradictory situation limited the post-war reach of that liberalizing economic and political project scholars have called the "New Deal Order."<sup>12</sup> Employers in the U.S. bore an outsized role in social welfare provision, and they had a higher incentive to resist workers' union organizing efforts than did employers in nations where the state provided more social welfare. Nevertheless, it was not until they faced increased global competition in the 1970s that employers moved en masse to close off private-sector workers' access to union organizing, such as by successfully attacking workers' organizing efforts at the workplace.<sup>13</sup> In rolling back organizing, employers limited their own future social welfare obligations. Yet they also restricted workers'

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<sup>12</sup> Gerstle and Fraser, *The Rise and Fall of the New Deal Order*, xi.

<sup>13</sup> For further discussion of the employer assault on union organizing, see chapter three.

access to the public-private welfare regime's most secure tier, and hastened the nation toward increased economic inequality and precarity.

### **How U.S. Workers Won and Lost the Right to Organize a Union**

Private-sector workers in the U.S first gained a permanent right to organize unions with the 1935 National Labor Relations Act (NLRA), or the Wagner Act. This New Deal legislation grew out of Progressive Era experiments with government support for collective bargaining.<sup>14</sup> Congress mandated that workers had the “full freedom of association” and protected their right to “designation of representatives of their own choosing, for purposes of negotiating the terms and conditions of their employment...”<sup>15</sup>

Under the Wagner Act, if the government certified that the workers had a union, then the company was obligated to enter into collective bargaining. Not only that, but the Wagner Act made it the “policy of the United States” to protect this right.<sup>16</sup>

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<sup>14</sup> America's workers had briefly won such state support for unionizing during World War I through the War Labor Board, but lost it when the state ceded its protective power in peace time. See Joseph Anthony McCartin, *Labor's Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations, 1912-1921* (Chapel Hill: University of North Carolina Press, 1997). Railroad workers secured the right to vote for collective bargaining in the Railway Labor Act of 1926, a law which still governs transportation workers such as in airlines, but it only applied to a narrow swath of workers. The NLRA's immediate predecessor was the 1933 National Industrial Recovery Act which brought together employers and unions on an industry-wide basis and essentially relied on employer voluntarism for much-needed wage hikes during the Great Depression. Employers widely broke their own agreements, prompting massive strikes such as when 170,000 textile workers walked out in the General Textile Strike of 1934. See Melvyn Dubofsky, *The State & Labor in Modern America* (Chapel Hill: University of North Carolina Press, 1994); James A. Gross, *The Making of the National Labor Relations Board; a Study in Economics, Politics, and the Law* (Albany: State University of New York Press, 1974). On the 1934 textile strike, see Janet Christine Irons, *Testing the New Deal: The General Textile Strike of 1934 in the American South* (Urbana: University of Illinois Press, 2000).

<sup>15</sup> National Labor Relations Act (Wagner Act), Pub. L. No. 74-198, 49 Stat. 449-50 (1935).

<sup>16</sup> Gross, *The Making of the National Labor Relations Board*.

In its early years, the NLRA's enforcement agency, the National Labor Relations Board (NLRB), required employers to remain neutral on the issue of a union.<sup>17</sup> In the first five years after the NLRA's passage, the NLRB even certified workers' unions without an election in about a quarter of cases if workers could prove through a petition, strike list, or show of membership cards that a majority supported the union.<sup>18</sup> The employer was not supposed to weigh in on the election process because, according to the NLRB, an "employer cannot express his opinion in a vacuum. Behind what he says lies the full weight of his economic position, based upon this control over the livelihood of his employees."<sup>19</sup> When the NLRB came under fire from conservative members of Congress in 1939, it began to change policy and generally required elections. In 1941 the Supreme Court decided employers could weigh in during those elections as long as they were not "coercive." One management journal fully appreciated the significance of the chance to electioneer, calling it "a bargaining tool par excellence for industry" and lamented that so few employers actually used that tool.<sup>20</sup> Before and during the war, the board's enforcement remained vigorous and employers remained relatively in check. U.S. workers were still routinely able to form unions and won more than three-quarters of union elections in the 1940s, though they had less success and ran into more employer

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<sup>17</sup> David Brody, *Labor Embattled: History, Power, Rights* (Urbana: University of Illinois Press, 2005) 105.

<sup>18</sup> Craig Becker, "Democracy in the Workplace: Union Representation Elections and Federal Labor Law," 77 *Minnesota Law Review*, 495, 1992-1993, 507-511; James A. Gross, *The Reshaping of the National Labor Relations Board: National Labor Policy in Transition, 1937-1947* (Albany: State University of New York Press, 1981) 106; John Logan, "Representatives of Their Own Choosing: Certification, Elections and Employer Free Speech, 1935-1959," 23 *Seattle University Law Review*, 1999-2000, 549 – 568.

<sup>19</sup> "Report of the NLRB to the Senate committee on Education and Labor Under HR 9195," August, 1940 as quoted in Gross, *The Reshaping of the National Labor Relations Board*, 198.

<sup>20</sup> Quote from "The Election," *Labor Trend*, July 9, 1946 as cited in Logan, "Representatives of Their Own Choosing," 556. The cases were *Virginia Electric & Power* and *American Tube Bending Co.*



resistance in the South.<sup>21</sup> Unionization efforts soared to all-time highs during World War II, when more than a million workers each year voted in union elections.<sup>22</sup> Yet conservative lawmakers and employers never truly gave up, pushing legislation to weaken the NLRB in the 1940 Smith Act, for instance.<sup>23</sup>

The U.S. political economy was deeply in flux following the war, and it was not at all clear whether the U.S. would weaken or strengthen the state's role in citizens' social welfare. Labor demanded a more robust state presence and pushed for, though failed to pass, universal health coverage in the Wagner-Murray-Dingell bill, full employment legislation that would guarantee all workers a job, and even legislation that would link wages to prices.<sup>24</sup> Meanwhile, the Republican-dominated Congress successfully pushed through the 1947 Taft-Hartley Act, overriding a presidential veto. Taft-Hartley constituted a major revision to the Wagner Act and dramatically weakened unions on many fronts, including making it harder for workers to form unions. It required an election for certification, unless the company waived that right, and codified employers' right to campaign speech, short of making threats. It also gave management

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<sup>21</sup> Goldfield, *Decline*, 90-91. On resistance in the South, see Griffith, *The Crisis of American Labor: Operation Dixie and the Defeat of the CIO*, 46-61.

<sup>22</sup> Goldfield, *Decline*; Lichtenstein, *Labor's War at Home the CIO in World War II: With a New Introduction by the Author*.

<sup>23</sup> Phillips-Fein, *Invisible Hands*, 20-25; Gross, *Reshaping the National Labor Relations Board*, 253.

<sup>24</sup> Gottschalk, *The Shadow Welfare State*, 42-44; Nelson Lichtenstein, *The Most Dangerous Man in Detroit: Walter Reuther and the Fate of American Labor* (New York, NY: Basic Books, 1995) 282-283; Brown, "Bargaining for Social Rights"; Roof, *American Labor, Congress, and the Welfare State, 1935-2010*, 68-71.

the right to trigger union elections in certain cases.<sup>25</sup> Taft-Hartley opened the door to increased employer influence on union elections by reinserting employers squarely into the election process, and so marked a turning point in workers' freedom to organize.<sup>26</sup> Most employers, however, did not make full use of their new prerogatives to resist union organizing until the 1970s when they faced increased global competition.

Even as the Taft-Hartley Act set the stage for employers to restrict workers' access to unions, those same unions began to take on a far greater responsibility for negotiating citizens' social wage after World War II. While labor had long pushed for universal benefits and scorned employer-provided ones, unions shifted tactics in the mid-1940s. United Mineworker (UMW) President John Lewis first demanded a company-funded, union-based health and welfare provision in the 1945-46 round of bargaining, and United Auto Worker (UAW) President Walter Reuther also began to prioritize health care for the first time in 1946. They did so because their legislative attempts to build a cradle to grave social safety net had failed when conservative lawmakers refused to expand social welfare programs. They also needed ways to secure economic advances for members that would not fall under the growing income tax. Taft-Hartley's "right-to-work" provision allowed states to ban the union shop, and union leaders also turned to negotiating health and retirement plans as a way to offer members new reasons to remain

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<sup>25</sup> Brody, *Labor Embattled*, 104-108; Becker, "Democracy in the Workplace," 545-546; Gross, *Broken Promise*, 1-4.

<sup>26</sup> Gross, *Broken Promise*, 4. On the impact of Taft-Hartley and a new era in workers' rights see also Christopher L. Tomlins, *The State and the Unions : Labor Relations, Law, and the Organized Labor Movement in America, 1880-1960* (Cambridge; New York: Cambridge University Press, 1985), 282 -316.

within the union's fold. Union-negotiated benefits could provide the kind of glue that unions needed to make workers stick with them.<sup>27</sup>

Companies and conservative lawmakers resisted unions' efforts to increase their role in negotiating the nation's social wage. They did not want workers to have a say in employer-provided benefits, arguing that benefits were not issues that should be subject to government-mandated collective bargaining. After all, employers had traditionally only offered health care and retirement policies to a few select managers. They understood that such benefits were the new shop-level battle, and they wanted to drive unions farther away from their members. Historian Jennifer Klein describes how employers successfully pushed Taft-Hartley's sponsors to outlaw the kinds of union-run benefit plans with which the movement had been experimenting.<sup>28</sup> Instead, union welfare trust funds were only permitted if administered jointly with employers, what would become known as "Taft-Hartley" plans. Employers won this class battle at the Congressional level with the passage of Taft-Hartley. But then the judicial and executive branches legitimated labor's ability to bargain over health and pension benefits.<sup>29</sup> The 1948 *Inland Steel* NLRB decision opened the door for unions to bargain on health care and retirement plans, and a 1949 Truman fact-finding board on a major steel strike ordered the company to bargain on issues of benefits.<sup>30</sup> The next several years were contentious ones as employers and workers struggled over the developing public-private

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<sup>27</sup> Robyn Muncy, *Relentless Reformer: Josephine Roche and Progressivism in Twentieth-Century America* (Princeton, NJ: Princeton University Press, 2015) 215 – 216; Gottschalk, *The Shadow Welfare State*, 41-44; Brown, "Bargaining for Social Rights," 647; Hacker, *The Divided Welfare State*, 120-130.

<sup>28</sup> Klein, *For All These Rights*, 116 – 161.

<sup>29</sup> Stevens, "Blurring the Boundaries," 140-141.

<sup>30</sup> Gottschalk, *The Shadow Welfare State*, 48; Brown, "Bargaining for Social Rights," 669.

social safety net. Fifty-five percent of the strikes in 1949 and 70 percent in the first half of 1950 were over health and welfare issues.<sup>31</sup>

The end result was that collective bargaining became a centerpiece of the public-private welfare regime from the 1950s through the early 1980s. By 1954, three-quarters of union members were covered by a health plan or pension through collective bargaining, up from one-eighth in 1948.<sup>32</sup> At first, these gains were limited to union members, but over the ensuing decades these union benefits spread. A mere 16 percent of workers had regular medical coverage in 1950, but nearly 70 percent did 25 years later. Only 23 percent of U.S. workers had a pension plan in 1950.<sup>33</sup> By 1979, 83 percent of unionized workers had a company-provided pension as did 39 percent of workers without a union.<sup>34</sup> “Taft-Hartley” plans, meanwhile, developed into collectively-bargained, multi-employer health and welfare funds covering millions of workers, especially in the building and construction trades.<sup>35</sup> Unions continued to lift workers’ wages, too. By the time Barbara Cash formed her union in 1979, workers with a union earned 27 percent more than those without a union.<sup>36</sup> Workers also used their unions to improve their control over their work lives, building a system of workplace jurisprudence

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<sup>31</sup> Stevens, “Blurring the Boundaries,” 141; Gottschalk, *The Shadow Welfare State*, 48.

<sup>32</sup> Brown, “Bargaining for Social Rights,” 653.

<sup>33</sup> Root, *Fringe Benefits*, 192.

<sup>34</sup> Freeman, “Unions, Pensions and Union Pension Funds,” 89-121.

<sup>35</sup> Gottschalk, *The Shadow Welfare State*, 46-47.

<sup>36</sup> Hirsch and MacPherson, *Union Membership and Earnings Data Book*, 19.

that allowed them to make sure the most senior workers were promoted first, for instance, or to appeal supervisors' unfair penalties.<sup>37</sup>

Collective bargaining impacted even workers without unions as employers in major industries matched unionized gains. Ninety-six percent of manufacturing employers, for instance, reported in 1979 that they did wage surveys to set rates, a practice which allowed union-negotiated rates to drive up standards.<sup>38</sup> One business school professor studied 26 non-union companies - - such as Black & Decker, Eli Lilly, Gillette, IBM, and Polaroid - - over 30 years, and found that they followed organized companies in setting wages and benefit rates up through the early 1980s.<sup>39</sup> When some workers within a big firm had a union and others did not, many firms adopted the unionized rates in order to contain unions.<sup>40</sup> "You get the same benefits - - union or non-union," one GE executive assured a group of workers who were about to vote on whether to form a union in Bangor, Maine in 1978.<sup>41</sup>

In fact, union organizing itself helped drive up wages and benefits, even when the workers never won their unions. One 1970 study of employers facing unionization drives

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<sup>37</sup> On industrial jurisprudence see David Brody, "Workplace Contractualism in Comparative Perspective," in *Industrial Democracy in America: The Ambiguous Promise*, eds. Nelson Lichtenstein and Howell John Harris, (Washington, D.C., Cambridge [England]; New York: Woodrow Wilson Center Press; Cambridge University Press, 1993) 199-200.

<sup>38</sup> "Policies for Unorganized Employees," *Personnel Policies Forum Survey no. 125* (Washington, DC: Bureau of National Affairs, April 1979) 13 as discussed in Freeman and Medoff, *What Do Unions Do?*, 150-153.

<sup>39</sup> Fred K. Foulkes, *Personnel Policies in Large Nonunion Companies* (Englewood Cliffs, N.J.: Prentice-Hall, 1980); Rosenfeld, *What Unions No Longer Do*, 74.

<sup>40</sup> Freeman and Medoff, 150-153.

<sup>41</sup> Final Captive Audience Speech, GE, Bangor Maine, January, 1978, John A. Adams, Manager Employee and Community Relations, File 19, Box 8, Kistler papers.

revealed that 92 percent changed their employment policies during the time of the campaign, including 52 percent who gave their workers raises and 23 percent who raised benefits.<sup>42</sup> The textile workers union - - in an industry that was only ten percent unionized in the South - - proactively used the threat of Southern unionization to raise all textile workers' pay. In doing so, they also sought to lift union wages in their Northern shops. For over twenty years, the union engaged in what it called "Southern wage agitation drives" in which each year they would pick dozens of non-union plants to target for mass leafleting before going to the bargaining table for unionized workers.<sup>43</sup> "Good things don't just happen," urged one such leaflet, with a tear off union card at the bottom. Sometimes these leaflets did generate organizing leads, but mostly they were a strategy to force management's hand, remembered the union's former research director, Keir Jorgensen.<sup>44</sup> Management's fear of unions drove up wages. One management consultant urged all employers to follow "union-free standards" and give workers "competitive wages and benefits equal to (or preferably better than) that of both union and non-union competitors..."<sup>45</sup>

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<sup>42</sup> E.R. Curtain, *White Collar Unionization* (New York: National Industrial Conference Board, 1970) 67, cited in Freeman and Medoff, 154-156.

<sup>43</sup> See documentation on 1978 wage drive, for instance: George Perkel to Sol Stetin, January 6, 1978 and Scott Hoyman to All Southern Textile Division Local Unions, February 10, 1978 in folder marked 1978 Southern Wage Drive, Box 60, 5619/007, Amalgamated Clothing and Textile Workers Union (ACTWU) papers, Kheel Center for Labor-Management Documentation, School of Industrial and Labor Relations, Cornell University (hereafter ACTWU papers); Marion A. Ellis, "Cannon Mills, Union Prepare for Showdown in Kannapolis," Box 81, Cannon Mills papers, David M. Rubenstein Rare Book & Manuscript Library, Duke University, Durham, NC (hereafter Cannon Mills records).

<sup>44</sup> "Good Things Don't Just Happen," folder marked 1978 Southern Wage Drive, Box 60, 5619/007, ACTWU papers. Keir Jorgensen interview by the author, April 16, 2013, Washington, DC.

<sup>45</sup> Gordon E. Jackson, *When Labor Trouble Strikes: An Action Handbook* (Englewood Cliffs, NJ: Prentice-Hall, 1981) 36.

By the late 1960s, the most secure tier of the U.S. employer-based welfare regime was finally opening up to people like Cash, an African-American woman, under pressure from the Civil Rights movement and Title VII of the Civil Rights Act of 1964. In previous decades, many women and people of color had found themselves beyond collective bargaining's reach.<sup>46</sup> Partly this was a matter of jurisprudence. The policy makers who created the New Deal effectively excluded many people of color and women from the 1935 National Labor Relations Act (NLRA), the law that gave private-sector workers the right to form unions. Like the 1935 Social Security Act and the 1938 Fair Labor Standards Act, the NLRA did not cover the jobs women and people of color were most likely to hold, such as those in agriculture and domestic service.<sup>47</sup> Yet the fact that women and people of color had long found themselves outside collective bargaining's sphere of influence was also a matter of de facto injustice. Many employers refused to hire them for the good, industrial jobs most likely to be covered by or influenced by collective bargaining, and many unions excluded them from membership.<sup>48</sup> As many black and women workers entered the workforce, they turned to organizing unions. By

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<sup>46</sup> For more on how the social welfare state in the United States excluded many citizens see Brown, *Race, Money, and the American Welfare State*; Gordon, *Pitied but Not Entitled*; Alice Kessler-Harris, *In Pursuit of Equity*; Katznelson, *When Affirmative Action was White*.

<sup>47</sup> Katznelson, *When Affirmative Action was White*. Mary Poole, *The Segregated Origins of Social Security* (Chapel Hill, North Carolina: The University of North Carolina Press, 2006). The Fair Labor Standards Act excluded so many of the gender-typed female occupations - - such as domestic and nonprofit work - - that it covered a mere 14 percent of working women upon its passage in 1938. Kessler-Harris, *In Pursuit of Equity*, 106.

<sup>48</sup> Kessler-Harris, *In Pursuit of Equality*; Frymer, *Black and Blue*, 27 - 38, 64.

the late 1970s, nearly one in four black women who worked in the private-sector was a union member.<sup>49</sup>

Cash got her job at Woodward & Lothrop in 1966, just as the company began hiring more than a few token black workers. Cash was part of a younger, more diverse workforce which was very keen on pushing out the company-influenced union, and organizing its own new union in order to improve workers' jobs. Yet by the time Barbara Cash and her co-workers formed a union with the UFCW in 1979, they found that union organizing in the U.S. had become a very onerous process. It would not be enough for a majority of them to sign union cards, as was the case in much of Canada, or to simply declare their interest in a union, as in Sweden. They had no guaranteed legal right to a union in every workplace, as in Germany.<sup>50</sup> Rather, Barbara Cash and the Woodward & Lothrop workers would first have to prove to the government that at least 30 percent of them wanted a union - - usually by signing union cards. Then they would have to endure what was typically an eight to ten-week campaign period in which employers campaigned against the union, routinely pulling employees off their jobs and forcing them to listen to anti-union propaganda. Their employer could even prohibit them from speaking in these meetings. The union, meanwhile, would be barred from entering the workplace. By the time of Cash's union election, 30 percent of employers facing a union

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<sup>49</sup> Rosenfeld, *What Unions No Longer Do*, 128 -129.

<sup>50</sup> Gary N. Chaison and Joseph B. Rose, "The Canadian Perspective on Workers' Right to Form a Union and Bargain Collectively," and Roy J. Adams, "Union Certification as an Instrument of Labor Policy: A Comparative Perspective," both in *Restoring the Promise of American Labor Law*, eds Sheldon Friedman et al, (Ithaca, N.Y.: ILR Press, 1994).



campaign fired at least one worker.<sup>51</sup> Yet such employers did not incur large fines or penalties if caught - - they simply had to rehire the worker, pay the lost wages, and hang a blue and white sign in the break room stating they had broken the law. Only if half of the workers were still willing to vote for a union after this fraught campaign would the NLRB mandate that the employer sit down and negotiate a worksite-specific collective bargaining agreement which would finally provide job security and better wages and benefits. This dysfunctional union election process became the mechanism by which many U.S. workers, like Cash, had to access their nation's fullest social welfare system.

How had it gotten so difficult to organize a union by the late 1970s? While over the decades after Taft-Hartley's passage the NLRB fluctuated in how it interpreted organizing law (often depending on which political party held the White House), the general thrust was that the NLRB steadily ceded its role as referee. Employers then pressed that advantage, starting in the 1970s.<sup>52</sup> Consider, for instance, the issue of whether employers could force their workers to attend company meetings against the union, often known as "captive audience" meetings. The original Wagner Act's neutrality rule barred such meetings and, in fact, the Board explicitly prohibited such meetings in the 1946 *Clark Bros. Co* case. The Board reversed position, however, citing Taft-Hartley as the reason in its 1948 *Babcock & Wilcox* decision, which allowed employers to force workers to attend meetings against the union.<sup>53</sup> The Truman NLRB ruled that unions had the right to reply if employers held such meetings in the 1951

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<sup>51</sup> "AFL-CIO Organizing Survey 1986-87 NLRB Elections," Folder 9, Box 10, Kistler papers.

<sup>52</sup> Gross, *Broken Promise*. On the impact of Taft-Hartley and a new era in workers' rights see also Tomlins, *The State and the Unions*, 282 -316.

<sup>53</sup> Gross, *Broken Promise*, 35.

*Bonwit Teller* case, but then in 1953 the Eisenhower board stripped unions of that same right in the *Livingston Shirt Corp* case.<sup>54</sup> A series of decisions in the late 1960s further determined that employers could prohibit workers from discretely leaving the room during such meetings while at the same time also could refuse to let union supporters join the meeting.<sup>55</sup> By the mid -1970s, the end result was that employers could legally cherry pick out the workers who were undecided about the union, force them to attend coercive meetings against the union, and never be required to allow the union equal say. For example, when textile worker Cynthia Hanes spoke up in favor of a union during such a mandatory meeting at Cannon Mills in 1985, the company threw her out. “I wanted to go to a meeting so when they started telling their lies, I could embarrass them... That’s why they didn’t want me in there.”<sup>56</sup> This was a far cry from the neutrality required by the original Wagner Act. The number of employers requiring such meetings increased by a third in the thirty years between 1968 and the late 1990s, when nearly all employers held mandatory-attendance “captive audience” meetings.<sup>57</sup>

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<sup>54</sup> Gross, *Broken Promise*, 105; Brody, *Labor Embattled*, 107.

<sup>55</sup> Becker, *Democracy in the Workplace*, 561-562; Gross, *Broken Promise*, 105-111; Brody, *Labor Embattled*.

<sup>56</sup> Transcript of Cynthia Haynes interview by George Stoney and Judith Hefland, nd, c. 1991, Tape 8G, Uprising of '34 papers, Southern Labor Archives, Special Collections and Archives, Georgia State University Library (hereafter Uprising of '34 papers).

<sup>57</sup> The AFL-CIO estimated that 70 percent of employers held captive audience meetings in 1967. Statement of William L. Kircher to the Special Labor Subcommittee to the House Education and Labor Committee of HR 11725, a bill to amend the NLRA to increase the effectiveness of remedies, August 7, 1967, Box 2, AFL-CIO Organizing Department Records, George Meany Memorial AFL-CIO Archive, Special Collections & University Archives, University of Maryland (hereafter AFL-CIO Organizing Department records.) By the late 1990s, 92 percent held such meetings. Kate Bronfenbrenner, “Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages and Union Organizing,” (Electronic Version), Ithaca, NY, 2000, submitted to the U.S. Trade Deficit Review Commission, <http://digitalcommons.ilr.cornell.edu/reports/3/> (accessed June 9, 2014).

Or consider the NLRB's treatment of companies' threats to shut down if the workers voted in a union. The NLRB first softened Taft-Hartley's impact soon after its passage in the *General Shoe* decision in 1948, requiring that union elections must take place in "laboratory conditions" free from such coercion. Even if an employer did not expressly violate the law, if it created a coercive atmosphere, the election could be considered invalid.<sup>58</sup> Nevertheless, in the early 1950s the NLRB decided that an employer was within legal bounds when it predicted it would have to close to meet unions' wage demands.<sup>59</sup> The board reversed that rule in 1962, deciding that such predictions of company closure were actually threats.<sup>60</sup> Yet in the 1970s the board reversed policy yet again, making such threats legal as long as the company did not threaten to close solely because of the union.<sup>61</sup> By the 1990s, half of all employers facing worker organizing campaigns threatened to shut down if the workers formed a union.<sup>62</sup>

Organizing a union also became more difficult because, in the 1970s, a new breed of management consultants began to teach employers exactly how to threaten their workers and use their legal advantage in union organizing contests. "The employer's greater opportunity to communicate with its employees, the virtually complete access to the minds of the voters during working hours, and the control management could exert

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<sup>58</sup> Gross, *Broken Promise*; Brody, *Labor Embattled*.

<sup>59</sup> Gross, *Broken Promise*, 109; *Chicopee Mfg. Corp.*, 107 NLRB 106, 107 (1953).

<sup>60</sup> Gross, *Broken Promise*, 168.

<sup>61</sup> *Birdsall Construction Co.*, 198 NLRB 163, 163 (1972) in Gross, *Broken Promise*, 228; *Leggett and Platt, Inc.*, 230 NLRB 463 (1977) as discussed in Alfred T. DeMaria, *How Management Wins Union Organizing Campaigns* (New York; Englewood Cliffs, N.J.: Executive Enterprises Publications Co.; Prentice-Hall, 1982) 137.

<sup>62</sup> Bronfenbrenner, *Uneasy Terrain*.

over employees gave the employer a considerable advantage over his union counterparts,” asserted Alfred DeMaria, one of the most well-known anti-union consultants of the decade.<sup>63</sup> Employers began to break the law far more frequently, and state penalties were scant. The number of unfair labor practice charges around such labor law violations as threats and harassments increased sevenfold between 1950 and 1980 to over 30,000 a year.<sup>64</sup> Though technically unions could commit unfair labor practices too, like making threats, the NLRB found that employers were at fault in 82 percent of the cases with merit.<sup>65</sup> But even when the NLRB faulted the employer, little happened. Anti-union consultant Fred R. Long of West Coast Industrial Relations Associates, for instance, was captured on tape in 1976 telling a room of clients, “What happens if you violate the law. The probability is you will never get caught. If you do get caught, the worst thing that can happen to you is you get a second election and the employer wins 96 percent of those second elections.”<sup>66</sup>

A contrast with public sector union organizing is instructive and serves as a foil against which to track the trajectory of private sector union elections. When public sector workers tried to form unions, they were usually successful in doing so, even during the

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<sup>63</sup> Demaria, xvii; For more on Alfred DeMaria as a noted anti-union consultant see Robert Michael Smith, *From Blackjacks to Briefcases: A History of Commercialized Strikebreaking and Unionbusting in the United States* (Athens: Ohio University Press, 2003).

<sup>64</sup> See Appendix D. This is a comparison of 8(a)1 charges under the NLRA. See also Michael Goldfield and Amy Bromsen, “The Changing Landscape of US Unions in Historical and Theoretical Perspective,” *Annual Review of Political Science*, 2013, 16:236.

<sup>65</sup> Barbara Townley, *Labor Law Reform in US Industrial Relations* (Aldershot, Hants, England; Brookfield, Vt., U.S.A.: Gower, 1986) 40.

<sup>66</sup> U.S. Congress, House of Representatives, Subcommittee on Labor-Management Relations of the Committee on Education and Labor, 96<sup>th</sup> Congress, 1<sup>st</sup> Session, *Pressure in Today’s Workplace*, Vol I, 213 (hereafter *Pressure in Today’s Workplace*).

1970s and 1980s when private sector workers faced such heavy employer resistance. Public sector employers rarely fought their efforts with the same vehemence. Federal government workers first won the right to collective bargaining in 1962 when President John F. Kennedy issued Executive Order 10988, covering two million federal workers. State and city-level public sector workers won the right to form unions over the course of the 1960s and early 1970s when many states passed new laws allowing public workers to collectively bargain. By 1975, public workers could legally collectively bargain in 36 states.<sup>67</sup> Whereas in the mid-1950s, virtually no public sector workers had unions, by the mid-1980s over 40 percent of public sector workers were covered by a collective bargaining agreement, compared to 14 percent in the private sector.<sup>68</sup> Public sector union organizing continued its momentum into the 1970s as an average of 400,000 government workers flocked to unions each year, including many women and people of color. Teachers, fire fighters, public office workers and sanitation workers all organized and successfully won the right to enter into the collective bargaining relationship, even as their counterparts in the private sector found their unionization wave broken apart by the shoals of unchecked employer resistance.<sup>69</sup>

When employers manipulated weak labor law and made it more difficult for workers to walk through labor's door, unions were hard pressed to fulfill their obligations

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<sup>67</sup> McCartin, "A Wagner Act for Public Employees," 123.

<sup>68</sup> Richard B. Freeman and Casey Ichniowski, *When Public Sector Workers Unionize* (Chicago: University of Chicago Press, 1988) 1.

<sup>69</sup> The 400,000 figure for annual public sector unionization growth in the 1970s is derived from Table 1f, Union Membership, Coverage, Density, and Employment Among Public Sector Workers, 1973-2007, in Hirsch and Macpherson, *Union Membership and Earnings Data Book*, 16. See also McCartin, "A Wagner Act for Public Employees"; Kate Bronfenbrenner, Tom Juravich, and Joseph G. Eisenhauer, "Union Organizing in the Public Sector: An Analysis of State and Local Elections," *Journal of Labor Research*, 17, no. 4 (1996), 751; Freeman and Ichniowski, *When Public Sector Workers Unionize*.

as chief negotiators for the social wage. They sunk increasingly scarce resources into negotiating and servicing the collective bargaining agreements which redistributed the nation's corporate wealth, but too often they found they had to do so at the expense of fresh organizing. Union leaders were thus stymied when they essentially had to administer parts of the employer-based social welfare state and simultaneously expand its limits. "There is a strong tendency, given the many frustrations of organizing and servicing demands for staff time, to slip away from organizing," the AFL-CIO's Organizing Director Alan Kistler wrote to its president, Lane Kirkland, in 1980.<sup>70</sup> Union leaders felt the pressures of the competing demands. "Some unions, including our own, have shifted from organizing to bargaining and servicing," said Ken Brown, president of the Graphic Communications International Union (GCIU) in a 1984 top-level AFL-CIO strategy session in which leaders wrestled with how to handle plummeting union membership. "By the very regularity of contract, bargaining is regularly thrust upon us; We have to do that."<sup>71</sup> By the mid-1980s, unions had pulled back on union organizing efforts through the NLRB, and were bringing half as many workers to the union voting booth as in the 1970s.<sup>72</sup>

After employers successfully limited workers' ability to organize new unions, they no longer feared union organizing, and so stopped trying to avoid unionization by meeting unionized wage and benefit standards. The result was that employers effectively shirked the social welfare role for which collective bargaining had been the big stick.

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<sup>70</sup> Alan Kistler to Lane Kirkland, July 15, 1980, Folder 30, Box 11, Kistler papers.

<sup>71</sup> Notes at Future of Work Committee, April 19, 1984, memo to Charles McDonald, Box 4, Kistler papers.

<sup>72</sup> See Appendix A.

Collective bargaining does still make quite a difference for the people covered by union contracts. Union members' wages were more than a fourth larger than those of workers without a union in 2015 and union members had twice the level of employer-provided benefits. But there simply are fewer union members in 2015, and so fewer people benefit from this union premium.<sup>73</sup> Unions are no longer able to lift many boats in the way they once did and, after the 1970s, union and nonunion wages and benefits became decoupled. The pull of unions on the nonunion wage market has shrunk by as much as 40 percent since the early 1970s and this, in turn, has deepened income inequality.<sup>74</sup> Though today's inequality is often seen as a product of stratospheric pay rises at the top of the scale, such as among lavishly-paid CEOs, falling wages in the middle and at the bottom are also a key driver.<sup>75</sup> Median family income doubled between 1949 and 1979, growing along with productivity, but then growth slowed to a crawl as the wealthy few began to earn far more than average people.<sup>76</sup> Globalization and technological change fed the inequality gap, yet so did de-unionization. One-third of the income inequality among men, and one-fifth among women, was due to the drop in union density between 1973 and 2007,

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<sup>73</sup> In 2014, among full-time wage and salary workers, union members' median usual weekly earnings were \$970 compared to \$763 for workers without a union. See Bureau of Labor Statistics, Economic News Release, Union Members Summary, January 23, 2015, found at <http://www.bls.gov/news.release/union2.nr0.htm> (accessed January 26, 2015.); George I. Long, "Differences Between Union and Non Union Compensation, 2001-2011," *Monthly Labor Review*, April, 2013, 2, <http://www.bls.gov/opub/mlr/2013/04/art2full.pdf>, (accessed February 21, 2015). The union total benefit costs were \$14.67 per hour compared to \$7.56 for nonunion in 2011.

<sup>74</sup> Rosenfeld, *What Unions No Longer Do*, 74-79.

<sup>75</sup> Mishel, Bivens, and Gould, *The State of Working America* (12<sup>th</sup> Edition).

<sup>76</sup> Noah, *The Great Divergence*; Carmen DeNavas-Walt, Bernadette D. Proctor and Jessica Smith, U.S. Census Bureau, *Current Population Reports, P60-245, Income, Poverty and Health Insurance Coverage in the United States, 2012* (Washington, DC: U.S. Government Printing Office, 2013), <http://www.census.gov/prod/2013pubs/p60-245.pdf>. (accessed February 21, 2015). For productivity and real median family income growth, see Economic Policy Institute, <http://stateofworkingamerica.org/charts/productivity-and-real-median-family-income-growth-1947-2009> (accessed January 25, 2015)

according to Bruce Western and Jack Rosenfeld. Their research controls for education levels and also examines the union effect on nonunion wages - - such as through the threat of union organizing. They found that the decline of organized labor among men contributed as much to men's wage gap as did pay stratification by education.<sup>77</sup>

The shortening of collective bargaining's reach also weakened workers' access to employer-provided health and retirement plans. The late 1970s was the peak of the levels of such plans. Nearly half of all workers received pensions and 80 percent of Americans were covered by private hospital and surgical coverage by the end of that decade, the same moment when union membership peaked in absolute numbers.<sup>78</sup> When union membership shrunk and unions became less of an organizing threat, employers were free to sever the link between union and non-union benefits. While unionized workers have seen the benefits portion of their compensation rise 50 percent since the 1970s, the nonunion share has increased only 33 percent.<sup>79</sup> The state, meanwhile, has done little to fill in the nation's shredded social welfare net. Wages lag, guaranteed pensions have gone the way of the dinosaurs and workers' health care costs continue to climb (though the Affordable Care Act of 2010 has offered a step in the other direction.)

In the 1970s, however, this overall downward trajectory in union membership, income equality, and social welfare provision was by no means certain. America's

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<sup>77</sup> Western and Rosenfeld, *Unions, Norms, and the Rise in U.S. Wage Inequality*, 513-537; Freeman, *America Works*; Noah, *The Great Divergence*.

<sup>78</sup> Klein, *For All These Rights*, 5. For union membership, see Hirsch and Macpherson, *Union Membership and Earnings Data Book*, 11. Union membership peaked in 1979 at 21 million members.

<sup>79</sup> John W. Budd, "The Effect of Unions on Employee Benefits and Non-Wage Compensation: Monopoly Power, Collective Voice, and Facilitation," in *What Do Unions Do? A Twenty-Year Perspective*, eds. James T. Bennett and Bruce E. Kaufman, (Piscataway, NJ: Transaction Publishers, 2007), 178.



workers - - like Barbara Cash and her co-workers at Woodward & Lothrop department store - - understood that if you wanted economic security and social welfare guarantees in the U.S., a union contract was your best bet. They joined the ranks of millions of workers who tried to form union in this pivotal decade, knocking on labor's door even as the economy was turning toward increased precariousness. It is their story to which we now turn.

## *Chapter Two*

### **America's Newest Workers Went Knocking**

Henry Davison left his hometown of Monroe, Louisiana in 1965 because, as a young black man, “I couldn’t find a job...People in Monroe wanted to pay you two dollars an hour, but when you’d go out to buy a car it would cost the same as up North.” Davison found work in Chicago at a Ford assembly plant and only returned home to Monroe in the mid-1970s to raise his family. He landed a job at General Motor’s new Guide lamp plant in 1976 where he was still getting paid less than workers up North: “It began to gnaw on me some - - a few of us began to talk about how it wasn’t right that we were being discriminated against.” Davison and his co-workers began to organize with the UAW and voted 323-280 in favor of the union in late 1976. When they negotiated their first union contract in 1977, they won far more economic and social welfare security, such as an \$80 a week raise and the same vision and dental plans enjoyed by GM workers who had long had a UAW contract. “I walked into that plant today and felt like my job was secure for the first time since I started working for GM,” said Davis as he began working under the new agreement.<sup>1</sup>

Historians have overlooked stories like that of Henry Davison. The dominant historical narrative of working-class decline in the 1970s has no place for a black man

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<sup>1</sup> Don Stillman, “Breaking GM’s Southern Strategy,” *Solidarity*, January 28, 1977, Vol. 20, no 2., 9. “UAW Wins \$86 Raise in First Pact in Louisiana,” *The Organizer*, UAW Organizing Department, Vol. 12, No 1, First Quarter, 1977, 8, Box 7, Simon Alpert papers, Reuther Library, Detroit, Michigan (hereafter Alpert papers.) “UAW Wins Vote to Form Union at GM Plant in South,” *The Wall Street Journal*, December 24, 1976, 3.

who returned to the South and successfully unionized his auto plant.<sup>2</sup> Yet Henry Davison was far from alone in his desire to form a union in order to improve his job and his family's economic standing; he was part of the unstudied wave of private-sector workers who pushed to form unions in the 1970s. More than five million workers voted in NLRB elections in this decade.<sup>3</sup> Who were these workers and what did they want? They were the women and people of color who in previous decades had been denied full access to the nation's best jobs but by the 1970s benefitted from the new laws and expectations about the workplace won by the Civil Rights movement. Many were Sunbelt workers whose unionizing efforts increased dramatically in the 1970s. These Southern efforts were buoyed by people like Davison who were among the more than two million African-Americans who have joined the reverse migration to Southern states since 1970.<sup>4</sup> Immigrant workers in urban areas led unionizing attempts. The organizing workers also included many young boomers who had a new sense of their rights, having grown up amidst the nation's Civil Rights and Vietnam era protests. They were just entering the workforce and assumed the U.S. economy would continue to grow and prosper. They wanted to share in the economic feast.

These workers' expectations of continued economic expansion turned out to be unfounded, however, for the nation's growth reversed sharply in the 1970s. The troubles started in the late 1960s when America's corporations faced their first substantial global competition since World War II, and began to see their profits squeezed. Though some

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<sup>2</sup> Cowie, *Stayin' Alive*; Sandbrook, *Mad as Hell*; Borstelmann, *The 1970s*; Schulman, *The Seventies*.

<sup>3</sup> See Appendix A.

<sup>4</sup> For data on Sunbelt workers forming unions, see Appendix B. Wright, *Sharing the Prize*, xi.

industries like steel and textile had struggled for years, in the years between 1965 and 1973, the rate of profit growth for all private business fell sharply. Many were alarmed when the nation imported more merchandise than it exported starting in 1971, for the first time since 1893. The U.S. then faced quick external economic shocks, such as the oil crisis and the end of the fixed currency world system put in place following World War II. Then in 1975, a recession rocked the nation. Unemployment rose to 8.5 percent, and inflation reached a postwar high of 9.1 percent.<sup>5</sup> It was no cyclical crisis. Instead, it was the beginning of a new economic paradigm of much slower growth and falling wages, which grew from long-term structural changes underneath these quick economic shocks. Wages had risen along with productivity for decades, but starting in the 1970s they were decoupled. By the early 1980s, working people's share of the economy, or the gross domestic product, started to decline - something that many economists thought would never happen. Meanwhile, inequality deepened. Eighty percent of the total increases in American income went to the top one percent of Americans, from 1980 to 2005. Starting in the 1970s the jobs themselves began to change and America's working people faced an economy that was increasingly global, focused on service, retail and finance, and marked

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<sup>5</sup> Robert Brenner, *The Economics of Global Turbulence: The Advanced Capitalist Economies from Long Boom to Long Downturn, 1945-2005* (London; New York: Verso, 2006) 101. On steel see Paul A. Tiffany, *The Decline of American Steel: How Management, Labor, and Government Went Wrong* (New York: Oxford University Press, 1988). On textiles see Timothy J. Minchin, *Empty Mills: The Fight Against Imports and the Decline of the U.S. Textile Industry* (Lanham, Md.: Rowman & Littlefield Publishers, 2013). Stein, *Pivotal Decade*; David Gordon, "Chickens Home to Roost: From Prosperity to Stagnation in the Postwar U.S. Economy," in *Understanding American Economic Decline*, eds. Michael A. Bernstein and David E. Adler, (Cambridge [England]; New York: Cambridge University Press, 1994) 34; Joseph A. McCartin, "Turnabout Years: Public Sector Unionism and the Fiscal Crisis" in *Rightward Bound: Making America Conservative in the 1970s*, eds. Bruce Schulman and Julian E. Zelizer, (Cambridge, Mass.: Harvard University Press, 2008) 214.

by much more temporary and part-time work. The 1970s held the beginnings of the capitalistic structures that would mark the 21<sup>st</sup> century economy.<sup>6</sup>

Many scholars of the working class have focused on the dissociation that resulted when this mix of racial and gender progress, growth expectations, and protest met with the economic crisis. They highlight the rising support for George Wallace, the protests against integrated school busing, and the planting of the grassroots conservative seeds that led to the era of Reagan. The unionized construction workers who beat up Vietnam War protestors figure prominently in narratives of the dissociation within the white working class which, in the words of one writer, was “mad as hell.” In this narrative, the old institutions of labor had less relevance and power: the individual rights consciousness that grew out of the Civil Rights movement held more salience in the public’s imagination than the New Deal collectivity that had once built up unions.<sup>7</sup>

There was indeed dissociation within the 1970s working-class experience. Racism and hatred drove people apart when there was less money to go around. Yet there was also a re-formation to make up something new: a reconfigured and newly-energized working class. Women, African-Americans, Hispanics and other people of

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<sup>6</sup> Edward Harris and Frank Sammartino, “Trends in the Distribution of Household Income Between 1979 and 2007,” Pub. No. 4031, (Washington, DC: Congressional Budget Office, 2011) <http://www.cbo.gov/publication/42729> (accessed electronically on February 21, 2015). On the severing of wages and productivity see Larry Mishel, “The Wedges Between Productivity and Median Compensation Growth,” Issue Brief #330 (Washington, DC: Economic Policy Institute, 2012). On GDP see Margaret Jacobson and Filippo Occhino, “Behind the Decline in Labor’s Share of Income,” 2012, Federal Reserve Bank of Cleveland, Economic Trends, <https://www.clevelandfed.org/Newsroom%20and%20Events/Publications/Economic%20Trends/2012/Behind%20the%20Decline%20in%20Labors%20Share%20of%20Income> accessed February 19, 2015. On inequality, see Noah, *The Great Divergence*.

<sup>7</sup> Sandbrook, *Mad as Hell*; Cowie, *Stayin’ Alive*, 1-5, 79-81, 135-138; McGirr, *Suburban Warriors*; Edsall and Edsall, *Chain Reaction*; Lichtenstein, *State of the Union*; Borstlemann, *The 1970s*, 14-17.

color had long been part of the working class, of course. Some members of these groups had worked for wages for over a century and a half, and even when they were not wage earners, they were part of the working-class through their families and the neighborhoods in which they grew up.<sup>8</sup> Nevertheless, by the 1970s, these groups had gained new access to far more positions in the U.S. workforce. Title VII of the Civil Rights Act of 1964 outlawed discrimination on the job by race, sex and nationality, marking the single biggest challenge to employers' workplace power since the passage of the Wagner Act. These new employment standards would also be available to new immigrants entering the country after the passage of the 1965 Immigration and Nationality Act (Hart Cellar Act). White male privilege at work had been dealt a heavy blow, and the wave of young baby boomers just entering the workforce found a changed landscape. Whole groups of people had permanent opportunities open to them that simply had not been available to their parents, whether that meant young black workers pouring into Southern industry or women building careers. As these groups entered the workforce in new ways, they demanded full access to the coveted, highest-paying jobs. After all, they too shared in assumptions of growth and had come of age in a period of protest. They were ready to push for their rights. Thus, when their path to economic security seemed threatened by the recessions and economic turmoil, they used their new understandings about their

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<sup>8</sup> Kessler-Harris, *Out to Work*; Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work and the Family, From Slavery to the Present* (New York, NY: Basic Books, 1985); Vicky Ruiz, *From Out of the Shadows: Mexican Women in Twentieth Century America* (New York: Oxford University Press, 1998).

rights to take on their employers in numerous venues, including collectively through union organizing campaigns.<sup>9</sup>

Working men and women passed out union cards in the nations' factories, stores, restaurants and hotels in the 1970s. Flight attendants rallied to demand unions, secretaries wrote manifestos, professional football players insisted on their unionizing rights, and hospital workers embraced with gusto their new legal right to organize. Employees of the Midwest Stock Exchange unionized as did bicycle couriers and bank employees in Washington, DC. Auto workers at Volkswagen, the nation's first foreign car assembly transplant, went union in 1978. When 450 mostly young employees of the Yosemite Park and Curry Company said they wanted a union in 1976, NLRB agents rode on horseback out to their remote camps with collapsible ballot boxes strapped to the horses' sides. The workers voted in a union two-to-one.<sup>10</sup>

Private-sector union organizing efforts were not the only realm in which this reconfigured working class fought for more footing and rights. Strikes, campaigns for union democracy and public sector union organizing were also key. The strike wave of the early 1970s was unlike any the nation had seen since 1946. In 1970 alone, one in six of the nation's union members went on strike, such as the huge (illegal) walkout among

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<sup>9</sup> For scholarship focusing on the impact of Title VII of the Civil Rights Act of 1964 see MacLean, *Freedom is Not Enough*; Minchin, *Hiring the Black Worker*; Wright, *Sharing the Prize*; Deslippe, *Rights, Not Roses*. Borstlemann offers a sharp analysis of the increase of women in the workforce in *The 1970s*, 73-96.

<sup>10</sup> Some of these examples of types of workers voting in NLRB elections are taken from selected NLRB Election Report, Cases Closed, various months, 1970 – 1979. "MSE vs. Union Campaign Expands," *Chicago Tribune*, May 1, 1979, C6; "Delivery Firm Gets Message as Union Bicyclists Picket," *The Washington Post*, December 4, 1976, B1; "AS&T Union Drive Starts," *The Washington Post*, September 10, 1974, D8. "Volkswagen Gets the UAW Label," *Solidarity*, June 1978, 3. The plant was in Westmoreland; "Yosemite Holds Labor Vote," *Los Angeles Times*, June 29, 1976, 3.

150,000 postal workers – including many people of color.<sup>11</sup> Jefferson Cowie misses the mark when he argues that the big strikes were over by the end of the decade. Though there were fewer strikes by the end of the decade than at the high-water mark in 1970, workers kept walking out in impressive numbers right up until 1979. There were 11 strikes in 1979 that involved 10,000 workers or more, including over 200,000 truckers and 47,000 workers at United Airlines.<sup>12</sup> Miners struck for 110 days in late 1977 and early 1978, forcing President Carter to invoke the Taft-Hartley Act to get them back to work.<sup>13</sup> A comparison to later years puts the breadth of even the late 1970s strike activity into sharp relief. In 1979, workers in large workplaces idled the nation for more than 20,000 manpower days, a number that would plummet to a mere 7000 by 1985 and an almost non-existent 290 by 2013.<sup>14</sup>

The 1970s were also the years of huge movements aimed at making unions more democratic and inclusive. Young rank-and-file members pushed the boundaries of their unions' bureaucracies. Union members in the Teamsters, United Mineworkers (UMW) and the United Autoworkers (UAW) all formed internal democracy organizations and women banded together to form the Coalition of Union Women (CLUW). Black trade unionists disillusioned with the union movement's slow progress on racial inclusion

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<sup>11</sup> Kim Moody, "Understanding the Rank-and-File Rebellion in the Long 1970s," in *Rebel Rank and File*, Brenner, Brenner, and Winslow, 133; Jeremy Brecher, *Strike! Revised and Expanded*, (Oakland, CA: PM Press, 2014).

<sup>12</sup> Table 1: "Work Stoppages involving 1000 or more workers, 1947-2009," Bureau of Labor Statistics News Release, "Major Work Stoppages in 2009," February 10, 2010. Cowie in *Stayin' Alive*, 2 and 42-57, gives attention to the early strike years.

<sup>13</sup> Moody, "Understanding the Rank-and-File Rebellion in the Long 1970s," 141-142.

<sup>14</sup> Table 1, "Work Stoppages Involving 1000 or more workers, 1947-2013," Major Work Stoppages in 2013, BLS, DOL, <http://www.bls.gov/news.release/pdf/wkstp.pdf> (accessed June 4, 2014).



formed a range of groups from the Coalition of Black Trade Unionists (CBTU) to the Dodge Revolutionary Union Movement (DRUM). Ed Sadlowski made a failed bid for the presidency of the Steelworkers union, running on a platform of more militancy and racial inclusion through the Steelworkers Fight Back organization.<sup>15</sup>

The same energy that pulsed through these strikes and internal union reform efforts fed unionizing efforts in both the public and private sectors. In 1971, the AFL-CIO's organizing department urged its leadership to build on this momentum, arguing that after the "civil rights revolution of the 60's...blacks and Mexican-Americans ... see the relationship of progress toward first-class citizenship to their organizational activity with respect to job rights and economic progress..."<sup>16</sup> In fact, an average of half a million private-sector workers a year attempted to form unions in the 1970s, a level of organizing that was akin to that of the 1950s and 1960s. By the 1970s, however, the landscape of union organizing had changed in two ways. First, the union organizing attempts were led by a reconfigured working class. Second, these working people were far less likely to win their union elections than were working people in previous generations. While workers won roughly 80 percent of the union elections in the 1950s, by the mid-1970s

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<sup>15</sup> Moody, "Understanding the Rank-and-File Rebellion in the Long 1970s," 135-141; Brecher, *Strike! Revised and Expanded*; Deslippe, *Rights, Not Roses*; Mary Margaret Fonow, *Union Women: Forging Feminism in the United Steelworkers of America* (Minneapolis: University of Minnesota Press, 2003) 95-111; on Sadlowski see Cowie, *Stayin' Alive*, 251-254.

<sup>16</sup> "Department of Organizing Report to Executive Council Committee on Organizing, February, 1971," Folder 3, Box 36, RG 28-002, AFL-CIO Organizing Department records.

they were losing more than half of the time because they faced increasingly activist employers and weakening state support for labor law.<sup>17</sup>

Scholars, however, have too often conflated workers' union election losses with their union organizing activism. This blind spot privileges the end result of the corporate attack on unions, and obscures workers' sustained and energetic interest in union organizing. What follows is thus a broad, national-level look at workers' union organizing attempts - - their hopes and efforts, their successes and failures. Only through such a broad lens is it possible to see the promise of a newly-diversified workforce of the 1970s, and to fully understand the magnitude of the loss when the corporate attack on union organizing closed off these workers' access to the most robust version of the U.S. social welfare regime.

### **Young Boomers Sought Unions**

Driving much of this class tumult were the baby boomers who entered America's workplaces in the 1960s. By 1976 nearly half the nation's workforce was under the age of 35.<sup>18</sup> Some scholars have found boomers individualistic and despondent by the 1970s, and far less likely than their parents or grandparents to turn to the collectivity of unions.<sup>19</sup>

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<sup>17</sup> For further information on employer resistance to unions in the 1970s, see chapter three. Goldfield, *The Decline of Organized Labor in the United States*, 90-91; Freeman and Medoff, *What Do Unions Do?*, 221-245.

<sup>18</sup> Robert I. Lerman, Stefanie R. Schmidt, *An Overview of Economic, Social and Demographic Trends Affecting the US Labor Market*, Table 1 (Washington, DC: The Urban Institute, 1999) accessed June 2, 2014 at <http://www.dol.gov/dol/aboutdol/history/herman/reports/futurework/conference/trends/trends.pdf>.

Yet polling shows that young workers were, in fact, more open to unions than were older workers. Forty-five percent of blue-collar workers under 25 said they would vote yes in a union election, nearly twice as much as the 28 percent of over 55's who would vote yes, according to study funded by the Department of Labor in 1977. Gallup polling showed that a higher percentage of people under 30 approved of unions than did the general public in 1981.<sup>20</sup> Local surveys of working people facing actual unionization drives confirm that young people were the most interested in organizing. Workers under the age of 35 at the Woodward & Lothrop department store, for example, were nearly twice as likely as were older workers to support a union.<sup>21</sup>

Young workers' interest in organizing unions was part of their wider discontent and new sense of rights, both in work and society at large. That discontent drove the

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<sup>19</sup> Cowie, *Stayin' Alive*, 216; Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics*, 16-17; Bethany Moreton, "Make Payroll, Not War: Business Culture as Youth Culture," in *Rightward Bound: Making America Conservative in the 1970s*, eds. Bruce Schulman and Julian E. Zelizer (Cambridge, Mass.: Harvard University Press, 2008) 62-63.

<sup>20</sup> Quinn and Staines, *Quality of Employment Survey (QES)*, 1977. See also Freeman and Medoff, *What Do Unions Do?*, Table 2-2, 29. Freeman and Medoff base this table on the 1977 QES survey cross-tabs. Also see Table 4A, "Who Wants Unions" in James L. Medoff, "Study for AFL-CIO on Public's Image of Unions," *Daily Labor Report*, no. 247, December 12, 1984, D-6. Medoff offers cross-tabs from the QES data in this article which reveal in-depth demographic data. Gallup Historical Trends available at [www.gallup.com/poll/12751/labor-unions.aspx](http://www.gallup.com/poll/12751/labor-unions.aspx), accessed February 20, 2015. The 1981 Gallup poll top lines break out the approval and disapproval on labor unions by sex, age, region, race, education, political affiliation, income, labor membership and other categories. The 1981 top lines for this survey are in the author's possession and are available from Gallup. Under-30 union approvals were 63% compared to 55% in the general public. For another interpretation of polling in this period, see Richards, *Union-Free America*, 5. Richards uses scholarship based on this QES 1977 polling to argue that working people were rejecting unions, but he does not examine the demographic and regional break-outs.

<sup>21</sup> Fifty-seven percent of young workers said they would vote for UFCW Local 400, compared to 34 percent of 35 – 49 year olds and 36 percent of 50 year olds, from "A Survey of Opinion toward Unions Among Woodward & Lothrop Employees in the Washington Metropolitan Area." March 1979, prepared by Kraft Opinion Research Center, Washington, DC for Local 400, RCIU. In the author's possession and available from the UFCW's research department, Washington, DC. See also "Attitudes of Cannon Workers in Kannapolis / Concord: the Job, the Employer, the Union. A Pilot Study," prepared by Sidney Hollander Associates, Baltimore, MD for the Textile Workers Union of America, March, 1976, Box 27, M86-403, records of the Textile Workers Union of America, State Historical Society of Wisconsin, Madison, Wisconsin (hereafter TWUA papers).

well-publicized 1972 strike among young insurgents at the Chevy Vega plant in Lordstown, a cross-race rebellion in which workers sought to seize back control over their lives on the production line.<sup>22</sup> Yet young workers also pushed the boundaries in their work lives in ways that did not make the headlines, such as in high rates of absenteeism, quitting, and doing poor work. At one Ford plant, the quit rate hit 25 percent in 1972.<sup>23</sup> New expectations about their rights shaped this younger generation's work experience. Alton Glass, for instance, followed his father into the Newport News shipyard. His father was the son of sharecroppers and spent most of his life in a segregated South. As a young black man of the 1970s, Glass felt more able than did his father to engage in activism and take on racism in the yard: "Where my Dad would tell me to shut up... I wouldn't shut up. And my supervisors, who were older and white, would expect me to shut up. And I wouldn't." Glass later went on to serve as president of his local union.<sup>24</sup>

Boomers' experience with the Vietnam War also mattered to union organizing in two ways. A number of middle-class, anti-war activists from the New Left developed into labor activists, often getting manufacturing jobs with the intent of organizing them, or serving as union organizers among health care and clerical workers.<sup>25</sup> Meanwhile,

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<sup>22</sup> Cowie, *Stayin' Alive*, 42-49; Brecher, *Strike! Revised and Expanded*; A.C. Jones, "Rank and File Opposition in the UAW in the Long 1970s," in Brenner et al, *Rank and File Rebellion*, 298-306.

<sup>23</sup> Sam Zagoria, "Rebellion and Reform: Workers in Revolt," *The Washington Post*, February 6, 1972.

<sup>24</sup> Alton Glass interview with the author, October 27, 2010, Newport News, Virginia.

<sup>25</sup> Marshall Ganz, et al, "Against the Tide: Projects and Pathways of the New Generation of Union Leaders, 1984 – 2001" in Ruth Milkman and Kim Voss, *Rebuilding Labor: Organizing and Organizers in the New Union Movement* (Ithaca, N.Y.: Cornell University Press, 2004) 160-164. Karen Nussbaum interview with the author, December 18, 2013, Washington, DC. Cowie, *Stayin' Alive*, 68. For a first-hand account of a young radical's efforts to play a leadership role in a union see Frank Kasner, "A Rank and File Strike at GE," *Radical America*, November / December, 1978, 43 – 60.

Vietnam veterans often led unionizing efforts when they returned to the workforce. Upon returning from Vietnam, Jacob Little helped organize a union at the Eagle and Phenix mill in Columbus, Georgia in 1979. As a young black man who had grown up in the segregated South, he built his unionizing efforts on the confidence he gained from supervising white soldiers.<sup>26</sup> “The employer has to realize that he owns the plant, but he doesn’t own the employees,” asserted Bernard Mings, a Vietnam veteran fired for trying to form a union at Ingersoll-Rand in Campbellsville, Kentucky in 1976.<sup>27</sup>

Employers were well aware that their young workforces were pushing back at a new level, and they worried about the impact of young workers’ new-found freedoms. “They want - - and, indeed demand - - relevant and significant jobs from the beginning of their career. If such jobs are not assigned to them they are very inclined to leave the company and look elsewhere,” complained one executive of Union Carbide Corporation.<sup>28</sup> In a book entitled, “How to Maintain Non-Union Status,” anti-union consultants warned that employers must deal with young workers’ changing attitudes in order to combat unions. “Those of you who deal with younger workers often hear: ‘This job is boring. This job is dull. Why do we have to do this?’” The consultants urged employers to do career planning with young employees and open up paths to job advancement in order to avoid unions.<sup>29</sup>

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<sup>26</sup> Minchin, *Hiring the Black Worker*, 246 – 247.

<sup>27</sup> “For Labor Law Victims: Time to Be Heard,” *AFL-CIO American Federationist*, June 1978, 4.

<sup>28</sup> Sam Zagoria, “Rebellion and Reform: Workers in Revolt,” *The Washington Post*, February 6, 1972.

<sup>29</sup> Cornelius Quinn, Thomas Hill, and James L. Nichols, *Maintaining Nonunion Status* (Boston, Mass.: CBI Pub. Co., 1982) 17 - 19.

An influx of young black workers sometimes tipped the scales toward the union as these workers organized at new levels, especially in the South. Consider the case of Monroe Auto Equipment Company in Hartwell, Georgia, where in the early 1960s a nearly all-white workforce hung Walter Reuther in effigy, beat union organizers, and held a mock funeral for the UAW after it was voted down at this auto parts transplant from Michigan. Their mock grave marker read:

*Less (sic) we forget, Here Lies UAW,*

*Born in Greed, Died in Defeat,*

*July 23, 1964.<sup>30</sup>*

The passage of the 1964 Civil Rights Act would shake up Southern workplaces like Monroe Auto Equipment and force employers to diversify their workforces. The company began to hire black workers for a variety of positions in 1966, and a cross-race coalition of union supporters narrowly prevailed in a second election in that year. They did so despite the fact that the company hired as its consultant John Tate, the man who pioneered a new breed of union busters and who would later serve as the architect of Wal-Mart's anti-union citadel.<sup>31</sup>

Meanwhile, Marion Crawford, a young black man, graduated from the local high school in Hartwell in 1964, and applied for a job at Monroe Auto Equipment. Management told him they only hired black workers as janitors, and they did not need

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<sup>30</sup> No 'Mob Action' Against Union, NLRB Orders," *Chicago Tribune*, October 22, 1963, C6.; Don Stillman, "Runaways: A Call to Action," *Southern Exposure*, Vol IV, 1-2, Spring / Summer 1976, 50

<sup>31</sup> Crawford interview with author; Stillman, "Runaways"; Nelson Lichtenstein, "Wal-Mart, John Tate, and Their Anti-Union America," in Lichtenstein and Tandy Shermer, *The Right and Labor in America*.

any janitors. Instead, Crawford entered the army and served in South Korea until 1967.<sup>32</sup> By the time Marion Crawford finally landed a job at Monroe Auto Equipment in January, 1968, the company was refusing to negotiate with the workers who won their union in 1966, and the company and union were deep in the midst of what turned out to be a fifteen-year battle. Crawford remembers that the company's new hires -- many of whom were young and black -- were key to the union's continued support: "Most of the younger people just wanted to have a fair shot.... Young people were shifted around, moved around, got all the dirty jobs... and young people were interested in benefits." Though African-American workers were a minority in the plant, they were a majority of the union supporters. Like Crawford, most grew up in the South and had no direct experience with unions, but many of them learned about the benefits of union contracts from relatives who had moved north to escape the South's racially unjust workplaces.<sup>33</sup>

In 1973, the workers still did not have a union contract. The NLRB ordered the company to bargain, but sixteen months later the workers still could not get the company to move on issues as simple as a grievance procedure. "We strongly urge you to continue this fight," Marion Crawford and two other leaders wrote to UAW vice president Irving Bluestone in 1975. "To lose now would set back (the) labor movement in the small towns of the South for many years."<sup>34</sup> Meanwhile, a former Piggy Wiggly grocery store consultant showed up in Crawford's town of Hartwell and suddenly began a union campaign as an "independent" union, the kind of tactic typically masterminded by John

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<sup>32</sup> Marion Crawford, phone interview with author, June 13, 2014.

<sup>33</sup> Crawford interview with author.

<sup>34</sup> Eury Nannie, Marion Crawford and Tommie Crowe to Irving Bluestone, March 31, 1975, Folder 28, Box 53, Irving Bluestone papers, Walter Reuther Library, Wayne State University (hereafter Bluestone papers).

Tate. While the independent union garnered only a handful of supporters, it was enough to trigger an election in 1976 that the UAW lost.<sup>35</sup> The UAW successfully persuaded the NLRB to overturn that election, arguing that it should not count after the company broke labor law. Then the conglomerate Tenneco bought the plant, and the new owners finally agreed to negotiate a contract in 1978.<sup>36</sup> The workers won free health insurance, better pay, and a grievance procedure, which Crawford, by then a 33-year-old electrician, called the “top accomplishment.”<sup>37</sup> Young workers like Sammy Lewis, a white, 29-year-old toolmaker helped buoy the win: “One man, he ain’t got a chance: it takes sticking together.”<sup>38</sup> Yet Tenneco showed the same tenacity in fighting the UAW that it would display in fighting workers at another of its holdings, the Newport News shipyard. As soon as the first contract was up in 1981, an independent union again triggered an election, and the UAW lost. “They had their representatives campaigning against the union... they told people the company would shut down if the union remained,” remembers Crawford. Though the workers had lost their union in 1981, the benefits of the single, three-year contract continued to influence company policy for years to come, especially around such issues as employer-funded health insurance and job safety.

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<sup>35</sup> Stillman, “Runaways”; “UAW Continues Seeking Equity for Ga. Workers,” *The Organizer*, UAW Organizing Department, Vol. 12, no 1, First quarter, 1977, 11, Folder 15, Box 7, Alpert papers.

<sup>36</sup> “Victory at Monroe,” *Solidarity*, March 12, 1978, 3

<sup>37</sup> “Victory at Monroe,” *Solidarity*, March 12, 1978, 3; “Monroe Workers Speak Out on Their Historic Contract,” *Solidarity*, March 12, 1978, 5.

<sup>38</sup> “Monroe Workers Speak Out on Their Historic Contract,” *Solidarity*, March 12, 1978, 12.



Crawford worked there for 42 years, and retired in 2010 as an electrical engineering technician, though he never again was a union member.<sup>39</sup>

### **“I Should Be Screaming from the Rafters”: Working Women Organized**

Women were central to the reconfigured U.S. workforce and helped drive the new wave of unionization attempts. Their rate of workforce participation jumped nearly nine percentage points in the 1970s and grew nearly twice as fast as over the previous two decades. 1978 marked the first year that a majority of U.S. women worked for wages.<sup>40</sup> There were a whopping 12 million more women in the labor force by the end of the decade than at its beginning, and increasingly they were mothers of small children.<sup>41</sup> For many women, working for wages was a necessity given the economic downturns of the 1970s; when families hit hard economic times, they reacted by sending women into the workplace. It was a new situation for many white females but a very familiar one to black women whose workforce participation had long outstripped that of white women.<sup>42</sup>

As women entered the workforce, many brought with them new ideas about their rights generated by the women’s movement and transferred that energy to unions

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<sup>39</sup> Crawford interview with author.

<sup>40</sup> US Department of Labor (DOL), Bureau of Labor Statistics, *Perspectives on Working Women: A Databook*, Bulletin 2080, (Washington, DC: US Government Printing Office, 1980) 3. Women’s labor force participation rose from 33.9 % in 1950 to 42.7% in 1969, and then to 50% by 1978.

<sup>41</sup> DOL, Bureau of Labor Statistics, *Perspectives on Working Women*, 3 and 27.

<sup>42</sup> Sharon Harley, Francille Rusan Wilson and Shirley Wilson Logan, “Introduction: Historical Overview of Black Women and Work,” in *Sister Circle: Black Women and Work*, eds. Sharon Harley, Black Women and Work Collective (New Brunswick, N.J.: Rutgers University Press, 2002) 7-8; Jones, *Labor of Love, Labor of Sorrow*, 1-10, 199-200.

and other workplace-based organizations. According to Karen Nussbaum, a founder of the women's clerical group 9to5, "In the early 1970s, when I was starting out as a clerical worker and then an organizer, an insurgent consciousness propelled a wide cross section of women to reconsider their role in life, be open to collective action, and challenge their employers. They believed change was possible."<sup>43</sup> Women were, in fact, more open to unions than were men. In 1977 polling, 46 percent of blue-collar women told pollsters they would join a union tomorrow if given the chance, compared to only 35 percent of blue-collar men.<sup>44</sup> One AFL-CIO survey on NLRB elections showed that when women made up less than half the workforce, the election win rate was 33 percent, but in units of at least three-quarters women, the win rate jumped to 57 percent.<sup>45</sup> In all, nearly three million women joined unions' ranks between 1960 and 1980, a figure which includes newly-organized workers as well as women hired in unionized workplaces.<sup>46</sup> The influx of organizing women helped equalize unions' gender balance. In 1960, only 18 percent of all union members were women, but by 1978 women made up nearly a quarter of union membership, a figure that climbed to 30 percent by 1984.<sup>47</sup>

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<sup>43</sup> Karen Nussbaum, "Working Women's Insurgent Consciousness," in *The Sex of Class: Women Transforming American Labor*, ed. Dorothy Sue Cobble (Ithaca: ILR Press, 2007) 159.

<sup>44</sup> Quinn and Staines, *Quality of Employment Survey (QES)*, 1977; Freeman and Medoff, 29. A 1984 Louis Harris poll also showed that women were more interested than men. See Table 20, "A Study on the Outlook for Trade Union Organizing," Louis Harris and Associates, Inc., November 1984, for LIPA and AFL-CIO, Box 17, Kistler papers.

<sup>45</sup> "AFL-CIO Organizing Survey, 1986-87, NLRB Elections," Folder 9, Box 10, Kistler papers.

<sup>46</sup> Alan Kistler, "Union Organizing: New Challenges and Prospects," *Annals of the American Academy of Political and Social Science* 473, The Future of American Unionism (May, 1984), 96 - 107.

<sup>47</sup> BLS, *Perspectives on Working Women*, 94. "Labor Woos Women," *Dunn's Business Month*, September, 1984, 83.

Three-quarters of the women pouring into the workforce in the 1970s worked in service, retail and “professional” jobs like nursing, clerical work and teaching - - jobs in which unions had made few inroads, especially in the private sector.<sup>48</sup> Increasingly, these workers turned to unions. A quarter of NLRB voters in the 1970s worked in the service, retail or finance sectors, nearly double the percentage of the late 1960s.<sup>49</sup> (See Appendix C) In retail alone - - an industry in which women made up 70 percent of sales clerks - - the number of union voters increased 28 percent in the 1970s over the 1960s, following closely the 39 percent employment growth rate in that industry.<sup>50</sup> Unions were not organizing fast enough in these white collar and service sectors and represented only seven million out of a potential pool of 39 million workers by 1980. Yet their efforts in these female-intensive sectors were clearly growing.<sup>51</sup>

Clerical workers were the locus of energy for the women’s unionization movement of the 1970s in the way that garment workers had been at the turn of the twentieth century.<sup>52</sup> More women worked as clericals than in any other job and while women had long worked as office workers, they were now more likely to see their place

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<sup>48</sup> BLS, *Perspectives on Working Women*, 9-11.

<sup>49</sup> See Appendix C.

<sup>50</sup> See Appendix F. For statistics on women sales clerks, see BLS, *Perspectives on Working Women*, 10-11.

<sup>51</sup> Memorandum from Alan Kistler to Lane Kirkland, July 15, 1980, Box 11, Kistler papers.

<sup>52</sup> For garment workers see Susan A. Glenn, *Daughters of the Shtetl: Life and Labor in the Immigrant Generation* (Ithaca, New York: Cornell University Press, 1990); Annelise Orleck, *Common Sense & a Little Fire: Women and Working-Class Politics in the United States, 1900-1965* (Chapel Hill: University of North Carolina Press, 1995).

in the workforce as a permanent one and to be the sole supporters for their families.<sup>53</sup> Building off the new ideas of the women's movement, many secretaries sought to redefine their jobs as professional and essential, rather than as the office wives who got the coffee and pampered their male bosses. A 1972 survey of clericals by *Harvard Business Review* found "burgeoning discontent" as "clerical employees are beginning to feel like mere cogs in a great impersonal bureaucracy."<sup>54</sup> They led the way in forming not only unions, but by founding more than a dozen workplace-based and women-centered organizations for secretaries in the 1970s. Such women workers and activists founded Women Employed, for instance, in April of 1973 as an organization to represent non-managerial women office workers in downtown Chicago. The women used publicity, public hearings and worksite confrontations to win major back pay suits and force employers to develop comprehensive affirmative action plans. A similar group for office workers formed in New York City in 1974 under the banner of Women Office Workers (WOW). In Boston, clericals formed an organization for women office workers, 9to5, in October, 1973. They then shopped around with unions to find the one that would give them the most autonomy and in 1975 created SEIU Local 925 (later District 925) as a companion organization.<sup>55</sup> Not all secretaries rode the women's movement's momentum. "We do not feel we're subservient or put down," asserted Margaret Dillon, president of

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<sup>53</sup> Table 10, *Perspectives on Working Women*, BLS.

<sup>54</sup> Sam Zagoria, "Rebellion and Reform," *Washington Post*, February 6, 1972, B1.

<sup>55</sup> Cobble, "A Spontaneous Loss of Enthusiasm" 30-33; Jean Tepperman, *Not Servants, Not Machines: Office Workers Speak Out!* (Boston: Beacon Press, 1976) 79-93; Nancy Seifer and Barbara Wertheimer, "New Approaches to Collective Power: Four Working Women's Organizations" in Bernice Cummings, Victoria Schuck, *Women Organizing: An Anthology* (Metuchen, N.J.: Scarecrow Press, 1979) 156-157; Renee Blakkan, "Women Unionize Office Jobs," in *Dear Sisters: Dispatches from the Women's Liberation Movement*, eds. Rosalyn Baxandall and Linda Gordon (New York, NY: Basic Books, 2000) 270-272. See chapter seven of this dissertation for more information on 9to5 and SEIU Local 925.

the National Secretaries Association in 1972, a group that argued for secretaries to maintain their separate female sphere within the business world.<sup>56</sup> Yet many who drove the decade's unionization wave shared the attitude of one clerical at Boston University: "I work my tail off, I produce work for all kinds of professors," Barbara Rahke remembers. "I am getting paid nothing, and...I should be screaming... from the rafters."<sup>57</sup>

In fact, private universities like Boston University became hotbeds for clerical unionizing in the 1970s after the NLRB folded colleges into its jurisdiction in 1970, and by the end of the 1980s some 70 percent of these campaigns resulted in union representation.<sup>58</sup> Many women clericals in higher education were no longer satisfied with the slight elevation in prestige that came with their jobs. Clericals at Columbia, Boston University, Brandeis, the University of Chicago, the University of Southern California, New York University, Seton Hall and Vassar were among those who initiated successful unionization drives at private-sector universities in the 1970s.<sup>59</sup> Clericals at other universities, such as Tufts and Howard, found their efforts defeated by the kinds of

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<sup>56</sup> Katherine Turk, "Labor's Pink-Collar Aristocracy," *LABOR: Studies in Working-Class History of the Americas*, Vol. 11, no. 2, 100.

<sup>57</sup> Telephone interview with Barbara Rahke by Stacy Heath, May 23, 2006, SEIU District 925 Legacy Project, Oral History Transcript, Reuther Library.

<sup>58</sup> "Colleges Put Under NLRB Jurisdiction," *Chicago Tribune*, June 17, 1970, A6; Richard W. Hurd, "Organizing and Representing Clerical Workers," in Dorothy Sue Cobble, *Women and Unions: Forging a Partnership* (Ithaca, N.Y.: ILR Press, 1993) 319.

<sup>59</sup> "U. of Chicago Loses Union Fight," *Chicago Tribune*, March 24, 1979, N7; John P. Hoerr, *We Can't Eat Prestige: The Women Who Organized Harvard* (Philadelphia: Temple University Press, 1997); Hurd, "Organizing and Representing Clerical Workers,"; Cobble, "A Spontaneous Loss of Enthusiasm"; Richard Hurd, "Learning from Clerical Unions: Two Cases of Organizing Success," *Labor Studies Journal*, 14(1), 1989, 30-51.

employer resistance that was increasingly rampant, even among esteemed universities.<sup>60</sup> A “union can guarantee absolutely nothing... employees could end up with less than they have presently,” asserted Virginia Tierney, Boston University Director of Personnel in 1978 as part of a rather typical university anti-union effort that emphasized strikes and dues.<sup>61</sup> Yale hired the notorious union-buster Seyfarth and Shaw to try to stop its clericals from unionizing in the early 1980s, the same firm that fought the Newport News shipyard workers and the lettuce workers who tried to unionize with Cesar Chavez’s UFW. Nevertheless, university clericals found a greater level of success than did other white-collar office workers, in part because they had the support of some faculty and staff unions, and because they were able to leverage widespread community outrage to soften the administrations’ stances.<sup>62</sup>

Bank workers’ experiences were more typical of what happened when private-sector office workers who tried to unionize. “We got smashed over and over,” remembers Karen Nussbaum in regard to SEIU District 925’s efforts to organize in banks and insurance. “These businesses had not traditionally been unionized, and they were damned if they were going to be the first ones in the new wave. We never had an easy

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<sup>60</sup> “Howard U. Union Bid is Rebuffed,” *The Washington Post*, June 16, 1974, B1; Local 925 Executive Board Meeting, October 6, 1980, Folder 4, Box 16, SEIU District 925 papers, Walter Reuther Library, Wayne State University (hereafter SEIU District 925 papers.)

<sup>61</sup> Virginia L. Tierney to Boston University Employees, May 4, 1978, Folder 30, Box 7, SEIU District 925 papers. See a series of letters in this folder for more examples of Boston University and Brandeis University tactics and messages to employees.

<sup>62</sup> “Yale’s Labor Law Firm: A Report to the Community by Local 35, Federation of University Employees,” c. 1983, Box 5, Kistler papers. Toni Gilpin et al, *On Strike for Respect: The Clerical and Technical Workers’ Strike at Yale University, 1984-85* (Champaign, Illinois: The University of Illinois Press, 1995). Richard W. Hurd and A. McElwain, “Organizing Clerical Workers: Determinants of Success,” *Industrial and Labor Relations Review*, 41 (3), 360-373; Hoerr, *Can’t Eat Prestige*.

election.”<sup>63</sup> About 1.25 million of the nation’s two million bank workers were women by the late 1970s.<sup>64</sup> Many turned to unions in the 1970s to increase exceptionally low wages - - one Department of Labor study in Chicago found women’s wages in banks were 59 percent that of men. They also hoped to gain some control as increased automation degraded their labor.<sup>65</sup> The most well-known group of would-be-unionists formed the Willmar Bank Employees Association in 1977, and went on a 15-month unsuccessful strike in which they tried to win union recognition. These bank tellers were featured in the documentary “The Willmar 8,” produced by Mary Lee Yarrow (wife of Peter Yarrow of the musical group Peter, Paul and Mary) who was herself from Willmar, Minnesota. None of the group claimed to be feminists, yet they attempted to use their union to take a stand against low wages and to protest promotions that favored men with less seniority. Though they gained nationwide attention - - even garnering a 60 Minutes feature - - their story was actually part of a much broader unionization effort among women bank workers nationwide who organized with a range of at least six different unions.<sup>66</sup> It turned out to be a Sisyphean task as the banks rolled back nearly all their efforts. Workers at Seattle First National Bank, for instance, won their first collective

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<sup>63</sup> “Karen Nussbaum: In Conversation with Dorothy Sue Cobble and Alice Kessler-Harris,” Mary S. Hartman, *Talking Leadership: Conversations with Powerful Women* (New Brunswick, N.J.: Rutgers University Press, 1999) 145.

<sup>64</sup> Philip Sheldon Foner, *Women and the American Labor Movement* (New York: Free Press, 1979) 484.

<sup>65</sup> Mike LaVelle, “Bank Unions Offer Women a Way Up,” *Chicago Tribune*, April 8, 1976, A4.

<sup>66</sup> “Bankers Flock to See Saga of ‘Willmar 8’ Before Public Does,” *Wall Street Journal*, January 30, 1981; “Willmar 8: Women Strike for Rights,” *Los Angeles Times*, March 26, 1981; “The Willmar 8 Featured by Atlanta Working Women,” press release from July 23, 1981, Folder: Nussbaum Fundraiser, 1981, Atlanta 9to5 Working Women Records, Southern Labor Archives, George State University Library, Atlanta, Georgia; Cobble, “A Spontaneous Loss of Enthusiasm”; Richard A. Perras, “Effective Responses to Union Organizing Attempts in the Banking Industry,” *Labor Law Journal* 35, no. 2 (02, 1984), 92.. NLRB monthly reports, from various months, in 1977 reveal that the unions organizing bank workers included SEIU, OPEIU, UFCW, UAW, ACTWU and the IBEW.

bargaining agreement in 1968 after having had a small, independent labor organization for thirty years. When the 4700 workers could not force the company to sign another contract in 1978, they interviewed eleven unions, and then affiliated with the Retail Clerks union (RCIA). Yet even an AFL-CIO national boycott could not force the company (then called Seafirst) to sign a contract, a struggle that became even more difficult when the bank merged into the Bank of America in 1982. Though the union continued to push into the 1990s, the tellers never got another contract. The tellers who unionized with the UFCW Local 876 at Wyandotte Savings Bank in Michigan in 1979 also could never force a contract.<sup>67</sup> The First National State Bank of New Jersey managed to repel a unionization attempt in 1977 by using the NLRB to force the workers to organize at all 21 branches at once. Bank workers won a few victories, such as the 600 workers at National Bank of Washington, D.C. and those at a few banks in Chicago, but by 1980 only 30 banks out of 15,000 were unionized.<sup>68</sup> Nevertheless, bank executives were spooked by women workers' unionization attempts. They flocked to anti-union seminars, for instance, and crowded to get a glimpse of the opposition at a screening of "The Willmar 8" at the American Bankers Association annual meeting.<sup>69</sup> Women bank workers met greater success when they organized outside the increasingly weakened and vulnerable NLRB process. For instance, the 9to5 working women's

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<sup>67</sup> "Largest Bank Workers Union in America Affiliates with Retail Clerks," *Retail Clerks Advocate*, June / July, 1978, 10; Harry Bernstein, "Union Tries 'Pension Power' of BofA," *Los Angeles Times*, January 9, 1990, D3; Foner, *Women and the American Labor Movement*, 484; CC Quarles to R.F. Harbrant and J.L. Fiedler, May 22, 81, Corporate Files W-V, Box 9, FAST unprocessed records, AFL-CIO archive.

<sup>68</sup> Perras, "Effective Responses to Union Organizing Attempts in the Banking Industry,"; Claudia Levy, "AS&T Union Drive Starts," *The Washington Post*, September 10, 1974, D8; "Banks face new drive to unionize employes," *Chicago Tribune*, January 10, 1977, D9; Bankers Flock to See Saga of 'Willmar 8' Before Public Does," *Wall Street Journal*, January 30, 1981.

<sup>69</sup> "His Business in Breaking Unions and Keeping them Out," *Seattle Times*, November 28, 1982; Bankers Flock to See Saga of 'Willmar 8' Before Public Does," *Wall Street Journal*, January 30, 1981.



association in Boston was able to get the Department of the Treasury's help in opening up job opportunities at the New England Merchants Bank, as well as to get two other local banks to sign affirmative action agreements.<sup>70</sup>

Flight attendants, 95 percent of whom were women, also built unions in order to shore up their place in the workforce in the 1970s, fighting to turn what were widely seen as temporary jobs for young, unmarried women into permanent, secure positions. They wrested their union out from under the pilots' union in 1974 to form the Association of Flight Attendants (AFA) after the pilots realized that they could no longer legally refuse flight attendants access to their top offices.<sup>71</sup> Marching with the unions bearing signs reading, "Storks Fly, Why Can't Mothers?" they rolled back company policies to fire them when they got married or pregnant. They used picketing, EEOC charges, and union contracts to beat back company weight requirements for attendants. Mass protests followed when Ozark airlines, for instance, suspended a five foot eight inch tall woman for being four pounds over the maximum weight of 137 pounds. Once they secured the jobs, they also fought for respect. When the airlines started using stewardess' sexuality in order to sell seats - - such as in Continental's ad campaign "We Really Move Our Tails for You," - - the brand-new union protested to the company, the Civil Aeronautics board, the EEOC,

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<sup>70</sup> "9 to 5 Celebrates Five Years of Action," *Equal Times*, November 6, 1978 found in folder 130, carton 5, 9 to 5, National Association of Working Women Records, 1972 - 1980.

<sup>71</sup> Georgia Panter Nielsen, *From Sky Girl to Flight Attendant: Women and the Making of a Union* (Ithaca, NY: ILR Press, 1982) 112 - 115.

and the public under their own headline, “Move your tails for somebody else.”<sup>72</sup>

Flight attendants’ interest in unions was so strong that they continued to organize and vote in union elections throughout the 1970s, despite the fact that all major carriers except Delta were already unionized. Many flight attendants still viewed the AFA as under the pilots’ union’s thumb, and flight attendants at National, Northwest and Continental, for instance, all voted to join new unions. They also organized outside of unions’ ranks, such as in the Stewardess for Women’s Rights, founded in 1972.<sup>73</sup>

Despite many women’s burning interest in unions, labor was inconsistent at best in its efforts to reach out to these new women workers. On one hand, as early as 1971, the AFL-CIO’s organizing department reported to its top leadership body, the Executive Council, that women were interested in unions and though “untouched by the phenomenon of collective bargaining for many years suddenly felt the press of economic stagnation and decided that it was ‘their turn.’”<sup>74</sup> Yet some leaders were slow to change their views on women workers, and the pace of inclusion of women at the staff and leadership level was glacial. Up until months before his death in early 1980, AFL-CIO President George Meany remained unsure about women’s interest in unions: “Many women, forced into the job market by the pressures of inflation, are

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<sup>72</sup> “National Stewardesses Get Maternity Package,” *S&S News*, ALPA, March, 1971, 1 (held at the Association of Flight Attendants / CWA, Washington, DC, hereafter AFA); “Women’s Lib,” *S&S News*, ALPA, September, 1970, 4, AFA; “Too Fat to Fly?,” *FLIGHTLOG*, September, 1973, 2, AFA; “OZA Attendants Protest Weight Code,” *FLIGHTLOG*, September, 1978, 11, AFA; “Does Sex Sell Airline Seats? Tail Slogan Hits Bottom, Says Stewardesses,” *FLIGHTLOG*, July, 1974, 3, AFA.

<sup>73</sup> Nielsen, *From Sky Girl to Flight Attendant*, 133. Note that they voted through the National Mediation Board, under the Railway Labor Act. Cobble, “A Spontaneous Loss of Enthusiasm,” 27-30; Barry, *Femininity in Flight*.

<sup>74</sup> Department of Organization, Report to Executive Council Committee on Organizing, February, 1971, Folder 36, Box 3, AFL-CIO Organizing Department records.

grateful to be working at all. Thus, there is initial resistance to a union...<sup>75</sup> Unions remained slow to hire women as organizers. As late as 1986, only nine percent of organizers were female according to an AFL-CIO survey, though their win rate was 61 percent compared to 41 percent for male organizers.<sup>76</sup> In 1983, the UAW had only one woman organizer in the entire South.<sup>77</sup> When the newspaper where Jackie Ruff did layout fired her in 1974 after she tried to organize with the graphic arts union, she asked the union for a job and was told “Oh no, we would never have women organizing the union.” She later served as Executive Director of the SEIU District 925, a union devoted to organizing clerical workers nationwide.<sup>78</sup>

The women who wanted to unionize in the 1970s were joining organizations in which women members themselves were struggling with deep-set sexism within the unions. After the passage of Title VII of the 1964 Civil Rights Act, 2500 women filed gender discrimination charges in the first year alone, and hundreds of them named their own unions as defendants. International Union of Electrical Workers (IUE) lawyer Winn Newman told the EEOC that women members faced substantial harassment from male members when they tried to win equal access to jobs, including “slashing the tires of women, gun shots in their homes...”.<sup>79</sup> Winn helped the

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<sup>75</sup> Clete Daniel and Roger Keeran, “Labor Looks at Its Problems,” *ILR Report*, Fall, 1979 found in Folder 1, Box 62, AFL-CIO Organizing Department Records.

<sup>76</sup> “AFL-CIO Organizing Survey 1986-87, NLRB Elections,” Folder 9, Box 10, Kistler papers.

<sup>77</sup> Ben Perkins to Owen Bieber, April 28, 1983, Folder 6, Box 67, Douglas A. Fraser papers, Walter Reuther Library, Wayne State University (hereafter Douglas A. Fraser papers).

<sup>78</sup> Jackie Ruff interviewed by Ann Froines, November 7, 2005, Washington, DC, SEIU District 925 legacy project, oral history transcript, Walter P. Reuther Library, Wayne State University, Detroit, Michigan.

<sup>79</sup> Deslippe, *Rights Not Roses*, 116 – 124, Winn Newman quote on 169.

women in his union root out gender discrimination by using their contracts as tools to force employers to end sexist practices and, when that did not work, filing union-led charges with the EEOC.<sup>80</sup> The new women unionists banded together in the first national, cross-union coalition in 1974. The Coalition of Union Women (CLUW) successfully pushed the AFL-CIO to support the Equal Rights Amendment, and included child care facilities and expanded maternity leave as some of its first goals.<sup>81</sup> The women's movement had hit home for labor. "As long as the organizing of women was external to the labor movement, those guys didn't care," remembers Judith Berek, a union organizer who attended the founding convention of CLUW. "Once it became internal, they had to care."<sup>82</sup>

Women continued to knock on labor's door, and increasingly unions made these women the focus of organizing efforts. For instance, an AFL-CIO survey of California union elections in the mid-1960s reveals that only a quarter of the voters in 15 recent elections was female. By the early 1980s, 69 percent of the NLRB elections in a survey of 225 elections involved units with a majority of women, and 32 percent involved units that were more than 85 percent female.<sup>83</sup> Nurses, Catholic high school

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<sup>80</sup> MacLean, *Freedom is Not Enough*, 138.

<sup>81</sup> "Women Unionists Form Coalition, Shape Goals," *AFL-CIO News*, March 30, 1974, 6.

<sup>82</sup> Judith Berek interview by Kathleen Banks Nutter, transcript of video recording, January 3, 2004, Voices of Feminism Oral History Project, Sophia Smith Collection, Smith College, 38.

<sup>83</sup> The first survey is of 30 union elections in California. See "Survey of Voters in National Labor Relations Board Elections: Attitudes of Voters in Collective Bargaining Representation Elections and in Political Elections, Los Angeles and Orange Counties, California, 1966-67", prepared by San Fernando Valley State College Political Sciences Department Research Analysts for the Los Angeles, Orange Counties Organizing Committee, AFL-CIO, Spring, 1968, Box 53, RG 28-002, AFL-CIO Organizing Department Records. The second survey is covered in "Significant Conclusions from the AFL-CIO Organizing Survey," January, 1984, Folder 10, Box 4, Kistler papers.

teachers, waitresses, legal secretaries, textile workers, and cashiers were all among the millions of women who voted in NLRB elections in this decade.<sup>84</sup>

### **African-Americans Led the Way**

If women were the bones of the American working class's new unionizing efforts, African-American workers were its energizing blood. A number of scholars have studied the African-American surge into public sector unions, especially after federal, then state and municipal workers, won the right to collective bargaining in the 1960s.<sup>85</sup> Far fewer have noted that the same surge flowed through the private-sector as well. Black women and men were the most likely groups to turn to private-sector union organizing in the 1970s, and often led all workers' push into the union movement. A full 70 percent of blue-collar people of color in 1977 polling said they would vote for a union.<sup>86</sup> One AFL-CIO study shows they did just that. At workplaces where at least three-quarters of the workers were people of color, the NLRB election win rate was 65 percent, compared to a win rate of a mere 38 percent among workforces where minority workers made up less than a quarter.<sup>87</sup> The black workers who organized unions joined those getting already-unionized jobs to boost black workers' union membership rates above those of whites in the private sector. In 1935, a tiny fraction of African-Americans

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<sup>84</sup> On union organizing among Catholic high school teachers see, for example, "Teachers at 26 Catholic Schools Vote for Union," *Los Angeles Times*, May 27, 1976, D1.

<sup>85</sup> McCartin, "'A Wagner Act for Public Employees"; Fink and Greenberg, *Upheaval in the Quiet Zone*. Larry Isaac and Lars Christiansen, "How the Civil Rights Movement Revitalized Labor Militancy," *American Sociological Review*, Vol 67, No. 5, (2002) 722 – 746.

<sup>86</sup> Quinn and Staines, *Quality of Employment Survey (QES)*, 1977; Freeman and Medoff, 29.

<sup>87</sup> "AFL-CIO Organizing Survey, 1986-1987, NLRB Elections," Folder 9, Box 10, Kistler papers.

were union members. By the 1970s, however, that story had changed dramatically. Forty percent of black men in the private-sector and a quarter of private-sector black women workers were members of labor unions, the high point for both groups. Black workers had the highest unionization rates of any racial or ethnic group by this pivotal decade. This was especially true for black women whose private-sector union membership rate outstripped that of white women by two-to-one by 1979.<sup>88</sup>

African-American workers' unionizing impulse was made possible by doors opening to black workers both in the larger workforce and the union movement. African-Americans became increasingly likely to hold jobs eligible for unionization - - those outside of agriculture and domestic service - - following World War II. They nearly doubled their numbers in industrial jobs during the war. By 1960, a fifth of autoworkers, for example, were African -American.<sup>89</sup> Yet many jobs did not open up until after the legislative successes of the Civil Rights movement, such as those in Southern textiles. On the eve of the 1964 Civil Rights Act, less than five percent of textile workers were black, yet by 1980 African-Americans made up a full quarter of textile workers.<sup>90</sup> Black workers were the core of renewed efforts by the textile workers union to organize in the 1970s, including the successful union election among a majority black, female workforce at Oneita Mills in Andrews, South Carolina in 1973 and the Roanoke Rapids, North

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<sup>88</sup> Frymer, *Black and Blue*, 1; Rosenfeld, *What Unions No Longer Do*, 100-130, especially 103.

<sup>89</sup> Roy Rosenzweig et al, *Who Built America*, Vol. II, Ed. 3, (Boston, New York: Bedford / St. Martin's, 2008) 527; Robert Korstad and Nelson Lichtenstein, "Opportunities Found and Lost: Labor, Radicals, and the Early Civil Rights Movement," *The Journal of American History* 75, no. 3 (Dec., 1988), 793.

<sup>90</sup> Minchin, *Hiring the Black Worker*; MacLean, *Freedom is Not Enough*; Mary E. Frederickson, *Looking South: Race, Gender, and the Transformation of Labor from Reconstruction to Globalization* (Gainesville, FL: University Press of Florida, 2011) 157-179.

Carolina J.P. Stevens plant in 1974. The J.P. Stevens campaign is perhaps the single most well-known private-sector union organizing campaign of the 1970s because the union's consumer boycott of this linens manufacturer gained broad support and because the campaign was immortalized in *Norma Rae*, the 1979 blockbuster movie. Yet to capture the true dynamics of this campaign, the movie's heroine should have been African-American. The textile union had launched the JP Stevens campaign in 1963, and had all but given up in the face of what one Fifth Circuit judge called in 1969 the company's "massive campaign to prevent unionization of its southern plants." Yet the influx of black workers into the Roanoke Rapids facility opened up possibilities for organizing that had seemed closed. In five years alone, from 1970 to 1975, the black workforce in the plant increased from 19 to 37 percent of the plant. African-American support helped the union win a narrow election in August of 1974, 1685 to 1448. It took another six years and one of the nation's first union-led "corporate campaigns" to wring a contract from the company.<sup>91</sup>

Yet in order to organize, black workers first had to force many unions to open their doors. African-American workers had been part of unions since well before the Civil Rights movement such as the half a million who joined CIO unions during World War II. But many unions continued to exclude black workers from their ranks, and many of even the most progressive CIO unions had segregated locals in the South.<sup>92</sup> Herbert

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<sup>91</sup> Carolyn Asbaugh and Dan McCurry, "On the Line at Oneita," *Southern Exposure*, Vol IV, no 1-2, 30; Minchin, "Don't Sleep with Stevens!" quote from 61; Minchin, *Hiring the Black Worker*; Mimi Conway, *Rise Gonna Rise: A Portrait of Southern Textile Workers* (Garden City, N.Y.: Anchor Press, 1979).

<sup>92</sup> Korstad and Lichtenstein, *Opportunities Found and Lost*, 786. On unions excluding black workers, see Bruce Nelson, *Divided We Stand: American Workers and the Struggle for Black Equality* (Princeton: Princeton University Press, 2001); Griffith, *The Crisis of American Labor*; Alan Draper, *Conflict of*

Hill, the NAACP's labor director, found that as late as 1958 three national unions had constitutional provisions barring African-Americans and ten others had segregated locals. White workers often resisted national-level unions' attempts to force integration. Black workers used the EEOC as a tool to force open unions throughout the 1970s when the number of Title VII lawsuits against unions rose dramatically. AFL-CIO records show, for instance, that 1600 charges of discrimination were filed against unions in 1973 and, by 1978, the EEOC still had a couple thousand such cases open. The number of cases decided against unions rose 20 percent between 1977 and 1980.<sup>93</sup> Even as union membership became more diverse, union leaders and staff often resisted accepting black members as leaders. "There was huge resistance on the part of the older white leadership," remembered Bruce Raynor, a young textile union staffer in the 1970s who later served as the clothing and textile union's president. "The staff was almost totally white, in many cases fairly conservative on the race issue...that's the way the union looked."<sup>94</sup>

Some unions were more accessible than others to African-American workers. Frederick Simmons, for instance, saw family in St. Louis and Detroit win leadership positions in the UAW in the 1960s and was shocked to find that opportunities in the building trades were not the same for him as a black man by the mid-1970s. He entered an electrician apprenticeship program in Seattle where he helped organize a one-day protest when other construction workers objected to women and people of color on the

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*Interests: Organized Labor and the Civil Rights Movement in the South, 1954-1968* (Ithaca, N.Y.: ILR Press, 1994).

<sup>93</sup> Frymer, *Black and Blue*, 64 and 88-89.

<sup>94</sup> Bruce Raynor interview with Timothy Minchin, Greensboro, NC, July 28, 1995 as quoted in Minchin, *"Don't Sleep with Stevens!"* 69.



job. After spending several years without seeing any other people of color on job sites, he organized an Electrical Workers Minority Caucus within IBEW Local 46 to build a community of support, and later became president of his local union in 1996.<sup>95</sup> Todd Hawkins, an African-American ironworker in Seattle, remembers apprenticing with a white, racist journeyman who refused to teach him the trade, or even share the blueprints: “You’re walking around about to bust all day because you can’t be insubordinate to your journeyman.”<sup>96</sup> Nevertheless, black workers saw some of their largest gains during this period in the building trades. For example, African-American workers were a miniscule one tenth of one percent of the Asbestos Workers union members in 1968, but made up 10 percent of the membership by 1983. African-American workers in Hawkins’ Iron Workers rose from 5 to 12 percent of the membership during the same period.<sup>97</sup>

By 1971, one out of every three new union members was black, as African-Americans swept into unions in the new organizing wave.<sup>98</sup> African-American workers turned to unions in part because unions meant better pay and benefits. The average median black income was still 58 percent of that of white families in 1970.<sup>99</sup> Unions raised black workers’ wages nationally - - in 1979, a black male worker with a union

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<sup>95</sup> Frederick Simmons video interview by Nicole Grant and Trevor Griffey, May 15, 2005, Seattle Civil Rights and Labor History Project, <http://depts.washington.edu/civilr/simmons.htm> (accessed February 23, 2015).

<sup>96</sup> Todd Hawkins video interview with the United Construction Workers Association (UCWA) History Project, December 29 and 30, 2003, Seattle Civil Rights and Labor History Project, at [http://depts.washington.edu/civilr/ucwa\\_interviews.htm](http://depts.washington.edu/civilr/ucwa_interviews.htm). (accessed February 23, 2015).

<sup>97</sup> Frymer, *Black and Blue*, 93.

<sup>98</sup> “Officers Report to the Convention, 1971,” Box 3, RG 28-002, AFL-CIO Organizing Department Records.

<sup>99</sup> Moody, “Understanding the Rank-and-File Rebellion in the Long 1970s,” 115

made 31 percent more than those without a union on the job, a higher union differential than the 14 percent for white workers.<sup>100</sup> A union contract also offered a state-backed insurance against discrimination on the job. It cemented wage increases and offered a clear progression for job promotions, one that allowed for a legally-enforceable grievance procedure if a white supervisor picked favorites. Though a number of scholars have pointed out a dichotomous relationship between the individual legal gains of the Civil Rights movement and the collectivity of the labor movement, from the black workers' perspective, the movements simply offered different tools with which to forge a better life within a racially-stratified capitalistic economy. In fact, many workers used their union contract to shore up gains made through the Civil Rights movement. Edward Coppedge, for example, remembers why he and his co-workers turned to the Steelworkers at Newport News despite the fact that many blacks had won new jobs after their shipyard had been the site of one of the first EEOC consent degrees. "Number one is promotion and wages. We had a department down there that had black folks that hadn't had a raise in years and couldn't get one...they really didn't move on civil rights until the Steelworkers got there.... they knew that the union was behind you."<sup>101</sup>

Unions were an especially strong leveler for African-American women who had long suffered a double discrimination in the workforce. For decades, they were excluded from the best jobs and relegated to the domestic and agricultural sectors which were not covered by the Fair Labor Standards Act of 1938 and the Wagner Act

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<sup>100</sup> Hirsch and Macpherson, *Union Membership and Earnings Databook*, 2008, 22. The mean hourly earnings among the various groups of men (expressed in 2007 dollars) were: black union members, \$19.18; black non-union, \$14.60; white union members, \$22.68; white non-union, \$19.82.

<sup>101</sup> Lichtenstein, *State of the Union*; Frymer, *Black and Blue*; Edward Coppedge phone interview with Lane Windham, October 27, 2010.

of 1935. In 1940, 60 percent of black women worked as domestic servants. Black women only began to move into better jobs during World War II, when 600,000 got good industrial jobs, but following the war were less likely to retain those jobs than were black men. After the Civil and Women's Rights movements, black women began to gain consistent access to the nation's jobs and unions on a large scale.<sup>102</sup> African-American female union density peaked in 1979, when one in four black women working in the private sector was a member of a union.<sup>103</sup> Union contracts helped narrow the racial gap among women. By 1980, the wage gap by race for all women had narrowed to just under four percent and had nearly disappeared among union members. A black woman with a union earned wages very nearly on par with those of white female union members. It turns out that the wage gap between white and black women widened in later decades, in part due to the decline in unions. By 2007, white women earned wages 15 percent higher than those earned by black women. Rosenfeld estimates that had private-sector unions remained at their 1979 levels, the wage gap between black and white women would be 12 percent lower in 2009.<sup>104</sup> "As a black woman, I know that the best hope for a decent standard of living for both women and blacks is effective trade union representation," Coretta Scott King told a union convention in 1979. "I know that, without union representation, a

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<sup>102</sup> Karen Tucker Anderson, "First Fired: Black Women Workers During World War II," *Journal of American History*, Vol.69, no. 1, 82-83; Rosenfeld, *What Unions No Longer Do*, 128; Harley, Rusan and Logan, "Introduction: Historical Overview of Black Women and Work," 7-8; Philip S. Foner, *Women and the American Labor Movement*, 392.

<sup>103</sup> Rosenfeld, *What Unions No Longer Do*, 103.

<sup>104</sup> In 1980, black women made \$12.61 in mean hourly earnings (in 2007 dollars), compared to \$13.08 for white women. Black female union members made \$16.09, compared to white female union members who made \$16.12. Black female workers without a union made \$11.43 versus \$12.53 for non-union white women. In 2007, black women made \$15.18 and white women made \$17.47. Hirsh and MacPherson, *Union Membership and Earnings Data Book*, 23. Rosenfeld, *What Unions No Longer Do*, 100 – 130.

woman is likely to be viewed by her employer as little more than a source of low wage labor.”<sup>105</sup> African-American women also used unions to help mediate discrimination on the job. “Some white women are given clean and easy jobs while black women with more seniority are given dirty jobs,” said Brenda Robinson, an African-American woman who helped form a union at the Newport News shipyard. “The Steelworkers...stands for equal treatment.”<sup>106</sup>

Black workers - - especially women - - led much of the nation-wide push in hospital unionization. While hospital workers had been organizing since the late 1950s and were quick to strike for recognition, more than one and a half million worked for non-profit hospitals. These hospital workers had been barred from holding union elections until the NLRB changed its policy on hospitals in 1974.<sup>107</sup> Nurses, licensed practical nurses, aides, dieticians, data operators, hospital food service workers and nursing home staff all drove through a massive effort at unionization as soon as they could do so. Health care workers filed 200 petitions for elections in the first month after the NLRB’s decision through at least a dozen unions. The SEIU alone filed 71 petitions in the first three months in 20 states.<sup>108</sup> Leon Fink and Brian Greenberg identify how one

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<sup>105</sup> “South Called ‘Key’ to Labor’s Future, *Allied Industrial Worker*, September, 1979, Vol 22, no. 12, Box 2, Unprocessed IUD / So Region records, AFL-CIO archives.

<sup>106</sup> “Newport News: A Historic Struggle for Economic Democracy and Human Rights in America’s Sunbelt,” *Steellabor*, March, 1979, 8.

<sup>107</sup> Fink and Greenberg. “Bargaining Rights Awaken Hopes of Hospital Workers,” *AFL-CIO News*, February 1, 1975.

<sup>108</sup> Black workers’ ranks among hospital workers was growing, and they made up 17 percent of Licensed Practical Nurses, for instance, and 21 percent of hospital dieticians by the early 1980s according to U.S. Department of Labor, BLS, *Handbook of Labor Statistics, Issue 2217*, (Washington, DC: U.S. Government Printing Office), 1985, Table 18. “Hospital Law Spurs Organizing Surge,” *AFL-CIO News*, November 30, 1974, 1.

union active in hospital organizing, District 1199, developed what it called a ‘union power – soul power’ organizing model which built squarely from the civil rights struggle. “We were part of it all,” remembers Judith Berek who worked as an organizer for 1199. “If there was a civil rights action, we were part of it.”<sup>109</sup> Often the civil rights and union struggles were one and the same, even into the late 1970s. One workforce that was 90 percent people of color and majority female, for example, voted overwhelming for the union at the Frances Schervier Home and Hospital in Riverdale, New York in 1978 and had to strike for a contract. There, District 1199 ran a community-based campaign that alleged that the Catholic order ran the institution “in a manner that promotes racial disharmony.”<sup>110</sup> Hospitals sometimes tried to use black workers’ strong support for unions to convince white workers not to unionize: “The hospital always tried to make the union seem like a racial issue, like it was blacks causing the trouble,” remembered Shirley Williams, a nursing assistant at the Tuomey hospital in Sumter, South Carolina. The interracial group overcame this tactic and won their union election in 1980.<sup>111</sup>

It seemed that black workers might be the vanguard that would finally split open the South where industry had resisted unions for so long. Race had long been a dividing line among Southern workers. The CIO’s Operation Dixie, the post-war effort to organize the South, foundered among white workers wary of uniting with blacks.<sup>112</sup> Race still divided workers in the 1970s, and many white workers did not want to diminish their

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<sup>109</sup> Fink and Greenberg, *Upheaval in the Quiet Zone*, xii; Interview with Judith Berek, 25.

<sup>110</sup> “Riverdale Nursing Home Center of Labor Controversy,” *New York Amsterdam News*, August 19, 1978, A7.

<sup>111</sup> Cecily Deegan, “Rx for Rotten Conditions,” *Southern Exposure*, Vol IX, No 4, Winter, 1981, 67.

<sup>112</sup> Nelson, *Divided We Stand; Griffith, The Crisis of American Labor*.

white privilege by joining with what they often saw as black unions. “Race is still a problem,” noted Jim Sessions, a white minister and civil rights activist, in 1979. “White and black workers don’t entirely trust each other. Even worse is that owners...tell the white folks to be careful because ‘all the blacks want is black power.’”<sup>113</sup> Racial division, in fact, was key to J.P. Stevens’ anti-union campaign. It frequently sent a letter to all workers - - white and black alike - - on the eve of a union election that read, “We would at this point like to say a special word to our black employees... it is among you that the Union supporters are making their most intense drive - that you are being insistently told...that by going into the Union in mass, you can dominate it and control it in this Plant... as you may see fit.”<sup>114</sup> The company’s “special word” to black workers thus linked the union to black workers’ increased power, and played on many white workers fears that a union would further the erosion of their racial privilege.

Rights consciousness, nevertheless, often served as a fresh tool for the entire new working class, available even to white men. As black workers moved deeper into Southern industries in the 1970s, their new assertiveness about their rights, born out of the Civil Rights movement, spilled over into private-sector unionizing efforts and helped white workers find new backbone for organizing. “The confrontations and civil rights progress of the black people has had an impact on white textile workers,” explained the Textile Workers Union’s organizing director to his union’s president in 1970. “The entry of blacks into textile plants and the manner in which blacks stand up for their rights has

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<sup>113</sup> Peter Kovler, “New Fight in the ‘New South’: Unionization,” *Los Angeles Times*, August 5, 1979, G5.

<sup>114</sup> J.P. Stevens letter to All Employees, April 25, 1973, quoted in Minchin, *Hiring the Black Worker*, 258.

made the docile textile workers sit up and take notice.”<sup>115</sup> White Southern workers had never been solidly anti-union, and by the 1970s black workers’ unionizing spirit offered a new energy, especially to young whites. Workers under the age of 30 and black workers, for instance, were the most pro-union groups among Cannon Mills workers in the notoriously anti-union, company town of Kannapolis, North Carolina. There, even 44 percent of young white workers self-identified as pro-union in the mid-1970s.<sup>116</sup> Tim Honeycutt was one such white Cannon Mills worker. He fought “race wars” with black students when his high school desegregated, but found that his racial prejudice weakened when he worked with black workers in the mill and joined them in unionization efforts at Cannon Mills. “We’re all after equal rights and freedom,” he later asserted, anchoring his explanation for his unionization impetus in rights-based language.<sup>117</sup> At Duke University hospital, a 1976 failed unionization effort by AFSCME was sparked by a 1974 walkout among black female clericals that inspired white workers. “I don’t mind saying the blacks showed the way and I admire them for it. I don’t think we could have taken the lead on our own,” said one white, skilled trade hospital worker who helped push unsuccessfully for a union.<sup>118</sup>

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<sup>115</sup> Paul Swaity to President Pollock, June 29, 1970, Box 652, MSS 396, TWUA papers.

<sup>116</sup> “Attitudes of Cannon Workers in Kannapolis / Concord: the Job, the Employer, the Union. A Pilot Study,” prepared by Sidney Hollander Associates, Baltimore, MD for the Textile Workers Union of America, March, 1976, Box 27, M86-403, TWUA papers. For information on some Southern white workers long supporting unions, see Irons, *Testing the New Deal*.

<sup>117</sup> Transcript of video interview with Tim Honeycutt, August 22, 1991, Uprising of ’34 papers, 29.

<sup>118</sup> Karen Brodtkin Sacks, *Caring by the Hour: Women, Work and Organizing at Duke Medical Center* (Urbana and Chicago: University of Illinois Press, 1988) 56. See 99 – 109 for 1976 effort.

## Sunbelt Workers Organized

Industry followed the pull of air conditioning, highways, military contracts, and low taxes to the South and Sunbelt states in the 1960s and 1970s. The South led all American regions in economic growth with employment in manufacturing expanding faster there than in any other part of the nation in the 1960s and 1970s.<sup>119</sup> Sunbelt states' share of employment grew by 10 points between 1967 and 1983, the same number by which "Snowbelt" states' share dropped.<sup>120</sup> South Central states alone (Arkansas, Louisiana, Oklahoma and Texas) increased their share of the nation's jobs from 5.7 to 8.8 percent in these years.<sup>121</sup> Employers looked to the South and West as bastions of anti-unionism, a trait marketed by Southern boosters who sought to lure Northern industrial jobs to their towns. "What are nice companies...doing in a place like this?" asked Greenville, South Carolina Chamber of Commerce recruitment ads marketing "a positive labor climate" and a "reasonable tax structure." That "positive" labor climate included laws prohibiting a union shop in nearly all Southern states.<sup>122</sup> In fact, unionization rates in Southern states

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<sup>119</sup> Lichtenstein, *State of the Union*, 114; Bruce Schulman, *From Cotton Belt to Sunbelt*, (New York: Oxford, 1991) 152.

<sup>120</sup> Jurgen Esslezichler, "The Geography of Job Creation and Destruction in the U.S. Manufacturing Sector, 1967-1997," *Annals of the Association of American Geographers*, 94 (3), 2004, 602-619. "Snowbelt" states' share of employment dropped from 63 to 53 percent from 1967 to 1982, while Sunbelt states' share increased from 37 to 47 percent. For this article, "Snowbelt" states are those included in the U.S. Bureau Census categories New England, Mid-Atlantic, East North Central and West North Central. "Sunbelt" are those in the South Atlantic, East South Central, West South Central, Mountain and Pacific. Note that this article's definition of the Sunbelt differs from my definition. I also include all the states in the South Atlantic, East South Central and West South Central regions, but only include New Mexico, Arizona, Nevada and California from the Mountain and Pacific regions. See Appendix B. Philip L. Rones, "An Analysis of Regional Employment Growth, 1973 - 1985," *Monthly Labor Review*, July, 1986.

<sup>122</sup> James C. Cobb, *The Selling of the South: The Southern Crusade for Industrial Development, 1936-1980* (Baton Rouge: Louisiana State University Press, 1982); Schulman, *From Cotton Belt to Sunbelt*; Tami J. Friedman, "Capital Flight, 'States' Rights,' and the Anti-Labor Offensive After World War II," in Lichtenstein and Shermer, *The Right and Labor in America: Politics, Ideology, and Imagination*. "What are nice companies like these doing in a place like this?" and "If your business is going places...we've got a place for you to go," reprinted in Cliff Sloan and Bob Hall, "Home in Greenville," *Southern Exposure*,



remained exceptionally low - - South Carolina, for instance, had the lowest rate at 7.8 percent in 1980 compared to nearly New York's near 40 percent union density.<sup>123</sup>

Though many scholars have noted industries' move to the Sunbelt, few have noted the broad unionization efforts among workers there in the 1970s. NLRB reports show that unions intensified their efforts in the South and Sunbelt in the 1970s. Forty-four percent of the people eligible to vote in NLRB elections in the 1970s, for instance, were in Southern and Sunbelt states, up from 38 percent in the 1960s. The rate dropped down again in the 1980s to 41 percent. (See Appendix B)<sup>124</sup> Despite their reputation for being anti-union, many Southerners increasingly wanted unions. Blue-collar Southerners who were not already union members were more likely than those in any other region of the country to report they would vote for a union in 1977.<sup>125</sup>

The Deep South was the most formidable challenge to unions based geographically and culturally in the North. Nevertheless, the 1970s seemed a moment of promise when unions might finally open new vistas in the South where they had been defeated so many times before. Consider, for instance, the UAW's reaction to what it labelled General Motors' "southern strategy." GM had some presence in the South following World War II and operated a unionized Atlanta facility, for instance. It accelerated its move south in the 1970s and built most of its new assembly and parts

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Summer 1980, Vol VIII, no 2, 91. "Right-to-work" states are states which prohibited employers from requiring all workers to either join the union or pay the equivalent union dues.

<sup>123</sup> Goldfield, *The Decline of Organized Labor in the United States*, 118.

<sup>124</sup> Analysis based on NLRB annual reports, 1960 – 1989. See Appendix B.

<sup>125</sup> Quinn and Staines, *Quality of Employment Survey (QES)*, 1977; Freeman and Medoff, *What Do Unions Do?*, 29.

plants there, opening nine new plants south of the Mason-Dixie between 1972 and 1978.<sup>126</sup> When workers at these GM plants tried to organize a union with the UAW in Clinton, Mississippi and Fitzgerald, Georgia in 1974 and 1975, the company responded with anti-union leaflets, meetings and threats. An anonymous leaflet in Clinton featured a cartoon of white, cigar-smoking union officials standing over female production workers, half of whom were black. Under the headline, “Northern Unions vs. Mississippi Working Folk” it blasted the union for trying to keep jobs in the North, asserting that the union “would just as soon that we were still working in the fields or doing domestic work.”<sup>127</sup> However, the UAW still had great power within GM at that time as it represented 95 percent of the company’s 390,000 U.S. hourly workers. The UAW used a series of “mini-strikes” to force GM to agree to a neutrality agreement in 1976 national contract negotiations.<sup>128</sup>

This neutrality agreement buoyed Henry Davison’s unionizing efforts at GM’s Guide Lamp plant in Monroe, Louisiana after he returned to the South. At first, Davison and his co-workers faced tremendous company resistance and the company attempted to screen out pro-union workers in the hiring and training process. Once the workers petitioned for an election in 1976, GM held what it called “commander call” meetings each Monday, mandatory attendance meetings in which the plant manager urged the

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<sup>126</sup> “UAW Wins Apparent Major Concessions from GM in Battle to Organize the South,” *Wall Street Journal*, September 12, 1978, 5.

<sup>127</sup> Don Stillman, “Runaways: A Call to Action,” *Southern Exposure*, Vol IV, 1-2, Spring, Summer 1976, 50; Don Stillman, “Breaking GM’s Southern Strategy,” *Solidarity*, January 28, 1977, Vo 20, no 2.; “UAW Warns GM of Confrontation Over Deep South Non-Union Plants,” *The Washington Post*, November 9, 1976, A4.

<sup>128</sup> Stillman, “Breaking GM’s Southern Strategy,” “GM, UAW Reach Accord: ‘Shortest Strike’ is Over,” *Chicago Tribune*, November 20, 1976, S1.

workers not to vote for a union. Local boosters fought the union. “Give Yourself a Christmas Present - - Vote No on Dec 22” read road-side signs put up by the Louisiana Association of Business and Industry (LABI), a group which had spearheaded a successful “right-to-work” drive in that state. Yet GM signed the neutrality agreement just weeks before the scheduled union vote in Monroe, and local management was forced to back off their anti-union stance. Absent vicious company threats, Davison and his co-workers were able to vote in their union and access the kind of robust level of economic security that had long eluded Southern workers.<sup>129</sup> It was a point well understood by Betty Crosser, a 24-year-old machine operator who cited “mostly the security” as her reason for voting yes. “I’m single - I may never get married – and I have to support myself. I have to think about my future, my retirement.”<sup>130</sup>

In the end, the UAW was able to curtail much of GM’s Southern strategy and win unions in many of the new Southern plants, but not without a major fight. Local management often ignored the company’s official neutrality policy. “I heard that one guy was talking about it and that he got fired, so I don’t want to know anything about it,” asserted one woman about a failed union drive in Saginaw, Alabama.<sup>131</sup> The UAW struggled to prove its worth to Southern workers accustomed to lower pay. Many workers shared the sentiments of one Alabama GM electrician who noted that his \$12 an hour wages far outstripped local rates: “I take what they give me and gladly spend it, but

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<sup>129</sup> Stillman, “Breaking GM’s Southern Strategy,”; “UAW Wins \$86 Raise in First Pact in Louisiana,” *The Organizer*, UAW Organizing Department, Vol 12, No 1, First Quarter, 1977, 8, Box 7, Alpert papers.

<sup>130</sup> “GM, UAW Fight in La. May Affect Northern Firms’ Moves Into South,” *The Washington Post*, December 21, 1976.

<sup>131</sup> “UAW Spinning its Wheels in Organizing GM in South,” *Chicago Tribune*, June 11, 1978, B9.

we are overpaid.”<sup>132</sup> When GM built its first Southern major assembly plant in Oklahoma City, the union was particularly worried that the softness of the neutrality agreement would hurt its chances there. It turned out that the Oklahoma City vote was scheduled a mere two days after the start of 1979 GM-UAW negotiations, and the UAW threw down the gauntlet. President Doug Fraser went through the ritual hand shake and opening meeting, but then walked out of negotiations until GM agreed to send top officials to Oklahoma City to investigate charges that managers had handed out anti-union t-shirts and leaflets. The gamble worked, and Oklahoma City workers voted 1479 to 658 for the union. Workers at GM plants followed suit in Shreveport, Louisiana in 1979 and Decatur, Alabama in 1982, for example, and the company agreed to recognize the union after a majority of workers signed cards in Alabama, Mississippi and Georgia.<sup>133</sup> Though the UAW rolled back GM’s attempt to outrun the union in the South, the UAW was slower to meet other Southern workers’ broad demands for organizing. While two-thirds of workers’ organizing requests came from Sunbelt states, the UAW had no black organizers on its Southern staff as late as 1983 and few Southerners.<sup>134</sup> Internal organizing reports show that they were doing far more organizing in the Midwest

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<sup>132</sup> “UAW’s Failure to Organize GM Facility Leaves a Residue of Red Faces and Ill Will,” *Wall Street Journal*, February 24, 1981, 56.

<sup>133</sup> “GM, UAW Talks are Held Up By Dispute on Union Organizing Effort in the South,” *Wall Street Journal*, July 17, 1979, 16; “Conspiracy Charge by Auto Workers Impedes GM Talks,” *Washington Post*, July 17, 1979, A2; “Report on the UAW – General Motors 1979 Tentative Settlement,” September 18, 1979, Folder 11, Box 5, Alpert papers; Ben Perkins to Owen Bieber, April 28, 1983, Folder 6, Box 67, Douglas A. Fraser papers; “UAW is Recognized by GM in Alabama,” *The Baltimore Sun*, September 7, 1982, C5.

<sup>134</sup> Ben Perkins to Owen Bieber, April 28, 1983, folder 6, Box 67, Douglas A. Fraser papers.

and Michigan than in the South throughout the decade, and the union did not even start a concerted Southern drive (beyond the GM effort) until 1977.<sup>135</sup>

Unions tried a number of joint projects to organize in the South and Sunbelt, including in Florida's "space belt," Tupelo, Mississippi and Houston, Texas.<sup>136</sup> The most successful of these joint efforts was the AFL-CIO's Los Angeles – Orange County Organizing Committee (LAOOC) which began in the 1960s but remained unions' most substantive joint organizing project into the early 1980s. When IBT President Jimmy Hoffa first heard about the project, launched in 1963, he claimed it would "not organize 50 people...it's all propaganda and hot air."<sup>137</sup> In fact, this joint organizing campaign organized nearly half a million workers over 20 years. The project was Walter Reuther's brain child, and grew out of his 1961 push to force the newly-minted AFL-CIO to make good on its promise of deepened organizing efforts. "Do we have the will, the good sense and the unity of purpose needed," asked Reuther in his proposal to the AFL-CIO for a "comprehensive, cooperative, coordinated organizational drive."<sup>138</sup> Reuther had his eyes on burgeoning job growth in Southern California, and pushed the AFL-CIO to begin

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<sup>135</sup> Alan Kistler to Louis Ferman, August 31, 1983, Folder 1, Box 2, Kistler papers; "Report of NLRB Board Elections Participated in by UAW, Year Ending 1975," Folder 17, Box 55, Douglas A. Fraser papers; "Sights Set on Sunbelt," *The Organizer*, UAW Organizing Department, Vol 13, no 1, third quarter, 1977, 12, Box 7, Alpert papers.

<sup>136</sup> "Unions Still Find a Tough Row to Hoe," *US News and World Report*, June 21, 1982, 62 – 63; Alan Kistler to AFL-CIO Executive Council Committee on Organizing and Field Services, January 19, 1981, Folder 14, Box 4, Kistler papers, AFL-CIO Archive; David Moberg, "Hard Organizing in Sunbelt City," *The Progressive*, August, 1983, 34.

<sup>137</sup> Harry Bernstein, "AFL-CIO Drive Here Will Fail Hoffa Says," *Los Angeles Times*, March 27, 1963.

<sup>138</sup> Walter P. Reuther, "Draft Proposal for a Comprehensive, Cooperative, Coordinated Organizational Drive," February 1961, Folder 5, Box 319, Walter P. Reuther papers, Reuther Library.

a joint project through the newly-formed organizing committee.<sup>139</sup> The project launched in 1963 and originally included 57 unions. The level of coordination was impressive as unions had long jealously guarded their jurisdictions. Each union submitted to the AFL-CIO a list of its current locals in the two county area, and a list of potential organizing targets. The unions then divided themselves into five sectors: hard goods (lumber, steel, glass, etc.); soft goods (textiles, oil, chemicals, etc.); retail; government; and hotel and restaurant. Each union agreed to contribute money and organizers, according to their size. The original staff budget was for \$230,000 a year, half of which the AFL-CIO paid, including for a director. The unions in each sector then sat down and hashed out the acceptable organizing targets. Unless the group agreed to the target, the unions would not organize there. Unions would sometimes agree to petition jointly, or to confer with one another, but they would not oppose one another.<sup>140</sup>

Reuther's brainchild paid off. Before the project, the Los Angeles area had been losing union density, sliding from 37 to 30 percent from 1953 to 1962. Yet the joint effort helped hold union membership in Los Angeles at 30 percent density from 1963 to 1965, though density again later slid. A core of about 35 unions stuck with the project for over twenty years. They met each quarter, working out approved targets. Many of

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<sup>139</sup> Brendan Sexton to Walter P. Reuther, January 9, 1962, Folder 6, Box 319, Walter P. Reuther papers, Reuther Library; "A Comprehensive, Cooperative, Coordinated Organizational Drive, adopted by the Executive Committee, IUD, January 15, 1963, provided by former IUD director Elmer Chatak and in the author's possession .

<sup>140</sup> "Organizational Structure: Coordinated Organizational Drive, Los Angeles and Orange Counties," n/d, c. 1962, Folder 29, Box 52, RG 28-002, AFL-CIO Organizing Department Records; William L. Gilbert to John W. Livingston, January 19, 1965, Folder, 16, Box 53, RG 28-002, AFL-CIO Organizing Department Records; Los Angeles Coordinated Organizing Campaign, Projected Annual Cost of Staff, Folder 32, Box 52, RG 28-002, AFL-CIO Organizing Department Records; President to Elmer Brown, February 15, 1963, Folder 32, Box 52, RG 28-002, AFL-CIO Organizing Department Records; Marie Nixon to Charlie McDonald, January 29, 1981, Folder 16, Box 53, RG 28-002, AFL-CIO Organizing Department Records.

the elections were in traditional manufacturing, like UAW at Cadillac Gauge, USWA at Harvey aluminum and the IUE at Packard-Bell's television plant. Others were in newer industries, like the International Association of Machinists (IAM) win at Scientific Data Systems or the Oil, Chemical and Atomic Workers union (OCAW) wins at Shell Chemical Division and Bio-Sciences laboratory, the largest privately-owned clinical lab in the world. The project served not only to coordinate organizing, but to spur it, for organizers routinely had to go sit next to their peers from other unions and talk about the state of their campaigns. By 1978, the project had organized 358,000 workers, 217,000 of whom came through NLRB elections, and about 114,000 of whom came through new organizing in governmental sectors. By 1984, they had organized nearly half a million of these Sunbelt workers.<sup>141</sup>

**Si Se Puede!** 是的,我们可以!<sup>142</sup>

The 1965 Immigration and Nationality Act (Hart-Cellar Act) did as much to shake up and recreate America's working class as did Title VII of the Civil Rights Act of 1964, for it brought millions of new immigrants into the nation's workforce. The new law changed the national origins quotas that had been in place since 1924 and that effectively excluded

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<sup>141</sup> "The Organized and Unorganized in Los Angeles and Orange Counties," AFL-CIO Report, 1967, Folder 2, Box 53, RG 28-002, AFL-CIO Organizing Department Records (See Table 2 for density numbers); "Minutes, Combined Divisions Meeting," November 15, 1967, Folder 2, Box 53, RG 28-002, AFL-CIO Organizing Department Records; "Union Wins Election at Harvey Aluminum Firm," *Los Angeles Times*, December 3, 1964, 12; "1100 Packard-Bell Workers go IUE," *The IUE News*, September 21, 1967, Box 53, RG 28-002, AFL-CIO Organizing Department Records; William L. Gilbert to John W. Livingston, January 19, 1965, Folder 16, Box 53, RG 28-002, AFL-CIO Organizing Department Records; "Minutes, Combined Divisions Meeting," June 28, 1978, Folder 6, Box 53, RG 28-002, AFL-CIO Organizing Department Records; "Combined Divisions Meetings" July 11, 1984, Folder 2, Box 12, Kistler Papers.

<sup>142</sup> "Yes We Can!" in Spanish and Mandarin (Chinese).

most Asians and Africans. The new U.S. immigration system still had quotas, but the quotas allowed immigration from all countries and focused more on immigrants' skills and family relationships with citizens.<sup>143</sup> Hart-Cellar was only implemented in 1968 and, by the early 1970s, the U.S. was still only 4.7 percent foreign-born, the lowest rate since before the 1840s. Then roughly 10 million immigrants entered the U.S. between 1970 and 1990, nearly doubling the nation's numbers of first-generation immigrants to 20 million.<sup>144</sup> Meanwhile, undocumented immigrants also swelled the nation's working class, with more than three million undocumented workers arriving between 1961 and 1989.<sup>145</sup> By 1997, the nation's foreign-born population had nearly doubled since 1970, to 9.7 percent.<sup>146</sup>

As the numbers of immigrants grew nationwide by the close of the twentieth century, these immigrant workers spurred a number of union organizing drives, including among janitors, poultry and meat packing workers, and construction workers nationwide.<sup>147</sup> During the 1970s and early 1980s, however, when immigration was just

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<sup>143</sup> Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, N.J.: Princeton University Press, 2004) 227.

<sup>144</sup> Michael E. Fix and Jeffrey S. Passel, "U.S. Immigration at the Beginning of the 21<sup>st</sup> Century," Urban Institute, Testimony before the House Subcommittee on Immigration and Claims Hearing, August 2, 2001, accessed on June 2, 2014 at <http://www.urban.org/url.cfm?ID=900417&renderforprint=1&CFID=90003259&CFTOKEN=46293287&jsessionid=f0309a00a678b25135103c216934733d1827>.

<sup>145</sup> Georges Sabagh, "Los Angeles, A Work of New Immigrants: An Image of Things to Come?" in Giacomo Luciani, *Migration Policies in Europe and the United States* (Norwell, MA: Kluwer Academic Publishers, 1993) 104.

<sup>146</sup> Campbell J. Gibson and Emily Lennon, "Historical Census Statistics on the Foreign-Born Population of the United States, 1850-1990," Washington, DC: U.S. Bureau of the Census, 1999, accessed electronically on March 20, 2015 at <https://www.census.gov/population/www/documentation/twps0029/twps0029.html>.

<sup>147</sup> Ruth Milkman, *L.A. Story: Immigrant Workers and the Future of the U.S. Labor Movement* (New York, N.Y.: R. Sage Foundation, 2006); Leon Fink, Alvis. E. Dunn, *The Maya of Morganton: Work and*



starting to grow, immigrant workers' union organizing efforts were concentrated in urban centers, especially in Los Angeles and New York. Of the 3.3 million immigrants who arrived between 1975 and 1980, nearly 40 percent settled either in Los Angeles or New York.<sup>148</sup>

Los Angeles immigrant workers turned to unions to help try to mediate their work experiences in auto plants, garment factories, restaurants, and furniture manufacturers in the 1970s and early 1980s, even though many were undocumented. More undocumented workers headed to Los Angeles than to any other city - - up to a third of undocumented workers lived there by 1985.<sup>149</sup> Many labor leaders, journalists and scholars deemed undocumented workers to be unorganizable: "The millions of workers who are in this country illegally seldom join unions... because they fear deportation and the return of poverty in their homeland," wrote LA Times labor reporter Harry Bernstein.<sup>150</sup> Yet many did successfully organize, like the two hundred Mexican and Central American immigrants at Camagua Mattress Company, a water bed manufacturer in Los Angeles, who won an NLRB election in 1985 and launched a boycott to force their company to sign a first contract.<sup>151</sup> Yet like native-born workers, Los Angeles' immigrant workers often ran into a wall of increased employer opposition when they tried to unionize. The

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*Community in the Nuevo New South* (Chapel Hill, N.C.: University of North Carolina Press, 2003); Rick Fantasia, Kim Voss, *Hard Work*.

<sup>148</sup> Sabagh, "Los Angeles, A Work of New Immigrants: An Image of Things to Come?" 104.

<sup>149</sup> Ruth Milkman, "Undocumented Immigrant Workers and the Labor Movement," in Lois Ann Lorentzen, *Hidden Lives and Human Rights in the United States, Vol. 3* (Santa Barbara, CA: Praeger: An Imprint of ABC-CLIO, LLC, 2014) 35. Hector L. Delgado, *New Immigrants, Old Unions: Organizing Undocumented Workers in Los Angeles* (Philadelphia: Temple University Press, 1993) 1.

<sup>150</sup> As quoted in Delgado, *New Immigrants, Old Unions*, 10.

<sup>151</sup> Delgado, *New Immigrants, Old Unions*, 20-57.

majority of High Tide Swimwear workers in Los Angeles who struck for a union in 1975 were undocumented workers. They lost their NLRB election after the company fired and replaced 46 of the pro-union strikers.<sup>152</sup> When undocumented workers at Vogue Coach Company, a Los Angeles manufacturer of recreational vehicles, formed a union and won a contract with the UAW in 1978, the company retaliated by triggering a raid by the Immigration and Naturalization Services (INS) that swept up 90 workers a few days before the contract was signed. Two years later, when the majority Hispanic workforce struck for 18 weeks for higher wages and more time off, one of their contract demands was that the company stop using these sorts of INS raids to intimidate workers. Raids, or even the threats of such raids, became increasingly common employer tactics. When workers at Rowe Furniture Company in Los Angeles formed a union in 1978, an immigration raid detained 18 of the 30 new union members. When the mostly Japanese and Latino workforce at Horikawa Japanese restaurant in Los Angeles' Little Tokyo tried to form a union with Local 11 of the Hotel Employees and Restaurant Employees (HERE) in 1980, the NLRB found that the company had illegally threatened the workers with deportation.<sup>153</sup>

New York was also a center for immigrant union organizing, especially among the new Chinese immigrants in the Chinatown garment shops, numbering 25,000 by

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<sup>152</sup> Frank Del Olmo, "Illegal Aliens Union Targets," *Los Angeles Times*, January 30, 1975, 8A; Frank Del Olmo, "Garment Workers Turn Down Union," *Los Angeles Times*, March 8, 1975, A23.

<sup>153</sup> Doug Allen, "Valley Industry, Wealth Soak Up Illegal Aliens," *Los Angeles Times*, August 13, 1978, SF\_c1; "Plant Closing Feared, but Strike Continues," *Los Angeles Times*, April 6, 1980, V1. Bill Sing, "Horikawa in Bitter Fight Over Union," *Los Angeles Times*, October 13, 1980, E1.

1980.<sup>154</sup> Katie Quan worked in these shops in the 1970s, and went on to become a union organizer and leader in the 1980s. She remembers that the new Chinese immigrants getting jobs in New York's sewing shops looked to the International Ladies Garment Workers Union (ILGWU) to shore up security. "Local 23-25 used to have new membership meetings with 75 to 100 workers per week joining the union... The first thing they wanted to do after getting off the plane... was to join the union so that their benefits would start right away."<sup>155</sup> Unlike employers in much of the rest of the country in the 1970s, the Chinese-run sewing shops often did not resist the union because the union steered contracts to unionized shops. The number of Chinese-owned unionized garment shops grew from 34 in 1965 to a peak of 430 in 1980.<sup>156</sup> The union was slow to change its practices to fully incorporate these new members, long continuing to hold union meetings in English, for instance, despite the fact that so many members only spoke Chinese. Nevertheless, when Chinese contractors reacted to increased foreign competition by trying to avoid signing union contracts in 1982, 20,000 garment workers took to the streets of New York City in a march that was reminiscent of the Uprising of 1909 - - though this time the workers were not Eastern European, but Chinese. The workers won their strike and forced the shops to sign the standard union agreement.<sup>157</sup> Many Chinese restaurant workers also organized, often affiliating with Local 69 of the

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<sup>154</sup> Xiaolan Bao, *Holding Up More than Half the Sky : Chinese Women Garment Workers in New York City, 1948-92* (Urbana: University of Illinois Press, 2001) 26.

<sup>155</sup> Ruth Milkman, "Organizing Immigrant Women in New York's Chinatown: An Interview with Katie Quan," in Cobble, *Women and Unions*, 285.

<sup>156</sup> Bao, *Holding Up More than Half the Sky*, 153 and 67.

<sup>157</sup> Milkman, "Organizing Immigrant Women in New York's Chinatown," 291-294; Bao, *Holding Up More than Half the Sky*, 211.

Hotel Employees and Restaurant Employees (HERE). Some even founded their own community-based labor organization, the Chinese Staff and Workers' Association (CSWA). When fifteen waiters at the upscale Silver Palace struck rather than share more tips with management, they forced the company to meet their demands and recognize this union in 1981. Another effort at Hunan Garden failed in the face of employer resistance.<sup>158</sup>

Much of the new immigration was among Hispanic workers - - since the early 1970s, the proportion of the workforce that was Hispanic more than tripled from five to nearly 15 percent in 2009. Yet pro-union sentiments were strong among native-born Hispanic workers as well. Through the early 1980s, unions organized one in five Hispanic workers, a higher rate than among the general population.<sup>159</sup> Polling showed that a majority of Latino workers said they would choose to vote for a union.<sup>160</sup> Cesar Chavez's United Farmworkers' (UFW) organizing among California's grape workers was the most well-known and celebrated effort among Hispanic workers. Farmworkers were excluded from the NLRA, and so could not vote in union elections (though California farmworkers won that right in 1975 under the California Agricultural Labor Relations Act). The UFW turned instead to a successful boycott of table grapes to force employers' hands on workers' rights; 17 million people, or 10 percent of the nation, refused to eat or buy grapes between 1966 and 1972 according to one Department of

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<sup>158</sup> Jan Lin, *Reconstructing Chinatown: Ethnic Enclave, Global Change* (Minneapolis, MN: The University of Minnesota Press, 1998) 68 -70.

<sup>159</sup> Rosenfeld, *What Unions No Longer Do*, 138.

<sup>160</sup> Louis Harris and Associates, "A Study on the Outlook for Trade Union Organizing," November, 1984, Box 17, Kistler papers.

Agriculture study. By the early 1970s, the UFW had wrung 200 contracts out of growers, covering 70,000 grape workers, though they were later undermined by the Teamsters who conspired with growers to sign weaker contracts.<sup>161</sup>

Three thousand Texas garment workers at the Farah Manufacturing Company, mostly Chicanas, used a strike and consumer boycott to force their employer to recognize their union in 1974.<sup>162</sup> Though workers on the cutting floor had voted for a union in 1970, the company refused to sign a contract. By 1972 workers were fed up with low wages, arbitrary treatment and the firing of union supporters and were no longer content to wait for the NLRB process. One union organizer watched from a nearby café in shock as hundreds of workers poured out of the San Antonio plant: “It was a feeling of pure panic...The workers took it out of our hands.”<sup>163</sup> Workers at the El Paso facility walked out a week later, joining what would become a nearly two- year strike. The company patrolled the plant gates with dogs and local police arrested 1000 strikers, many in the middle of the night, prompting an NLRB judge to call the company “lawless...trampling on the rights of employees as if there were no law, no board and no Ten Commandments.”<sup>164</sup> The union’s consumer boycott crippled Farah’s operations and the company admitted that it was largely responsible for a drop in the value of company

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<sup>161</sup> Randy Shaw, *Beyond the Fields : Cesar Chavez, the UFW, and the Struggle for Justice in the 21st Century* (Berkeley: University of California Press, 2008) 46.

<sup>162</sup> “Employees Union at Farah Accepts New 3-Year Pact,” *The Washington Post*, March 8, 1974, A3.

<sup>163</sup> Bill Finger, “Victoria Sobre Farah,” *Southern Exposure*, Vol. IV, no 1-2, 45.

<sup>164</sup> “Farah Vows to Continue Struggle Against Union,” *Los Angeles Times*, February 2, 1974, 19.

stock from \$49 a share in 1971 to just under \$6 in 1974.<sup>165</sup> The boycott and strike brought the company to the bargaining table, and the workers won a contract that included wage increases of up to 80 cents an hour over the life of the three-year contract – a significant increase over their \$1.70 an hour pay – as well as company-paid insurance and maternity benefits.<sup>166</sup> Yet again, workers used unions to find security within America’s employer-based social welfare system.

Though immigrants nationwide showed interest in joining unions, many unions were hostile to them. The AFL-CIO officially opposed amnesties for undocumented immigrants until it reversed its policy in 2000, finally supporting a path to citizenship.<sup>167</sup> The federation’s long-standing policy supporting tight immigration controls reflected the fact that many of its member unions saw immigrants as competitors for native workers’ jobs, and blamed immigrants for the difficulties unions faced in an increasingly hostile anti-union environment. “The biggest issue we have to contend with is the illegal alien,” said Gale Van Hoy, Executive Secretary of the Houston Building Trades Council in 1983, explaining the failure of a much-hailed joint unionization effort in Houston. “If they’re illegal, they shouldn’t be in our union, and we shouldn’t be bothering with them.”<sup>168</sup> Yet many unions did open their doors and actively organized immigrant

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<sup>165</sup> “Farah Signs Pledge to Halt Some Unfair Labor Actions,” *AFL-CIO News*, February 10, 1973; “Council Presses Support for Farah Strike, Boycott,” AFL-CIO news Service, July 20, 1972, Box 3, RG 28-002, AFL-CIO Organizing Department Records; “Farah Vows to Continue Struggle Against Union,” *Los Angeles Times*, February 2, 1974, 19.

<sup>166</sup> “Employees Union at Farah Accepts New 3-Year Pact,” *The Washington Post*, March 8, 1974, A3; Cowie, *Stayin’ Alive*, 54 – 57.

<sup>167</sup> “Resolution 5, A Nation of Immigrants,” AFL-CIO Executive Council Resolution, February, 2000, accessed June 2, 2014 at <http://www.aflcio.org/content/download/6951/75037/file/res5.pdf>.

<sup>168</sup> David Moberg, “Hard Organizing in Sunbelt City,” *The Progressive*, August, 1983, 34.

workers in the 1970s and early 1980s, including the ILGWU in sewing shops in Los Angeles and New York, District 1199 and SEIU in hospitals and nursing homes, HERE in hotels and restaurants, and AFSCME among head-start and government service workers.<sup>169</sup> “Any worker...regardless of where he’s from, has the same rights as any US citizen to become a member of a union,” asserted Houston Organizing Project organizer Demetrio Lucio.<sup>170</sup>

### **Promise Denied**

Growth in union membership in the United States has historically come in spurts, shooting up quickly in the early 1880s, during WWI and after the passage of the Wagner Act, for instance.<sup>171</sup> America was poised to see another such spurt in union growth in the 1970s. After the Civil Rights Act of 1964 opened up the nation’s workplaces, many women, people of color, and immigrants had new access to the nation’s best jobs. The young baby boomers were more union-minded than older workers, and many of the African-Americans who returned to the South brought with them experience with unions. Using NLRB elections, these groups pushed en masse for full economic security through

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<sup>169</sup> On ILGWU see Frank Del Olmo, “Illegal Aliens Union Targets,” *Los Angeles Times*, January 30, 1975, 8A; Moe Foner, “Hospital Union 1199 – back then and now,” *New York Amsterdam News*, June 2, 1979, 16; “Union drive effort begins at Marriott,” *New York Amsterdam News*, April 2, 1983, 14; “Horikawa in Bitter Fight Over Union,” *Los Angeles Times*, October 13, 1980, E1; “Mediator Speeds Up Head-Start Union Talks,” *Los Angeles Sentinel*, August 16, 1984, A2; Minutes, Combined Divisions Meeting, June 28, 1978, Los Angeles Orange County Organizing Committee, Folder 6, Box 53, RG 28-002, AFL-CIO Organizing Department Records.

<sup>170</sup> Moberg, “Hard Organizing in Sunbelt City,” 34.

<sup>171</sup> Richard B. Freeman, “Spurts in Union Growth: Defining Moments and Social Processes,” in Michael D. Bordo, Claudia Golden and Eugene N. White, *The Defining Moment: The Great Depression and the American Economy in the Twentieth Century* (Chicago: University of Chicago Press, 1998). The chapter is available at <http://www.nber.org/chapters/c6896>, accessed February 3, 2015.

unions, attempting to organize in record numbers in banks and universities, in auto parts plants and sewing shops, in urban metropolises and small towns throughout the South. They fought for unions even as they endured the structural shift to retail and service jobs driven by the global economy. If jobs for the new working class were going to be nurse's aides, cashiers and data processors, then they would struggle to make these jobs into good, union jobs. In the end, however, this promise of a new spurt in union membership growth was denied. Far too few of the members of this reconfigured working class were ever able to form unions because they faced a new and solid wall of resistance from employers and because the federal government did not step up to enforce their unionizing rights.

Employers were well aware of the power of America's new and emerging working class. They mobilized in new ways, first attacking the law undergirding union organizing beginning in the late 1960s, then breaking that law at unprecedented levels and constructing an entire anti-union industry throughout the 1970s. "The interventions of those consultants into the organizing and collective bargaining fields represents a far more comprehensive threat than they have presented to particular organizing campaigns or the particular bargaining relationship," AFL-CIO Director Alan Kistler told a group of labor leaders in 1983.<sup>172</sup> Employers both weakened the legal regime refereeing union organizing and made a science out of fighting workplace organizing. In doing so, employers won the class battle of the 1970s and essentially stripped these private-sector workers of the legal right to form a union, helping to set the stage for increased economic

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<sup>172</sup> Alan Kistler to Secretary-Treasurers meeting in St. Louis, Missouri, March, 1983, Folder 8, Box 2, Kistler papers.



inequality in the twenty-first century. We turn now to a study of this U.S. employer assault on union organizing in the 1970s - - the battle plan, the armaments, and the warriors themselves.

### *Chapter 3:*

## **Employers Close the Door on Union Organizing**

In the summer of 1967 Douglas Soutar warned the National Association of Manufacturers (NAM) that the Wagner Act had created “union monopoly power...The excessive...and constantly growing ...power of the trade union movement has acquired a position of dominance over American industry and the American economy.”<sup>1</sup> Soutar, a vice president of the American Smelting and Refining Company (ASARCO), went on to co-found the Business Roundtable in 1972, an organization central to a new political coalition that conservative business leaders formed in the 1970s. Much recent scholarship has unearthed the new organized movement among businessmen like Soutar to curb the regulatory state, roll back workers’ rights, and counter modern liberalism. Often the historical narrative includes the 1971 memorandum by soon-to-be Supreme Court justice Lewis Powell in which he called on business to unite in defense of the free enterprise system and marshal its influence in the media, courts, and universities. We now have much evidence about the explosion of corporate lobbying offices, political action committees (PACs), think tanks and public relations firms in the 1970s which served as the movement’s architectural framework.<sup>2</sup>

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<sup>1</sup> Douglas Soutar to NAM Task Force, “The Problem of ‘Big’ Labor and Big Strikes,” July 7, 1967, Box 62B, Series V, Acc 1141, National Association of Manufacturers (NAM) records, Hagley Library, Wilmington, DE (hereafter NAM papers).

<sup>2</sup> Hacker and Pierson, *Winner-Take-All Politics*, 116-136; 118; Phillips-Fein, *Invisible Hands*, 190-200; David Vogel, *Fluctuating Fortunes: The Political Power of Business in America* (New York: Basic Books, 1989) 148-192; Linder, *Wars of Attrition*; Lichtenstein and Shermer, *The Right and Labor in America*; James A. Gross, *Broken Promise*; Kim McQuaid, *Uneasy Partners: Big Business in American Politics, 1945 – 1990* (Baltimore: Johns Hopkins University Press, 1994) 125 - 171. On the Powell memo, see Phillips-Fein, *Invisible Hands*, 158-160; Hacker and Pierson, *Winner-Take-All-Politics*, 117-118.

Yet business leaders did not have a free hand with which to shape the nation's emerging political economy. They faced potent resistance, reminds historian Benjamin Waterhouse: "Progressive liberals, despite suffering fracture and loss of cohesion in the 1970s and 1980s, remained a significant political foil."<sup>3</sup> Though scholars of the new business conservatism have identified union power as a site of such resistance, they have thus far only focused on the already-existing unions, and have overlooked the impact of workers who were outside unions and who sought to enter them. In fact, union organizing - - especially that led by a changing American workforce - - was an early and heretofore overlooked inspiration for the new business conservatism. Employers' attacks on these workers' union organizing efforts were key components of the nation's turn to the right in the 1970s and 1980s.<sup>4</sup>

America's employers were well aware that millions of workers were trying to form unions by the late 1960s and 1970s and they worked to combat new union organizing at two levels. First, between 1965 and 1972, a number of the leaders of the nation's largest corporations - - such as those at GE, Ford and US Steel - - reacted to union power by building the Labor Law Reform Group (LLRG) through which they tried to roll back the NLRB rules protecting workers' rights in organizing and at the

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<sup>3</sup> Waterhouse, *Lobbying America*, 3.

<sup>4</sup> Scholars have studied how corporate leaders struggled with unions during the 1970s in the areas of regulation, consumer allegiances, fiscal policy, construction costs, and taxes, for instance, but have overlooked union organizing as a key site of contestation. See Waterhouse, *Lobbying America*, 78-96; Hacker and Pierson, *Winner-Take-All-Politics*; Vogel, *Fluctuating Fortunes*, 148-192; Phillips-Fein, *Invisible Hands*, 192-212. On construction see Linder, *Wars of Attrition*, 147-181. Waterhouse gives significant attention to the Labor Law Study Committee (also known as the Labor Law Reform Group (LLRG)), and yet he cites as its inspirations Johnson's landslide victory over Goldwater and the struggles over section 14(b) of Taft-Hartley rather than union organizing. See chapters 3 and 4 of *Lobbying America*. Phillips-Fein covers organizing, but focuses on the 1950s; see especially chapter 5 of *Invisible Hands*. On corporate PACs and conservative think tanks, see especially Hacker and Pierson, *Winner-Take-All-Politics* and Phillips-Fein, *Invisible Hands*.

workplace. Though their effort to change labor law failed, this new alliance served as an early building block for the Business Roundtable, what one historian correctly argues “became and remains... the peak organization” of big business’ political power after 1975.<sup>5</sup> Second, employers also deepened their workplace resistance to union organizing in the 1970s, increasingly breaking the law and spawning a vastly-expanded “union avoidance” industry. While there had long been anti-union employers and firms, employers now developed and honed a new set of techniques to fight union organizing, promulgated through business schools and management seminars. These two threads of employer resistance to union organizing came together in the late 1970s in the battle around labor law reform legislation which would have strengthened workers’ rights. Employers successfully used their newly-built networks to fight this reform and to defend their right to resist workers’ union organizing. At the outset of the 1970s, a re-shaped working class had offered new promise to the flagging union movement. By the early 1980s, however, employers had successfully rolled back workers’ ability to form unions through the NLRB. In doing so, employers weakened collective bargaining’s capacity to serve as a provider of broad social welfare and to redistribute the nation’s wealth.

### **Why Employers Rolled Back Union Organizing**

Though the proportion of the American workforce with a union peaked in the 1950s, the 1960s were in many ways the real apogee of labor’s post-World War II power. A full 65 percent of manufacturing was organized and labor represented one of the most

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<sup>5</sup> McQuaid, *Uneasy Partners*, 149 -150.

united lobbying forces in Washington.<sup>6</sup> *Newsweek* declared that a “riptide of new militancy” was pulsing through America’s unions in the fall of 1966, pointing to new AFL-CIO organizing efforts and escalated contract demands.<sup>7</sup> By setting workplace standards through collective bargaining agreements, unions forced employers to deepen their role as providers of social welfare. Though union members were most likely to have extensive benefits, their contracts set the standards for many. By 1970, the percentage of all employees with health coverage had quadrupled since 1950, for instance, and the percentage with a private pension had doubled.<sup>8</sup>

Labor’s strength in the late 1960s raised alarm bells throughout corporate America, especially as businesses’ rates of profit decreased. Though some industries, like textiles and steel, had weakened in the 1950s, most industries rode a growing economy until the years between 1965 and 1973 when the rate of profit for private business fell by 29.3 percent.<sup>9</sup> This decline in profitability rates did not bottom out until the 1980s and influenced business’ decisions throughout the 1970s. The business profit rate slowed sharply because in the face of new global competitors businesses, especially manufacturers, could not easily pass off higher costs to consumers.<sup>10</sup> Large businesses

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<sup>6</sup> Employment Data for Organizing Policy, October 9, 1961, Box 3, Organizing Department Records, AFL-CIO Archives; Roof, *American Labor, Congress, and the Welfare State, 1935-2010* .

<sup>7</sup> “The New Militancy of Labor,” *Newsweek*, September 26, 1966, 93.

<sup>8</sup> Freeman and Medoff, *What Do Unions Do?*, 150-161; Root, *Fringe Benefits*, 192 .

<sup>9</sup> Brenner, *The Economics of Global Turbulence*, 101; Robert Brenner, *The Boom and the Bubble: The US in the World Economy* (London; New York: Verso, 2002) 17. On steel see Tiffany, *The Decline of American Steel*. On textiles see Minchin, *Empty Mills*.

<sup>10</sup> Brenner, *The Economics of Global Turbulence*, 99-106. The average growth of labor productivity was 50% higher in manufacturing than in non-manufacturing from 1965 -1973 (3.3% compared to 2.3%.) The

reacted in a number of ways to the lower rate of return. Some began to diversify wildly, scooping up unrelated businesses. Many blamed new regulations for their economic troubles, like those introduced by the Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA), both started in 1970. The U.S. government tried to do its share by sharply devaluing the dollar in 1971, an effort to reduce the costs of US manufacturers relative to global competitors. These years were marked by an increase in the power of the financial sector, and the beginnings of the technological revolutions in computers and containerized shipping that would revolutionize business practices.<sup>11</sup>

Employers also reacted to the new economic paradigm by trying to reduce labor costs. “There was in the early 60s an era of a cost price squeeze,” remembered Soutar. “People began looking for ways to economize and found out that...they had given it away in the contract.”<sup>12</sup> Employers began increasing their resistance to union power and to workers’ union organizing efforts. After all, American corporations not only had to compete globally, but they had to compete against those in countries in which many of the social welfare costs were covered by the government rather than by employers. Manufacturing employers in particular desperately wanted to get free of the wage and benefit pressures they perceived as vampires on their profit rates, and so they attacked

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average annual growth of unit labor costs in manufacturing was 3 % compared to 4.7% in non-manufacturing.

<sup>11</sup> On mergers and shift to finance see Harrison and Bluestone, *The Great U-Turn*, 53-75. On devaluation of the dollar see Stein, *Pivotal Decade*, 42-46. On new regulations see Vogel, *Fluctuating Fortunes*, 113-147. On technological shifts and shipping see Lichtenstein, *The Retail Revolution*, and Marc Levinson, *The Box: How the Shipping Container Make the World Smaller and the World Economy Bigger* (Princeton, NJ: Princeton University Press, 2008).

<sup>12</sup> Interview with Douglas Soutar by Shelly Coppock, Litchfield, Arizona, November 16, 1990, Transcript number 1175, Folder 30, Box 1, NLRB Oral History Project II Transcripts #5843 OHT, Kheel Center for Labor-Management Documentation, Cornell University Library, Ithaca, NY, 117.

labor - - the entity responsible for pulling wages and benefits from employers within the U.S. social welfare regime. Many employers placed the blame for their new woes squarely on labor, in part because they did not yet fully understand the impact or reach of the global economy on their business.<sup>13</sup>

Employers had been split on whether to oppose labor in earlier decades, with many major unionized companies eschewing the anti-labor vehemence of NAM. Auto and steel, for instance, operated within what were essentially oligopolistic markets and the large majority of workers were union members. Such large manufacturing companies found that unions tamped down wage competition and so they had a heavy incentive to find common ground with labor.<sup>14</sup> Smaller companies and those in the South were most resistant to unions. Solomon Barkin, a labor educator and well-respected intellectual from the TWIU, argued in the late 1950s that “Management unwillingness to accept unions and collective bargaining as a part of the operating processes is most prevalent among the smaller and middle-sized employers.”<sup>15</sup> Anti-union employer groups like the NAM and the Chamber of Commerce were not as influential in the 1950s and early 1960s as the more moderate Committee for Economic Development (CED) and the Business Advisory Council (BAC). For instance, George Romney, Michigan’s liberal Republican governor,

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<sup>13</sup> Harrison and Bluestone, *The Great U-Turn*, 21-52; Waterhouse, *Lobbying America*, 98 - 100.

<sup>14</sup> Lichtenstein and Shermer, *The Right and Labor in America*, 7.

<sup>15</sup> Solomon Barkin, “Renewal of Growth,” c. 1959, file 12, box 6, Kistler papers. For more on Solomon Barkin see Donald R. Stabile, *Activist Unionism: The Institutional Economics of Solomon Barkin* (London, New York: M.E. Sharpe, 1993).

pulled the American Motors Corporation out of NAM in 1957 because he thought NAM was too conservative.<sup>16</sup>

By the 1970s, however, large employers faced a new global market paradigm and increasingly sought to limit their labor costs. The change was not monolithic and many unionized companies continued their pluralistic rhetoric, at least. The Vice President of Goodrich asserted in 1978 that his company was “fully comfortable in maintaining its extensive...union relationships.” Yet even the most unionized companies were shifting in their attitudes to unions. Goodrich’s executive, for example, made this olive branch statement within a speech entitled “Learning to Live Without the Union” in which he lamented that “too many of us in the business community have in the past looked to large unions to insulate us from wage competition.”<sup>17</sup> Executives faced a new wave of union organizing just as they hit the new era of global competition. Even as they maintained the bargaining relationship with their workers who were already union members, many major manufacturers thus sought to limit the number of workers who could access collective bargaining and tried to keep many workers from ever forming unions in the first place.

Take, for example, GE’s shifting tactics on unions. GE had built a “free enterprise” corporate culture through its newsletters and trainings, and had pioneered a take-it-or-leave-it style of bargaining in the late-1940s which the unions dubbed

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<sup>16</sup> Waterhouse, *Lobbying America*, 19-21; “A ‘New’ Nam?,” *Wall Street Journal*, May 31, 1966, 1.

<sup>17</sup> Peter J. Pestillo, “Learning to Live Without the Union,” Industrial Relations Research Association Convention, August 30, 1978, Folder 10, Box 2, Kistler papers. For more on the shift in large corporations’ attitudes in this period see Hacker and Pierson, *Winner-Take-All Politics*, 118-119; Waterhouse, *Lobbying America*, 19-28; Phillips-Fein, *Invisible Hands*; 166-212; Harrison and Bluestone, *The Great U-Turn*, 3-20; Vogel, *Fluctuating Fortunes*, 148-192; Stein, *Pivotal Decade*.



“Boulwarism” after its architect Lemuel Boulware.<sup>18</sup> Starting in the late 1960s, GE representatives - - such as vice president Virgil Day and manager of employee relations R.T. Borth - - added a new tactic to the company’s long-standing efforts to resist unions. They began to organize other business leaders to weaken labor law itself through the Labor Law Reform Group (LLRG). The company made this decision to help found the LLRG in the face of considerable union strength and organizing efforts at GE. GE executives were incensed in 1964 when the NLRB declared illegal their “Boulwarism,” style of bargaining.<sup>19</sup> Then in 1966 the IUE, GE’s largest union, invited representatives of a number of other unions to join it at the bargaining table. GE officials now faced 400 negotiators who called themselves a “Unity conference” and who challenged the Boulware philosophy.<sup>20</sup> When the company protested that such coalition bargaining was a union “conspiracy,” the NLRB upheld unions’ right to coordinate on bargaining efforts.<sup>21</sup> The 1968 decision struck fear in employers nationwide as unions were increasing their coalition bargaining efforts, such as at Union Carbide, in oil and in the non-ferrous metals.<sup>22</sup> The battle over Boulwarism came to a head in 1969 when 150,000

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<sup>18</sup> Phillips-Fein, *Invisible Hands*, 97 – 108; Ronald L. Filippelli and Mark McColloch, *Cold War in the Working Class: The Rise and Decline of the United Electrical Workers* (Albany: State University of New York Press, 1995) 159-60.

<sup>19</sup> “NLRB Decides that GE Bargaining in Bad Faith with Union on ’60 Pact,” *Wall Street Journal*, December 17, 1964, 30.

<sup>20</sup> “Delegates for 11 Unions Reject GE’s Offer, Set up a Panel to Evaluate Any New Bid,” *Wall Street Journal*, September 29, 1966, 6.

<sup>21</sup> “NLRB Examiner Says GE Acted Illegally in IUE Bargaining,” *Wall Street Journal*, June 9, 1967, 2; “Coordinated Bargaining by Unions Backed by NLRB as it Rules Against GE Stand,” *Wall Street Journal*, October 25, 1968, 7.

<sup>22</sup> Interview with Soutar, 136; Jonathan D. Rosenblum, *Copper Crucible: How the Arizona Miners’ Strike of 1983 Recast Labor-Management Relations in America* (Ithaca, N.Y.: ILR Press, 1995); Carl Hageman,

GE workers from 13 unions struck for 100 days and launched a nation-wide boycott of GE. When GE signed the final contract in early 1970, the AFL-CIO declared Boulwarism dead and the *New York Times* called the agreement an “unmistakable departure from the ‘take it or leave it’ spirit of past GE bargaining.”<sup>23</sup>

Yet GE did not only face push back from its unionized workers. Thousands of its workers who did not yet have unions were pushing to unionize. GE’s unorganized workers triggered 437 separate elections at GE facilities from 1961 to 1982 and won over half of them in the 1960s, though it often took them two or three tries. (The workers’ win rate dropped to 39 percent in the 1970s, mirroring a nationwide drop in union win rates in the face of increased employer resistance.) The GE union elections were all over the nation, in 35 states, and many were in the South (e.g., there were more elections in North Carolina than in Michigan). Unions ran campaigns at most of GE’s approximately 40 non-union facilities, often multiple times, and also organized contiguous units within the organized plants, like maintenance departments.<sup>24</sup> By 1967, rival unions called an organizing truce and began to divvy up organizing leads.<sup>25</sup> GE clearly faced a formidable

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Vice President, Union Carbide Corporation, “The Expanding Scope of Industrial Conflict,” *NAM Reports*, Vol. 12, no. 34, August 21, 1967, Box 62B, NAM papers.

<sup>23</sup> “GE Fund Passes \$1 Million: Boycott Grows in Strength,” *AFL-CIO News*, December 6, 1969; Quote from “End of the G.E. Siege...,” *New York Times*, January 31, 1970, 30; “GE Strike Settlement Hailed as an ‘End to Boulwarism’,” *AFL-CIO News*, February 7, 1970; Filippelli and McColloch, *Cold War in the Working Class*, 173-4.

<sup>24</sup> Author’s analysis of election tallies found in “IUD Data Center - NLRB Elections History: Elections Closed, Won and Lost, 07-61 Thru 12-82, Box 8, Kistler papers, and “NLRB Elections History: Elections Closed, Won and Lost, 07-61 Thru 12-71” in Folder 2, Box 2, AFL-CIO Organizing Department records. The 40 non-union facilities figure is for 1966. It is taken from a speech by Donald Donovan, Final Captive Audience Speech, GE, Bangor, Maine, January, 1978, Folder 19, Box 8, Kistler papers. The unions involved - - including the IUE, IBEW, UE, UAW and IAM - - tended to win in the smaller units and lose in the bigger ones, perhaps indicating that the company fought harder in the larger plants.

<sup>25</sup> “Unity,” February, 1967, Folder 21, Box 8, Kistler papers.

union organizing threat throughout the 1960s and 1970s in the same years that its executives helped organize a broad corporate push back to labor.

### **The First Level: How Employers Organized an Assault on Labor Law Protections**

In 1965, Douglas Soutar teamed up with Virgil Day, vice president of GE and chair of the U.S. Chamber of Commerce's Labor Relations Committee, to organize a hand-picked group of high level executives to change labor law in their favor. The group first called itself the "nothing committee," a reference to its attempt to remain confidential, and would later be known as the Labor Law Reform Group (LLRG), or sometimes the Labor Law Study Group.<sup>26</sup> Other officers and staff of NAM and the U.S. Chamber of Commerce, such as NAM's president W.P. Gullander, were central to the planning and implementation of the LLRG.<sup>27</sup>

The LLRG's formation was certainly not the first time U.S. businesses had coordinated efforts against labor. For example, businesses pooled resources in the early twentieth century's open shop drive to break workers' strikes and organizing efforts.<sup>28</sup> A formidable alliance of businesses in the 1930s influenced the impact of the New Deal on

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<sup>26</sup> Soutar interview. Soutar calls the group the "nothing committee" and then the Labor Law Reform Group. Other documents refers to it as the Labor Law Study Committee or Project. See for instance memorandum from R.T. Borth, April 5, 1967 entitled "Responsibilities of Executive Director - - Labor Law Study Project," Box 62B, Series V, NAM records or "NAM-Chamber Inspired Labor Law Study Group to Continue Despite Election," *Daily Labor Report*, BNA, November 15, 1968, A-10.

<sup>27</sup> Anthony P. Alfina to Robert T. Borth, January 5, 1967, Box 62B, Series V, NAM records; W.P. Gullander and William H. McGaughey, January 4, 1967, Box 62B, Series V, NAM records. Gross, *Broken Promise*, offers a full history of the formation and activities of the Labor Law Reform Group, 204-241.

<sup>28</sup> Julie Greene, *Pure and Simple Politics: The American Federation of Labor and Political Activism, 1881-1917* (Cambridge, UK; New York, NY: Cambridge University Press, 1998) 88-93.

America's workplaces.<sup>29</sup> Nevertheless, the LLRG efforts marked the first such corporate coordination within the dominant labor-management relations of the post-World War II era. It was a startling change at the time, prompting one Los Angeles Times journalist to label it "the first time the nation's major corporations...have joined forces in a single operation."<sup>30</sup> Douglas Soutar describes how "In the 50s and early 60s, we had no mechanism for pulling together on common issues in industry...we couldn't effectively lobby against certain pieces of legislation...And we got sick and tired of this."<sup>31</sup> Soutar and Day soon recruited the well-connected Fred Atkinson of R.H. Macy & Co. and met with a group of three legal experts they dubbed the "the troika."<sup>32</sup> The group brought in nine other "thought leaders" from major corporations to form a steering committee, many of whom had long been at the heart of the nation's unionized labor-management system, including Ford, AT&T, US Steel, and Union Carbide.<sup>33</sup> The LLRG thus represented a move by large unionized corporations to challenge labor - - not just by moving to the

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<sup>29</sup> Colin Gordon, *New Deals: Business, Labor, and Politics in America, 1920-1935* (Cambridge [England]; New York, NY, USA: Cambridge University Press, 1994) ; Philips-Fein, *Invisible Hands*.

<sup>30</sup> Harry Bernstein, "Major Firms Unite to Limit Unions' Strength," *Los Angeles Times*, November 3, 1968, 1.

<sup>31</sup> Soutar interview, 53.

<sup>32</sup> The three were Guy Farmer, who chaired the NLRB under Eisenhower, Gerry Reilly, former NLRB member, and Theodore Iserman, a management-side lawyer. See Soutar interview for term "troika" as well as NAM Executive Committee Report, February 15, 1971 by HC Lumb, TC Allen and Lambert Miller, File: Labor Law Reform, Box 72, Series V, NAM records. Gross, *Broken Promise*, 204.

<sup>33</sup> For description of the initial committee and its members see Virgil B. Day, Hot Spring Presentation on Labor Law Reform Project, May 14, 1966, Folder LLRS / LLLSG, Box 7, Douglas Soutar papers, Kheel Center for Labor-Management Documentation, Cornell University Library, Ithaca, NY (hereafter Soutar papers). The full list of the LLRG steering committee, in addition to Soutar (ASARCO), Day (GE) and Atkinson (R.H. Macy and Company), included Angus (Bud) Alston (AT&T); Malcom Denise, (Ford Motor Company); Robert F. Duemler, (Columbia Gas System Service Corp.); Carl Hageman, (Union Carbide Corp.); Algie Hendrix, (General Dynamics Corp); R. Heath Larry, (US Steel); Millard E. Stone, (Sinclair Oil Corp); Wally W. Tudor, (Sears Roebuck & Co.). J. Ward Keener of B.F. Goodrich also later joined the group.

South, but by pooling resources and planning a frontal assault on the laws protecting workers' basic rights.

The high-level executives came up with a multi-layered plan to roll back the NLRB's power: first, they would commission the "troika" to do a study of exactly which parts of labor law should be changed to their benefit. They would then get buy-in for these changes from what they called a "blue ribbon committee" representing an even wider swath of corporate America with lawyers and leaders from such companies as General Motors, Inland Steel, Northwest Airlines, Federated Department Stores, Kraft, Pepsi, Boeing, Caterpillar Tractor, J.C. Penney, and Westinghouse, as well as representatives from management-side law firms.<sup>34</sup> Finally, they would commission an opinion survey and implement a public relations campaign that would smooth the way to legislative acceptance of their proposed reforms.<sup>35</sup>

After the troika completed its first draft of the study in 1966, a new legislative committee of the LLRG began circulating it among members of Congress under the direction of GE's R.T. Borth in 1967.<sup>36</sup> "By artfully dodging clear Congressional intent, (the NLRB) has succeeded in keeping our national labor relations policy far closer to

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<sup>34</sup> Listing of Blue Ribbon Committee of Lawyers for Labor Law Reform found in Eugene A. Kenney, Chamber of Commerce of the United States, to the Blue Ribbon Committee of Lawyers for Labor Law Reform, March 10, 1966, Folder 27, Box 9, Kistler papers. Members included Earl R. Branblett, Director Labor Relations, General Motors, William G. Caples, Vice President of Industrial and Public Relations at Inland Steel, and Robert A. Ebert, Vice President Personnel at Northwest Airlines, for instance.

<sup>35</sup> R.T. Borth, April 5, 1967, "Responsibilities of Executive Director - - Labor Law Study Project," Box 62B, Series V, NAM records; NAM Executive Committee Report, February 15, 1971 by HC Lumb, TC Allen and Lambert Miller, File: Labor Law Reform, Box 72, Series V, NAM records.

<sup>36</sup> Memorandum from R.T. Borth, April 5, 1967, Box 62B, Series V, NAM records; W.P. Gullander to William H. McGaughey, January 4, 1967, Box 62B, Series V, NAM records; R.T. Borth, "Responsibilities of Executive Director," April 5, 1967, Box 62 B, Series V, NAM records.

1935 than the language of the law...or the fact of union power, would indicate is wise,” the report charged, thus making “unions an even more potent force.”<sup>37</sup> It outlined a series of 23 proposed changes to labor law, each set within a legal discussion of NLRB decisions.

The changes covered a range of issues relating to union power, and concerns about increased organizing rights for workers under recent NLRB decisions were central. For example, their report’s summary started by decrying “certification of unions without secret ballot elections.” This was a reference to the Kennedy and Johnson NLRBs’ renewed willingness to recognize a union without an election if the company violated the workers’ rights during the election period. Though, in fact, there were more cases in which the NLRB certified workers’ unions on the basis of authorization cards, the increase was slight - - from about one to four percent of cases between 1962 and 1968. Nevertheless, the LLRG argued that “more and more, the Board is disposed to accepting ‘the card check.’”<sup>38</sup>

Issues concerning union organizing were paramount throughout the study. For example, the study lamented the NLRB’s increased willingness to rule as impermissible much of what employers often said during election campaigns, such as threats about plant closings if the workers chose a union, as well as threats about losing ground during

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<sup>37</sup> “Labor Law Reform Study: Amendments to the Labor Management Relations Act,” September, 1969, Box 72, Series V, NAM papers, v (hereafter “Labor Law Reform Study”).

<sup>38</sup> Gross, *Broken Promise*, 167 -171 and 183 to 184, see also fns 145 and 146, p. 359. For LLRG concern on the issue, see “Labor Law Reform Study,” xvi and B2 – B3. The Kennedy NLRB had revived the Truman-era NLRB’s *Joy Silk* doctrine in 1961, recognizing unions without an election in the cases of employer misfeasance, and then in 1964 the Johnson NLRB deepened its commitment by allowing unions to simultaneously petition for election and file refusal to bargain charges in the *Bernel Foam* case. See *Joy Silk* 85 NLRB 1263 (1949); *Bernel Foam Products Co*, 146 NLRB 1277, 56 LRRM 1039 (1964).

bargaining and permanently replacing strikers. The NLRB had become more willing to claim that even if each individual employer threats passed legal muster, the sum total could be construed as illegal behavior. This inspired the LLRG to claim the NLRB was “muzzling employers who would tell their employees of disadvantages inherent in unionization.”<sup>39</sup> The executives worried that the NLRB might revive the union’s right to reply if the employer forced workers to attend a meeting against the union (often called a “captive-audience meeting”).<sup>40</sup> The group also deplored that the NLRB allowed smaller, sub-units of workers to vote on unionization.<sup>41</sup> This was especially important to unions who were trying to enter the retail and service economy and found it difficult to win elections among thousands of workers spread over multiple stores or offices. The LLRG leaders objected to the NLRB’s strengthening of workers’ right to picket for recognition of a union, and also became deeply troubled by the *Excelsior Underwear, Inc* decision of 1966 in which the NLRB ordered that once workers won the right to have a union election, the company must furnish a list of all employees to the union.<sup>42</sup> They were appalled when the NLRB ordered the textile giant J.P. Stevens not only to hold a new election in its plants after it was found to have massively violated its workers’ rights, but

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<sup>39</sup> “Labor Law Reform Study,” xviii; Gross, *Broken Promise*, 167 – 171.

<sup>40</sup> Specifically, the LLRG worried about the *May Department Stores Co.* 136 NLRB 797 (1962) case which was set aside by the Sixth Circuit. They worried a decision like the May Department Stores case would revive the *Bonwit Teller* doctrine of the Truman-era NLRB which gave unions the equal right to respond when employers held meetings against the union, and which had been overturned by *Livingston Shirt*. See page G-5 of the “Labor Law Reform Study” for discussion.

<sup>41</sup> “Labor Law Reform Study,” xxiii, such as in the *Sav-On Drugs* 138 NLRB 1032 (1962).

<sup>42</sup> On picketing for recognition, see “Labor Law Reform Study,” xxx. The cases involved were *Crown Cafeteria*, 135 NLRB 1183, 49 LRRM 1648 (1962) and *Retail Clerks Union 324, etc. (Barker Bros)* 138 NLRB 478, 51 LRRM 1053 (1962). On LLRG concerns on *Excelsior Underwear, Inc.*, 156 NLRB 1236, 61 LRRM 1217 (1966) see “Labor Law Reform Study,” G-8 as well as” Minutes, NAM National Labor Policy Subcommittee,” December 1, 1966, Box 26, Series I, NAM records.

also to read the finding aloud and mail the decision to its employees.”<sup>43</sup> Many of the report’s proposed changes also dealt with issues outside of organizing, such as those concerning management’s rights and bargaining. One central objection, for instance, concerned the NLRB’s *Fibreboard* (1961) decision in which the NLRB ordered the company to negotiate with the union over subcontracting.<sup>44</sup>

The LLRG study addressed the corporate leaders’ concerns about union organizing through its proposed amendments that would, among other remedies, require secret ballot elections for certification, strengthen employer “free speech,” insist on “meaningful” bargaining units and “prevent improper remedies” for employer unfair labor practices during representation campaigns. The study went through existing labor law, line by line, changing it word by word to meet the employers’ needs. Its final solution was to abolish the NLRB jurisdiction entirely in unfair labor practice cases, and instead either turn that function over to the judiciary or create a new “United States Labor Court” with judges appointed for 20-year terms. The executives thus sought not only to change the rules of the game, but actually to abolish the labor law referee.<sup>45</sup>

The next step was to try to change public opinion and soften the way for Congressional acceptance of their labor law reforms. For this, they hired an executive director, formed among themselves a “public information committee,” and depended

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<sup>43</sup> “NLRB Orders Jobs Restored for 71 Discharged Workers, Directs JP Stevens Co to Remedy Unfair Labor Practices,” March 22, 1966, NLRB press release, Box 62B, Series V, Acc 1411, NAM records; “Labor Law Reform Study,” xxxi – xxxii.

<sup>44</sup> “Labor Law Reform Study,” xviii – xxii for LLRG discussion of these cases. Among others, they refer to *General Electric Co.*, 150 NLRB 192 (1964) decision about GE’s bargaining style, and *Fibreboard Paper Products Corp.*, 130 NLRB 1558, 1559 (1961).

<sup>45</sup> “Labor Law Reform Study,” U-1 to U-5.



heavily on the Hill & Knowlton public relations firm.<sup>46</sup> That firm pushed the group's ideas on labor law reform in memos to newspaper editors, a national circuit of speeches, packages for women's clubs and a special investigative report by *Reader's Digest*. Hill & Knowlton helped the *Reader's Digest* gather and research their material for the article entitled "Let's Enforce Our Labor Laws Fairly."<sup>47</sup> Hill & Knowlton had a fair amount of success getting traction for its campaign, especially with the opinion pages of the smaller newspapers. The Bridgeville, Pennsylvania paper, for instance, featured a cartoon version of the NLRB knocking over Justice, depicted as a young woman holding scales. A Colorado Springs paper cited a bulletin published by Hill & Knowlton under the headline "NLRB Dictatorship." Virtually identical editorials critical of the board appeared in the Macomb Daily (Michigan), Northern Virginia Sun (Arlington) and the Richmond Independent (California) in 1968.<sup>48</sup>

The LLRG hoped to win its changes after the 1968 elections. To that end, its charges seemed to gain real traction on the Hill by late 1967 when Senator Sam Ervin announced a Congressional investigation of the NLRB under his jurisdiction as chair of

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<sup>46</sup> Memorandum from R.T. Borth, April 5, 1967, Box 62B, Series V, NAM records; W.P. Gullander to William H. McGaughey, January 4, 1967, Box 62B, Series V, NAM records. R.T. Borth, "Responsibilities of Executive Director," April 5, 1967, Box 62 B, Series V, NAM records.

<sup>47</sup> C. Devine to Mr. (Lambert) Miller, July 19, 1968, Box 72, Series V, NAM Records; "NAM-Chamber Inspired Labor Law Study Group to Continue Despite Election," *Daily Labor Report*, BNA, November 15, 1968, A-10. See George Denison and William Schulz, "Let's Enforce Our Labor Laws Fairly," *A Reader's Digest Reprint*, 1968 in Box 190, Women's Department series, NAM records; Gross, *Broken Promise*, 211.

<sup>48</sup> *Bridgeville News*, October 17, 1968, and *Gazette Telegraph*, Colorado Springs, April 18, 1968 found in File: Labor Law Reform, Box 72, Series V, NAM records. On identical editorials see testimony by Senator Morse (D-OR), August 2, 1968, Congressional Record, Senate, Box 72, Series V, NAM records.

the Senate Subcommittee on Separation of Powers.<sup>49</sup> Though at the time the NAM denied that the employers provided the impetus for his investigation, Douglas Soutar later clarified, “I’d say we fanned the flames...the witnesses, how they got there, and their testimony and so forth, this was all coordinated by our group.”<sup>50</sup> The Ervin committee dealt with union power more generally, and union organizing issues were key. For example, NAM’s brief to the committee laid out point for point every complaint about recent NLRB decisions on organizing rights.<sup>51</sup> Conservative legal scholar Sylvester Petro testified that it was a “rigged process” when the NLRB ordered companies to bargain when they violated workers’ organizing rights.<sup>52</sup>

The executives had hoped that the Ervin committee would serve as the base for changing labor law through Congress, but the 1968 elections did not serve their needs. The Congress remained Democratic, and although Nixon won the presidency, he won by a narrow margin and courted unions rather than alienating them. One LLRG leader remembers that the group intended to introduce the reforms through Nixon’s new labor secretary George Schultz, but “when we went looking for George Schultz right after the

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<sup>49</sup> “Ervin Announces Hearings on Labor Board’s Stewardship,” *Daily Labor Report*, November 15, 1967, A-15; Ed Townsend, “Reforms Proposed for NLRB,” *Christian Science Monitor*, April 12, 1968, 7.

<sup>50</sup> See denial by McCabe in “NAM-Chamber Inspired Labor Law Study Group to Continue Despite Election,” *Daily Labor Report*, November 15, 1968, A-10; Soutar interview, 145. See also Gross, *Broken Promise*, 210-212.

<sup>51</sup> “Supplemental Statement of the National Association of Manufacturers Submitted to the Subcommittee on Separation of Powers of the Senate Committee of the Judiciary in its Hearings on Congressional Oversight of Administrative Agencies: The National Labor Relations Board,” May 1, 1968, folder: Labor Law Reform, 1968 – 1972, Box 62B, Series V, NAM records.

<sup>52</sup> Sylvestro Petro testimony to Erwin Committee, 1968 reprinted in Senator Tower address to Congress, Congressional Record, Senate, S4441, March 25, 1970 in Box 72, Series V, NAM records. For more information on Petro see Joseph A. McCartin and Jean-Christian Vinel, “‘Compulsory Unionism’: Sylvester Petro and the Career of an Anti-Union Idea, 1957-1987 in Lichtenstein and Tandy-Shermer, *The Right and Labor in America*.

inauguration, he was down at Bal Harbor chatting it up with Meany.”<sup>53</sup> Though Ervin issued his panel’s findings in 1970, they got little attention in the press. The group did find legislators to introduce bills on many of its recommendations, such as requiring secret ballot elections, banning workers from picketing for union recognition, and prohibiting coalition bargaining. Senator Barry Goldwater proposed a bill to guarantee employers “free speech” in union elections. The bills, however, got little traction.<sup>54</sup>

The group soon began to change tactics and actively shifted its efforts away from the legislative side and toward judicial decisions and Executive-level appointments to the NLRB. “Since the Labor Law Reform Group was established, we have not had a Congress receptive to labor law changes,” wrote the NAM’s executive committee in 1971, noting that a Nixon administration representative told them that while “the administration is receptive to labor law reform...don’t count on it too much.”<sup>55</sup> Soon after Nixon’s appointment, Soutar worked with Schultz to find a candidate who would lead the NLRB in the direction sought by the LLRG, but who would not be anathema to labor.<sup>56</sup> They tapped Edward Miller, a Chicago management-side lawyer and member of

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<sup>53</sup> Interview with Francis A. O’Connell by Shelley Coppock, May 23, 1987, Aptos, California, Box 1, NLRB Oral History Project II Transcripts #5843 OHT, Kheel Center for Labor-Management Documentation, Cornell University Library.

<sup>54</sup> Gross, *Broken Promise*, 212; “NLRB Bias Charged by Senate Panel,” *Washington Post*, February 27, 1970, A2; NAM, “Labor Law Reform Legislative Proposals Pending Before Congress,” February, 1972, Box 137, Series 7, Acc 1412, NAM records.

<sup>55</sup> HC Lumb, TC Allen and Lambert Miller, February 15, 1971, File: Labor Law Reform, Box 72, Series V, NAM records.

<sup>56</sup> Soutar interview, 103; Gross, *Broken Promises*, 219.

the LLRG's blue ribbon committee. He was appointed over labor's objections, who dubbed him a "corporation lawyer."<sup>57</sup>

The Miller-led NLRB quickly began changing the tenor of decisions in management's direction and according to the *Wall Street Journal*, "putting more obstacles in the path of union negotiators and organizers."<sup>58</sup> The Miller board systematically reinterpreted national labor policy by limiting protections for workers along the lines laid out by the LLRG, including organizing rights. Consider, for instance, what employers could now say to workers who wanted to form a union. Employers could tell workers that signing union cards would be "fatal" and cause "turmoil," that if they chose a union they could lose what they had because bargaining "starts from scratch" and "everything is up for negotiation," and could predict that they would have to close up shop due to financial difficulties if the workers voted yes.<sup>59</sup> The Miller Board began to require that unions run elections in large bargaining units, at many sites, such as in fast food chains and stores.<sup>60</sup> The Miller board also was far less willing to order a company to bargain with a union without an election when the company broke the law. For instance, even after an employer physically assaulted two union organizers at the Green Briar Nursing Home, the Miller board felt there was no "lingering impact"

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<sup>57</sup> "Blue Ribbon Committee of Lawyers for Labor Law Reform," Folder 27, Box 9, Kistler papers. James Strong, "Labor Opposes Appointment of Chicagoan to NLRB Post," *Chicago Tribune*, February 18, 1970, A3.

<sup>58</sup> "The NLRB with GOP Majority Again, Is Seen Becoming More Pro-Business," *Wall Street Journal*, May 4, 1971, 38.

<sup>59</sup> Gross, *Broken Promise*, 227-228. See *Airporter Inn Hotel*, 215 NLRB, 824 (1974); *Stumpf Motor Co*, 208 NLRB 431, 432 (1974); *Birdsall Construction Company*, 198 NLRB 163,163 (1972).

<sup>60</sup> Gross, *Broken Promise*, 228-229. See *Twenty-First Century Restaurant*, 192 NLRB 881 (1971) and *Gray Drug Stores*, 197 NLRB 924 (1972).

that would affect workers' decision on whether to vote for a union and chose not to order to company to bargain.<sup>61</sup> The LLRG's wish list was coming true even though it had been unsuccessful in its attempts to actually change labor law.

The LLRG continued to expand its membership and opened an office in Washington, DC in 1971. It now had over 40 corporate members, including Campbell Soup, Chase Manhattan Bank, Chrysler, Kaiser Industries and Shell Oil and a budget of more than \$1.2 million. Though NAM and the Chamber of Commerce provided the initial funding for the LLRG, the group later came up with a new sliding scale for business contributions.<sup>62</sup> The LLRG soon expanded its influence by merging with two other employer groups to form the Business Roundtable in 1972. The other groups were a small group of politically-active executives known as the "March Group" - - founded by ALCOA and GE executives - - and another employer organization, the Construction Users' Anti-Inflation Roundtable (CUAIR). A broad coalition of large businesses had established CIAIR in 1969 to limit unions' ability to force higher wages and benefits on the construction of their facilities and stores. The Business Roundtable was the first business lobby to limit membership to top CEOs of Fortune 500 groups, and it soon had enormous political clout. "No organization can hire the talent we can put together," said the chair of the Aluminum Co. of America. "It would be impossible."<sup>63</sup> Douglas Soutar and GE's Virgil Day were both instrumental in pushing for the merger and shaping the

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<sup>61</sup> Gross, *Broken Promise*, 230. See *Green Briar Nursing Home*, 201 NLRB 503 (1973).

<sup>62</sup> Waterhouse, *Lobbying America*, 78-86. Labor Law Study Group, Proposed Funding, January 28, 1972, LLRS LLSG folder, Box 7, Soutar papers; "Labor Law Study Group: General Membership," December 2, 1971, Folder LLRS / LLSG, Box 7, Soutar papers.

<sup>63</sup> Phillips-Fein, *Invisible Hands*, 192; Linder, *Wars of Attrition*, 189-191; Waterhouse, *Lobbying America*, 86-88; Cowie, *Stayin' Alive*, 231; "The Lobby with a Wallop," *Boston Globe*, September 14, 1975, 56.

Business Roundtable's direction. It included many of the same companies which were part of the LLRG, and was chaired by the former chair of US Steel, Roger Blough.<sup>64</sup> Through the Business Roundtable, these business leaders pushed their labor reform agenda through the courts and increased their lobbying efforts on Capitol Hill. The Business Roundtable was careful not to portray itself as an anti-union organization, instead emphasizing its stance on inflation and consumer issues. It also expanded its attacks beyond unions and the NLRB to other government regulations and agencies, killing the campaign for a Consumer Protection Agency (CPA), for instance, and weighing in on issues as diverse as Social Security, the Equal Employment Opportunity Commission, and the Arab oil boycott.<sup>65</sup>

Yet labor law remained a key concern for the Business Roundtable. The LLRG essentially became its Labor-Management Committee whose stated objectives included publicizing the Labor Law Reform Study and implementing as much of it as possible through "legislation, changed administration and litigation. Monitor and improve administration of existing law."<sup>66</sup> The Roundtable's Public Information Committee was also a holdover from the LLRG's public relations group. It proposed a massive public relations blitz and once again collaborated with *Reader's Digest*, this time sinking over a

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<sup>64</sup> Soutar interview; Waterhouse, *Lobbying America*, 83-88; Linder, *Wars of Attrition*, 190 and 207.

<sup>65</sup> Waterhouse, *Lobbying America*, 78 - 86; Linder, *Wars of Attrition*, 182-230; The Business Roundtable Labor Management Committee, Minutes, March 21, 1977 in Box 8, Soutar papers; Minutes of Labor-Management meeting, November 9, 1977, Box 8, Soutar papers; Phillips-Fein, *Invisible Hands*, 190-200.

<sup>66</sup> Douglas Soutar to R.F. Duemler, R.W. Reagles, J.W. Miller, F.A. O'Connell, J. Oliver, R.C. Sonnemann, "Business Roundtable Labor-Management Committee 'Objectives'," December 17, 1973 in Box 8, Soutar papers.

million dollars into three-page advertisements designed to look like magazine copy and to run each month.<sup>67</sup>

By the late 1970s, the Business Roundtable was one player in a conservative business movement which developed a broad and influential class resistance to state regulation and effectively helped reverse the tide of liberal expansion. The Chamber of Commerce increased its membership fourfold in the decade and dramatically increased its lobbying efforts.<sup>68</sup> In the early 1970s, labor political action committees (PACs) contributed more to campaigns than did those of business, but by the end of the decade business spending far outstripped that of labor. A host of new conservative think tanks sprang up, like the American Enterprise Institute (AEI) and the conservative Heritage Foundation.<sup>69</sup> The LLRG's initial purpose was never to roll back the liberal state, per se, but to roll back specific legal protections for unions and workers who wanted to join them. Nevertheless, the LLRG served as one of the key initial platforms for new politically conservative activity among America's business elite. The 1970s conservative business movement's first infant steps were taken in opposition to union power and worker organizing, and the struggle to roll back workers' unionizing efforts was built into its DNA.

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<sup>67</sup> Waterhouse, *Lobbying America*, 96; Linder, *Wars of Attrition*, 215.

<sup>68</sup> Waterhouse, *Lobbying America*, 58.

<sup>69</sup> Hacker and Pierson, *Winner-Take-All-Politics*, 121.

### **The Second Level: Employers Resisted Workplace Organizing**

Overall, the large corporations' attempt to re-write labor law in the early 1970s was not as effective as they had hoped because unions still had such strong political sway.

Starting in the 1970s, many employers instead began to focus on breaking and circumventing the law rather than trying to change it through Congress. They increased their ground level efforts against workers' organizing efforts, devising new ways to bend and overpower the rules governing NLRB elections. Their tactics were increasingly sophisticated and effective. By 1977, unionizing workers began to lose more than half of their elections for the first time since the Wagner Act's inception.<sup>70</sup> Employers learned how to effectively shut off workers' doorway to collective bargaining.

There had long been union busters in the U.S., and many employers had resisted unionization for decades.<sup>71</sup> However, there were three new developments in the 1970s concerning employer resistance to organizing at the workplace. First, employers became more willing to break the labor law governing new union formation. Second, resistance to union organizing spread deep within the nation's core industries as even unionized and manufacturing employers increasingly fought workers' organizing efforts. Third, a large anti-union consultant industry grew in the 1970s. These anti-union consultants, often in partnership with the nation's business schools, promulgated a new pedagogy that linked remaining "union-free" to good management. The consultants both encouraged and

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<sup>70</sup> Goldfield, *The Decline of Organized Labor in the United States*, 90-91.

<sup>71</sup> K. Phillips-Fein, "Business Conservatism on the Shop Floor: Anti-Union Campaigns in the 1950s," *Labor: Studies in Working-Class History of the Americas* 7, no. 2 (2010).



profited from employers' fears about the new wave of women and people of color who pushed for unions.<sup>72</sup>

The impetus for employers' intensified ground level battle against unionization was the same that spawned the LLRG. Companies sought new ways to increase their profits in a new, more competitive global paradigm and so sought to control their labor costs and obligations within the U.S. social welfare regime. As they faced this profit squeeze, they saw a new wave of workers push for unionization, and they sought to close down these workers' ability to push for higher wages and benefits through collective bargaining. Employers became so successful in making labor law suit their needs through this workplace-level attack that by the time unions tried to strengthen labor law late in the decade, employers essentially defended the same law they had tried to change at the decade's onset.

The first major shift in management's workplace resistance to unionizing in the 1970s occurred as more employers became willing to break the law at the workplace, resulting in a surge in unfair labor practice charges against companies. The NLRB did not effectively hold back this employer assault because its penalties had become so weak.

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<sup>72</sup> For more scholarship on the rise of the anti-union industry and employer workplace-level resistance see Smith, *From Blackjacks to Briefcases*; John Logan, "The Union Avoidance Industry in the United States," *British Journal of Industrial Relations* 44, no. 4 (2006); John Logan, "The Fine Art of Union Busting," *New Labor Forum* 13, no. 2 (Summer, 2004); John Logan, "Consultants, Lawyers, and the 'Union Free' Movement in the USA since the 1970s," *Industrial Relations Journal* 33, no. 3 (2002); Stephen H. Norwood, *Strike-Breaking and Intimidation: Mercenaries and Masculinity in Twentieth-Century America* (Chapel Hill and London: The University of North Carolina Press, 2002); Sanford M. Jacoby, *Modern Manors: Welfare Capitalism since the New Deal* (Princeton, NJ: Princeton University Press, 1997); Martin Jay Levitt and Terry Conrow, *Confessions of a Union Buster* (New York: Crown Publishers, 1993); Richard B. Freeman and Morris M. Kleiner, "Employer Behavior in the Face of Union Organizing Drives," *Industrial and Labor Relations Review* 43, no. 4 (Apr., 1990), 351; Freeman and Medoff, *What Do Unions Do?*; Nelson Lichtenstein, "Wal-Mart, John Tate, and Their Anti-Union America" in Lichtenstein and Tandy-Shermer, *The Right and Labor in America*, 252.

Employers legally were not allowed to fire or threaten workers for supporting the union, for instance, nor were they allowed to spy on workers, threaten to shut down if the workers voted in a union, or promise workers more money or perks if they rejected a union. These actions were the sorts considered “unfair labor practices” or “ULPs” by the NLRB.<sup>73</sup> Unfair labor charges against employer soared exponentially during the 1970s. Though the number of workers who tried to form unions remained steady at about half a million a year, those workers faced far more employer law breaking. ULP charges against employers rose sevenfold between 1950 and 1980, and the number of the most severe type of charges - -those dealing with discrimination or unfair dismissal for union support - - rose nearly six fold. (See Appendix D) These were not empty charges. In fact, the number of workers to whom the NLRB awarded employer back pay in 1980 was nearly seven times greater than in 1950.<sup>74</sup> Not all unfair labor practices tracked by the NLRB were filed during organizing cases. For instance, unions also filed ULP charges when employers violated union members’ rights on the job. Nevertheless, the numbers clearly paint a picture of employers’ increased willingness to break the law. Indeed, by 1980 the NLRB found more employers guilty of firing workers for union activity than ever before.<sup>75</sup>

Yet the NLRB had very weak penalties for labor law violations. Typically, if an employer was found to have illegally fired a union supporter during an organizing

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<sup>73</sup> Stephen I. Schlossberg and Judith A. Scott, *Organizing and the Law*, 4<sup>th</sup> ed. (Washington, D.C.: Bureau of National Affairs, 1991).

<sup>74</sup> For number of ULPs, see Appendix D. The data on back pay awards is the author’s analysis of the data presented in table 1 of Michael Goldfield and Amy Bromsen, “The Changing Landscape of US Unions in Historical and Theoretical Perspective, *Annual Review of Political Science* (16: 231-57, 2013) 236.

<sup>75</sup> Freeman and Medoff, *What Do Unions Do?*, 232.

campaign, for instance, that company would simply have to rehire the worker, pay the worker the wages it would have otherwise owed, and post a blue and white sign in the break room explaining that it broke the law. If the employer violated labor law multiple times during a campaign, then the NLRB could order a new election, though this would do little to negate the original threats' effects. Very occasionally, the NLRB would order the company to begin bargaining without a new election. There were no large fines, no employer went to jail, and the costs for breaking labor law were negligible. In fact, the efficacy of labor law in the mid-century decades rested less on the NLRB's punitive power than on mainstream employers' willing compliance.<sup>76</sup>

The second major development in the 1970s was that many more mainstream, industrial companies became willing to resist unionization efforts, including in union-dense geographic areas. No longer was union-busting a Southern and small firm phenomenon. Just as large, Fortune 500 firms with long-standing bargaining relationships had broken new ground in forming the LLRG, they also ramped up their resistance to union organizing at the workplace. By the end of the decade, even large manufacturers skirted the law, delayed at every step, and increasingly spoke out against new union organizing, even when some of their workers were already covered by collective bargaining agreements. "It requires a certain nerve for those companies whose names you see in the batting order of big hitters in the bargaining game to try to keep plants unorganized," a vice president of BF Goodrich told an industrial relations convention in 1978. "Management is more sophisticated and bolder...and the times 'they are a-

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<sup>76</sup> Brody, *Labor Embattled*, 99-109; Kate Bronfenbrenner and Tom Juravich, "It Takes More Than House Calls: Organizing to Win with a Comprehensive Union-Building Strategy," in *Organizing to Win: New Research on Union Strategies*, eds. Kate Bronfenbrenner, et al, (Ithaca, NY: ILR Press, 1998) 19-36.

changing.”<sup>77</sup> Companies attending one 1979 seminar by Charles Hughes, a prominent anti-union consultant, included such blue chip companies as Rockwell International, Honeywell, Goodrich, Bechtel and Celanese.<sup>78</sup>

Union busting tactics moved deeply into the industrial sector, the sector where unions had traditionally been the strongest and which had long formed the core of the nation’s economy. A sectoral analysis of ULPs from 1950 to 1980 reveals that workers trying to form unions in the industrial sector in the 1970s actually became more likely to face employer law breaking than in those sectors which were historically less unionized, such as retail and service. In the 1950s and 1960s, the ratio of ULPs to the number of total elections held in the industrial, service and retail sectors all remained fairly low and remained similar across sectors. In the 1970s, however, when all workers faced far more ULPs per election, industrial sector workers bore an even greater share of the employer resistance. By the end of the decade the ratio of ULPs to elections in the industrial sector had actually outstripped the ratio in both service and retail, though hospital workers and retail clerks certainly saw their share of resistance, too. (See Appendix E)

The third development in employers’ resistance to union organizing in the 1970s was their increased use of anti-union management consultants and lawyers who, in turn, helped shift the paradigm of acceptable employer behavior. Through an avalanche of seminars, trainings, books, and speeches, these new “management consultants” helped make mainstream a level of anti-unionism that had once been unseemly in the mid-

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<sup>77</sup> Pestillo, “Learning to Live Without the Union.”

<sup>78</sup> Charles McDonald and Dick Wilson, “Peddling the Union-Free Guarantee,” *The AFL-CIO Federationist*, April, 1979, found in Box 17, Kistler papers.

century labor-management arrangement. “Any management that gets a union deserves it – and they get the kind they deserve,” was the mantra of one of the decade’s most sought-after consultants. These hired guns helped forge the concept that managers could and should avoid unions in all arenas, and they educated managers about the low costs of skirting the law.<sup>79</sup>

The anti-union labor consultants of the 1970s had their roots in the late 1930s through the 1950s. Firms like Sears and Kodak built on the human resources movement of the 1940s and used behavioral and psychological research to undercut unionizing efforts.<sup>80</sup> The architect of Sears’ anti-union fortress, Nathan Shefferman, worked for the original NLRB in 1933, and in 1939 formed the nation’s first anti-union firm, Labor Research Associates (LRA) in Chicago. His staffers went on to found the leading firms of the 1970s union buster movement, including John Sheridan and Associates and Modern Management, Inc. the firm that would be known as Modern Management Methods, Inc., or “Three M.”<sup>81</sup> Earle K. Shawe, a lawyer and consultant whom one government official in 1981 called “the consummate pro... the consummate gunslinger,” also worked for the NLRB in the 1930s where he served as the NLRB lawyer who forced Republic Steel to bargain with its workers. He then founded a management-side law firm in Baltimore following the passage of Taft-Hartley. There he filed the nation’s first unfair labor

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<sup>79</sup> Charles L. Hughes, *Making Unions Unnecessary* (New York: Executive Enterprises Publications Co., 1976).

<sup>80</sup> Jacoby, *Modern Manors*.

<sup>81</sup> Smith, *From Blackjacks to Briefcases, 100-104*; Levitt and Conrow, *Confessions of a Union Buster, 39-50*; Logan, “The Union Avoidance Industry in the United States.” Confusingly, the firm used another set of “Ms” and was named Melnick, McKeown and Mickus until 1975.

practice against a union in 1948 and began a career helping employers fight unions.<sup>82</sup>

John Tate, the architect of Wal-Mart's anti-union policy starting in the 1970s, got his start in 1956 organizing 300 firms trying to avoid unionization into the Midwest Employers Council.<sup>83</sup>

Yet management resistance to unions in the earlier decades was neither as widespread nor as accepted as it would be by the 1970s and 1980s. While there were just a handful of anti-union firms in the beginning of the 1970s, there were hundreds by the decade's end. One management firm founder told a Congressional hearing in 1979 that his industry grew tenfold over the preceding decade.<sup>84</sup> The AFL-CIO estimated in 1979 that 70 percent of all campaigns involved some sort of management consultant or outside legal counsel.<sup>85</sup> "Three M" made a name for itself by taking advantage of the private-sector wave of union organizing driven by women and people of color in the 1970s, first fighting hospital union organizing efforts, and then moving on to help universities, banks, and insurance companies fight their workers' unionization efforts.<sup>86</sup> It specialized in teaching supervisors to attack the union, even as it worked hard to stay out of the spotlight. "No, Mr. Donahue, we don't bust unions," insisted founder Herbert Melnick during his 1983 appearance on the Phil Donahue show. "We're a company that serves as

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<sup>82</sup> "Earle K. Shawe," biography, nd, Box 1, Earle K. Shawe papers, University of Virginia School of Law Special Collections, Charlottesville (hereafter Shawe papers); Lorraine Branham, "The Hired Gun: When Business Wants a Top Lawyer it Goes to Shawe," *Baltimore Sun*, November 12, 1981, Box 2, Shawe papers.

<sup>83</sup> Lichtenstein, "Wal-Mart, John Tate, and Their Anti-Union America."

<sup>84</sup> Logan, "The Union Avoidance Industry in the United States"; *Pressures in Today's Workplace*, Vol. III, 112.

<sup>85</sup> Significant Conclusions from the AFL-CIO Organizing Survey, Folder 10, Box 4, Kistler papers.

<sup>86</sup> Levitt and Conrow, *Confessions of a Union Buster*, 70.

a marriage broker between employees and employers.” Patty Everett, however, a registered nurse, described how when she joined a unionization effort, supervisors trained by Three M would repeatedly “take me into a closed report room, intimidate me with questions, attack my ego, make me feel that I couldn’t exercise my human and legal rights.”<sup>87</sup> A number of other management-side law firms grew rapidly in the 1970s in order to capture the growing demand for legal advice on how to avoid unions. The firm Jackson and Lewis, for instance, was founded in 1958 after Louis Jackson left the employ of Nathan Shefferman, but expanded quickly in the 1970s by fighting unions at hospitals and nursing homes.<sup>88</sup> Seyfarth and Shaw, the law firm that fought unionization efforts at Newport News and Yale University, quadrupled in size in the last five years of the 1970s.<sup>89</sup>

Scholars and journalists have tracked the rise of anti-union consultants and considered their impact on union organizing. Yet working people themselves remain largely absent from these analyses.<sup>90</sup> In fact, one key reason employers turned to anti-union consultants in the 1970s was because they faced a wave of fresh worker organizing efforts throughout the 1970s, especially by women and people of color. The reshaped working class of the 1970s wanted a union, and no one knew that better than the

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<sup>87</sup> Transcript of the Phil Donahue show, *The Last Word*, January 31, 1983, folder 8, Box 5, SEIU District 925 papers.

<sup>88</sup> Logan, “The Union Avoidance Industry in the United States,” 660.

<sup>89</sup> National Organizing Coordinating Committee, AFL-CIO, *Report on Union Busters*, (RUB Sheet) , March 1979, Issue no. 2, and RUB Sheet, October, 1980, Issue no. 21, Box 11, Kistler Papers.

<sup>90</sup> Smith, *From Blackjacks to Briefcases*; Logan, “The Union Avoidance Industry in the United States”; Logan, “Consultants, Lawyers and the ‘Union-Free’ Movement in the USA Since the 1970s”; Lichtenstein “Wal-Mart, John Tate, and Their Anti-Union America,” Phillips-Fein, *Invisible Hands*; Phillips-Fein, *Business Conservatism on the Shop Floor*.

employers themselves. Management consultants simultaneously stoked employers' fears and instructed them on how to beat back their diversified workforces' collective efforts. For instance, anti-union consultant Woodruff Imberman told a Wake Forest University management seminar in 1979 "Blacks tend to be more prone to unionization than whites...you have to follow the EEOC laws and ...there is no reason for you to be heroes about this... and fill up the workforce with Blacks. If you can keep them at a minimum, you are better off." An infiltrator in the meeting reported that Imberman went on to urge clients to hire Cubans but "stay the hell away from" Puerto Ricans, noting that they all counted as Hispanic for EEOC diversity purposes. When the Wall Street Journal asked Imberman to confirm the infiltrator's report, Imberman conceded that "he advised them to hire only as many blacks as legally necessary."<sup>91</sup> In *Confessions of a Union Buster*, Marty Levitt laid out how his employer, Three M, capitalized on the wave of organizing in the health care industry that was driven by many women and people of color. According to Levitt, Three M developed tactics in that industry to "awaken within the mostly white supervisor corps a hatred of blacks...contempt for women, mistrust of the poor..." For instance, when training supervisors to fight the health care union Local 1199, Levitt and his colleagues often showed the union's own film about a Charleston, South Carolina hospital campaign with a majority black workforce. "We particularly like a scene in which a very fat, very dark female face fills the screen, and the woman says in a thick, southern drawl, 'Jes' gimme eleven nahhhnty-nahhn....We didn't say much when we showed the film. We didn't have to...we tapped the fear that resided in the hearts of

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<sup>91</sup> Report on Union Buster (RUB) sheet, September, 1979, 8-9, Box 11, Kistler papers; "When the Boss Calls in this Expert, the Union May Be in Real Trouble," *Wall Street Journal*, November 19, 1979, Box 11, Kistler papers.



our listeners.”<sup>92</sup> Consultants profited by feeding employers’ fears about their diverse workforces. For example, Robert Kai Whiting of Dallas-based Whiting & Associates offered to teach attendees at his upcoming management seminar how to do a “Union Vulnerability Audit” which included determining if they were at risk because of “a substantial percentage of blacks, Hispanics or females in your workplace.”<sup>93</sup>

Consultants were especially shrill about women’s increased organizing and its link to women’s newfound rights consciousness. Martin Payson, a partner at Jackson and Lewis, warned that the “most significant trend in labor-management relations today is the union drive to organize female office workers...The new organizing effort has coincided with awakening recognition by women of their rights, and with the passage of laws protecting those rights.”<sup>94</sup> Many rang alarm bells for the mostly-male management class about the implications of the gender shifts within union organizing. “Organizing is up in office-clerical, in the professions,” warned Charles Hughes in one seminar. “The hottest area now is health care. If you stepped off a curb in San Francisco and got hit by a beer truck, there’s a good possibility that the nurse at the hospital would be a Teamster.”<sup>95</sup> While employers used to believe that women were less likely to unionize because they were not the main breadwinners, consultants taught them that attitudes had shifted. “All indications are that women are now more inclined to vote union than men,” warned one

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<sup>92</sup> Levitt and Conrow, *Confessions of a Union Buster*, 72.

<sup>93</sup> Robert Kai Whiting announcing the Texas Labor Relations Review, an executive briefing, n/d, c. May, 1984, Folder 4, Box 14, Kistler papers.

<sup>94</sup> Martin F. Payson, “How to Beat the Union Drive for Female Office Workers,” *Nation’s Business*, September, 1983 found in file 8, Box 5, SEIU District 925 papers.

<sup>95</sup> James C. Hyatt, “Firms Learn Art of Keeping Unions Out: Figures Indicate They’re Passing Course,” *Wall Street Journal*, April 19, 1977, 48.

consultant. “This is entirely consistent with the women’s movement, by whatever name...”<sup>96</sup>

In a related development, anti-union consultants and lawyers profited from the increase in federal regulations governing diversity the workplace. The creation of the EEOC in the Civil Rights Act of 1964 and its expansion to government employees through the Equal Employment Opportunity (EEO) Act in 1972 served as the legislative base for a number of developments that spurred employers to adopt affirmative action. For instance, in 1970 the Department of Labor first required all firms with federal contracts worth \$500,000 to have affirmative action plans. The perceived threat to employers deepened after 1972 when Congress gave the EEOC the power to sue in federal court.<sup>97</sup> Employers were now forced to deal with a host of new rules on the job. Consultants and management-side lawyers stood ready to assist, offering one-stop-shopping for managing the newly-diversified workforce. Earle K. Shawe, for instance, had helped employers fight unions since the late 1940s, but by the 1970s he expanded his services to include updating clients on the latest EEO trends, such as comparable pay. When one major insurance company faced both a union organizing drive and a major class action lawsuit, he did a training for the managers on both how to both “take extra precaution to assure fairness” and how to be vigilant about spotting union activity.<sup>98</sup> The

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<sup>96</sup> John G. Kilgour, “Office Unions: Keeping the Threat Small,” *Administrative Management*, November, 1982, in File 8, Box 6, SEIU District 925 papers.

<sup>97</sup> Nancy MacLean, *Freedom is Not Enough*, 109-110; Toure F. Reed, “Title VII, The Rise of Workplace Fairness, and the Decline of Economic Justice, 1964-2013,” *LABOR*, Vol 11, Issue 3, 2014, 33.

<sup>98</sup> “Significant Trends and Developments in Equal Employment Opportunity and Labor Law, 1979-1980,” prepared by Shawe & Rosenthal for Thiokol Corporation, August 2, 1980, Box 6, Shawe papers; “United

*Advanced Management Reporter* - - a newsletter “helping companies stay union free” - - featured a regular “EEO corner.”<sup>99</sup>

Business schools and professors worked in tandem with anti-union consultants to help shift management’s values on unions. By the 1970s, U.S. business managers were far more likely to have gone to business school than in previous decades and were far more likely to do so than managers in other industrialized nations.<sup>100</sup> Business schools in 1970s began to teach students that unions were an unnecessary expense on the cost and balance sheet, and tutor them in how to avoid unionization. William E. Fulmer spent fifteen years at the Harvard Business School and then served in the administration at George Mason University and other business schools.<sup>101</sup> In a series of Harvard Business School case studies dating from 1975 to 1981, he purported to explore union organizing in “an analytical and unbiased manner.” Yet in a discussion of employers’ “tactical decisions” concerning unfair labor practices he taught that since the NLRB response to employer unfair labor practices was so lengthy and the penalties “quite mild,” that “it is quite possible for management to effectively destroy an organizing effort or, at the very least, signal to employees the relative ineffectiveness of the union in dealing with

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State Fidelity & Guaranty Company’s Labor and Equal Employment Opportunity Challenges for the 1980’s,” August 14-17, 1980, Box 1, Shawe papers.

<sup>99</sup> *AMR Reporter, Managing Without Interference*, Vol VIII, No. VIII, August 15, 1983, File 8, Box 6, SEIU District 925 papers.

<sup>100</sup> Robert R. Locke and J.-C. Spender, *Confronting Managerialism: How the Business Elite and their Schools Threw our Lives Out of Balance* (London; New York: Zed Books, 2011).

<sup>101</sup> William E. Fulmer obituary, October 6, 2010, *Tuscaloosa Times*, accessed March 3, 2015 at <http://www.legacy.com/obituaries/tuscaloosa/obituary.aspx?n=william-e-fulmer&pid=145813037>

management.”<sup>102</sup> John G. Kilgour, a management professor who joined the faculty of California State University in 1972, asserted that his 1981 *Preventative Labor Relations* was an “objective study.” Yet this step-by-step union avoidance manual offered a blue print in how to open up and remain non-union. It imparted that “it is foolhardy to build a new facility where the probability of encountering serious union attention is higher than necessary,” and then built a “Union Risk Index” which rated each state by the probability that its workers would try and succeed to form a union. Kilgour even suggested capital flight: “For the sake of completeness, we should note that another way of avoiding unions altogether is to leave the country.”<sup>103</sup> Business schools taught managers that they needed outside consultants to deal with unionization. Fulmer authored one Harvard Business School case study that told the story of a new personnel manager whose major rookie mistake was not hiring an outside labor attorney to help fight a successful unionization effort.<sup>104</sup> The business school academy thus helped shift what it meant to be a “good manager” in relation to unions. “In all but the most unusual circumstances it is almost negligent for a company to allow unionization to happen,” asserted Kilgour. “When one surveys all the things a nonunion employer can do to stay that way...the employer would almost have to try to get itself organized to end up with a union.”<sup>105</sup> Universities themselves began to host the myriad of anti-union seminars made available by union consultants. The University of Delaware, Denver University, the

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<sup>102</sup> William E. Fulmer, *Union Organizing: Management and Labor Conflict* (New York, N.Y.: Praeger, 1982) 76.

<sup>103</sup> John G. Kilgour, *Preventative Labor Relations*, (New York: Amacom, 1981), quotes from page 38 and 46. Union Risk Index found on 39-43.

<sup>104</sup> Fulmer, *Union Organizing*, 43.

<sup>105</sup> Kilgour, *Preventative Labor Relations*, 320.

University of San Francisco, the University of Alabama, Clemson, and Wake Forest University were among the schools hosting such seminars in the late 1970s, and according to the AFL-CIO one consultant boasted of having taught at 30 universities.<sup>106</sup>

Anti-union consultants and lawyers did far more than fight union organizing efforts already off the ground. Much of their work involved instructing clients in how to avoid unions completely, often by opening non-union facilities, hiring people who were the least likely to unionize, and by being perfectly clear that the company philosophy was a non-union one. They thus both tapped into management's growing desire to avoid unions, and helped normalize anti-union management practices. By 1983, a full forty-five percent of firms identified remaining union-free as their major labor relations goal in a Bureau of National Affairs survey.<sup>107</sup> The consultant Charles Hughes, for example, trained over 27,000 managers and supervisors how to "remain union-free" between 1974 and 1984.<sup>108</sup> Hughes held a doctorate in management psychology and cut his labor relations teeth at Texas Instruments and IBM, two firms notorious as anti-union citadels. He taught companies that good management meant staying non-union: "No labor union has ever captured a group of employees without the full cooperation and encouragement of managers who create the need for unionization." He encouraged management to commit to being non-union in the employee handbook, to make clear during the initial

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<sup>106</sup> McDonald and Wilson, "Peddling the Union-Free Guarantee".

<sup>107</sup> Freeman and Kleiner, "Employer Behavior in the Face of Union Organizing Drives," 351.

<sup>108</sup> Logan, "The Union Avoidance Industry in the United States," 662.

employee interview “its position regarding operating without a union,” and to use his extensive employee attitude surveys to cut off any problems before they developed.<sup>109</sup>

Other consultants and lawyers taught employers how to locate to non-union areas, or run away from unions and not get caught. After Packless Industries, Inc. moved from Pennsylvania to Waco, Texas, but found that its new, Southern workers voted for the USWA, the company risked triggering an NLRB unfair labor charge if it moved again. Yet a memo shows that Shawe & Rosenthal, Earle K. Shawe’s firm, advised the company to set up a non-union Brownsville facility “as a separate corporate entity with separate officers, banking and checking accounts, and a separate payroll.” In order to reduce the chance that the NLRB would “pierce the corporate veil for purposes of applying federal labor law,” the firm suggested that the company emphasize the shutdown of the production line “and avoid referring to a ‘move’ of operations.”<sup>110</sup> Stephen Cabot, a Philadelphia management lawyer, also helped firms decide where to locate in order to remain non-union, sometimes even identifying specific areas of cities where workers were the least likely to unionize.<sup>111</sup>

Much of the anti-union consultants’ work, however, came after workers already showed interest in a union. Once employers realized that their workforces were signing union cards, they often called in consultants to usher them through the union campaigns, step-by-step, in order to defeat the workers’ organizing efforts. Such resistance was

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<sup>109</sup> Hughes, *Making Unions Unnecessary*, 1 and 5 - 19.

<sup>110</sup> Memorandum prepared for Packless Industries, Inc., August 30, 1979, pages 3 through 8, Box 4, Shawe papers.

<sup>111</sup> *Wall Street Journal*, “When the Boss Calls in This Expert, the Union May be in Real Trouble,” November 19, 1979 found in Box 11, Kistler papers.

facilitated by the predictable patterns in an NLRB election process. First, workers must sign union cards showing an interest in a union. Once at least 30 percent of the workers had signed cards, they might petition the NLRB to hold an election. The union and company work out the “bargaining unit,” or the specifics of who would vote in the election, and an average of ten to twelve weeks later the NLRB agents came to the workplace to hold a union election. Meanwhile, the company was free to talk with workers as much as they wanted during the work day, on work time, and the union representatives were prohibited from entering the property.<sup>112</sup>

Consultants first advised employers how to discourage card signing. “The name of the game is to prevent the election and chill the union off,” Alfred DeMaria, a popular consultant in the mid to late 1970s, told the *Wall Street Journal*. “Those cards are vile and they’re dangerous.” DeMaria advised employers how to legally dissuade workers from signing a union card. “The Board has approved some surprisingly strong employer statements,” he assured. “One employer was lawful when it told its workers, ‘Don’t sign any cards; they can be fatal to business.’”<sup>113</sup> Once the workers successfully signed enough cards to file a petition with the NLRB for an election, consultants taught employers to delay each step of the NLRB process as long as possible. For instance, consultants urged employers to demand a protracted NLRB hearing to determine which workers got to vote. “Always go to hearing.... I have yet to see a situation where time worked against the employers in an election,” urged Fred Long in an executive meeting

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<sup>112</sup> Schlossberg and Scott, *Organizing and the Law*, 4<sup>th</sup> ed., 67-101.

<sup>113</sup> James C. Hyatt, “Firms Learn Art of Keeping Unions Out: Figures Indicate They’re Passing the Course,” *Wall Street Journal*, April 19, 1977, 48; DeMaria, *How Management Wins Union Organizing Campaigns*, 57.

captured on tape by a union infiltrator in 1975, a transcript of which surfaced in a 1979 Congressional hearing. “Suffice it to say, you have at least 500 issues. So you litigate those issues... You could come up with them for almost a year, as we did in one case.”<sup>114</sup> Such delays cost organizing workers dearly. One AFL-CIO study from the early 1980s found that each month of delay between the filing of the petition and the election decreased the workers’ chance of winning their union election by 2.5 percent.<sup>115</sup> “It is recognized by virtually all lawyers in the field, and by the unions themselves, that the longer the time between the filing of the petition and the election, the more difficult it is for the union to maintain its suasion among the bargaining unit,” tutored DeMaria.<sup>116</sup> Consultants advised employers to drag out the election process by never agreeing to what the NLRB called a “consent” election, in which both parties agree that the NLRB regional director could arbitrate disputes, but instead to insist on a “stipulation” for certification, which allowed the parties to take any disputes all the way to the national NLRB in Washington, DC.<sup>117</sup> In 1962, the more cumbersome stipulated certifications made up only 27 percent of cases but by 1977 they made up a full 70 percent.<sup>118</sup> Consultants also instructed employers how to manipulate the loopholes in the NLRB process in order to seed the voting group with as many “no” votes as possible. “Hire five of your relatives on a regularly scheduled part-time basis... You have 60 days to hire even

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<sup>114</sup> *Pressures in Today’s Workplace*, Vol I, 208.

<sup>115</sup> Alan Kistler, "Union Organizing: New Challenges and Prospects," *Annals of the American Academy of Political and Social Science* 473, no. , The Future of American Unionism (May, 1984), 96.

<sup>116</sup> DeMaria, *How Management Wins Union Organizing Campaigns*, 50.

<sup>117</sup> Schlossberg and Scott, *Organizing and the Law*, 4<sup>th</sup> ed, 192-193.

<sup>118</sup> Richard Prosten to AFL-CIO Organizing Committee, December, 1977, Box 9, unprocessed AFL-CIO organizing department records.



a hell of a lot of people if you need to,” urged Fred Long in the closed door executive session.<sup>119</sup> DeMaria’s public advice was more measured in his book entitled *How Management Wins Union Organizing Campaigns*: “Employers should note that under existing NLRB rules a limited amount of ‘stacking’ a payroll is permitted.”<sup>120</sup>

Consultants developed elaborate systems for training front-line supervisors how to track and sway union sentiments among workers. They knew that supervisors often came from among the rank-and-file workers and their loyalties could lie with the union. Therefore, consultants advised employers to make clear that supervisors’ jobs were on the line. “Discharge of a supervisor for not campaigning on the employer’s behalf is permissible,” advised DeMaria. “Employers are entitled to the undivided loyalty of their supervisors and have the full right under the law to discharge supervisors who are not loyal.”<sup>121</sup> Shawe & Rosenthal met with supervisors at Hecht’s at least once a week during a 1981 union campaign and advised supervisors how to pressure workers within the law: “Be sure that your Associates understand that...the union can’t make good on its promises... Ask Associates to think about the hard feelings which are always created when a strike occurs...bad feelings and sometimes violence.”<sup>122</sup> Consultants often relied on supervisors to track the sentiments of employees during the campaign. One “highly confidential management document” taught supervisors at Cannon Mills in 1982 how to use a “block 30” sheet to rate each worker in their department from strongest for the

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<sup>119</sup> *Pressures in Today’s Workplace*, Vol. I, 209.

<sup>120</sup> DeMaria, *How Management Wins Union Organizing Campaigns*, 66.

<sup>121</sup> DeMaria, *How Management Wins Union Organizing Campaigns*, 98 and 196.

<sup>122</sup> At Hecht’s Campaign Calendar, April 24, 1981, Master Campaign File, Box 6, Shawe papers; The Hecht’s Company, Supervisors Discussion guide, May 4, 1981, Box 6, Shawe papers.

company to the weakest. Supervisors were urged to profile employees by race, sex, and age, and were taught to identify clusters of union-support. An “R” for “respected” was used to identify “employees with influence in the workgroup” and at “T” for talker identified those who would talk actively for or against the union.<sup>123</sup> “The front line supervisor is the best possible communicator in a campaign,” said Herbert Melnick of Modern Management, Inc. (Three M.) Companies like Melnick’s often spent weeks at the worksite, training supervisors and offering advice, though rarely appearing before the workforce.<sup>124</sup> Staying behind the scenes helped them sidestep the requirement to file a report under the Labor and Management Disclosure Act of 1959, a law which only required reports on direct dealings with workers. Seventy-one thousand union reports were submitted in 1983, for instance, but only 198 labor consultants or their employers filed reports.<sup>125</sup>

Consultants and lawyers taught companies how to threaten unionizing workers with loss of benefits and strikes without actually violating the prohibitions on such threats under the law. They provided employers with letters, speeches and backgrounders that made clear to workers that the company would not really have to offer anything new if the workers won the right to collective bargaining. “The Hotel does not have to agree to a single thing the union proposes so long as we bargain in good faith,” asserted one Shawe & Rosenthal fact sheet created for the Boardwalk Regency hotel in Atlantic City.

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<sup>123</sup> Instructions for Use of the Block 30 sheet, Supervisory Training Session, 1982, Box 111, Acc 5619-017, ACTWU papers.

<sup>124</sup> Anthony P. Dunbar and Bob Hall, “*Union Busters: Who, Where, When, How and Why,*” *Southern Exposure*, Vol. 8, no. 2, Summer, 1980, 30.

<sup>125</sup> Smith, *From Blackjacks to Briefcases*, 117.

“All the union can do, if the Company does not agree to its demands, is call the employees out on strike.”<sup>126</sup> In fact, most consultants and employers were quick to alarm workers about potential strikes. “Tell employees that the law permits the hiring of a permanent replacement for anyone who engages in an economic strike,” urged Brandeis University to its supervisors in 1976 when librarians tried to unionize.<sup>127</sup> DeMaria offered employers specific, threatening language with which to dampen union support: “Good faith bargaining does not include signing a contract. Good faith bargaining (includes rejecting) a demand we feel in any way would jeopardize this factory or in any way put this company in a noncompetitive position.”<sup>128</sup>

Employers learned how to legally threaten workers with plant closure if they voted in a union, a threat which held enormous sway within the paradigm of capital flight by the late 1970s and early 1980s. DeMaria suggested a sample letter carefully calibrated to legally threaten workers with job loss: “It’s no secret that the company has been losing money during the last year...If excessive wage demands add a lot to our already existing losses it could force us to close... We won’t close just because a union is voted in...Only if union demands...cause substantial additional losses would we be forced to consider the business as unprofitable. You’re free to vote as you please. But vote smart.”<sup>129</sup> It was the sort of skirting of the law exemplified by one

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<sup>126</sup> Boardwalk Regency Hotel, Questions and Answer Fact Sheet, Master Campaign File, Box 6, Shawe papers.

<sup>127</sup> Guidelines for Supervisors and Managerial Employees During a Union Organizing Drive, Brandeis University, January 12, 1976, Folder 38, Box 7, SEIU District 925 papers.

<sup>128</sup> DeMaria, *How Management Wins Union Organizing Campaigns*, 159.

<sup>129</sup> DeMaria, *How Management Wins Union Organizing Campaigns*, 247.

plant manager at one GE facility in Goldsboro, NC facing a union drive in 1978.

“Cleveland Welds...was represented by the IUE, as were a number of other plants that have closed, including Cleveland Lamp plant, Oakland Lamp plant...Don’t mistake me. I’m not saying we will automatically lose our business if the Union wins the election. But it’s clear that unions...can, and they do, hurt people’s job security.”<sup>130</sup>

If the workers did manage to win a campaign, employers routinely delayed or avoided actually signing a collective bargaining agreement - - the very relationship that the entire election process was designed to facilitate. One AFL-CIO survey found that among workers who won elections, only 63 percent ever actually got a union contract.<sup>131</sup> If all else failed, consultants taught employers the ins and outs of decertifying a union already in place. “If a company loses a representation election...a decertification election may be viewed as the next step in the long-run program of remaining nonunion,” instructed California State University professor John Kilgour.<sup>132</sup> Consultants helped increase decertification of existing units, a practice that was once more rare. In fact, the numbers of decertification elections doubled between 1972 and 1982.<sup>133</sup> Earle K. Shawe lauded the turn toward “de-unionization,” and laid out specifics for employers about the special petitions the employees or management must file to trigger a

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<sup>130</sup> Speech by E.D. Smith, GE, Goldsboro, NC, November 8, 1978, File 19, Box 8, Kistler papers.

<sup>131</sup> Alan Kistler speech to Secretary-Treasurers meeting, St. Louis, Missouri, March, 1983, Box 2, Kistler papers. The survey was among units with over 100 employees.

<sup>132</sup> Kilgour, *Preventative Labor Relations*, 308.

<sup>133</sup> “Decertification Activity,” nd, c 1982, folder 10, box 4, Kistler papers.

decertification election.<sup>134</sup> For instance, after the spice giant McCormick & Company acquired an Indianapolis firm where the workers had recently unionized, Shawe's firm issued a memo walking the company through the options for decertifying the union before an anticipated move to South Bend, where it would try to operate non-union.<sup>135</sup>

The employer campaigns against unionization in the 1970s were remarkably potent, and served to effectively unravel the same federal rules governing organizing that the LLRG had once sought to re-write. U.S. workers still had the right to organize on paper, but by the end of the decade they were losing it in practice as they faced defeat in more than half of the elections that they themselves had triggered. The AFL-CIO's assistant organizing director told Congress in 1984, "I've been involved in organizing off and on ... since 1967 and can assert categorically that the state of the art in employer resistance to employees' organizing efforts has achieved a level of sophistication and effectiveness far exceeding that of the late '60s and early '70s."<sup>136</sup> Doreen Lavasseur, a union organizer who helped university and clerical workers organize throughout the decade, remembers the ground level impact of the employer campaign on workers: "I would just watch these people go from feeling strong and like we need to do something to feeling like totally terrified to do anything, and paralyzed."<sup>137</sup> The rise in employer law

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<sup>134</sup> Earle K. Shawe, "The Move Towards De-Unionization," *The Answer*, Fall, 1979, 10 found in Box 4, Shawe papers.

<sup>135</sup> Memorandum, The Labor Relations Implications of the Acquisition of All Portions, Inc. Indianapolis, Indiana Facility, prepared exclusively for McCormick & Company, Inc. n/d, c 1975, Box 4, Shawe papers.

<sup>136</sup> Statement of Charles McDonald to the Labor and Management Subcommittee of the House Education and Labor Committee oversight hearings on the Landrum-Griffin Act, Labor Management Consultants, February 7, 1984, File 2, Box 2, Kistler papers.

<sup>137</sup> Doreen Levasseur interview by Ann Froines, February 23, 2005, Braintree, Massachusetts, SEIU District 925 legacy project, oral history transcripts.

breaking, the spread of employer anti-union campaigns deep into the nation's core industries, and the tutorials of union consultants coalesced to undermine the potency of U.S. labor law by the decade's end.

### **The Labor Law Reform Act**

The labor movement sought to revive workers' rights to form unions through the Labor Law Reform Act, a major push to revamp the nation's labor laws. Labor managed to get a bill passed by the House in 1977, only to watch employers and their conservative allies block it with a filibuster in the Senate in 1978. It turned out that employers were now more pleased with the labor law than they had been at the decade's outset. They had learned how to use the law to keep a new wave of workers from entering collective bargaining, and so were more effectively controlling their wage and social welfare costs. Having shut the door on workers' workplace organizing efforts, they fought to keep it closed. They leveraged the employer activism forged during the LLRG effort to defend the same law they had once sought to change, and to defeat labor's legislative solution. In doing so, they blocked workers' access to the nation's most secure tier of its social welfare regime.

Labor's wish list was long for the new Carter Administration. In addition to labor law reform, the AFL-CIO's 1977 legislative priorities included a three dollar per hour hike in the minimum wage, a 35-hour work week, and universal coverage of all workers

under the Fair Labor Standards Act.<sup>138</sup> On labor law reform, labor originally set its sights much higher than the rather modest labor law changes that ended up going before the House and Senate as the Labor Law Reform Act. Labor originally called for the repeal of section 14(b) of the Taft-Hartley Act - - the “right to work” provision allowing states to prohibit mandatory dues or fee collections from all union members. Labor also wanted to change the cumbersome, two-step certification process required by U.S. labor law under which first workers must sign cards to trigger a union election and then wait months to vote. Unions proposed a “card check” provision under which unions would be automatically certified as the bargaining representative after the first step, once a majority of workers signed up to be members, as was the case in many parts of Canada. Finally, unions wanted to check employers’ ability to avoid unions through acquisitions and mergers. They wanted a provision that would require a business that bought a unionized facility to honor the union contract.<sup>139</sup>

The Carter Administration refused to include all three of these more major changes to labor law, instead meeting with labor leaders and working out a compromise that Stuart Eizenstat, Carter’s domestic policy chief, labelled a “much more modest set of reforms... because they (unions) very much want Administration backing for their

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<sup>138</sup> Wilfrid Rodgers, “The Economy: AFL-CIO to Seek Far-Reaching Law Changes,” *Boston Globe*, February 23, 1977, 31.

<sup>139</sup> Townley, *Labor Law Reform in US Industrial Relations*, 124-126; Roof, *American Labor, Congress and the Welfare State, 1935-2010*, 157. Other scholarship on the labor law reform bill includes Stein, *Pivotal Decade*, 180-190, Jefferson Cowie, *Stayin' Alive*, 288-296; Vogel, *Fluctuating Fortunes: The Political Power of Business in America*, chapter 7.

bill.”<sup>140</sup> Carter offered the reforms as his own labor law reform bill to Congress on July 18, 1977, rejecting a suggestion by some staff members to simply issue a message of support.<sup>141</sup> The bill’s major provisions included holding elections more quickly (within 15 – 25 days) after workers petitioned for an election, allowing union representatives equal access inside the workplace to meet with workers when employers held meetings against the union, paying workers double back pay if the NLRB found that their employer illegally fired them for forming a union, prohibiting repeat labor law violators from getting federal contracts, and increasing the number of NLRB members to seven in order to expedite board processes.<sup>142</sup>

In addition to meeting with labor leaders, the Carter Administration met repeatedly with the Business Roundtable, the Chamber of Commerce and NAM in the process of writing the bill. The Administration thought that while the fight would be a tough one, they had extinguished much of the business opposition’s fire. “Because we involved the business community and because they achieved a number of compromises, their reaction has been vastly muted...and will be less vociferous...,” Eizenstat assured President Carter just after Carter sent the bill to Congress.<sup>143</sup> Labor, too, believed that it could convince many employers with major collective bargaining relationships to eschew

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<sup>140</sup> Stu Eizenstat to The President, June 29, 1977, File: Labor Law Reform, Box 35, Chief of Staff Hamilton Jordan papers, Jimmy Carter Library and Museum, Atlanta, Georgia (hereafter Hamilton Jordan papers).

<sup>141</sup> Eizenstat to The President, June 29, 1977; Hamilton Jordan to President Carter, June 29, 1977, File: Labor Law Reform, Box 35, Hamilton Jordan papers; Press Briefing by F. Ray Marshall and Carin Ann Clauss, July 18, 1977, Labor Law Reform, Box 112, Landon Butler papers, Jimmy Carter Library and Museum (hereafter Landon Butler papers).

<sup>142</sup> Townley, *Labor Law Reform in US Industrial Relations*, 124-126.

<sup>143</sup> Eizenstat to The President, June 29, 1977; Stu Eizenstat to The President, August 1, 1977, Labor Law Reform, Box 112, Landon Butler papers.



a fight, telling reporters early in the fight they expected as many as 25 companies to back the bill.<sup>144</sup>

In fact, the Business Roundtable was at first split on whether to oppose the bill. A number of leaders of major, unionized firms - - like Thomas A. Murphy of GM and Reginald Jones of GE - - had at first argued that the bill was not worth jeopardizing peaceful labor relations.<sup>145</sup> After all, the Roundtable had successfully lobbied to exclude from the House bill the provisions dealing with card check, repeal of Taft-Hartley's 14(b) and contract continuity. The final bill was thus already more palatable to many of them.<sup>146</sup> Yet many members of the Business Roundtable viciously opposed the reform legislation and instead argued for maintaining the status quo on labor law. A large block of the Roundtable's policy committee pushed to join NAM and the Chamber in opposing the bill. Non-union, retail firms like Sears Roebuck opposed the bill, and so did some unionized firms like Bethlehem Steel, Firestone and Goodyear. Fresh union organizing was central to their concerns. They worried the law would make it "most difficult to maintain as nonunion such groups as engineers, technicians, branch banks, or retail units, etc.," according to one Firestone executive.<sup>147</sup>

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<sup>144</sup> Frank Swoboda, "Labor to Seek Business Help in Battle Over Reform Bill," *Baltimore Sun*, October 11, 1977, A8.

<sup>145</sup> Thomas Ferguson and Joel Rogers, "Labor Law Reform and its Enemies," *The Nation*, January 6, 1979, 19; Swoboda, "Labor to Seek Business Help in Battle Over Reform Bill"; Stein, *Pivotal Decade*, 187; Waterhouse, *Lobbying America*, 128-129

<sup>146</sup> Stein, *Pivotal Decade*, 186.

<sup>147</sup> Richard A. Riley to Members of Business Roundtable, August 2, 1977 as quoted in Stein, *Pivotal Decade*, 187 and fn 32, 336. See also Ferguson and Rogers, "Labor Law Reform and its Enemies."

The suppositions of labor leaders and the Carter Administration that they could win the support of major corporations for the bill turned out to be glaringly false. In the end, the Business Roundtable policy committee voted 19 to 11 to oppose the House bill. They joined a broad coalition of American business - - including NAM, the Chamber, the National Federation of Independent Business and other small business groups - - which defended the broken status quo of labor law.<sup>148</sup> “Speaking for American industry, the NAM strongly supports the existing law,” asserted NAM Chair R. Heath Larry and Vice Chair of US Steel in 1977.<sup>149</sup> Such a statement was quite a reversal from a man who had once sought to change that same law by serving as one of the original eleven steering committee members for the LLRG in 1966.<sup>150</sup> Heath now defended the current law which “guarantees to workers the opportunity to determine whether or not they want union representation,” and labelled the reform bill as “largely a bag of free organizing tools for unions.” The employers did back Republican John Erlenborn of Illinois’s “Employee Bill of Rights Act of 1977” which would have made it easier for employers to trigger elections and prohibited employers from bargaining before an election, but it was a weak effort compared to the LLRG’s attempt to re-write the law at the decade’s opening. The Erlenborn bill was mostly defensive and went nowhere.<sup>151</sup> Instead, the

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<sup>148</sup> Swoboda, “Labor to Seek Business Help in Battle Over Reform Bill”; Stein, *Pivotal Decade*, 187; Waterhouse, 128-129; Ferguson and Rogers, “Labor Law and its Enemies,” 18.

<sup>149</sup> R. Heath Larry, introduction to testimony by NAM on Amendments to the NLRA Presented to the Subcommittee on Labor-Management Relations of the Committee on Education and Labor, US House of Rep, July 26, 1977, Acc 1411, Series 9, Box 177, NAM records.

<sup>150</sup> Hot Springs Presentation on Labor Law Reform Project by Virgil B. Day, May 14, 1966, LLRS / LLRG, Box 7, Soutar papers.

<sup>151</sup> Harry Bernstein, “Unions Push for Labor Law Reforms,” *Los Angeles Times*, August 10, 1977, E12; AFL-CIO testimony before House committee, September 8, 1977, Box 85, Series 6, RG 1-038, Office of the President records, AFL-CIO Archive.

employers put the bulk of their energy into defending a labor law that now served their purposes.

Employer groups mobilized as a united front, putting into action much of the lobbying power, relationships and structures they had forged over the last decade. NAM and the Associated Builders and Contractors helped found a coalition of employer groups called the National Action Committee in June of 1977 to oppose labor law reform.<sup>152</sup> The Chamber of Commerce whipped up fear against the bill among those members: “If we lose the ‘big one,’ we accept all the demands made by the unions over the last 25 years. And that is a *horrendous* prospect.”<sup>153</sup> NAM armed its members with kits containing sample letters to Senators, model letters to stockholders and suppliers, and a tutorial on communicating with the media. Firestone’s chairman, for example, sent a letter to shareholders warning that the bill “grants inordinate organizational and protective power to unions” and asked them to contact their Members of Congress.<sup>154</sup> Much as they had done through the LLRG, the employer groups commissioned studies to bolster their case and then veiled their sponsorship. For instance, NAM commissioned a study by Pierre Rinfret Associates which found the bill would increase inflation, and both Rinfret and NAM marketed the study as “independent.”<sup>155</sup>

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<sup>152</sup> D. Quinn Mills, “Flawed Victory in Labor Law Reform,” *Harvard Business Review*, May – June, 1979, 92; Rogers and Ferguson, “Labor Law and its Enemies,” 18.

<sup>153</sup> Congressional Action, Chamber of Commerce of the United States, August 19, 1977, Vol 21, No 32, Box 177, Series 9, Acc 1411, NAM records. Emphasis in the original.

<sup>154</sup> Robert Palmer to NAM members, December 5, 1977, Series VII, Box 147C, NAM papers; R.A. Riley to Firestone Shareowner, August 8, 1977, Box 147C, Series VII, NAM papers.

<sup>155</sup> Robert Palmer to NAM members, February 2, 1978, Box 147C, Series VII, NAM papers; Robert Palmer to NAM members, Affiliates of the National Industrial Council and Others, in Action Package, n/d, Box

The bill passed the House on October 6, 1977 after a two-day debate with strong support, 257 to 163, with 36 Republicans supporting the bill.<sup>156</sup> When it passed through the Senate Human Relations Subcommittee in January, Utah Senator Orrin Hatch immediately vowed a filibuster.<sup>157</sup> The AFL-CIO wanted the President to prioritize the Senate bill for the 1978 Congressional session, but Carter chose to lead with the Panama Canal treaty, giving business even more time to mobilize.<sup>158</sup> Small business opposition to the bill turned out to be crucial for swinging Senators' support, and the NAM and Chamber worked alongside the Small Business Legislative Council, which had been recently founded in 1976, to put a small business face on the entire business movement's campaign. The Chamber worked to mobilize its own small businesses members, who made up 80 percent of its 66,000 individual firm memberships by 1978.<sup>159</sup> "The biggest threat is not to large companies," it argued in its member newsletter. "The real danger here is to small business."<sup>160</sup> Senator Hatch warned a meeting of 65 McDonald's franchise restaurant owners of the bill's impending peril of "a new wave of organizing."<sup>161</sup> The Small Business Legislative Council circulated a petition claiming the listed associations employed 13.7 million workers and helped mobilize 5000

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147C, Series VII, NAM papers; Press Release by Rinfret Associates, April 11, 1978, Box 147C, Series VII, NAM papers.

<sup>156</sup> Townley, *Labor Law Reform in US Industrial Relations*, 169.

<sup>157</sup> "Labor Law Bill Advances, Faces Filibuster in Senate," *AFL-CIO News*, January 28, 1978.

<sup>158</sup> Stein, *Pivotal Decade*, 187.

<sup>159</sup> Townley, *Labor Law Reform in US Industrial Relations*, 142-145 and 174.

<sup>160</sup> Congressional Action, Chamber of Commerce of the United States, August 19, 1977, Vol. 21, no 32, Box 177, Series 9, Acc 1411, NAM records.

<sup>161</sup> James P. Gannon, "The Old West's New Rightists," *Wall Street Journal*, March 29, 1978, 22.

representatives of small business for a rally, twice the number of those who attended a similar labor rally a few weeks earlier.<sup>162</sup>

Labor also put up a strong fight, mounting what Meany called “one of the most massive campaigns we’ve ever waged in our history.”<sup>163</sup> The unions brought in scores of victims of labor law abuse to lobby Congress, for instance, and mobilized support from a wide coalition including the NAACP, NOW, the National Urban League and the United States Catholic Conference.<sup>164</sup> The AFL-CIO established a special Task Force on Labor Law Reform and publicized horror stories from across the nation of workers who had been discharged, threatened and bribed and then were forced to wait years for the NLRB process.<sup>165</sup> Nearly 150 Newport News Shipbuilding workers were among those cheered at a massive USWA rally for labor law reform in Washington, D.C.<sup>166</sup>

When the bill came to the Senate floor in mid-May it faced a 19-day filibuster. The bill’s supporters tried five times to get the 60 votes needed to shut down debate, but faced a formidable floor manager in Hatch who kept support tight. The Democratic supporters scrambled to find support among Southern Democrats such as Lawton Chiles

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<sup>162</sup> Press release from Small Business Legislative Council, May 16, 1978 and Steve Selig to Landon Butler, June 7, 1978, Labor Law, both in Box 176, JC -1005, Office of the Chief of Staff, Stephen Selig, Jimmy Carter Library and Museum. “Historic Debate in Senate Turns on Workers’ Rights,” *AFL-CIO News*, May 20, 1978.

<sup>163</sup> Frank Swoboda, “Stung by loss on situs bill, unions plan massive campaign to change labor laws,” *Baltimore Sun*, April 13, 1977, A1.

<sup>164</sup> “Unions Gear Up for Drive to Win Labor Reform Bill,” *AFL-CIO News*, February 11, 1978, 1; Statement of Clarence Mitchell, Director, Washington Bureau of the NAACP, before the Senate Subcommittee on Labor, September 23, 1977, Box 177, Series 9, Acc 1411, NAM Records.

<sup>165</sup> “Labor Law Reform”, Statements Adopted by the AFL-CIO Executive Council, August 29-30, 1977, File 20/52, Series 1, RG 34-002, AFL-CIO Archive; “What Labor Law Must Overcome,” *The AFL-CIO Federationist*, February, 1978, 16-21.

<sup>166</sup> Newport News ‘Victims’ Spark USWA Rally for Labor Law Reform, *Steel Labor*, July 1978, 5.

(Florida), Russell Long (Louisiana) and Dale Bumpers (Arkansas).<sup>167</sup> Labor Secretary Ray Marshall remembered that Vice President Walter Mondale managed to hold Democrat John Sparkman of Alabama incommunicado and brought him to the Senate in his car, only to see Sparkman vote against it.<sup>168</sup> The bill died after the fifth cloture vote on June 22, 1978.<sup>169</sup>

Labor had known that the battle would be a difficult one, but it was shocked by the vehemence and coordination of the business attack. “I am frankly puzzled by the campaign against this bill,” wrote AFL-CIO President George Meany during the Senate debate.<sup>170</sup> The AFL-CIO’s first-ever full-page Wall Street Journal ad reflected the group’s sentiments in early May, just before debate began on the Senate floor. In an “Open Letter to American Business” George Meany asked business, “Why? What is your motivation? ... Where is the moral basis for your attacks? Is not the real intent of this attack the destruction of the uniquely American system of collective bargaining... Do you want to destroy trade unionism?”<sup>171</sup> The AFL-CIO convention had passed a resolution in January calling for “the fair employers of America, who respect the rights of their employees and who negotiate honorably with their unions... to join in this campaign

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<sup>167</sup> Bob Thompson and Frank Moore to the President, June 9, 1978, Box 35, Moore – Office of Congressional Liaison, Jimmy Carter Library and Museum; Roof, *American Labor, Congress, and the Welfare State, 1935-2010*.

<sup>168</sup> Telephone interview with Ray Marshall by the author, August 4, 2011. See also Joseph E. Hower and Joseph A. McCartin, “Marshall’s Principle: A Former Labor Secretary Looks Back (and Ahead),” *LABOR: Studies in Working-Class History of the Americas*, Vol 11, No. 4, 91-107, esp. 101.

<sup>169</sup> “Backers of Labor Bill Give Up Filibuster Fight,” *Los Angeles Times*, June 23, 1978, A5.

<sup>170</sup> George Meany, “For Working Americans, Time for Justice,” *The AFL-CIO Federationist*, June 1978, 1.

<sup>171</sup> AFL-CIO News Release, May 4, 1978, Box 85, Series 6, RG 1-038, Office of the President, AFL-CIO Archive.

for simple justice” arguing that many employers must now find themselves “uneasy.”<sup>172</sup> Many labor leaders thus felt deeply betrayed by the businesses they had considered partners in labor-management. Days before the final cloture vote, the new UAW President Douglas Fraser resigned from the President’s Labor-Management Group where he had served alongside leaders such as GE’s Reginald Jones, charging that the “ugly multimillion dollar campaign against labor law reform” was indicative of a “a one-sided class war” that broke “and discarded the fragile, unwritten compact” between labor and business.<sup>173</sup> The AFL-CIO organizing director’s outrage was evident even a year later : “Not a corporate voice was raised...not one expression of disassociation ...Large segments of the management community...do not accept collective bargaining... at most, have endured it, tolerated it, as one tolerates rats until they can be exterminated.”<sup>174</sup>

### **Closing the Door to Economic Security**

Employers’ reaction to workers’ new union organizing in the 1970s was a key component in the decline of union power in the late twentieth century. While globalization and technological change certainly did impact union membership, the decline of union density in the U.S. was not a natural process. Unions did not just fade away. Rather, employers closed the door on workers’ ability to enter unions en masse through NLRB elections and so greatly limited collective bargaining’s reach. Large corporations first

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<sup>172</sup> “The Fight is Not Over,” *AFL-CIO News*, January 14, 1978.

<sup>173</sup> Douglas A. Fraser to Labor-Management Group Members, July 17, 1978, Box 231, Eizenstat papers, Jimmy Carter Library and Museum; Information on Reginald Jones found in John M. Berry, “The Hot Battle Over Labor Law Reform,” *Forbes*, September 1, 1977, 21 and Stein, *Pivotal Decade*, 187.

<sup>174</sup> Draft of speech by Alan Kistler, n/d c. 1980, Folder 5, Box 5, Kistler papers

tried to roll back the laws protecting workers' organizing rights in the late 1960s. When they were unsuccessful at doing so through Congress, they increased their workplace level fight in the 1970s, violating the law at record levels and making new use of anti-union consultants. When labor and their allies then tried to re-strengthen the rules governing organizing in 1977-78, large and small businesses mobilized to block this legislative change and so managed to keep the doors to unions closed.

Employers did far more than destroy labor unions when they trampled on labor law and workers' right to form unions. After World War II, unions had been charged with pulling from employers a higher level of social welfare security through collective bargaining than was otherwise available. By the end of the 1970s, however, employers had so successfully limited workers' access to form unions that, absent some radical change in course, the U.S. was in dire danger of losing a labor movement with the ability to play that key redistributive role. The new level of unchecked "union busting" thus not only severely weakened unions and their members, but "busted" U.S. workers' access to the most secure tier of the nation's social welfare regime, just as women and people of color were winning full access to it. The business assault on labor law and on workers' organizing efforts was a key factor in the decline of mid-century liberalism and in the creation of a new economic paradigm marked by greatly increased precarity for the U.S. working class.



## **PART TWO**

## *Chapter Four*

### **Signing Up in the Shipyard: Organizing Newport News**

Jan Hooks' voice brings to mind Dolly Parton more than Loretta Lynn. It is high, a bit girly and thoroughly Southern. Her father worked at the Newport News Shipbuilding and Dry Dock Company in Virginia as she was growing up in the 1950s, and it seemed utterly impossible that as a daughter she could follow in his footsteps. Yet by 1973 things had changed. That year the nation's largest private ship builder for the Navy started recruiting women for production jobs, keeping in step with the federal government's new affirmative action guidelines. Though Hooks had trained as a secretary, she took a blue-collar job in the yard because the pay was so much better and she was a single mother. Her first day on the job, she faced hostile attitudes from men in her work group, and found herself assigned to cleaning metal scraps with a three-inch brush in the deep recesses of a nuclear tanker, alongside another woman. "And I was shaking, tired, scared to death...we sat there until I smoked my cigarette and drank a Pepsi and got myself calmed down."<sup>1</sup>

Within a few years of entering the sort of blue-collar occupation that had long been denied to women, Hooks joined her co-workers in agitating for more economic security. Newport News shipyard workers were among the lowest-paid ship builders in the nation, their pensions were paltry, and they wanted full access to the most secure tier of the nation's social welfare regime - - that offered by a strong union's collective

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<sup>1</sup> Hooks interview with the author; Anne Braden, "Shoulder to Shoulder," *Southern Exposure*, Vol. IX, No. 4, Winter, 1981, 88- 93.

bargaining agreement. They began to organize. One crisp and cold January morning in 1978, Hooks served as an official observer for an NLRB election at the shipyard involving nineteen thousand workers. Theirs was the largest single workplace union election ever held in the South, and it would be the largest NLRB election held at a single worksite in the nation in the 1970s.<sup>2</sup> After the workers had finished voting that evening, Hooks joined the crowd waiting for the vote count at the union hall. “We walked the floor, we listened to the radio, we prayed, we cried. When we finally got the notice - - yes, we had won it - - it was like ‘Are you telling me the truth?’ We couldn’t believe it. I mean, not only did we win the election, we beat the heck out of them.”<sup>3</sup>

Historians like Jefferson Cowie have been quick to conclude that the 1970s was a decade of blue-collar defeat, but no one told Hooks and her co-workers that their role in the drama of the 1970s American working class was supposed to be a tragic one.<sup>4</sup> Once they won access to better jobs through Title VII of the Civil Rights Act, these workers turned to the United Steelworkers of America (USWA) to help them make those good jobs even better and more secure. They joined forces with other women, African-

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<sup>2</sup>AFL-CIO, “List of Large NLRB Elections, 1961 to 2010,” November 1, 2010, unpublished report in the author’s possession. According to this list, the Newport News election was the largest held among southern workplaces since 1961. For the 1930s through the 1950s, see F. Ray Marshall, *Labor in the South* (Cambridge: Harvard University Press, 1967) 182 - 245. The Dan River vote in 1953 covered 13,470 workers; Marshall, *Labor in the South*, 234. The RJR Reynolds vote in Winston-Salem in 1943 covered about ten thousand workers; Korstad, *Civil Rights Unionism*, 1 and 188-189. There was an NLRB election held among southern workers in the Bell System in 1949 with more than thirty thousand workers in nine states, but these workers were not all at one workplace. See 1949 *Proceedings of the Eleventh Constitutional convention of the Congress of Industrial Organizations*, Cleveland, Ohio, 81. There was a decertification attempt on a CWA (Communications Workers of America) unit among New York City telephone workers in 1970 that involved thirty-four thousand workers spread over many work sites. See also “Largest Single NLRB Vote at Newport News,” *Steel Labor*, March 1978, 7.

<sup>3</sup> Hooks interview.

<sup>4</sup> Cowie, *Stayin’ Alive*.

Americans, and young workers to overthrow a company-controlled union that had been in place for nearly forty years. When Tenneco Inc. - - the conglomerate that had owned the Newport News Shipbuilding and Dry Dock Company for ten years - - followed the 1970s corporate pattern of hiring anti-worker consultants and dragging its feet in court, the workers did not wait for the law to slowly churn out justice. A year after winning their union election, they struck for 82 days in order to force the Navy contractor to recognize their union, even as the Virginia governor sent guardsmen to meet them with dogs on the picket lines and the city police stormed the union hall, beating strikers with abandon. They went on to build a union that remained active on civil rights issues, even serving as a plaintiff in one of the first test cases of the Pregnancy Discrimination Act of 1978.

There is no question that blue-collar workers in the United States lost power in the 1970s. The rules that had governed post-war labor relations were turned on their head, in large part by a globalizing economy sharply tilted against workers. Examination of real wages, union density, and unemployment shows that workers suffered by the close of the decade.<sup>5</sup> Yet the Newport News story offers a different narrative for working-class history than that offered by many scholars. Here, we see that workers and their organizations were potent and capable - - not weak and inept - - in the face of rising corporate power. Shifting cultural class mores did not defeat them and these workers did not participate in a right-wing, grassroots conservatism. Instead, they joined a wave of millions of workers who made increased demands on the state by using its mechanisms to organize private-sector unions. The civil rights movements of the 1960s and 1970s did

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<sup>5</sup> Stein, *Pivotal Decade*, xi – xiii; Cowie, *Stayin' Alive*; Harrison Bluestone, *The Great U-Turn*, 4-7 ; Jelle Visser, "Union Membership Statistics in 24 Countries," *Monthly Labor Review*, January, 2006, 45.

not derail these workers' unions, as postulated by many scholars of the period, but instead greased the wheels of their labor victory. Like many U.S. workers, they learned to use civil rights tools and the union in tandem.<sup>6</sup> Newport News workers did have one advantage not available to most other industrial workers in the 1970s - - by law their product had to be built in the U.S.<sup>7</sup> Their story thus allows us to see working class agency in action in the 1970s in a context not so determined by unfettered globalization and its resulting structural barriers. Can a labor triumph help us better understand a period known for working-class defeat? As scholars examine the push and pull that characterized the tumultuous 1970s, what happens if we shine the historical spotlight on working people who actually won?

### **Newport News Shipbuilding and the “Union Stopper”**

There was no missing the shipyard if you visited Newport News in 1978. The dry docks sprawled for two miles along the James River, and twenty-story cranes towered over the town, emblazoned with the Tenneco name.<sup>8</sup> The company was founded in 1886 as the Chesapeake Dry Dock & Construction Company and got its first Navy contract in 1893.<sup>9</sup>

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<sup>6</sup> For arguments that unions were weak and inept, see Cowie, *Stayin' Alive*; Moody, *An Injury to All* and Davis, *Prisoners of the American Dream*. For arguments that workers turned to conservatism see Schulman and Zelizer, *Rightward Bound: Making America Conservative in the 1970s*; Bethany Moreton, *To Serve God and Wal-Mart*; Lassiter, *The Silent Majority*. On labor's disjuncture with the civil rights movement, see Lichtenstein, *State of the Union*, 191-211, esp. 192.

<sup>7</sup> The applicable law was the Buy American Act of 1933. See Dana Frank, *Buy American: The Untold Story of Economic Nationalism* (Boston, Mass: Beacon Press, 1999) 65.

<sup>8</sup> William L. Tazewell, *Newport News Shipbuilding: The First Century*, (Newport News: The Mariner's Museum, 1986). To see how the shipyard looked in 1979, see the USWA video about the workers' strike, *Eighty-Eight Close the Gate* (Pittsburgh, PA: USWA, 1980).

<sup>9</sup> Tazewell, *Newport News Shipbuilding*, 28.

Tenneco, one of the world's largest diversified companies, bought the struggling shipyard in 1968, and sunk \$100 million into the operation. Five years later, the shipyard had an order backlog of a billion dollars, including for the kinds of large ships needed to meet the nation's new demands for imported oil.<sup>10</sup> In 1978, the shipyard was the largest employer in the state, with over nineteen thousand workers. More than a third of the money circulating in the entire Tidewater local economy came from the company. It was a major Navy contractor that built and refurbished Navy aircraft carriers and nuclear submarines, and it also did private work. This shipyard was one of the world's largest.<sup>11</sup> Nevertheless, the company experienced the same kind of profit squeeze that faced so many employers by the end of the decade: it made just \$14 million in earnings in 1978, the year of the union election, half its 1975 earnings. The new president, Admiral Ralph W. Cousins, knew that he needed to turn around those reduced profits.<sup>12</sup>

The company had a long and intertwined relationship with the Peninsula Shipbuilders Association (PSA), a union at the shipyard. The company first established an Employee Representation Plan (ERP) in 1927 during a time when many companies established their own such unions as a welfare capitalism tactic, designed to contain workers' labor activism.<sup>13</sup> Employer representatives served alongside employee

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<sup>10</sup> Thomas Derdack, *International Directory of Company Histories, Vol. I,* (Chicago and London: St. James Press, 1988) 526-528.

<sup>11</sup> "A Make or Break Strike in the South?" *US News and World Report*, February 12, 1979, 83-84; Ben A. Franklin, "New Unit Votes to Strike Giant Virginia Shipyard," *New York Times*, December 11, 1978, A-14.

<sup>12</sup> Derdack, *International Directory of Company Histories, Vol. I,* 526-528; Tazewell, *Newport News Shipbuilding*, 220-226.

<sup>13</sup> Rick Halpern, "The Iron Fist and the Velvet Glove: Welfare Capitalism in Chicago's Packinghouses, 1921-1933," *Journal of American Studies* 26, no. 2 (1992), 159. Jacoby, *Modern Manors*.

representatives (paid by the company) on the joint committees that governed the ERP.<sup>14</sup> The shipyard's workforce was about a fifth African-American, and the white and black workforces each had their own ERP representatives.<sup>15</sup> One of the purposes of the NLRB, established by the Wagner Act in 1935, was to force employers to recognize workers' own democratic organizations over such company unions.<sup>16</sup> In fact, in one of the first NLRB cases to come before the Supreme Court, the Court ruled in 1939 that Newport News' ERP was company-directed and ordered the company to disestablish it.<sup>17</sup> The company union jettisoned its company-paid representatives and, within a month of the Court's decision, regrouped as the PSA and soon bargained with the company for a new contract.<sup>18</sup> Like the ERP, the PSA had a number of black delegates and leaders.<sup>19</sup> The CIO's Industrial Union of Marine and Shipbuilding Workers (IUMSWA) wanted to represent the workers, but chose not to challenge the validity of this new company union, instead trying to beat it at the ballot box. It was a bad choice. The PSA won a 1944

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<sup>14</sup> Regional Director's Report, Case no. V-C-82, June 13, 1937, Formal and Informal Unfair Labor Practices and Representation Case Files, 1935-48, Box 1580, RG 25, National Labor Relations Board records, National Archives, College Park, MD (hereafter NLRB records).

<sup>15</sup> Herbert Northrup, *Organized Labor and the Negro* (New York: Harper and Bros., 1944) 229-231.

<sup>16</sup> Brody, *Labor Embattled*, 100-102; Gross, *The Making of the National Labor Relations Board*.

<sup>17</sup> *National Labor R. Bd. v. Newport News Shipbuilding & Dry Dock*, 308 U.S. 241 (1939); Northrup, *Organized Labor and the Negro*, 229-231.

<sup>18</sup> Brief for Newport News Shipbuilding and Dry Dock Company, Case no. 5-R-1577 and 1579, July 8, 1944 and Decision and Direction of Elections, NLRB, in the matter of Newport News Shipbuilding and Dry Dock Company and IUMSWA, CIO, Case No. 5-R-1577 and 1579, August 4, 1944, Formal and Informal Unfair Labor Practices and Representation Case Files, 1935-1948, Box 3904, NLRB records.

<sup>19</sup> "Shipyard Union Gets 4 Officers, 41 Delegates," *Afro-American* (Baltimore), March 13, 1943, 20.

NLRB election over the CIO, and the PSA became one of the nation's largest independent unions.<sup>20</sup>

Despite the PSA's claim to independence, the company's hand remained very visible in its affairs. In fact, Robert Moore - - a former PSA delegate in the 1960s and 1970s and later a supporter of the USWA - - said that it was not really a union, but a "union stopper" which the company encouraged to keep a more effective union out.<sup>21</sup> The PSA did have a process for worker grievances, though it almost never took those grievances to an outside arbitrator - - a right that is fundamental to most unions' practices. The PSA constitution had no provisions for general meetings with workers, and if workers did attend the meetings, they had no vote. Instead, they used a delegate system of indirect representation. Workers in various departments could vote on their delegates, who in turn would attend the only available union meetings and make all the decisions about leadership, finances, and bargaining.<sup>22</sup> It was a democracy in name only, for few workers were even members of the PSA. At the time of the USWA election, only about a third of the workers in the yard were PSA members.<sup>23</sup> The PSA never even held

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<sup>20</sup> Certification of Representatives, Newport News Shipbuilding and Dry Dock Company and IUMSWA, CIO, Case No. 5-R-1577 and 1579, September 12, 1944, Formal and Informal Unfair Labor Practices and Representation Case Files, 1935-1948, Box 3904, NLRB records; "Va. Shipyard Workers Vote," *The Washington Post*, May 10, 1972, B1.

<sup>21</sup> Robert W. Moore, telephone interview by the author, October 14, 2010.

<sup>22</sup> Thomas R. Bopeley to John A. Penello, February 17, 1959, Folder: Re: Form 1085 (Financial Data), Records Relating to NLRB Involvement in the Industrial Security Program, 1957-1959, N3-25-87-1, RG 25, NLRB records.

<sup>23</sup> "Why You Should End the Tenneco - PSA "buddy system," in USWA election leaflet entitled "Vote USWA, Shipyard Organizing Committee," January, 1978, Folder 5, Box 165, USWA Communications Department Records, USWA archive, Historical Collections and Labor Archives, Penn State University, State College, PA (hereafter USWA archive.)



a convention until the USWA organizing drive began.<sup>24</sup> Edward Coppedge served as a PSA delegate for many years before he helped found the USWA local because he believed that some union was better than no union, but he was appalled by the PSA's relationship with the company. "The independent union was controlled and owned by the company.... you basically (got) what they wanted to give you."<sup>25</sup>

During its 50 years in the Newport News shipyard, the PSA beat back four attempts by outside unions to represent the workers; by the CIO in 1944, the International Brotherhood of Boilermakers in the 1950s, and the International Association of Machinists (IAM) in the 1960s and early 1970s.<sup>26</sup> The PSA did not succeed alone. The company had a vested interest in keeping the PSA as the workers' representative. For instance, the company's president sent a letter to all workers in 1972 urging them not to sign IAM union cards: "If you haven't signed one of these cards, I hope you won't...so far as I'm concerned, there already is a bargaining agent - the Peninsula Shipbuilding Association."<sup>27</sup>

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<sup>24</sup> "Shipyard Official Speaks: Text of D.T. Savas' Remarks to PSA Convention," *Daily Press*, September 28, 1977, 30.

<sup>25</sup> Coppedge interview, October 27, 2010.

<sup>26</sup> Solomon Travis, "PSA's Election Victories Reviewed," *The Times-Herald* (Newport News, VA), June 24, 1979; Lloyd McBride to President Carter, January 9, 1979, WHCF, Box LA-9, File LA 5-10, Jimmy Carter Presidential Library, Atlanta, GA; "Va. Shipyard Workers Vote," *The Washington Post*, May 10, 1972.

<sup>27</sup> Letter from L.C. Ackerman, President and CEO to Newport News Shipbuilders, March 2, 1972, Box 2 of 2 of Al Treherne's files, USWA legal files, USWA headquarters, Pittsburgh, PA (hereafter USWA legal files).

### **“Rights Consciousness” Sets the Stage for USWA Union**

The civil rights movement emboldened many black workers, and often they exercised that new sense of empowerment by filing charges against their employers under Title VII of the Civil Rights Act of 1964. Yet what scholars call “rights consciousness” also resided outside the boundaries of civil rights law and fed many workers’ unionizing impulse. In fact, the Newport News story reveals that the relationship between labor and civil rights was far more interwoven than scholars have understood, and that its cloth unfolded in unexpected ways.<sup>28</sup> By the time the USWA beat the PSA in the 1978 NLRB election, issues of racial equity already had been front-and-center in the shipyard for thirteen years. At every step of the way, the yard’s black workers used whatever tool seemed most potent in order to assure economic security and equality. They filed charges that triggered an historic EEOC conciliation agreement, pushed the independent union to support the EEOC’s work, sparked a riot and then filed more lawsuits. Eventually, when the federal government’s remedy seemed both intermittent and limited, a number of them turned to the USWA to help secure long-lasting change. It was no coincidence that after various unions tried four times to overthrow the PSA, the group of Newport News workers who finally succeeded included more African-Americans and women. For these workers, the USWA was a tool they could use to both shore up their new-found civil rights and win economic security.

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<sup>28</sup> Lichtenstein, *State of the Union*, 191-211. See preface to the 2013 revised and expanded edition for a rich discussion of the scholarly debate on this issue, x-xiv.

In the summer of 1965 a group of African-American employees, working with the NAACP, filed a suit against the shipyard under Title VII of the Civil Rights Act. They charged that their employer denied promotions on account of race and did not allow black workers into the higher-paying jobs. Many yard facilities, such as water fountains and restrooms, were still segregated at this time.<sup>29</sup> The company had a long history of hiring a multi-racial workforce. African-Americans, however, held the lowest-paying jobs and were denied access to such high-skilled jobs as electricians and first-class mechanics.<sup>30</sup> The EEOC found “reasonable cause” in its investigation of racial discrimination. In 1966 the shipyard signed what turned out to be a landmark conciliation agreement, and it did so under government threats to withhold its Navy contracts. The EEOC signed conciliation agreements with 111 employers in 1966, but the Newport News agreement was the most far-reaching because it mandated that the company promote more black workers and give them first shot at job openings and apprentice school slots. EEOC chair Franklin D. Roosevelt, Jr. termed it “a model of comprehensive affirmative action.”<sup>31</sup> The agreement was controversial. Far-right Republican Paul Fannin denounced the

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<sup>29</sup> W.D. Wells to Herbert Hill, March 3, 1970, folder 15, box 140, Herbert Hill Collection, Library of Congress, Washington, DC (hereafter Herbert Hill papers.) The local NAACP and the NAACP Legal Defense and Education Fund, Inc. were involved. One of the plaintiffs, Rev. J.S. Fauntleroy, was president of the local NAACP. See EEOC Conciliation Agreement, Thomas Mann, James Lassiter, Arthur Ford and Reverend J.C. Fauntleroy, et al and Newport News Shipbuilding and Dry Dock Company, March 25, 1966, folder 16, Box 140, Herbert Hill papers.

<sup>30</sup> Northrup, *Organized Labor and the Negro*, 229-231; “Sweeping Fair Jobs Pact for Newport News Yard,” *Norfolk Journal and Guide*, April 9, 1966, B2.

<sup>31</sup> EEOC Conciliation Agreement, March 25, 1966; Herbert Hill, *Black Labor and the American Legal System: Race, Work and the Law* (Madison: University of Wisconsin Press, 1985) 206; “NAACP Files Job Bias Complaints Against Dixie Firms and Unions,” *New York Amsterdam News*, August 7, 1965, 8; “Sweeping Fair Jobs Pact for Newport News Yard,” *Norfolk Journal and Guide*, April 9, 1966, B2; EEOC 35<sup>th</sup> Anniversary history website: <http://www.eeoc.gov/eeoc/history/35th/milestones/1966.html> (accessed November 6, 2014).

settlement from the Senate floor and the NAM accused the EEOC of overstepping its mandate.<sup>32</sup>

At first, a clear-cut tension did seem to distinguish civil rights remedies from labor rights at Newport News. The PSA promptly protested the EEOC decision, charging that the agreement between the company and the government violated its union contract.<sup>33</sup> But then the story muddled. Thirty-one black members of the PSA disagreed with their own organization and filed their own report. “Any steps that the union takes in disagreement of (sic) the agreement between the Equal Employment Opportunity Commission and the company would be detrimental to the union,” they insisted, arguing for the PSA to help the EEOC implement the agreement.<sup>34</sup> Newport News workers soon learned, however, that government action on civil rights was only sporadic without a worker institution pushing for its implementation. A year after the conciliation agreement, the EEOC reduced the scope of its ongoing review of the company’s practices, deciding that the agreement “was satisfactorily concluded,” despite the fact that there were 76 charges of discrimination pending. The EEOC later admitted that its decision was premature: “The much-publicized 1966 conciliation agreement has not

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<sup>32</sup> Congressional Record, Vol. 113, No. 146, September 18, 1967, reprinted by National Industrial Council, in box 64, Series V, NAM records; “Concern Over EEOC,” *NAM Reports*, November 20, 1967, 6, box 62B, Series V, NAM records.

<sup>33</sup> “Shipyard-U.S. Pact Protested,” *The Baltimore Sun*, April 26, 1966, C16.

<sup>34</sup> “Union Denies Shipyard’s Fair Employment Claim,” *Norfolk Journal and Guide*, May 13, 1967, 2  
“Shipyard Controversy: Equal Jobs Pact Fair – Union’s Negro Group,” *Norfolk Journal and Guide*, April 30, 1966, 27.

made an appreciable dent in the problems,” wrote an EEOC staff attorney to the organization’s General Counsel.<sup>35</sup>

Meanwhile, the transportation department served as a center for black activism in the yard. African-Americans made up the majority of workers in this department, but continued to hold the worst, low-paid jobs – like driving trucks and processing scrap – despite the conciliation agreement. They were even paid less than operators of mobile equipment in other, mostly-white departments.<sup>36</sup> One hot July night in 1967 transportation department workers walked out in support of two co-workers disciplined for refusing to work overtime to meet production quotas for the Vietnam War. The transportation workers’ walk-out sparked a broader wildcat strike among white and black workers who wanted less overtime and extra pay for working late hours. They rioted for two nights when they thought the company tried to bring in strike breakers. “Turn it over, turn it over,” chanted strikers as they tipped and burned a police car. They smashed windows and bottles, and at least twenty people were injured, including police.<sup>37</sup> The PSA did not lead the walkout, but it did later get on board with workers’ complaints,

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<sup>35</sup> W.D. Wells to Herbert Hill, March 3, 1970, folder 15, box 140, Herbert Hill papers. The EEOC staff attorney memo is quoted within Wells’ memo.

<sup>36</sup> Wells to Hill, 1970; Shirley Scheibla, “Barron’s Reply to the Charge of Unjustified Criticism of the Role of the Equal Employment Opportunity Commission at the Newport News Shipbuilding and Dry Dock Co.,” n/d, c 1967, Box 64, Series V, NAM records.

<sup>37</sup> “Rioting Erupts at Shipyard,” *The Daily News-Record* (Harrisburg, VA), July 12, 1967, 1; “Strike Violence,” Associated Press photo in *Daily News-Record* (Harrisburg, VA), July 12, 1967, 1. “Mediators Urge Talks in Shipyard Dispute After Two-Hour Riot,” *Wall Street Journal*, July 13, 1967, 11; “Strikers Riot at Shipyards in Virginia,” *Chicago Tribune*, July 12, 1967, 3.

holding a strike vote and negotiating with the company and the Federal Mediation and Conciliation Service to reach a settlement.<sup>38</sup>

Yet the transportation department workers still felt that they did not have full access to the best jobs in the yard, and they soon switched tactics from throwing bottles to filing lawsuits. In 1969, thirteen black workers in the transportation department signed onto a class action lawsuit against the company charging that the EEOC's conciliation agreement left a majority of black workers still stuck in low-paying jobs and without access to apprenticeships.<sup>39</sup> At first, the PSA was not a party to a suit, and the shipyard argued that the union's contract should be a bar to proceeding. The PSA agreed to join the workers' suit, however, after a judge required the union's participation in order to proceed. The PSA was no doubt inspired by its own black leadership who had so vocally supported EEOC action in 1966 and by its own members' militancy in the 1967 riot.<sup>40</sup> The suit spurred the federal government to tighten affirmative action standards at the yard, holding up \$700 million in new contracts until the shipbuilder agreed to sign a new conciliation agreement in 1970, which put a heavier emphasis on recruitment, training and promotion.<sup>41</sup>

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<sup>38</sup> Sherman Lafayette Demoss, "Retired Yard Workers Reviews Strike Issues," February 26, 1979; "Union Approves Settlement Ending Shipyard Strike," *The Washington Post*, July 17, 1967, A4.

<sup>39</sup> *Hiawatha Darden, et al, and Peninsula Shipbuilders Association, et al v. Newport News Shipbuilding and Dry Dock Company*, CA No. 95-69-NN (D.C. E. VA) August 3, 1971.

<sup>40</sup> "Motion to Dismiss the Complaint, Motion to Strike, and Motion for More Definite and Certain Statement," *Hiawatha Darden, et al, and Peninsula Shipbuilders Association, et al v. Newport News Shipbuilding and Dry Dock Company* CA No. 95-69-NN, "Memorandum Opinion and Order," CA No.95-69-NN, December 22, 1969, "Motion to Intervene Pursuant to Rule 24 of the Federal Rules of Civil Procedure," CA 95-69-NN, February 18, 1970, all in folder 15, box 140, Herbert Hill papers.

<sup>41</sup> "Ship Firm Talks Show Little Gain," *The Baltimore Sun*, March 18, 1970, C7; "U.S. Accepts Job Program at Shipyard," *The Baltimore Sun*, June 25, 1970, C9.

Though the original suits were all focused on racial discrimination, the shipyard also began a major push to hire more women in 1973. The company had not retained the women who, for a brief time, built ships at the yard during World War II, and it was not until the early 1970s that the company routinely hired women into production jobs and the first woman graduated from the company's Apprentice School (first established in 1919).<sup>42</sup> The company's decision to increase its hiring of women came on the heels of the deepening potency of the EEOC's equity campaign on issues of gender. Congress had given the EEOC the power to sue in federal court in 1972, and it promptly did so on behalf of women. For example, in January of 1973 the EEOC won a \$15 million back pay suit won for 13,000 women workers at AT&T. In light of this new emphasis on gender discrimination, the shipyard took action, presumably choosing to do so rather than put its federal contracts at risk by being out of step on affirmative action.<sup>43</sup>

### **USWA Organizing Drive Kicks Off**

Yet such changes were still not fast enough for four African- American yard workers - - Oscar Pretlow, Edward Coppedge, Ellis Cofield and W.T. Hayes. Though all had been PSA members and leaders over the years, by the mid-1970s they were weary of company unionism and the PSA's lack of activism on racial equality. Despite the government's intervention, they felt that white supervisors freely used their power to promote white

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<sup>42</sup> Braden, *Shoulder to Shoulder*, 427-428; Hooks interview; Tazewell, *Newport News Shipbuilding*, 120-121; 173 and 215.

<sup>43</sup> Reed, "Title VII, The Rise of Workplace Fairness, and the Decline of Economic Justice, 33; Donald Allen Robinson, "Two Movements in Pursuit of Equal Employment Opportunity," *Signs* 4, no. 3 (Spring, 1979), 413.

workers over blacks and they saw few options for recourse.<sup>44</sup> “We went out and filed and followed up on discrimination in trying to get the shipyard to live by the Civil Rights Act, but we didn’t have anybody backing us... To say we are going to go out there and take on the company on civil rights, the PSA was not the union. They wouldn’t do it,” remembered Coppedge.<sup>45</sup> The group of four men secretly reached out to the USWA in October 1976 to explore having the union represent the yard workers. They chose the USWA because that union was already working with the shipyard’s 1200 ship designers who had disaffiliated from the PSA a few years earlier.<sup>46</sup> The four men met secretly with Elmer Chatak, USWA director of organizing, who originally thought the campaign was “almost an impossible project.” He insisted that the USWA would not launch a campaign until the men had a volunteer organizing committee of 500 shipyard workers.<sup>47</sup> The men, meanwhile, balked when the USWA only assigned two white staffers to the campaign, Jack Hower and John Kitchens. “If you want the union in here, black people are going to be the people that lead the parade,” Coppedge remembers telling Chatak, who then assigned a black organizer, Roosevelt Robinson, to help lead the effort.<sup>48</sup>

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<sup>44</sup> Edward Coppedge interview with the author, Castalia, NC, March 22, 2011.

<sup>45</sup> Coppedge interview, October 27, 2010.

<sup>46</sup> A group of 1200 professional and technical workers decided to leave the PSA in 1971. They formed a separate bargaining unit, called the Designers’ Association of Newport News (DANN) which the company recognized for bargaining purposes. In 1976 they held an internal vote, chose to affiliate with the USWA, and made that decision official in a 1977 NLRB election. When the company refused to bargain seriously with the designers they struck in April 1977. See “Chronology of Events Leading to Shipyard Strike,” *The Times-Herald* (Newport News, VA), January 21, 1979; McBride letter to President Carter; “Retired Yard Workers Reviews Strike Issues,” *Times-Herald* (Newport News, VA), Feb. 26, 1979; “Designers Reject Pact,” *The Washington Post*, November 28, 1971; “Ship Designers Local Strikes Giant Yard at Newport News,” *The Baltimore Sun*, April 2, 1977, A9.

<sup>47</sup> Elmer Chatak, interview with the author, Bethesda, MD, June 13, 2011.

<sup>48</sup> Coppedge interview, March 22, 2011.



The activists and organizers began to form an organizing committee which began slowly expanding over the next months, reaching out to likely supporters and building its strength behind the scenes. The yard was about half black and half white by the late 1970s, and black workers were far more likely than white workers to support the USWA, a pattern that polling showed was typical across the nation.<sup>49</sup> Organizers were careful to build a mixed-race leadership group, which meant spending extra time developing white leaders, a task the organizers often accomplished at a Moose lodge and local bars. By the end of July, 1977, the USWA had built a committee of 500 yard workers ready to spearhead an effort to oust the PSA. One hot August morning, they began passing out USWA authorization cards at the nineteen gates the workers used to enter the yard. The workers' union campaign was now out in the open and moving quickly.<sup>50</sup>

Many Newport News workers saw a new union as a doorway to increased economic security. "Job security, income security plus health security equals FAMILY security," read one USWA mailer. Key issues included wages that were less than the national shipyard average and poor retirement benefits. The PSA had signed a retirement agreement in 1969 that counted people's service only from that year forward. People who had already put in 40 years stood to earn as little as \$40 a month on retirement under this system. Many people were particularly upset that Tenneco had cut a paid 20-minute lunch break period; they saw this as emblematic of a larger lack of respect from the

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<sup>49</sup> Eddie Coppedge, "On the Road to Success," in brochure "Local 8888: Proud with a Purpose," June 26, 1985, (in author's possession); Freeman and Medoff, *What Do Unions Do?* 29.

<sup>50</sup> Glass interview; Coppedge interview, October, 2010; Daniel D. Cook, "Union Organizers Savvy Strategists," *Industry Week*, August 7, 1978.

conglomerate.<sup>51</sup> Yet not everyone was for the USWA, and the PSA enjoyed significant support. “About two years ago, I deserved a raise and wanted to go back on day shift, but I was told I couldn’t have either,” argued Twanna C. Lewis, an African-American worker, explaining that the PSA helped her with both issues. S.F. McMillan supported the PSA because they had helped him out with some attendance issues, and helped him finance his truck.<sup>52</sup> Yet for many Newport News workers, a new union essentially would mean a chance to force their company to offer them higher wages, better benefits and more security - - essentially, the unions would elevate them to a more secure tier of the U.S. social welfare regime.<sup>53</sup>

Organizing Newport News posed an incredible logistical challenge. To file for a union election, the workers would have to file cards with the government signed by more than thirty percent of the workforce, or more than six thousand workers; only then would the NLRB schedule an election. Shipyard workers lived in communities scattered all over the Chesapeake region. Many commuted from as far as fifty miles away on buses or in carpools. Workers began to gather union cards any way they could - - on the gates at 6 a.m., in people’s homes, even in the vans that brought workers to the shipyard from as far away as North Carolina. “We would sneak behind the toolbox racks, behind the machinery,” to get the cards signed, remembered Hooks. “Sneaky. In the bathrooms.

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<sup>51</sup> “Steelworkers: The Family Union...Everyone Benefits,” Box 165, USWA Communications Department, USWA archive; “PSA: The Give-Away ‘Union’,” and “Vote for USWA Expected to Go Above 60 Percent,” January, 1978, United Steelworkers Communications Department, Folder 5, Box 165, USWA archive; Cook, “Union Organizers Savvy Strategists;” Dewar, “A Major Victory for Big Labor in Virginia,” *Washington Post*, February 2, 1978; “Tenneco Can Afford the Very Best,” undated Leaflet, USWA Legal files.

<sup>52</sup> *PSA Shipbuilder*, Special Edition, January 28, 1978, Box 2, Treherne files, USWA legal files.

<sup>53</sup> See chapter one for a discussion of the U.S. social welfare regime and unions.

Lord, some of the conversations we had in the bathrooms. That's where we did a lot of our organizing."<sup>54</sup> The USWA organizers began to branch out far from the shipyard, and held meetings with groups of workers where they lived, in local recreation centers, churches and hotel conference rooms. The campaign was heavily dependent on its large volunteer committee - - a marked difference from other contemporaneous campaigns which were union staff-heavy, such as the Woodward & Lothrop campaign. "Nobody knew those guys," said Coppedge of the USWA organizers, "so every meeting they held we went and introduced them.... We had meetings everywhere, all over, every night of the week."<sup>55</sup>

The USWA organizers found strong support among an interracial group of women. By 1977 women made up between 10 and 15 percent of the workforce. Many women took the job because it was the best opportunity around, even though the going was rough. "It wasn't my intent to go down in the shipyard and get dirty and crawl through tanks, but that's where the money was and I had a child so that's what I did," remembered Peggy Carpenter, who pointed out that many of the women were single mothers, like herself.<sup>56</sup> Breaking the gender barrier was not easy. Hooks remembers going to the PSA about a promised pay raise but "I couldn't get anybody to represent me because they still resented the women... 'You are taking a man's job,' that type of stuff."<sup>57</sup> Even though she was scared, Hooks went to a meeting the USWA organizers

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<sup>54</sup> Hooks interview.

<sup>55</sup> Coppedge interview, March, 2011. For more on the campaign at Woodward & Lothrop, see chapter six of this dissertation.

<sup>56</sup> Peggy Carpenter, telephone interview with the author, September 30, 2010.

<sup>57</sup> Hooks interview.

called just for the women, and she began to organize others to join, helping to develop a core cadre of the organizing committee. The women found they had tremendous momentum after jumping the yard's gender hurdles, and their courage inspired some men to join the effort. "A lot of them moved because of the women standing up in the union...they followed us along," remembers Carpenter.<sup>58</sup>

At each shift change, PSA supporters gathered outside the gates to counter the USWA committee and organizers as they gathered cards. Wearing special PSA decals emblazoned on their white helmets, they would challenge and taunt the USWA supporters who often wore their union ball caps. The USWA supporters gathered enough signatures to file for a NLRB election in December of 1977. The thousands of union cards were so heavy that the string binding them cut and bloodied the union organizer's hands as he carried them to the NLRB office to file for election. The NLRB set the date of the election for January 31, 1978.<sup>59</sup>

### **The Campaign Hits High Gear**

Tenneco relied on the PSA to serve as its front-line defense against the USWA. "The stalking horse for them was the independent (union)...that was the way they chose to do it" remembered Carl Frankel, the USWA attorney.<sup>60</sup> The head of personnel at Newport News, D.T. Savas, told workers at the first-ever PSA convention that "the Steelworkers are out to 'raid' the PSA ...Reject the Steelworkers; don't be coaxed or pressured into

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<sup>58</sup> Carpenter interview.

<sup>59</sup> Chatak interview; Cook, "Union Organizers Savvy Strategists;" "Organizers Provided the Key Element for the 'Mission Impossible' Challenge at Huge Shipyard," *Steel Labor*, March 1978, 8.

<sup>60</sup> Carl Frankel interview with Lane Windham, Pittsburgh, PA, August 17, 2010.

signing a Steelworkers card.”<sup>61</sup> After the company fired one USWA supporter for circulating a letter critical of the PSA, a NLRB judge found that the company had broken the law and that its attitudes “disclose(d) a desire on its part to shore up the fortunes of a labor organization with whom it had achieved a comfortable relationship and whose status was being challenged by a potential rival.”<sup>62</sup> The NLRB also found that PSA representatives threatened workers that they would be fired if they continued to support the USWA and otherwise coerced USWA supporters.<sup>63</sup> The company gave the PSA tremendous latitude in its campaign efforts. PSA delegates spoke with Peggy Carpenter’s work group, but USWA supporters were not allowed to speak up. “I recall saying, ‘Well, you had a chance to speak, let me speak.’ And that was a no no.”<sup>64</sup> Robert Moore was still a PSA delegate at this point and voted for the PSA in the election. He remembers having free rein to walk the yard with his PSA buttons, armband and decals on his hard hat. After one of the frequent PSA campaign meetings with the company, Moore remembers that the PSA “gave us all a little piece of paper...with what you’d lose (with the union), that type of stuff. When you walked around and someone asked you a question you just more or less read it off to them.”<sup>65</sup>

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<sup>61</sup> “Shipyard Official Speaks: Text of D.T. Savas’ remarks,” *Daily Press*, September 28, 1977, 30.

<sup>62</sup> *Newport News Shipbuilding and Dry Dock Company and Peninsula Shipbuilders’ Association*, 233 NLRB no. 207, ALJ at 16-25 (1977) 20 as quoted in “Brief on behalf of the intervenor USWA,” Fourth Circuit Court of Appeals, No. 78-1900, *NNS v. NLRB and USWA*, p. 4, box LD – 254, USWA legal records.

<sup>63</sup> Willam C. Humphrey (NLRB Regional Director) to E.D. David (PSA), September 13, 1978, and “Notice to Members Posted by Order of the National Labor Relations Board,” folder 35, LD 989, USWA Legal files.

<sup>64</sup> Carpenter interview.

<sup>65</sup> Moore interview.

Though the shipyard leaned on the PSA to wage much of the front-line fight against the union, Tenneco also pulled workers into closed-door meetings to talk against the union. Danny Keefer remembers that supervisors would hold meetings “and they would be letting you know that if you go that way instead of keeping the PSA, things are going to be different here. Not to your best interest.”<sup>66</sup> Tenneco’s campaign was orchestrated by Seyfarth, Shaw, Fairweather & Geraldson, one of the largest management-side law firms in the nation. Seyfarth-Shaw joined the surge of growth among anti-union consultants and firms in 1970s and represented nearly 1600 clients by the end of the decade, including the lettuce growers (in their efforts to fight the United Farmworkers) and the Washington Post (in a bitter pressman strike). The firm was notorious for pioneering the tactic of forcing a strike in order to weaken or decertify a union.<sup>67</sup>

The larger African-American community was divided on the unionization issue, and local black leaders had a lot of potential sway. Newport News was a relatively small town of about one hundred fifty thousand people in 1978 and was about 30 percent African American.<sup>68</sup> These leaders’ opinions could make a real difference in how workers voted. After all, while black workers were more supportive of the USWA than were the white workers, many remained undecided. In past campaigns, the black

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<sup>66</sup> Lloyd McBride to President Carter; Danny Keefer, interview with the author, Newport News, VA, October 28, 2010.

<sup>67</sup> David Beckwith, “Seyfarth, Shaw in DC: Aggressive Labor Lawyers Absorb Dramatic Growth,” *Legal Times of Washington*, October 6, 1980, 32; National Organizing Coordinating Committee, AFL-CIO, *Report on Union Busters*, (RUB Sheet) , March 1979, Issue no. 2, and RUB Sheet, October, 1980, Issue no. 21, Box 11, Kistler papers, AFL-CIO archive; Logan, “The Union Avoidance Industry in the United States.”

<sup>68</sup> US Census Bureau, Section 1: Population, <http://www2.census.gov/prod2/statcomp/documents/1981-02.pdf>, Table No. 24, (accessed November 11, 2014.)

ministers' associations helped defeat the outside union and supported the PSA. In this effort, however, dueling black ministers' groups came down on either side of the issue. Carpenter remembers that much of the support in the black community for the corporation came from the middle class. "You've got to take into consideration probably they never worked in the plant and a lot of their people could have been management. They are not going to buck them."<sup>69</sup>

Reverend Martin Luther King, Sr. was scheduled to speak at a massive pro-union rally two days before the vote, but he cancelled after being urged to do so by some local black leaders who supported the PSA and the company. The USWA immediately dispatched a group of supporters and leaders to Atlanta to meet with King. He nevertheless bowed out, allegedly because of ill health, and sent his aide who urged a vote for the USWA.<sup>70</sup> More than twenty-five hundred workers came together at that rally in the Hampton Coliseum two days before the vote.<sup>71</sup> Harold Ford, Sr., a two-term African-American congressman from Tennessee referenced the controversy over King's absence in his speech of support, hinting at a generational difference within the civil rights movement. He said he wanted Tenneco "to know Dr. King is 78 and I'm 32 and those threats won't work."<sup>72</sup>

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<sup>69</sup> Carpenter interview.

<sup>70</sup> Cook, "Union Organizers Savvy Strategists," Elmer Chatak to Al Treherne on Newport News Shipbuilding Campaign – Rev. Dr. M.L. King Sr. Involvement," March 1, 1978, LD -989, File 35, USWA legal records; Yolanda Jones, "Health Blamed for King Absence," *Daily Press*, January 30, 1978; "Yard Tests Union Clout in South," *Times-Herald*, January 30, 1978, 9.

<sup>71</sup> "Faceless, Nameless Numbers' Became Real People When Shipyard Workers Voted at Newport News," *Steel Labor*, Feb. 1978, 8-9.

<sup>72</sup> Jones, "Health Blamed for King Absence."

Election Day was cold and clear. The voting started at 5:30 a.m. on January 31, 1978 and ended at 6:00 p.m. A total of 17, 210 workers voted, first lining up at fifteen polling places and then voting in booths before dropping their ballots in boxes. Sixty-five NLRB staff people oversaw the massive election, joined by official observers from the company, PSA, and USWA, including Jan Hooks.<sup>73</sup> As voting wrapped up, the PSA held an early victory party at its new million-dollar headquarters, complete with a dance band and catered food. The USWA supporters anxiously gathered at the Steamfitters' hall. At 10 p.m. the television news announced that PSA was ahead 55 to 45 percent in the vote count. Spirits sunk. At about midnight, a local photographer rushed into the Steamfitters' hall and asked why the mood was so glum. He announced that the USWA workers had just won, 9093 to 7548. Workers hoisted him to their shoulders and rushed him to the microphone where he made the official announcement as the room erupted in hugs and tears. At noon the next day, the USWA supporters hosted a victory march in the yard to celebrate their new union.<sup>74</sup>

Within five days of the January election, the company and PSA filed nearly identical objections to the election, arguing that the NLRB officials mishandled the elections. In May, the regional director of the NLRB recommended that the union be certified and that the objections be dismissed. Tenneco and the PSA demanded a review by the full NLRB in Washington, DC, which then also recommended certifying the

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<sup>73</sup> "Newport News: USWA Wins Election to Represent 19,000!," *Steel Labor*, Feb. 1978, Vol. 43, no. 2, 3.

<sup>74</sup> Helen Dewar, "A Major Victory for Big Labor in Virginia," *Washington Post*, February 2, 1978, "How the News of USWA's Biggest Election Win Came," *Steel Labor*, March 1978, Vol. 43, no. 3, 10.



USWA union.<sup>75</sup> “It is obvious that the election was not error free,” wrote the three-member panel. “However, in our judgment the free choice of these workers was not thwarted.” The panel members pointed out that the magnitude of such a sizeable election caused logistical problems but those were not sufficient to jeopardize the election.<sup>76</sup>

Tenneco followed by appealing the decision to the Fourth Circuit Court of Appeals. Newport News Shipbuilding’s president, Admiral Ralph Cousins, put a high-road spin on the company’s decision to drag out the process : “...we, unlike the NLRB, cannot accept election misconduct and irregularities in free elections...The principle of conducting unbiased elections is too precious to our nation and its democratic process to be casually put aside....”<sup>77</sup>

The USWA supporters, meanwhile, began to build their union even as their case wound its way through the courts. They held their first election of officers in late August, and elected an inter-racial group of eleven leaders from a field of sixty candidates.<sup>78</sup> “Even though the company didn’t recognize us we elected our officers. We set up and got ready to meet with the company,” remembers Peggy Carpenter, the local’s new financial secretary. In mid-November, they held another massive union meeting at the

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<sup>75</sup> “Chronology of Events Leading to Shipyard Strike,” *Times Herald*, January 31, 1979; McBride letter to President Carter.

<sup>76</sup> “NLRB Overrules Objections, Certifies Steelworkers in Newport News Shipbuilding Election,” NLRB press release, November 1, 1978, box LD-257, General, USWA legal files.

<sup>77</sup> Letter from Ralph W. Cousins to “Dear Fellow Employees,” November 10, 1978, Box LD-257, USWA legal files.

<sup>78</sup> “Newport News Finally Has Real Union as Shipyard Local Elects,” *Steel Labor*, September 1978, 5.

Hampton Coliseum in which 7500 workers stood together and were officially sworn in as members of Local 8888 of the USWA.<sup>79</sup>

### **Strike!**

Tenneco knew that it could buy time by appealing the NLRB's decision to the Fourth Circuit. Even NLRB officials admitted their process could take years.<sup>80</sup> Nearly a year had gone by since they had voted for their union in early 1978, and the Steelworkers' supporters grew impatient with the glacial pace of the nation's labor law. Newport News workers had a decision to make. Should they let their case lumber through the courts? Or did they have the strength to walk out? They would make their decision at the end of a year marked by massive strikes. During 1978, nearly 35,000 coal workers had struck in March, more than 300,000 railroad workers had walked out in July and 55,000 grocery clerks in Southern California started their strike in August.<sup>81</sup>

“We won count-wise, we had won every court case,” remembers Hooks. “You get to the point where you have had all you are going to take and the hell with them. The only thing that a working person has to withhold is their work.”<sup>82</sup> More than seventy-five hundred workers gathered in December 1978 and voted to authorize a strike at any time. At that rally, Undersecretary of Labor Robert Brown called the Tenneco situation “a classic case for labor law reform” and promised the Labor Department would do what it

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<sup>79</sup> “7500 Tell it As it Is to Lawbreaking Tenneco Bosses,” *Steel Labor*, January, 1979, 16.

<sup>80</sup> Ernie Gates, “Yard Appeal Leaves Workers Without Pact,” *Daily Press*, November 3, 1978.

<sup>81</sup> Bureau of Labor Statistics, *Analysis of Work Stoppages, 1978*, Bulletin 2092, table 5.

<sup>82</sup> Hooks interview.

could to bring labor peace. Meanwhile, U.S. Labor Secretary Ray Marshall asked the union and company to meet in his offices to discuss the issues at hand. Forty-three newly-elected bargaining committee members travelled to Washington, DC for the meeting, but the company refused to participate.<sup>83</sup> “A meeting with the Secretary of Labor will not resolve the legal questions surrounding our objections,” argued Newport News’ vice president for corporate relations to the USWA. “Since our differences are in litigation, we see no purpose in attending your meeting...”<sup>84</sup> “The company “obviously felt they had a strong hand to play in court...they knew the longer the strike lasted the weaker the union’s position would become,” remembered Marshall.<sup>85</sup>

The workers began their strike on January 31, 1979, one year to the day after they voted for their union. They carefully organized the picket lines with twenty-one stations within a two and a half mile radius and used CB radios to communicate. The governor of Virginia sent in over a hundred state troopers to monitor the picket lines and bolster the city police. The company, meanwhile, armed security guards with .38 pistols, mounted a water cannon on the gates, and gave its guards SWAT team training.<sup>86</sup>

The second day of the strike became chaotic. State and local police moved in on the pickets with police dogs, one of which attacked Betty Johnson, a USWA picketer. At one gate there were twenty state and local police in riot gear with four dogs to control

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<sup>83</sup> “7500 Tell it As it Is to Lawbreaking Tenneco Bosses, *Steel Labor*, January, 1979, 16; Mike Schaffer and Bill Sizemore, “Yard dispute reaches Cabinet Level,” *Times-Herald*, December 29, 1978, A1.

<sup>84</sup> D.T. Savas to Bruce Thraser, December 13, 1978, LD-257, USWA legal files.

<sup>85</sup> Marshall interview.

<sup>86</sup> Ernie Gates, “Federal Mediators Fail to Avert Yard Strike,” *Daily Press*, January 30, 1979, A1; Newport News Shipbuilding Strike Bulletin, No. 1, February 5, 1979, (Newport, News: United Steelworkers of America, 1979) found in Historical Collection / Labor Archives, Serials, Special Collections, Penn State University, State College, PA.

seventy-five pickets. When the police refused to allow the picket line to cross the plant's driveway at the Sixty-Eight Street gate, Wayne Crosby, Local 8888's president, put on a placard and boldly walked across the drive. He was promptly arrested for violating the state's right to work law.<sup>87</sup> Meanwhile, one picketer used a knife to threaten workers crossing the picket line until another picketer told him to stop. One man drove through the line in his car with a motorcycle helmet on his head. Another calmly strolled through with his hands in his pockets.<sup>88</sup> More arrests followed in the next few weeks. Strikers began scattering jack rocks (or welded-together nails) around the shipyard gates to flatten the tires of workers attempting to go to work. They disguised the nails by painting them white when it snowed. Strikers also used six speedboats to set up a floating picket outside the James River docks in order to deter deliveries, dubbing themselves the "Steelworkers Navy."<sup>89</sup>

Much of the workforce, community, and even families were split over the strike. Rickie Pike remembers, "Out of my whole family, I was the only one who didn't cross the picket line...I was very much the outcast of the family." His father and uncle both crossed the line. Pike's daughter was born during the strike and he remembers that because of the tension in the family, his relatives did not visit the hospital to welcome the

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<sup>87</sup> According to the Virginia Right to Work Law, enacted in 1947 and revised in 1970, Article 3, Section 40.1-66, workers on strike were in violation of the law if they tried to prevent other workers from going to work.

<sup>88</sup> Terry Carter and David Nicholson, "Crosby Arrested at North Yard," *Times-Herald* (Newport News, VA), February 1, 1979, 3; "4 Steelworkers arrested in picket line dispute," *Times-Herald* (Newport News, VA), February 1, 1979, A1; David Nicholson and Mathew Faust, "8 Pickets Arrested Friday, including husband and wife," *Times-Herald* (Newport News, VA), February 3, 1979, 4.

<sup>89</sup> Kerney, "Strikers at Newport News Urged to Return to Work," *Washington Post*, April 12, 1979; *Newport News Shipbuilding and Dry Dock Company, v. National Labor Relations Board and United Steelworkers of America*, 738 F.2d 1404, (United States Court of Appeals, 4<sup>th</sup> Cir, 1984); and *Newport News Shipbuilding Strike Bulletin*, Feb. 19, 1979, no. 3, 4, USWA archive.

new baby.<sup>90</sup> The local newspapers were dead set against the strike, and opponents of the strike emphasized its economic impact. Tenneco “saved our economy on the Peninsula and created over 10,000 new jobs...and now all of a sudden people say they are no good,” argued one worker in a letter to the editor. Yet another striker’s letter protested the police’s actions against picketers, and made clear that these were far from the “last days” of his working class identification: “The officials responsible for this are poor people haters. They want to see the poor working people walked on by Tenneco or any other big company.”<sup>91</sup> The USWA held a massive march of support on March 2, bringing in union members and other supporters from around the country. More than four thousand people marched through the streets of Newport News, chanting “Eighty-eight! Close the gate!”<sup>92</sup>

In the early weeks of the strike Local 8888 had been able to squeeze Tenneco. Though the company claimed that sixty percent of the workforce was reporting to work by mid-February, a local newspaper reported that the figure was closer to twenty percent.<sup>93</sup> The USWA began sending weekly benefits to the striking workers. The union got the power company to grant extensions on electric bills, and worked out similar arrangements with local banks, finance companies and landlords.<sup>94</sup> The workers set up

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<sup>90</sup> Rickie Pike, telephone interview with Lane Windham, October 14, 2010.

<sup>91</sup> “Potential for Chaos,” *Newport News Times-Herald*, November 20, 1978; Lou Gioia, “Worker Claims PSA Still the Better Way,” *Daily Press*, November 18, 1979; “Jacob C. Vance St Says Police Violate Rights,” *Times-Herald*, February 20, 1979.

<sup>92</sup> “part of a proud union...making it more proud,” *Steel Labor*, March 1979, 16. The workers’ “88 Close the Gate” slogan was a reference to their local union’s number, 8888.

<sup>93</sup> “High Stakes for Labor in a Shipyard Strike,” *Business Week*, February 26, 1979, 49.

<sup>94</sup> *Newport News Shipbuilding Strike Bulletin*, February 26, 1979, no. 4.

free child care services so parents of young children could more easily join the picket lines.<sup>95</sup> Nevertheless as the strike wore on into weeks and then months, it became much more difficult for the members of Local 8888 to hold the line. The company began advertising for workers to replace strikers.<sup>96</sup> The union claimed that the company illegally interrogated and harassed workers, and offered them financial incentives to cross the line. The company settled the case by posting a NLRB notice, though it refused to admit fault.<sup>97</sup> By mid-April, even the union admitted that half the workers were reporting to work, while the company put the figure at three-quarters.<sup>98</sup>

The USWA, meanwhile, was under myriad pressures to end the strike. U.S. Labor Department director Marshall had been against the strike from the start, urging USWA president Lloyd McBride to wait to strike until the company's appeal was heard by the Fourth Circuit.<sup>99</sup> The strike was expensive since the USWA headquarters not only provided strike benefits - - as much as \$3 million - - but also funded a massive support system.<sup>100</sup> For instance, the legal support was larger than anything the USWA had undertaken in twenty years, and at least fourteen lawyers were working nearly full-time

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<sup>95</sup> *Newport News Shipbuilding Strike Bulletin*, Feb. 19, 1979, no. 3, 4.

<sup>96</sup> Ad by Newport News Shipbuilding and Dry Dock Company from *Daily Press*, March 28, 1979, USWA legal records.

<sup>97</sup> Settlement Agreement, Case 5-CA-10616, Newport News Shipbuilding & Dry Dock Company, January 29, 1980 and "Notice to Employees," LD 258, USWA Legal files.

<sup>98</sup> Kerney, "Strikers at Newport News Urged to Return to Work."

<sup>99</sup> A 'Make or Break' Strike in the South, *US News and World Report*, February 12, 1979, 84.

<sup>100</sup> Kerney, "Strikers at Newport News Urged to Return to Work."

on various aspects of the case.<sup>101</sup> By the end of March, two months into the strike, McBride admitted that it had been a “tactical blunder” to paint the strike as a major breakthrough.<sup>102</sup> He began to put pressure on the district director, Bruce Thrasher, and the local staff running the effort to end the strike.<sup>103</sup> On April 13, six thousand workers once again packed the Hampton Coliseum and voted to suspend the strike in a week and to wait out the board process. The decision was hotly debated, and many strikers did not want to return. These dissidents won one concession - they demanded that the company not call their offer to return to work “unconditional.” The company agreed, and workers were scheduled to return to work on April 23.<sup>104</sup>

### **Bloody Monday**

Though the picket line was officially ended on Sunday night, and workers were scheduled to return to work a week later, many strikers turned out on the gates Monday morning, April 16. They were angry they had lost, and they did not want to go back to work. In a kind of wildcat action, workers began marching through the parking lots and through the town to the PSA headquarters, throwing rocks and breaking windows. “They did some damage. Rocks, bottles, anything we could get, we busted windows and everything. But we never touched anybody. We never hurt anybody,” remembers Jan

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<sup>101</sup> Frankel interview and undated memo by Carl Frankel with notes for speech to AFL-CIO Legal Services Meeting, LD-990, USWA legal records.

<sup>102</sup> Kerney, “Strikers at Newport News Urged to Return to Work.”

<sup>103</sup> Frankel interview.

<sup>104</sup> “Eyewitness from Newport News,” *Steel Labor*, May 1979, 3; *Newport News Shipbuilding Strike Bulletin*, April 16, 1979, no. 11.

Hooks, who contrasted the strikers' property damage to the personal violence they suffered at the hands of the police.<sup>105</sup>

A confrontation erupted when crowd of strikers locked arms and sang "We shall not be moved" while blocking a number of workers attempting to go to work.<sup>106</sup> The city and state police reacted in a massive show of force to quell the strikers, gathering on Washington Avenue in full riot gear. They looked like a wall of black armor to one young striker.<sup>107</sup> Jan Hooks stood in a local storefront watching the police form a phalanx with their batons ahead of them and rush up Washington Avenue through the masses of strikers. "They started running, they started hitting, shoving, pushing... They shoved me, started beating me across the back and kidneys with a baton, there was three of them."<sup>108</sup> The police beat and arrested strikers and bystanders indiscriminately. Four police, including the deputy chief of police, beat one lone striker with batons as another dozen officers and police dogs surrounded them.<sup>109</sup> Other police knocked one local reporter to the ground. They rushed the union hall, forcing one striker through the front plate glass window. The officers caught Bill Bowser, one of the local union officers, at the foot of the stairs where they beat him and then broke his leg as he lay unconscious on

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<sup>105</sup> Hooks interview.

<sup>106</sup> *Newport News Shipbuilding and Dry Dock Company, Petitioner, v. National Labor Relations Board, Respondent and United Steelworkers of America, Intervenor*, 738 F.2d 1404 (4th Cir. 1984.)

<sup>107</sup> Glass interview.

<sup>108</sup> Hooks interview.

<sup>109</sup> Photo by Bruce Colwell, *Virginian Pilot*, as shown in *Steel Labor*, May, 1979, 3.



the floor.<sup>110</sup> Cynthia Boyd-Williams was inside the union hall working on the financial books and watched in astonishment as union members began throwing furniture down the stairwell to block the police from coming up.<sup>111</sup> The local deputy chief reportedly told officers on duty to “make sure you add charges of breach of the peace and resisting arrest on everyone who went to the hospital to cover our asses.”<sup>112</sup>

What later became known as “Bloody Monday” did not turn the tide, however. A week later, the strikers went back to work as planned and suspended their eighty-two-day strike. Hooks remembers “I cried every step of the way.”<sup>113</sup>

### **Squeezing through Labor’s Door**

If the workers’ strike had taken place a decade later, the story of their union probably would have ended there. Though the labor movement had lost its 1978 effort to strengthen labor law, in 1979 the NLRB still had a Democratic majority appointed under Carter and, unlike the Reagan and Bush boards, did give real weight to its mission to protect workers’ freedom to form unions.<sup>114</sup> Even though the wheels of justice were frustratingly slow and employers mucked up their gears at every chance, the workers still had a chance to win in the courts.

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<sup>110</sup> “Police Unleash Vicious, Unprovoked Attack,” *Newport News Shipbuilding Strike Bulletin*, April 23, 1979, no. 12; Cynthia Boyd-Williams interview with the author, Newport News, VA, October 28, 2010; “Police Run Amok, Attack Strike Headquarters,” *Steel Labor*, May, 1979, 3.

<sup>111</sup> Boyd-Williams interview.

<sup>112</sup> Mathew Paust, “2 Acquitted of Charges in Yard Strike,” *The Times-Herald*, January 12, 1980.

<sup>113</sup> “Strike Suspended; NLRB Decision Awaited,” *Newport News Shipbuilding Strike Bulletin*, April 30, 1979, No. 13; Hooks interview.

<sup>114</sup> Gross, *Broken Promise*, 242-246.

During the strike, the Fourth Circuit Court of Appeals judge had decided that at least one of the company's and PSA's charges had possible merit. The Fourth Circuit sent the case back to the NLRB and ordered it to hold a hearing into whether the election could have been fraudulent.<sup>115</sup> The new NLRB hearing began in mid-March and revolved around the allegation that the NLRB officers' conduct left open the possibility that there could have been chain voting, an election fraud scheme in which voters bring blank ballots outside the voting area to be marked by a campaigner, and the ballot is returned secretly via another voter. Though no one ever testified that such chain voting took place, the shipyard brought in witnesses who testified that they had seen blank and torn ballots floating around the polling places. The hearings spanned three weeks, including about 90 witnesses.<sup>116</sup> On May 2, the NLRB's administration law judge upheld the workers' victory. The company appealed the decision to the Fourth Circuit Court of Appeals, which heard oral arguments before considering the case yet again.<sup>117</sup>

Meanwhile, the Newport News workers continued building their union. They were not deterred by the endless court delays, the defeat of labor law reform or the fact that the economic crisis was deepening for working people by the late 1970s. They expanded their organizing committee to 900 members and had 530 temporary stewards wearing buttons in the yard. The workers also held new officer elections, and thousands voted in the elections using special balloting machines. They elected Coppedge president

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<sup>115</sup> Ernie Gates, "Court Takes Middle Ground in Shipyard Election Appeal," *Daily Press*, March 3, 1979; Frankel interview.

<sup>116</sup> Ernie Gates, "Torn Blank Ballots Found, NLRB Hearing Judge Told," *Daily Press*, March 29, 1979, A3; Frankel interview; Carl Frankel personal notes, January 28, 1980, Speech File, LD-257, USWA legal records.

<sup>117</sup> "A Chronology of Events that Led from Courtroom to Bargaining," *Steel Labor*, April, 1980, 10.

of Local 8888 and chose a majority of African-Americans to serve as the local's elected leadership.<sup>118</sup>

Finally, on October 11, 1979, the Fourth Circuit Court of Appeals upheld the NLRB's decision that the Newport News workers had fairly chosen the USWA as their bargaining representatives. The company had faced continual pressure behind the scenes from the Department of Labor. "They depended on government contracts and the government was not favorable to them," remembered Marshall. "That was what, I think, finally caused them to cave in."<sup>119</sup> The company chose not to appeal any further. It had taken twenty-one months and four legal rulings, but Jan Hooks, Edward Coppedge and their co-workers had finally squeezed through labor's door and won their USWA collective bargaining rights. That night three thousand people packed the Hampton Coliseum yet again as the organizing team and lawyers received a standing ovation.

### **The Contract and Beyond**

Negotiations began in early November 1979 at the local Holiday Inn. Key issues included pensions, guaranteed raises, and health and safety. Twenty-six workers were elected to the bargaining committee, and among their ranks were three of the four men who had first reached out to the USWA.<sup>120</sup> The workers' union and the company finally

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<sup>118</sup> "News Update for Tenneco Shipyard Workers from the USWA," No. 10, September 27, 1979, LD-257, USWA legal records.

<sup>119</sup> Marshall interview with the author.

<sup>120</sup> "Newport News Negotiators Report Progress in Shipyard Talks," *Steel Labor*, January, 1980, 6; *Newport News Shipbuilding and Dry Dock Company and United Steelworkers of America Local 8888, Collective Bargaining Agreement for the Term March 31, 1980 Through Midnight October 31, 1983*,

reached agreement in late March, 1980. “We went from one of the lowest paid shipbuilders in the industry to the highest-paid, and better benefits,” remembers Coppedge.<sup>121</sup> Pay rates for a first-class mechanic, for instance, went up from \$6.90 to \$9.15 during the three-year contract, and by 1985 were up to \$11.50.<sup>122</sup> The workers had long been frustrated by the ability of supervisors to determine the rate at which they could progress up through the wage scales. The USWA contract ensured that wage progress was based solely on years served, thus finally cementing a level of economic security that had eluded workers after the EEOC’s conciliation agreements. Now everyone could get the regular raises as long as they worked there long enough.<sup>123</sup> The workers and company signed their agreement on March 31 with a big yellow pen in front of an audience of television cameras and reporters.<sup>124</sup> A subsequent agreement in 1983 lifted wages and benefits even higher, substantially strengthening the workers’ pension plan and eliminating the hospitalization co-pay, for example.<sup>125</sup>

The members of Local 8888 used their new union contract as a base to build an organization that fought for a progressive agenda and nurtured a culture of activism. The PSA had not involved workers in decisions about politics, and actually endorsed the Republican Jon Dalton for governor of Virginia in 1977 despite the fact that he was a

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2971/14, Special Collections and Archives, Southern Labor Archives, Georgia State University Library, Atlanta, GA.

<sup>121</sup> Coppedge interview, October, 2010.

<sup>122</sup> *Newport News Shipbuilding and Dry Dock Company and United Steelworkers of America Local 8888, Collective Bargaining Agreement for the Term March 31, 1980 Through Midnight October 31, 1983, appendix D; Local 8888: Proud with a Purpose,*” 6.

<sup>123</sup> Coppedge interview, March, 2011.

<sup>124</sup> Eric Herst, “Labor Confrontation Ends as Yard, Union Sign Pact,” *Daily Press*, April 1, 1980; USWA, “Eighty-Eight Close the Gate” video.

<sup>125</sup> “Local 8888: Proud with a Purpose,” 6-7.

strong supporter of the state's right-to-work laws.<sup>126</sup> In their new USWA local, workers who were part of an active political action committee quizzed dozens of candidates before issuing an endorsement.<sup>127</sup> They lobbied at the state capitol for improved laws on unemployment compensation and sat on statewide committees on job training.<sup>128</sup> Newport News workers often had not been engaged in wider political dialogue before they became active with the USWA. Hooks remembers that before she joined the USWA, she had never even voted. After joining, she traveled to Washington, DC for numerous rallies, helped get her co-workers to vote, and organized workers in unorganized workplaces. She remembers that more men than women marched alongside her at an ERA rally in Richmond.<sup>129</sup> As a white, Southern working-class woman, Hooks was a natural candidate for the "Wal-Mart constituency" whom one scholar finds helped to usher in an era of Christian free enterprise. Hooks, however, was involved in a union that emphasized member education and political activism and so had a very different political outlook.<sup>130</sup>

The new local beat back a decertification attempt by the PSA in 1983, solidly trumping the independent union by a vote of 13,591 to 2,535.<sup>131</sup> Democracy remained alive and well in the new union which itself became the terrain for progressive action.

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<sup>126</sup> "Legislative Committee Endorses John Dalton," *PSA Shipbuilder*, Vol. 20, No. 11, November 1977, Box 2 of 2, Al Treherne's files, USWA legal files.

<sup>127</sup> Moore interview.

<sup>128</sup> "Political Action," *The Voyager: USWA Local 8888*, February, 1983, Vol. 3 no. 2, page 4, in author's possession.

<sup>129</sup> Hooks interview.

<sup>130</sup> Moreton, *To Serve God and Wal-Mart*, 4-5.

<sup>131</sup> "USWA Hails Victory at Newport News Shipyard," USWA Press Release, October 28, 1983, Box 2, Treherne files, USWA legal records.

For example, Local 8888 initially had a tradition of having only men in the top positions, including as trustee, a top leadership office in the local union. “That just gave me all the drive and determination in the world because we just left a union that wouldn’t let us do what we felt like we wanted to do. I wasn’t going to have that,” recalls Cynthia Boyd-Williams.<sup>132</sup> She threw her hat in the ring in 1983 and was elected the first woman trustee.

The new USWA Local 8888 activists continued to weave together civil and labor rights, using their collective labor institution as a base from which to monitor and even expand the rights of African Americans and women at the shipyard. For instance, the union was a plaintiff in a key Supreme Court test case expanding legal coverage for pregnancy. When the shipyard insisted on offering only \$500 in maternity benefits to workers’ wives, while offering full benefits for other spousal medical issues, a male employee filed a complaint with the EEOC under the Pregnancy Discrimination Act of 1978. He argued his wife should get full benefits. The union soon followed up with its own charge on behalf of six other male union members whose spouses wanted full maternity coverage. The combined charges led to an historic 1983 Supreme Court decision in which the Court used the new pregnancy discrimination law to overrule its earlier decision that pregnancy could be treated as a special case in employment issues. The Court now required employers who provided medical expenses for employees’ spouses to offer everyone equal coverage, including maternity costs, and the case set an

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<sup>132</sup> Boyd-Williams interview.

important precedent for ending discrimination against pregnancy.<sup>133</sup> In many ways Local 8888 became an organization of the “long civil rights movement,” one that fought for economic gains even as it pursued an agenda of civil equality and justice.<sup>134</sup>

Local 8888 also became part of a wider organizing tradition. The workers joined in organizing efforts, reaching out to workers throughout the South who did not already have a union. For example, Rickie Pike later volunteered as an organizer on a campaign among US Airways workers in Charlotte, as did Jan Hooks who helped Smithfield packing workers win a union with the United Food and Commercial Workers.<sup>135</sup> Most of the local’s leaders volunteered in organizing at some point. Such a commitment to organizing allows us to interrogate scholars’ assertions that under the post-WWII social compact, workers became satisfied with their share of the pie and did not reach out to expand the benefits more broadly.<sup>136</sup> In fact, after winning their own union, the USWA Local 8888 members worked to expand the WWII social compact beyond their base by trying to usher more workers through labor’s doors.

## The Challenge

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<sup>133</sup> “Big Test Nears on Benefits for Pregnancy,” *Wall Street Journal*, January 3, 1983, 25; “Court Expands Pregnancy Law,” *Los Angeles Times*, June 21, 1983, SD1; Equal Employment Opportunity Charge filed by Arnol Manning, USWA representative, October 19, 1979, in the author’s possession; *Newport News Shipbuilding Co. v. EEOC* 462 U.S. 669 (1983); Debra Rowland, *The Boundaries of Her Body: The Troubling History of Women’s Rights in America* (Naperville, IL: Sphinx Publishing, 2004), 162-166; (The referenced earlier Supreme Court case that was overruled was *General Electric Co. v. Gilbert*, 429 U.S. 125 (1976)): Leslie Friedman Goldstein, *The Constitutional Rights of Women: Cases in Law and Social Change*, Second edition (Madison: The University of Wisconsin Press, 1989) 488.

<sup>134</sup> Hall, “The Long Civil Rights Movement and the Political Uses of the Past,” 1233-63.

<sup>135</sup> Pike and Hooks interviews.

<sup>136</sup> Lichtenstein, *State of the Union*; Lichtenstein, *The Most Dangerous Man in Detroit*; Fraser, “The ‘Labor Question’.”

The Newport News shipyard workers' victory reminds us of the breadth of working people's resistance in the 1970s. Their organizing drive warrants historical attention for its sheer size. It was the largest NLRB election in the 1970s, the largest ever in the South, and the largest in the history of the USWA.<sup>137</sup> More workers were involved in Newport News than in the PATCO strike or in the JP Stevens organizing campaigns, for example.<sup>138</sup> However, Newport News was not some quirky outlier. Workers were challenging employers all across the nation until the end of the 1970s demanding a more equitable distribution of wealth and a real shot at long-term security.<sup>139</sup>

If Newport News workers found success when they went knocking on labor's door, why did so many others fail? Workers had routinely won more than seventy percent of union elections in the 1950s and more than 60 percent in the 1960s. By the end of the 1970s, they were winning only 48 percent, largely because corporations pushed back and broke labor law at an entirely new level.<sup>140</sup> As discussed in chapter three of this dissertation, industrial employers even became more likely than those in other sectors to break labor law and to capitalize on workers' job insecurities, threatening to move overseas if workers unionized. Meanwhile, the federal government did not prioritize national or global policy that would support domestic industry and encourage

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<sup>137</sup> AFL-CIO, *List of Large NLRB Elections, 1961 to 2010*. According to the AFL-CIO records, there was not another NLRB election as large as the Newport News election again until 2010 when the Service Employees International Union won a decertification election against an independent union in California. Steelworker figure from "Resolution Number 11: Organizing," *Proceedings, 19<sup>th</sup> Constitutional Convention, United Steelworkers of America, September 18-22, 1978, Atlantic City*, 113.

<sup>138</sup> The J.P. Stevens vote in 1974 was among 3000 workers according to Conway, *Rise Gonna Rise*, 2, and PATCO involved 11,352 workers according to Joseph McCartin, "'Fire the Hell out of Them,'" 92.

<sup>139</sup> See chapter two of this dissertation for more information on these organizing campaigns.

<sup>140</sup> Goldfield, *The Decline of Organized Labor*, 90-91, table 11. See chapter three of this dissertation for more description of the strategies and tactics used by employers to block workers' organizing efforts.



corporations to keep jobs in the U.S.<sup>141</sup> Yet Jan Hooks and her co-workers had special leverage not available to other industrial workers. Newport News was the only Navy yard that could build and refurbish nuclear aircraft carriers and Navy ships, by law, had to be built in the United States. While Newport News workers faced fierce employer resistance as they organized and struck, these workers were less subject to competitive forces from the changing global economy than other U.S. workers. They had more room in which to fight back. The events at Newport News allow us to see what might have happened if the nation had developed a coherent industrial and trade policy that anchored jobs in the US, undercutting employers' threats to move shop.

We turn now to a group of Southern industrial workers whose story is similar to that of the Newport News workers, but who received no such protection from the storms of globalization. The Cannon Mills textile mill workers in Kannapolis, North Carolina also built on momentum from the Civil Rights movement to build a new union, finding new energy among the young, African-American workers who won access to textile jobs through the Civil Rights Act. Unlike Newport News shipyard workers who made a product protected from foreign trade, Cannon Mills workers saw their employer use their new insecurities within globalization as an anti-union device. By the late 1970s and early 1980s, the Cannon Mills workers' defeat became far more typical than Jan Hooks' and the Newport News workers' union organizing success.

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<sup>141</sup> Stein, *Pivotal Decade*, xi-xii; Stein, *Running Steel, Running America*, 197-271; Harrison and Bluestone, *The Great U-Turn*, 21-52. See chapters three and five of this dissertation for more discussion of manufacturing employers deepening their resistance to unions.

## *Chapter Five*

### **The Cannon Mills Case:**

#### **Out of the Southern Frying Pan, Into the Global Fire**

No one was more surprised than the union when Cannon Mills textile workers very nearly voted for it in a 1974 National Labor Relations Board (NLRB) election. One sole union organizer, Robert Freeman, launched the campaign to organize the company's 16,000 workers with the Textile Workers Union of America (TWUA). It was the first such union election ever held at the anti-union behemoth in Kannapolis, North Carolina and the largest election ever held in the U.S. textile industry.<sup>1</sup> African-American workers were at the forefront of this surprising labor groundswell. Textile employers had long refused to hire black men for any but the most dusty and dirty textile jobs, and they had declined to hire black women altogether.<sup>2</sup> When African-American workers at Cannon Mills finally gained full access to textile jobs and unions under Title VII of the Civil Rights Act of 1964, they went on to support a union in order to shore up their newfound economic security with a collective bargaining agreement. Many analysts predicted that as more African-Americans and young workers entered the South's textile mills they would bring unions in with them.<sup>3</sup> Many were thus shocked in 1985 - - after

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<sup>1</sup> Richard L. Rowan and Robert E. Barr, *Employee Relations Trends and Practices in the Textile Industry* (Philadelphia, Pa.: Industrial Research Unit, Wharton School, University of Pennsylvania, 1987) 82-83.

<sup>2</sup> Minchin, *Hiring the Black Worker*; MacLean, *Freedom is Not Enough*, 76-90; Frederickson, *Looking South*, 137-179; Jacquelyn Dowd Hall et al, *Like a Family: The Making of a Southern Cotton Mill World* (Chapel Hill: University of North Carolina Press, 1987) 66-67; Wright, *Sharing the Prize*, 107-114.

<sup>3</sup> See, for instance, the editorial "Cannon's Vote: A Signal to the Industry," *Charlotte Observer*, November 22, 1974 and Lloyd Little, "Reasons Behind Cannon Mills Union Defeat Examined," *The Carolina Financial Times*, December 2, 1974, found in Folder 1737, Box 145, John Harden papers, The Southern

an even more diversified Cannon workforce again asked the government to hold a union election - - when the company soundly defeated the union by a clear margin of two to one.<sup>4</sup>

What accounted for the downturn in Cannon Mills workers' support for the union between 1974 and 1985, especially after so many had predicted the union's eventual success? Grappling with this question, I argue, allows us to test and complicate scholarly narratives about U.S. labor's steep decline in the late twentieth century and highlights increased employer resistance to union organizing as one of the most enervating factors. Standard historical explanations for unions' decline hold that unions stopped reaching out to workers, and workers turned away from unions. This happened in the 1970s just as globalization and technology ushered in a service and retail-focused economy. Scholars assert that the "rights consciousness" of the civil and women's rights movements conflicted with collective solutions, like those of labor unions.<sup>5</sup>

Yet we will see in the Cannon Mills case that unions were still actively organizing, many Southern textile workers did want unions, and the Civil Rights

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Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill (hereafter John Harden papers).

<sup>4</sup> For more on scholarship on unionization in Southern textiles see Robert H. Zieger, "Textile Workers and Historians," in *Organized Labor in the Twentieth-Century South*, ed. Robert H. Zieger, (Knoxville, TN: The University of Tennessee Press, 1991).

<sup>5</sup> On union decrease in organizing see Cowie, *Stayin' Alive*; Moody, *An Injury to All*; Davis, *Prisoners of the American Dream*; Geoghegan, *Which Side Are You On?*; Troy, "Twilight for Organized Labor," 60. On worker disinterest in unions, see Seymour Lipset and Ivan Katchanovski, "The Future of Private Sector Unions in the U.S.," in *The Future of Private Sector Unionism in the United States*, eds. Bennett and Kaufman, 20-25. On the impact of globalization on workers, see Hobsbawm, *Age of Extremes*; Judt, *Postwar*; Harvey, *A Brief History of Neoliberalism*. On the impact of the rise of the retail and service industries see Nelson Lichtenstein, *The Retail Revolution: How Wal-Mart Created a Brave New World of Business* (New York: Metropolitan Books, 2009); Jane Lou Collins, *Threads: Gender, Labor, and Power in the Global Apparel Industry* (Chicago: University of Chicago Press, 2003). On the individuality of rights consciousness eclipsing New Deal communitarian values see Lichtenstein, *State of the Union*.

movement boosted - - not weakened - - their collective organizing momentum. At Cannon Mills, in fact, a newly-diversified workforce had nearly organized itself out of the Southern frying pan of paternalism and racism in 1974, buoyed by gains from the Civil Rights movement. Then, in the 1985 NLRB election, they found themselves hurled into the global fire by Cannon's threats - that a union would make their jobs even more vulnerable to imports. The Cannon Mills case complicates scholarship which paints globalization as a neutral, inevitable force undermining workers' unions, and instead illustrates how U.S. manufacturing employers used globalization as a weapon against a reshaped working class as it tried to organize unions.<sup>6</sup> The Cannon Mills case also reveals a previously unseen path by which the retail sector overcame manufacturing in a globalizing economy. Cannon Mills made these threats to its workers even as the company successfully lobbied alongside the textile union for import limits as a part of a long-standing joint labor-management alliance. When such U.S. textile companies resisted the efforts of textile workers to form unions, they weakened their own partner in their campaign against the ascendant retail industry's push for free trade policies.

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<sup>6</sup> This interpretation builds from literature on globalization which seeks to identify its economic and political agents. See for example Joseph Stiglitz, *Globalization and its Discontents* (New York: W.W. Norton, 2002); Saskia Sassen, *The Mobility of Labor and Capital: A Study in International Investment and Labor Flow* (Cambridge [England]: Cambridge University Press, 1988); Ellen Israel Rosen, *Making Sweatshops: The Globalization of the U.S. Apparel Industry* (Berkeley: University of California Press, 2002); William Greider, *One World, Ready or Not: The Manic Logic of Global Capitalism* (New York: Simon and Schuster, 1997); Susan A. Aaronson, *Taking Trade to the Streets: The Lost History of Public Efforts to Shape Globalization* (Ann Arbor: University of Michigan Press, 2001).

### **Cannon Mills, Unions, and Civil Rights**

Textile manufacturing was by far the South's largest industry and was also a key national industry in 1974, the year of the first union election at Cannon Mills. Though textile mill employment in the U.S. began to weaken in the 1950s, the industry enjoyed a revival by the late 1960s, in part because of Vietnam-war era government contracts. In the decade before 1974, the number of textile mill employees in the U.S. rose fourteen percent to over a million workers.<sup>7</sup> One in eight manufacturing workers was either a textile or apparel worker, an employment level on par with auto or steel.<sup>8</sup> The industry would soon face tremendous global pressures. U.S. textile industry's workforce shrunk by 27 percent between 1974 and 1985, the years of the Cannon elections, hemorrhaging nearly 300,000 jobs as textile imports soared. Over the ensuing decades, globalization and technological change roiled the industry not only in the U.S., but around the world.<sup>9</sup>

Yet in the early 1970s, Cannon Mills was still going strong, producing half the nation's towels and a fifth of its sheets.<sup>10</sup> The Cannon family founded the textile mill town, Kannapolis - - which was just north of Charlotte, North Carolina - - in 1907. It

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<sup>7</sup> Wright, *Sharing the Prize*, 113-114; Minchin, *Empty Mills*, 4; Bureau of Labor Statistics, *Handbook of Labor Statistics*, Bulletin 2217, Table 66 (Washington, DC: Department of Labor, 1995). In 1963 there were 885,400 textile mill product employees compared to 1,009,800 in 1973.

<sup>8</sup> Minchin, *Hiring the Black Worker*, 9; Lauren A. Murray, "Unraveling Employment Trends in Textiles and Apparel," *Monthly Labor Review*, August, 1995, 62-71; Rowan and Barr, *Employee Relations Trends and Practices in the Textile Industry*, 11. Murray Finley Remarks, transcript of press conference at AFL-CIO headquarters in Washington, D.C., October 31, 1977, Box 85, RG1-038, Office of the President records, AFL-CIO archive.

<sup>9</sup> In 1974 there were 965,000 total employees in the textile mill industry, according to BLS, *Handbook of Labor Statistics*, 1995, Table 66, and in 1985 there were an average of 702,000 total employees in the textile mill industry, according to Susan E. Shank and Patricia M. Getz, "Employment and Unemployment: Developments in 1985," Table 2, *Monthly Labor Review*, February 1986, 6. For more on changes in textile and apparel see Collins, *Threads*; Gary Gereffi and Miguel Korzeniewicz, *Commodity Chains and Global Capitalism* (Westport, CT: Greenwood Press, 1994); Edna Bonacich, *Global Production: The Apparel Industry in the Pacific Rim* (Philadelphia: Temple University Press, 1994); Minchin, *Empty Mills*.

<sup>10</sup> "The Passing of Mr. Charlie," *Forbes*, July 15, 1972.

remained a true company town for 77 years, incorporating only in 1984. Cannon Mills literally owned the land that sat under the churches, schools, post office, and courts, and owned many of the workers' homes, lined up in rows and nearly all painted white. The plant complex was the center of town and at 5.9 million square feet it was larger than the Pentagon.<sup>11</sup> The Kannapolis facility was the largest of the company's seventeen manufacturing plants in North and South Carolina.<sup>12</sup> Though Charles Cannon died in 1971, workers still felt his paternalistic influence by the time of the union drive in 1974. Cannon Mills still paid to have the Kannapolis workers' garbage picked up, paid their water bill, heavily subsidized their electricity, and even paid for half the bill for the local police department.<sup>13</sup>

Workers tried to form a union at Cannon Mills multiple times, their periodic efforts spanning nearly the entire twentieth century. In 1921, 6000 Cannon workers struck and Charles Cannon broke their union, firing and evicting union supporters.<sup>14</sup> In the 1934 general textile strike, Cannon used local police to close all the roads and turned back 500 "flying squadron" picketers who toured from mill town to mill town.<sup>15</sup> Workers formed a union in one small Cannon mill in Thomasville, North Carolina during World War II – Amazon Mills – but Cannon Mills officials forced a seventeen-month

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<sup>11</sup> Timothy Minchin, "It Knocked this City to its Knees': The Closure of Pillowtex Mills in Kannapolis, North Carolina and the Decline of the US Textile Industry," *Labor History* 50, no. 3 (2009) 290.

<sup>12</sup> "Businessman in the News," *North Carolina*, June, 1971, 13.

<sup>13</sup> Timothy W. Vanderburg, *Cannon Mills and Kannapolis: Persistent Paternalism in a Textile Town* (Knoxville, TN: The University of Tennessee Press, 2013). Paul Richter, "Murdock's Rein Changes Life at Southern Mill Town," *Los Angeles Times*, August 25, 1985. Ned Cline, "NC Mill Employees Bar Union," *Washington Post*, Nov. 21, 1974, A14.

<sup>14</sup> Vanderburg, *Cannon Mills and Kannapolis*, 50-57; Hall et al, *Like a Family*, 187-195.

<sup>15</sup> Irons, *Testing the New Deal*, 123-132; Vanderburg, *Cannon Mills and Kannapolis*, 93-95.

strike in 1947 and then, according to the union, refused to hire anyone with “one drop of union blood.”<sup>16</sup> The ten union organizers sent to Kannapolis as part of Operation Dixie, the 1946 CIO effort to organize the South, never got any traction.<sup>17</sup> An even larger and more promising joint TWUA / AFL-CIO effort from 1956 to 1958 included fifteen staffers, a weekly radio program, and a union publication called the “Cannon Uniter.” Though at least 5000 workers out of 18,500 signed union cards, Cannon knocked the wind out of the effort with a hefty pay raise.<sup>18</sup> Time and time again, workers tried to form unions, but they found out exactly where Cannon stood. “Mr. Charlie was not subtle about it,” remembered a Charlotte businessman. “He’d walk up to a man and call him by his first name and he’d say, ‘I knew ya daddy boy, I’d sho hate to see you go.’”<sup>19</sup>

Yet Cannon Mills was changing by the 1970s and one of the biggest transformations was around race. For decades, white workers had staffed most of the South’s textile mills. However Cannon Mills, like many textile companies, began to hire more black workers following President John F. Kennedy’s 1961 Executive Order No. 10925, which mandated “affirmative action” to ensure equal racial opportunity within federal contractors. Cannon Mills first began hiring black women in production jobs in

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<sup>16</sup> George Perkel to William Pollock, September 18, 1968, M86-403, Box 27, TWUA papers. See also Cletus E. Daniel, *Culture of Misfortune: An Interpretive History of Textile Unionism in the United States* (Ithaca, N.Y.: ILR Press, 2001) 143.

<sup>17</sup> Timothy J. Minchin, *What Do We Need a Union For?: The TWUA in the South, 1945-1955* (Chapel Hill: University of North Carolina Press, 1997) 59. Griffith, *The Crisis of American Labor*, 46-61.

<sup>18</sup> See Harold Daoust to William Pollock, April 16, 1957, MSS 396, Box 490, TWUA papers; Lloyd P. Vaughn to John Livingston, June 24, 1957, Box 56 / 32, RG 28-002, AFL-CIO Organizing Department records; John D. Pedigo, “Report: Analysis and Recommendations, Cannon Situation,” undated, c. 1958, MSS 396, Box 490, TWUA papers; H.S. Williams to William Pollock, November 14, 1957, MSS 396, Box 126, TWUA papers; George J. Church, “Textile Mills in South Start Granting Pay Boosts,” *Wall Street Journal*, Feb. 2, 1959, 22.

<sup>19</sup> Roy Reed, “Cannon Mills Workers Bar the Union Again,” *New York Times*, November 22, 1974.

1962 and escalated its hiring after the Civil Rights Act of 1964.<sup>20</sup> “It was a big deal for Kannapolis women to start working in the mills, because the only jobs black women had then was working in white women’s homes, babysitting or house cleaning,” remembers Janet Patterson, who started at Cannon in 1965 as one of the company’s first African-Americans to hem fitted sheets.<sup>21</sup> In 1967 the EEOC held a series of high-profile, public meetings designed to force textile executives to change their ways and to signal to black workers that they had an ally in the federal government.<sup>22</sup>

Civil Rights legislation also prompted changes within the TWUA, whose record on race was mixed. When black workers were part of the TWUA in the South before the mid-1960s, they often were part of segregated locals, and even into the early 1970s African-American union members found that many of the union’s white-led locals were reluctant to use their grievance procedures to take on issues of racial discrimination on the job.<sup>23</sup> When the TWUA tried to organize Cannon in the 1950s, it held meetings for white workers at the Concord Hotel and meetings for black workers at the Masonic Lodge rather than choosing a location where everyone would be welcome.<sup>24</sup> At a national level, the TWUA was more progressive on racial issues than its Southern locals, passing a resolution denouncing the White Citizens Councils, for instance. Yet it found

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<sup>20</sup> MacLean, *Freedom is Not Enough*, 76-90; Minchin, *Hiring the Black Worker*; Wright, *Sharing the Prize*, 107-114.

<sup>21</sup> Transcript of Janet Patterson interview with Alexandra Lescaze, Part 1, February 5, 2002 for documentary, *Where Do You Stand? Stories from an American Mill* (2004). More information on this documentary is available at <http://www.newsreel.org/nav/title.asp?tc=CN0169>. Interviews are available through Lescaze with permission.

<sup>22</sup> MacLean, *Freedom is Not Enough*, 78; Minchin, *Hiring the Black Worker*, 31.

<sup>23</sup> Minchin, *Hiring the Black Worker*, 240-245.

<sup>24</sup> Leaflet entitled “Town Meeting Forum,” June 1, 1954, Box 5, M90-226, TWUA papers.



that Southern white textile workers' opposition to integration spilled over into organizing campaigns. One young white Cannon worker threw a leaflet in a union organizer's face in 1957, saying, "I have no use for unions. A lot of us can't see any sense in giving them money when they stand for mixing the races and we don't."<sup>25</sup> Civil Rights legislation, however, changed the terms on which Southern textile organizing campaigns would be waged. By the 1970s, black workers held many more textile jobs and the TWUA organizers reached out to them as strong union supporters.

Daisy Crawford - - a young black woman in her 20s - - was watching these changes carefully. Over her years working at Cannon Mills, Daisy Crawford used every tool in her toolbox to push for change, blending civil rights and labor tactics in order to win greater economic security. After entering a low-level job at Cannon in 1966, she agitated for and eventually won the right to train as a weaver. She soon discovered that Cannon Mills would not rent its company-owned mill houses to black single mothers like herself, only to those who were white. Crawford went straight to the top. Her letter to President Lyndon B. Johnson informed him of the housing discrimination at Cannon. That letter went first to the Housing and Urban Development department, then to the Department of Justice, and finally triggered an FBI investigation. The U.S. government filed suit against Cannon Mills in 1969, alleging discrimination in both employment and hiring under the Civil Rights Act. In the resulting 1971 consent decree, Cannon agreed to hire and promote more black workers and take "affirmative steps" in housing.<sup>26</sup> Yet

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<sup>25</sup> Sterling E. Soderlind, "Segregation Controversy Thwarts Union Plans for Organizing Drive," *Wall Street Journal*, February 5, 1957, 1.

<sup>26</sup> Nancy MacLean, "Redesigning Dixie with Affirmative Action," in *Gender and the Southern Body Politic: Essays and Comments*, ed. Nancy Bercau (Jackson: University Press of Mississippi, 2000).

Cannon Mills was slow to change its ways, and although by 1971 more than 3000 of the mills' 16,000 workers were black - - a higher percentage of African-Americans than in the local population - - they remained stuck in the poorest jobs. A quarter of Cannon's black workers were in the lowest-paying blue collar jobs, compared to only five percent of whites. In 1974 the company still had 94 job classifications that were all-white, and only about three percent of its clerical staff were African-American.<sup>27</sup> "My job consists of sweeping and opening waste machines," said one black woman, pointing out that her job used to be done by black men. "I have been working on this job for three years and have never seen a white woman doing this work."<sup>28</sup>

Crawford testified in the federal government's suit against Cannon Mills, and joined fifteen other black co-workers in filing their own class action suit against Cannon Mills in 1970 with help from the NAACP Legal Defense Fund. The resulting *Hicks v. Cannon Mills* suit was one of the largest of its type in the South and was not settled until 1982. Crawford endured much harassment at work for her activism. In 1975, a white, vehemently anti-union loom fixer groped Crawford's breasts at work and called her a racial epithet, whereupon she slapped him. The company suspended him for five days and fired Crawford. Crawford then filed an EEOC charge of racial discrimination. The

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"Memorandum in Support of Application for Issuance of Order to Show Cause Why Defendant Should Not Be Held in Contempt," *EEOC v. Cannon Mills Company*, Civil Action No. C-65-S-69, US District Court for the Middle District of North Carolina, Salisbury Division, April 1, 1976, Box 79, Cannon Mills papers; Consent Decree, *United States v. Cannon Mills Company*, February 24, 1971, Civil Action no C-65-S-69, in Cannon Mills Papers, Box 79, Special Collections Library, Duke University, Durham, NC (hereafter Cannon Mills papers); "U.S., Cannon Mills Settle Job Bias Suit," *Afro-American* (Baltimore, MD), March 6, 1971, 3.

<sup>27</sup> Robert J. Denrow to Eugene T. Bost, May 10, 1977, Box 79, Cannon Mills papers. See also Minchin, *Hiring the Black Worker*, 113 and 159.

<sup>28</sup> From *Hicks v. Cannon Mills*, found in Minchin, *Hiring the Black Worker*, 188.

government found Cannon in contempt of its 1971 conciliation agreement and allowed her to sue.<sup>29</sup>

Before her dismissal, Crawford also joined the TWUA effort to organize a union in 1974, stepping up as one of its most outspoken supporters and serving as one of the union's observers in the NLRB election.<sup>30</sup> Crawford was not alone in her support for the union. African-American workers at Cannon Mills were twice as likely as white workers to back the union.<sup>31</sup> Their union support often grew out of a new sense of rights and possibilities that was rooted in the civil rights movement. Cannon "had to put us in," one African-American woman told a reporter, explaining why Cannon's long reluctance to hire people like herself helped sway her decision to vote yes in the upcoming election. "I'm not going to forget that," she concluded.<sup>32</sup>

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<sup>29</sup> EEOC affidavit, Daisy R. Crawford, June 5, 1975, Box 79, Cannon Mills papers; EEOC charge of discrimination, Daisy R. Crawford, June 5, 1975, Box 79, Cannon Mills papers; Adgie O'Bryant, Jr to Cannon Mills Company, April 1, 1976, Box 79, Cannon Mills papers. See also MacLean, "Redesigning Dixie with Affirmative Action."

<sup>30</sup> "Memorandum in Support of Application for Issuance of Order to Show Cause Why Defendant Should Not Be Held in Contempt," EEOC v. Cannon Mills Company, Civil Action No. c-65-s-69, US District Court for the Middle District of North Carolina, Salisbury Division, April 1, 1976, Box 79, Cannon Mills papers; "Appeal of the Regional Director's Refusal to Issue a Complaint," Cannon Mills and Textile Workers Union of America; before the NLRB, Cases Nos: 11-CA-6108 and 11-CA-6115, June 20, 1975, Box 79, Cannon Mills papers Michin, *Hiring the Black Worker*, 61; "Cannon Settles Bias Suit," *Wall Street Journal*, January 15, 1982, 12; "Appeal of the Regional Director's Refusal to Issue a Complaint," Cannon Mills and Textile Workers Union of America; before the NLRB, Cases Nos: 11-CA-6108 and 11-CA-6115, June 20, 1975, Box 79, Cannon Mills papers.

<sup>31</sup> *Attitudes of Cannon Workers in Kannapolis / Concord: the Job, the Employer, the Union, A Pilot Study* prepared for TWUA by Sidney Hollander and Associates, 1976; M86-403, Box 27, TWUA papers. Author's analysis of the survey findings shows that 57% of the African-American workers interviewed supported the union compared to 31% of white workers.

<sup>32</sup> Terry Atlas, "Mr. Charlie's Ghost Lingers On," *The Boston Globe*, December 29, 1974.

## The 1974 Union Election

Textile mills were still booming in early 1974 and the industry needed workers. TWUA union organizer Robert Freeman could feel that tight labor market in his bones the way some people feel the weather in an arthritic knee, for it meant workers would be more willing to challenge the company. At fifty-one, Freeman was the son of a Cannon worker and grew up in the mill's shadow. He had worked briefly at Cannon in high school before becoming a union organizer. His life-long mission was to organize the mill.<sup>33</sup>

Described by TWUA staffers as both a "rugged individualist" and a personable optimist, Freeman was continually at odds with TWUA leadership. A large man with a big voice, he roamed the South finding interest among workers, and then ran union organizing campaigns single-handedly, often without even getting permission from his supervisors to file for election. "He was recognized as a lone wolf among his colleagues," remembers TWUA researcher Kier Jorgensen. "But they couldn't argue with his success in ... generating a campaign."<sup>34</sup> Freeman's organizing efforts were driven by a heavily class-based philosophy rooted in his Kannapolis experience. "We have been degraded all our lives by the cotton mill owners...if we complained...we were referred to as 'trouble makers' ... who wanted to be uppity people" read one of his letters to Cannon workers.<sup>35</sup> He believed the entire Southern power structure was tilted against textile workers, and that in order to effectively challenge this structure, workers must organize their own

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<sup>33</sup> Transcript of interview with Bob Freeman and Raymond Melton, George C. Stoney Assoc., August 24, 1991, Tape 14G, Uprising of '34 papers; Marion A. Ellis, "Cannon Mills, Union Prepare for Showdown in Kannapolis," *Charlotte Observer*, August 29, 1974.

<sup>34</sup> Jorgensen interview; Interview with William Gordon, July 19, 1978, TWUA Oral History Project, State Historical Society of Wisconsin, Madison, Wisconsin (hereafter TWUA Oral History Project).

<sup>35</sup> Letter from Robert Freeman to Cannon people, undated (c.1974), Box 83, M86-171, TWUA papers.

union without a lot of hand holding from union headquarters. “We will never organize the South with organizers,” he told one AFL-CIO official. “As a matter of fact, we are destroying ourselves with organizers. We overstaff our campaigns.”<sup>36</sup> Freeman begged for the right to organize Cannon Mills, arguing that the time was ripe, and he insisted that he could run the campaign among 16,000 workers on his own. Though his superiors were skeptical, they decided there was little harm in letting him have a go of it since it often took two or three tries to organize massive industrial mills. Freeman launched the campaign in October of 1973 and began holding periodic meetings and passing out lengthy, newspaper style leaflets at the mill gate. While a core group of about 200 workers solicited union cards within the facility, most workers who signed the cards sent them back in the attached self-mailer.<sup>37</sup>

Raises, benefits, and promotions topped the list of issues most important to Cannon Mills workers, according to a survey commissioned by the union.<sup>38</sup> Some workers were incensed when Cannon claimed its benefits and wages – averaging just over three dollars an hour - were the top of the industry standard, arguing in anonymous letters to management that they were middling at best.<sup>39</sup> For instance, Cannon implemented a retirement system in 1964, but a thirty-five-year employee would only

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<sup>36</sup> Robert Freeman to Nick Zonarich, March 5, 1975, M86-403, Box 27, TWUA papers.

<sup>37</sup> Robert Freeman to Sol Stetin, July 31, 1974, M86-403, Box 27, TWUA papers; George Perkel to Sol Stetin, August 6, 1974, M86-403, Box 27, TWUA papers; “Union Organizer Works Cannon Mills Facility,” *Charlotte Observer*, October 13, 1973 found in Box 81, Cannon Mills papers; Robert Freeman to Sol Stetin, July 10, 1974, M86-403, Box 27, TWUA papers.

<sup>38</sup> *Attitudes of Cannon Workers in Kannapolis / Concord: the Job, the Employer, the Union, A Pilot Study* prepared for TWUA by Sidney Hollander and Associates, 1976; M86-403, Box 27, TWUA papers.

<sup>39</sup> A Cannon Employee for Almost 40 Years to Mr. Hornaday, November 7, 1974, Box 80, Cannon Mills papers; Unsigned letter to Don Holt, November 19, 1974, Box 80, Cannon Mills papers; Ned Cline, “N.C. Mill Employees Bar Union,” *Washington Post*, November 21, 1974, A14.

take home 35 dollars a month, in part because there was no credit for service prior to 1964.<sup>40</sup> Workers fully understood that Cannon had a lock on their social welfare, and some turned to unions to force the company to turn the key. Many felt overworked and wanted to control the pace of their job. “You can’t take time to get a deep breath,” complained one weaver. “You have to keep at the job continuously or else the looms will be stopped and that knocks your production down.”<sup>41</sup> Polling showed that black and young workers were especially keen on a union. African-American union support was double that of whites, and a full 44 percent of white workers under the age of 30 supported the union, citing as their reason promotions and pay.<sup>42</sup> “The young people wasn’t hard, I could sign the young people, but the older people, they were just, ‘oh no!’” remembers Delores Gambrell, a white union supporter who was in her 20s at the time.<sup>43</sup> African-American workers were especially interested in winning a right to job promotions and were concerned about layoff policy, since they remained the most likely workers to be unskilled and thus to be the first laid off.<sup>44</sup> Despite the conciliation agreement, there was no one policing the day-to-day reality of race discrimination in the plant and white supervisors routinely played favorites. Leonard Chapman was an African-American union supporter who remembers “the supervisors were terrible on a

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<sup>40</sup> Robert Freeman to Sol Stetin, July 31, 1974, M86-403, box 27, TWUA papers; George Perkel to Irving Kahan, September 27, 1974, M86-403, Box 27, TWUA papers; Cannon leaflet entitled “Compare Cannon and These Union Organized Textile Plants,” c. August 20, 1974, Box 81, Cannon Mills papers.

<sup>41</sup> *Attitudes of Cannon Workers in Kannapolis / Concord: the Job, the Employer, the Union, A Pilot Study.*

<sup>42</sup> *ibid.*

<sup>43</sup> Transcript of Delores Gambrell interview with Alexandra Lescaze, interview 1, February 5, 2002 for documentary, *Where Do You Stand? Stories from an American Mill* (2004).

<sup>44</sup> *Attitudes of Cannon Workers in Kannapolis / Concord: the Job, the Employer, the Union, A Pilot Study.*

black man. He could hardly breathe without them getting all over him for any little thing....They wanted to show their dominancy over you.”<sup>45</sup> Young women, too, brought a new sense of rights consciousness to their experience at Cannon Mills. “A woman don’t have a chance. Women don’t get to be supervisors, or even any promotions,” complained one worker.<sup>46</sup>

Anti-unionism was strongest among the white workers over the age of 50, especially white women.<sup>47</sup> Historian Nancy MacLean describes how many white women in the nation’s Southern textile mills took a resigned approach to black women’s employment in the years after the Civil Rights Act, eschewing public protest for tightening social boundaries elsewhere.<sup>48</sup> Many older white Cannon workers’ opposition to the union likely represented this sort of quiet discomfort with progress toward racial equality. They viewed the union as an organization for black workers, not for them. Long-time Cannon worker Estelle Spry showed such uneasiness, for instance, in her letter to Cannon supervisors explaining why she planned to vote no for the union even though she was unhappy with the company’s pension: “They sure do the older people dirty that is in retiring age. That is discrimination. I think that is what they call it. The Blacks is the one that will get Cannon Mills in Union.”<sup>49</sup>

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<sup>45</sup> Transcript of Leonard Chapman interview with Alexandra Lescaze, January 24, 2002 for documentary, *Where Do You Stand? Stories from an American Mill* (2004).

<sup>46</sup> *Attitudes of Cannon Workers in Kannapolis / Concord: the Job, the Employer, the Union, A Pilot Study*, 26.

<sup>47</sup> Ibid.

<sup>48</sup> MacLean, *Freedom is Not Enough*; MacLean, “Redesigning Dixie with Affirmative Action.”

<sup>49</sup> Estelle Spry to Dear Sir of whoever this concerns (sic), August 20, 1974, Box 80, Cannon Mills papers.

By August of 1974, 6510 of the 16,000 workers had signed union cards, and Freeman was able to petition the NLRB to hold its first-ever union election at Cannon Mills. The NLRB held the pre-election conference at the one neutral site it could find, the Gem movie theater, and set the date of the election for November 20, 1974.<sup>50</sup> Freeman agreed with the TWUA leadership that Cannon workers were likely to lose - - he predicted at the time of filing that they would get 40 percent of the vote. Yet he argued that the union must first educate the workers in order to lay the groundwork for a future victory. In order to equip Cannon workers with the tools needed to really wrest back power, he believed, they needed a larger world view which put their company-owned town in perspective.<sup>51</sup> For instance, Freeman sued the Kannapolis police department for unjustly arresting and harassing his wife and accused it of being company-owned. Reporters found that Cannon had indeed reimbursed the county sheriff's office for 22 or the town's 42 police staff and that a Cannon vice president received a carbon copy of the daily arrest sheet from the police station.<sup>52</sup>

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<sup>50</sup> See letter accompanying petition for NLRB election in Scott Hoyman to Reed Johnston, August 13, 1974, M86-403, Box 12, TWUA papers; Cannon Mills Co., Employer, and TWUA, Petitioner, Decision and Direction of Election, October 29, 1974, Box 81, Cannon Mills Papers; "Cannon Mills is Told to Hold Union Vote at Certain Facilities," *Wall Street Journal*, October 30, 1974, 17; Peter Byrne Baxter, "Across the Lake in Kannapolis," *Textile Industries*, January, 1975, 45; Ned Cline, "N.C. Mill Employees Bar Union," *Washington Post*, November 21, 1974, A14.

<sup>51</sup> Robert Freeman to Sol Stetin, July 10, 1974, Box 27, M86-403, TWUA papers. For an example of Freeman's attempts to offer Cannon workers a larger political analysis, see leaflet entitled "When Cannon Mills Drinks a Coca-Cola, the Politicians in Cabarrus County Burp," n/d, c 1974, in box 27, M86-403, TWUA papers.

<sup>52</sup> Ned Cline, "Cannon Mills Suit Focuses Attention on Company Town," *Greensboro Daily News*, Greensboro, NC, July 14, 1974; "Cannon and Police Sued by TWUA," *Kannapolis Independent*, July 7, 1974, found in box 27, M86-403, TWUA papers; Eugene T. Bost to Harold Hornaday, April 9, 1976, Box 80, Cannon Mills papers.



Freeman needed every arrow in his quiver because though Charles Cannon had recently died, anti-unionism at Cannon Mills headquarters was still very much alive. Top management laid out the company philosophy for front-line supervisors: “It is our intention to oppose the Union without swerving or change... For all of you in supervision there can be no middle ground...no neutral position.”<sup>53</sup> The president of the company video-taped a message against the union which all workers were forced to watch. It placed huge 4 x 8 plywood boards throughout the plants and covered them with literature against the union, including photos of machine guns on the roof in the textile uprisings in 1934, and newspaper articles from the 1921 strike.<sup>54</sup> “They had enough of (sic) plywood for bulletin board to build another plant up there,” marveled union supporter L.C. Wright.<sup>55</sup> Management also worked hard to paint the union as an outsider, despite the fact that Freeman was from Kannapolis. One cartoon featured a fat union boss in an elaborate New York City office surrounded by money bags saying, “Sho’ is Green in the South.”<sup>56</sup> In one training manual, supervisors were told what they could and could not say. “I don’t trust those fellows at all. They are a bunch of thugs, gangsters, Socialists and Communists and the truth is not in any of them,” was on the permissible list.<sup>57</sup> The larger Kannapolis community lent a hand in supporting the company’s efforts to defeat

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<sup>53</sup> F.L. Wilson to “all Cannon Mills supervisors,” October 31, 1974, Box 80, Cannon Mills papers.

<sup>54</sup> Transcript of Bob Freeman and Raymond Melton interview with George Stoney, Uprising of ’34 papers; “Don’t Let History Repeat Itself,” n/d, Box 80, Cannon Mills Papers.

<sup>55</sup> Transcript of L.C. Wright and Mary Wright interview with George Stoney, December 2, 1992, Uprising of ’34 papers.

<sup>56</sup> Cannon Mills Company to the Men and Women of Cannon, August 14, 1974, Box 81, Cannon Mills papers; Robert Freeman to Sol Stetin, November 27, 1974, M86-403, Box 27, TWUA papers; Series of company cartoons found in Box 80, Cannon Mills papers.

<sup>57</sup> “A quiz for foremen,” found attached to note from Raymond Brown, undated, c. 1974, Box 81, Cannon Mills papers.

the union. The sheriff, mayor, local doctors, postmaster and heads of the Kannapolis merchants association all participated in a company-sponsored meeting leading up to the election.<sup>58</sup> The President of the local bank assured Cannon's president that many business leaders had taken Cannon employees aside to talk to them "on a one-to-one basis in support of management in the upcoming election."<sup>59</sup>

Notably absent from both the company and the union's rhetoric, however, was any discussion of global competition or imports. Leaflets and company literature in 1974 urged workers to consider dues, fines, strikes, assessments, and the union's stance as outsiders. Cannon and its supporters did assert that the union would hurt its competitive stance, but the context was a domestic one. Workers were more fearful that they would lose their individual job if they supported a union in 1974 than that the plant would close. Job insecurity because of imports only grew in the late 1970s and early 1980s at Cannon Mills.

Voting began at 7 a.m. as the third shift got off work. Workers voted in 31 polling places, overseen by a phalanx of two dozen NLRB staffers, 136 union observers and a nearly equal number of company observers. A full ninety-seven percent of the workers cast a ballot that day before polls closed at 9 pm. It took the NLRB staffers over two hours to hand count the ballots at the district court house. Glenna Chambers, Cannon

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<sup>58</sup> Invitation list for Friday meeting of community, November 22, 1974, Box 81, Cannon Mills papers.

<sup>59</sup> L.D. Coltrane to Don S. Holt, November 15, 1974, Box 80, Cannon Mills papers.

worker and company supporter, rang a victory bell when at 11:27 at night the NLRB officials announced that Cannon had defeated the TWUA, 8473 to 6801.<sup>60</sup>

Cannon officials and industrialists across the South breathed a collective sigh of relief. In fact, in the aftermath of the union's defeat, business leaders from around the South proved that class consciousness was still alive and well. "We are well aware of the fact you carried the ball for all of us," wrote one CEO of a Southern yarn company. J.P. Stevens officials commiserated. "As you know, we have been through a lot of this sort of thing and it is not pleasant." Telegrams and letters poured in from RJ Reynolds Tobacco, Belk's, Coca-Cola, Elon College, Fieldcrest Mills, Rich's Department store and many more.<sup>61</sup> What elites found most notable about the election was just how close the workers came to overcoming the historic obstacles to unionization in Southern textiles. "Cannon Won, but TWUA Displayed Strength," read the *Charlotte Observer* headline, and that paper editorialized that the close vote was "a signal to the industry."<sup>62</sup> Many credited the diversifying workforce with turning the union tide. "As you get more younger workers, more women and more blacks into textiles, there will be more union

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<sup>60</sup> Cline, "NC Mill Employees Bar Union"; Cannon Mills Co., Employer, and Textile Workers Union of America, Petitioner, Case No. 11-RC-3947, Tally of Ballots, November 20, 1974, Box 81, Cannon Mills papers; Terry Atlas, "Cannon Workers Assess Future After Historic Vote," *Charlotte Observer*, November 22, 1974, 2B.

<sup>61</sup> There are two thick files of such letters and telegrams in Box 80, Cannon Mills papers. Yarn company CEO quote is from John L. Stickley to Don Holt, November 24, 1974 and J.P. Stevens quote is from Robert T. Stevens to Don Holt, November 22, 1974.

<sup>62</sup> Terry Atlas, "Cannon Won, But TWUA Displayed Strength," *Charlotte Observer*, November 24, 1974, 12D; "Cannon's Vote: A Signal to the Industry," *Charlotte Observer*, November 22, 1974.

victories,” asserted one textile analyst after the vote. “I think there will be a union at Cannon...”<sup>63</sup>

### **Lobbying on Trade: An Uneasy Partnership**

Even as workers at Cannon Mills came close to winning a union election in one of the most traditionally anti-union corners of the nation in 1974, the textile industry began to feel the impact of global competition at a deeper level. Though the industry had enjoyed a recent surge in employment, 1973 marked a peak in textile jobs that would never again be matched as the nation shed jobs in the face of increased imports. U.S. textile and apparel workers became among the first workers to feel the full brunt of late twentieth century globalization and by 2014, forty years later, there would be little more than 100,000 U.S. textile jobs.<sup>64</sup> Yet in the early 1970s, the industry still had about a million workers and the story of U.S. globalization was still unfolding.

Historian Nitsan Chorev reminds us that the trajectory of globalization in the U.S. was not pre-determined, but was instead the result of a political struggle between protectionists and supporters of free trade: “Capital could not become mobile and financial markets could not internationalize without corresponding legal and political

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<sup>63</sup> Lloyd Little, “Reasons Behind Cannon Mills Union Defeat Examined,” *The Carolina Financial Times*, December 2, 1974, found in Folder 1737, Box 145, John Harden papers, The Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill.

<sup>64</sup> Textile Mills, Employment, Hours and Earnings from the Current Employment Statistics survey (National, seasonally adjusted) available at [http://data.bls.gov/timeseries/CES3231300001?data\\_tool=XGtable](http://data.bls.gov/timeseries/CES3231300001?data_tool=XGtable), accessed November 27, 2014.

transformations.”<sup>65</sup> In the 1970s, U.S. textile workers and their companies were powerful protectionists and still possessed remarkable sway in their joint lobbying efforts. Even as Cannon Mills and the union battled at the workplace level, they joined hands in potent joint labor-management lobbying efforts that helped shape the nation’s policy decisions on trade. Together, they helped pass the Multi-Fiber Arrangement (MFA) in 1974 which governed import levels for thirty years, and nearly passed further restrictive import legislation in the mid-1980s. Such joint lobbying efforts were an important lever of power for the textile union which had never represented a large portion of its industry, unlike unions in auto or steel.

The textile labor-management partnership on trade had deep roots. Charles Cannon was a leader in the American Cotton Manufacturers Institute (ACMI) when the Administration of John F. Kennedy asked representatives of industry and labor to join in a tri-partite Management-Labor Textile Advisory Committee in 1961.<sup>66</sup> Industry and union representatives sat side-by-side as the committee sought to shape the administration’s textile policy on imports and quotas. They successfully fought together for passage of the Multi-Fiber Arrangement (MFA) of 1974, an agreement by 50 textile and apparel producing nations to build a complex system of quotas that governed the industry, under four variations, until it was phased out by 2005. Under the MFA, nations negotiated with one another just how many wool coats, polyester blouses and yards of cotton fabric, for example, could come out of any one nation into another. No other

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<sup>65</sup> Nitsan Chorev, *Remaking U.S. Trade Policy: From Protectionism to Globalization* (Ithaca: Cornell University Press, 2007) 3.

<sup>66</sup> Vanderburg, *Cannon Mills and Kannapolis*, 161-167; Hickman Price to Solomon Barkin, November 17, 1961, M93-041, Box 1, TWUA papers.

industry had such a tightly-controlled and complicated quota system.<sup>67</sup> The MFA did slow down imports to the U.S. for many years, and offered an interesting model for regulating global capital. Unlike purely protectionist measures, in theory it offered a framework by which representatives of government, industry, and workers from various nations could sit down together and rationally make decisions about a globalizing economy. In reality, power under the MFA remained tilted heavily in the direction of the developed nations.<sup>68</sup>

By 1978, the new textile parent union, the Amalgamated Clothing and Textile Workers Union (ACTWU), and textile employers deepened their alliance in the face of the Carter administration's pressures to weaken the MFA regulations. Clothing and apparel unions joined a number of industry groups, including the American Textile Manufacturers Institute (ATMI), to form the "Textile / Apparel Import Steering Group." Cannon Mills remained involved in the ATMI, and its president Harold Hornaday served on the ATMI's new political action committee.<sup>69</sup> In June, AFL-CIO President George Meany joined ATMI President Robert Small and other industry leaders at a Steering Group press conference on imports where the group called for passage of a bill that would completely exclude fiber, textile and apparel imports from any duty reductions in

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<sup>67</sup> Solomon Barkin to Victor Canzano, July 13, 1962, M93-041, Box 1, TWUA papers; John D. Morris, "Kennedy's Tactics Advance Trade Bill," *New York Times*, April 22, 1962, 12E; Chorev, *Remaking U.S. Trade Policy*, 71-101; Kitty G. Dickerson, *Textiles and Apparel in the Global Economy* (Upper Saddle River, N.J.: Merrill, 1999) 348-360 and 376-380. The official name of the MFA was the Arrangement Regarding International Trade in Textiles.

<sup>68</sup> Ying-Pik Choi et al., *The Multi-Fibre Arrangement in Theory and Practice* (London; Dover, NH: Frances Pinter, 1985) 86-119. William R. Cline, *The Future of World Trade in Textiles and Apparel* (Washington, DC: Institute for International Economics, 1990) 11.

<sup>69</sup> The Textile Workers Union of America and the Amalgamated Clothing Workers Union merged to form the Amalgamated Clothing and Textile Workers Union (ACTWU) in 1976. Timothy J. Minchin, *Empty Mills*, 73; John Hamrick to Harold Hornaday, January 12, 1978, Box 63, Cannon Mills papers.

ongoing multilateral trade negotiations in Geneva. Though the Senate and House passed the bill, Carter vetoed it.<sup>70</sup> Yet textile and apparel unions clearly had sway on the Carter administration's trade policy, and the U.S. Special Representative for Trade Negotiations was careful to meet with the union's leaders to inform them of the veto in advance.<sup>71</sup> The labor-management alliance still had enough strength to persuade Carter to cut a separate agreement guaranteeing controls on imports in the textile and apparel industries. Under the headline, "U.S. and Great State of Textiles Strike a Bargain," the *National Journal* noted that it was as though Carter were negotiating with a foreign power. The textile companies were clearly delighted. "We win one," declared the *Southern Textile News*.<sup>72</sup>

Yet - - as we have seen in the case of Cannon - - the industry was undermining its partner in that "great state of textiles" even as it stood next to it on Capitol Hill. A number of other textile employers continued to fight their workers' organizing efforts in the 1970s, such as JP Stevens and Burlington Mills, even as they united with the union on trade.<sup>73</sup> In addition, the ATMI served as one of the key leaders in the fight against the 1978 labor law reform bill. The juxtaposition was stark. For example, the ATMI

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<sup>70</sup> "Unions, Firms Urge Textile Import Curbs," *AFL-CIO News*, July 8, 1978; Remarks by AFL-CIO President George Meany at the Joint Labor-Industry News Briefing in the Caucus Room, Cannon House office building, June 29, 1978, Box 85, RG1-038, Series 6, Office of the President, AFL-CIO archive. Press Release by ATMI, November 11, 1978, File 464, Box 33, Mildred Gwin Andrews papers, Southern Historical Collection, University of North Carolina at Chapel Hill, Chapel Hill, NC (hereafter Andrews papers, UNC). See also I. M. Destler, *American Trade Politics* (Washington, DC: Institute for International Economics, 2005), 61-62 and Chorev, *Remaking U.S. Trade Policy*, 140.

<sup>71</sup> Peter Murphy to Landon Butler, Laurie Lucey, White House office, October 24, 1978, Box 137, Landon Butler papers, Jimmy Carter library, Atlanta, Georgia.

<sup>72</sup> "Carter Says He'll Curb Import Surges," *New York Times*, found in Box 71, Andrews papers; Robert Samuelson, "U.S. and Great State of Textile Strike a Bargain," *National Journal*, found in Box 71, Andrews Papers; "We Win One," *Southern Textile News*, March 12, 1979, 4.

<sup>73</sup> TWUA Executive Council Meeting Minutes, May 20-24, 1974, Box 39, M86-403, TWUA papers; Minchin, "'Don't Sleep with Stevens!'; Minchin, *Empty Mills*.

*Congressional Report*, on the very same pages that it celebrated the joint press conference with labor, reported on the weakening prospects of the Labor Law Reform bill that was currently before Congress in 1978. Noting that “as of now, the bill’s prospects for revival during this session of Congress seem dim,” it urged its member to contact Senators immediately to vote against it.<sup>74</sup>

By the mid-1980s, this powerful labor-management alliance deepened its effort to staunch the growing impact of the nation’s turn toward neoliberal trade policies. Their failure to do so removed a key barrier to the retail industry’s push for free trade policies. In 1985, within weeks of the second Cannon vote, President Ronald Reagan vetoed the Textile and Apparel Trade Enforcement Act (also known as the Jenkins bill after its sponsor Congressman Edward Jenkins of Georgia.) The law would have replaced the bilateral MFA system with unilateral quotas that were completely in US control. The Jenkins bill had no real checks on capital’s movement and investment and, unlike the MFA, it did not require negotiations with any other countries. It was a blunt tool with which to govern an increasingly complicated global economy. Nevertheless, the textile and apparel industry joined with labor unions to fight for its passage, forming the new Fiber, Fabric and Apparel Coalition for Trade (FFACT).<sup>75</sup> Members of FFACT and its fourteen staff lobbyists met with senators and members of Congress, held letter writing

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<sup>74</sup> Townley, *Labor Law Reform in US Industrial Relations*, 148. ATMI Congressional Report, June 30, 1978, Box 33, Andrews papers.

<sup>75</sup> Dickerson, *Textiles and Apparel in the Global Economy*, 365; “Labor-Industry Coalition Formed to Support Fiber, Fabric and Apparel Import Control Program,” press release dated March 19, 1985, 5619-004, Box 199, ACTWU papers. In addition to ACTWU and the International Ladies’ Garment Workers’ Union (ILGWU) the coalition included the ATMI, the American Apparel Manufacturing Association, and other industry groups such as those representing manufacturers of hosiery, uniforms, knitwear, neckwear, and cotton and wool growers.



drives among their members, and held joint press briefings. Cannon's President Doug Kingsmore served as an ATMI director, the source of half of FFACT's two million dollar budget, and textile union staffers were on its executive group. The industry and unions together made up a powerful lobby, and managed to get the bill through both houses before Reagan vetoed it.<sup>76</sup>

In the late 1980s and early 1990s, the labor-management alliance continued to put up a fight against the U.S.'s turn toward a free trade policy. The industry came close to winning strict import controls three more times between the 1985 Jenkins bill and the passage of the North American Free Trade Agreement (NAFTA) in 1993, but it continually found itself battling the Reagan and George H.W. Bush administrations' support for retail groups over manufacturers. The union became less and less able to carry its weight in this fight. Its membership dropped by half between the time of the 1974 Cannon election and the passage of NAFTA.<sup>77</sup> Though some of this membership loss was the result of layoffs in unionized plants, employers' refusal to allow a newly-diversified working class to join textile unions mattered too, for they effectively blocked the union's ability to grow. In doing so, they enervated their own lobbying partner and robbed U.S. textile workers of one important tool with which to mitigate globalization's impact.

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<sup>76</sup> ATMI Annual Report, 1985, 5619-004, box 199, ACTWU papers; FFACT Executive Committee Report, January 17, 1986, 5619-004, box 199, ACTWU papers; Annual Report of ATMI, 1985, 5619-004, Box 199, ACTWU papers; FFACT Executive Committee Report, January 17, 1986, 5619-004, box 199, ACTWU papers; Destler, *American Trade Politics*. Dickerson, *Textiles and Apparel in the Global Economy*, 365.

<sup>77</sup> Minchin, *Empty Mills*, 186 - 190.

### **Globalization and the 1985 Campaign**

Despite its joint lobbying efforts with the union, Cannon Mills remained vigilantly anti-union as ACTWU kept a toe in the Kannapolis waters throughout the latter half of the 1970s. The union ran organizing efforts in 1976 and 1980, though it never gathered quite enough support from workers to file for an election with the NLRB.<sup>78</sup> Even though the workers did not have a union, their constant unionizing pressure helped push their company to improve their wages and benefits. For instance, after the workers began signing cards in 1980, the company quickly announced an extra \$2.2 million in benefits including eliminating the requirement for employee contributions to the retirement plan. It also offered far greater major medical coverage, such as increasing the plan's maximum coverage cap and upping reimbursement for hospitalization.<sup>79</sup> Yet supervisors also continued to pull workers into one-one-one meetings to probe for their opinion on the union, and even sent out an anti-union message by Norman Vincent Peale.<sup>80</sup> The company remained true to form, even as its leadership changed. "I pledge to you that (Cannon)... will do all we can to assure that we continue to operate in a union-free environment and avoid those obstructions and restrictions that go with unionism," wrote the new Cannon President Otto Stoltz in a 1980 letter to all workers.<sup>81</sup>

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<sup>78</sup> Robert Freeman to Scott Hoyman, May 18, 1976, M86-403, Box 27, TWUA papers; John Kissack to Paul Swaity, August 16, 1979, M86-403, Box 27, TWUA papers. "Union Kicks off Campaign, *Daily Independent*, September 18, 1980 found in M86171, Box 150, TWUA papers.

<sup>79</sup> "Cannon Improves Employee Benefits," *Southern Textile News*, December 20, 1980 found in Box 11, 5619/038, ACTWU papers.

<sup>80</sup> Robert Freeman to George Perkel, October 16, 1975, M86-403, Box 27, TWUA papers.

<sup>81</sup> Otto Stolz to Cannon people, November 24, 1980, Box 2, ACTWU vs. Cannon Mills papers, Acc 95-9, Southern Labor Archives, Georgia State University.

The early 1980s were rocky years for Cannon Mills as it struggled to weather the double-dip 1980 – 1982 recession that wreaked particular havoc on the manufacturing sector.<sup>82</sup> Whereas the company had seen the highest sales in its history in 1979 and earned over forty million dollars, by the third quarter of 1980 the company was showing nearly a million dollar loss.<sup>83</sup> The company began to lose market share, and its sheets and towels began to be seen more as discount material than top-notch goods. Charles Cannon's cautiousness continued to shape the company culture, even years after his death in 1971. The company did little to invest in new machinery or to introduce new product lines, even as the textile industry was undergoing a wave of consolidation and mechanization. It continued to run a mill town, owning over 2000 company houses until 1982, long after most textile companies had gotten out of that business.<sup>84</sup> Yet that conservative culture made the company a juicy target for the leveraged buy-outs of the early 1980s. Cannon products were still a household name, and the company had zero long-term debt, more than \$180 million in working capital, and had just been re-listed on the New York Stock Exchange after Charles Cannon took it off 16 years previously. The stock was deliciously undervalued.<sup>85</sup>

David H. Murdock knew an opportunity when he saw it. The Los Angeles-based financier bought Cannon Mills for \$413 million in 1982, finally taking the company out of the Cannon family by vacuuming up their stock along with Cannon charity trust stock.

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<sup>82</sup> Stein, *Pivotal Decade*, 265.

<sup>83</sup> "A Rough Year for Cannon," *New York Times*, December 30, 1980.

<sup>84</sup> Vanderburg, *Cannon Mills and Kannapolis*.

<sup>85</sup> Don Bedwell, "New Day at Cannon," *Charlotte Observer*, January 1, 1979 found in Box 39, Andrews papers.

Murdock had made tens of millions through real estate, like Washington, DC's Hay-Adams hotel, and by forcing the sale of other companies, like the Hawaii food and land company, Castle & Cooke. He operated in 60 countries, but Cannon was his first foray into manufacturing.<sup>86</sup> Murdock only owned the company for three years. Before he left, he robbed the workers' pension of \$30 million, terminating the retirement plan and reinvesting it in an insurer dependent on shady junk bonds.<sup>87</sup> Yet during his tenure as owner, Murdock heavily invested in the struggling Cannon and spent \$200 million to modernize the mills with imported Italian air-jet looms. Such shuttleless looms were changing the industry as technology replaced workers. An old shuttle loom, for instance, required thirteen minutes to make the material to make a man's shirt while an air jet loom took only three minutes.<sup>88</sup> But Murdock's reign coincided with a heavy slump in the textile industry driven by imports and overproduction. More than 350 textile plants closed between 1981 and 1986.<sup>89</sup> Murdock slashed workers' pay, laid off 3200 workers over three years - - some with only a few hours' notice - - and brought in industrial engineers to help squeeze more work out of the remaining workers.<sup>90</sup> Buddy Cannon, a long-time Cannon hourly worker, said Murdock cut his pay from \$9.80 an hour to \$6.44

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<sup>86</sup> Winston Williams, "David Murdock Beats the Union," *New York Times*, October 20, 1985; Peter Perl, "At Textile Mills, New Owner Tactics Rip Good Will Woven of Paternalism," *Washington Post*, October 10, 1985, A3; "Cannon Mills Sold," *The Daily Independent* (Kannapolis), February 4, 1982, 1.

<sup>87</sup> Peter Applebome, "Mill Town Pensioners Pay for Wall Street Sins," *The New York Times*, July 30, 1991.

<sup>88</sup> Frederick H. Abernathy, *A Stitch in Time: Lean Retailing and the Transformation of Manufacturing--Lessons from the Apparel and Textile Industries* (New York: Oxford University Press, 1999) 189-190.

<sup>89</sup> Cynthia D. Anderson, *The Social Consequences of Economic Restructuring in the Textile Industry: Change in a Southern Mill Village* (New York: Garland Pub., 2000) 52.

<sup>90</sup> Pete Engardio, "Why David Murdock is So Afraid of a Union," *Business Week*, October 14, 1985, 43; Allen Cowan, "Firings at Cannon Mills Came Without Warning," *Charlotte Observer*, June 29, 1982, B1; Henry Mann and Griff Morgan to Jim Walraven, May 12, 1982, 5619-038, Box 11, ACTWU papers.

and that his wife, Pinky, was down to working three days a week.<sup>91</sup> Murdock sold off the company houses, giving workers 90 days in which to decide whether to buy their homes. The town of Kannapolis finally incorporated under Murdock's watch, its citizens suddenly governing themselves in the midst of the chaos.<sup>92</sup>

A month after Murdock bought Cannon, Robert Freeman began lobbying for another campaign.<sup>93</sup> The union had high hopes that the new ownership and continued influx of African-Americans and young workers into the mill would help it build support among a workforce that now numbered 10,500 workers, more than a quarter of whom were African-American.<sup>94</sup> "There are a lot more younger people working at Cannon, particularly young black, than there were at the time of the election, and these people's aspirations are far greater than the old textile mill hand," observed one ACTWU staffer in Kannapolis.<sup>95</sup> Union leaders proceeded cautiously and, not fully trusting organizers' positive reports, hired a Washington, DC polling firm to do a survey.<sup>96</sup> That firm found that 42 percent of workers supported the union by August, compared to 36 percent who opposed it, with the rest undecided. Workers' top issues included wages and job

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<sup>91</sup> "A Test of Loyalty," *Winston-Salem Journal*, October 6, 1985, 1.

<sup>92</sup> Paul Richter, "Murdock's Reign Changes Life at Southern Mill Town," *Los Angeles Times*, August 25, 1985, H1.

<sup>93</sup> Robert Freeman to Sol Stetin, March 26, 1982, 5619-016, Box 11, ACTWU papers.

<sup>94</sup> "A Survey of Attitudes Toward Union Representation Among Cannon Mill Workers," Peter D. Hart Research Associates, Inc., August, 1985, Box 34, 5619-004, ACTWU papers.

<sup>95</sup> John Kissack to Paul Swaity, August 16, 1979, Box 2, Acc no 95-9, ACTWU vs. Cannon Mills papers.

<sup>96</sup> Minutes of management meeting entitled "Cannon Mills," June 17, 1985, box 110, 5619-007, ACTWU papers.

security.<sup>97</sup> Black workers were far more likely than white workers to support the union - - a full 69 percent of black workers were union backers as opposed to only 34 percent of white workers. In 1982 Cannon had finally settled the 1970 racial discrimination suit, paying 3700 workers a total of \$1.65 million in back pay.<sup>98</sup> Yet Black workers still felt less secure in their jobs than did white workers, and 91 percent of black workers said that they wanted more protection from layoffs. Young workers were at the forefront of support for the union in 1985, including 45 percent of white workers under the age of 35.<sup>99</sup>

The union launched its new and improved effort in August of 1984, passing out leaflets that targeted Murdock's changes. Slowly union activists gathered union cards.<sup>100</sup> The tantalizingly close 1974 election remained on ACTWU's leaders' minds, and this time around they insisted on a more traditional, professionally-run effort. Freeman only participated in the 1985 campaign from the sidelines as a retiree.<sup>101</sup> The union leaders hired fifteen full-time staff members, contracted with advertising and polling outfits, spent \$125,000 on television ads and billboards, hosted a phone bank to reach 6000 workers, and utilized a state-of-the-art computer system. All told, they spent somewhere just south of a million dollars. Freeman had run the 1974 campaign for just over

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<sup>97</sup> Peter D. Hart Research Associates to Amalgamated Clothing and Textile Workers Union, August 20, 1985, 5619-017, Box 110, ACTWU papers.

<sup>98</sup> "Discrimination Suit Settled by Cannon," *Daily News Record (DNR)*, January 13, 1982 in Box 11, 5619-038, ACTWU papers; "Cannon Settles Bias Suit," *Wall Street Journal*, January 15, 1982, 12.

<sup>99</sup> "A Survey of Attitudes Toward Union Representation Among Cannon Mill Workers," Peter D. Hart Research Associates, Inc.

<sup>100</sup> "David Murdock Says We Must Stand for Something," August 16, 1984, 5916-016, box 11, ACTWU papers; "Next Big Union Battle May Be Shaping Up at Cannon," *Charlotte Observer*, July 30, 1984, 2D.

<sup>101</sup> John Kissack to Sol Stetin, July 25, 1978, M86-403, Box 27, TWUA papers; Freeman interview.

\$100,000.<sup>102</sup> The union petitioned for an election in August, claiming to have a substantial majority of workers signed up. “This time the response is better,” concluded ACTWU southern regional director Bruce Raynor.<sup>103</sup>

This time around was different from 1974, but not in the way that the union had hoped. Even as Murdock remade the landscape of Kannapolis, the ground on which the workers stood shook with the deeper earthquake of global economic changes. Cannon workers were already worried by Murdock’s purchase of the company and anxious in the face of his many job cuts and changes. Murdock deepened this anxiety by blaming imports for the pay cuts and layoffs, and prevailed on the workers not to risk a union at a time when global competition was rampant. Days after union supporters petitioned the government to hold an election, David Murdock sent out a letter to all workers that would make imports the central issue for the rest of the campaign. Saying Cannon was “in serious trouble” he argued that “our market base has been invaded by imports” and said he had been forced to pursue merger talks with other companies. He said he had put in an additional \$12 million of his own funds to keep the company afloat and urged the workers to “not allow ACTWU to divide us at a time when, more than ever, we need to

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<sup>102</sup> Bruce Raynor to Jack Sheinkman, Charles Sallee, Jim Walraven, January 6, 1986, 5916-004, box 34, ACTWU papers; Memo re. Communications Campaign, May 9, 1985, 5619-016, box 11, ACTWU papers; budget extrapolated from monthly budget found in memo to George Solomons, re: Cannon, April 23, 1985, 5619-004, box 34, ACTWU papers and Raynor to Jack Sheinkman, Charles Sallee, Jim Walraven, January 6, 1986; Freeman budget in Jack Goldstein to William DuChessi, January 14, 1975, M86-403, Box 27, TWUA papers.

<sup>103</sup> Ray Cline, “ACTW Files Petition with NLRB for Secret Ballot at Cannon,” *Daily News Record*, August 7, 1985, Box 11, 5619-016, ACTWU papers; Peter Perl, “At Textile Mill, New Owner’s Tactics Rip Good Will Woven of Paternalism,” *Washington Post*, October 10, 1985, A3.

work together.”<sup>104</sup> If that did not get the message through, the company also required all workers to attend meetings in which they were shown a video of the company president, Doug Kingsmore, declaring “Cannon is not operating profitably” because of imports. Supervisors then followed up with each worker back in the mill, quizzing them with clipboards in hand. They echoed the import message, and made sure workers understood that Murdock would not continue to sink his money into a company that was not making a profit in a global economy.<sup>105</sup> Kingsmore followed up the meetings with his own letter in which he argued that if the company could not compete it would have to close its doors. “We are facing the worst obstacle (UNCONTROLLED TEXTILE IMPORTS AND GREATLY INCREASED COMPETITION) in our company’s history...Cannon’s future is in the hands of the people who work at Cannon.”<sup>106</sup>

It was certainly true that Cannon Mills scrambled for footing in a globalizing economy. Cannon Mills was suffering in the downturn in the textile industry, and though Murdock refused to make his earnings public, he claimed to have lost money as the company’s international sales fell by more than half from 1981 to 1984.<sup>107</sup> Yet when U.S. employers like Cannon faced a new global paradigm, they were especially quick to try to limit labor costs by viciously fighting workers’ unionizing efforts. U.S.

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<sup>104</sup> “Union Continues to Try to Mislead You,” April 11, 1985, 5610-016, box 11, ACTWU papers; David Murdock to Cannon employees, August 8, 1985, 5619-017, box 100, ACTWU papers; Paul Richter, “Murdock Letter Discloses Cannon Mills Merger Talks,” *Los Angeles Times*, August 15, 1985, SC\_C1.

<sup>105</sup> Transcript of captive audience video, week of August 12, 1985, 5619-017, Box 110, ACTWU papers; ACTWU legal department listing of more than 50 Cannon employees with names and phone numbers describing supervisor actions, labeled “Cannon Mills”, undated, 5619-017, box 110, ACTWU papers.

<sup>106</sup> Harold D. Kingsmore to fellow associates, September 5, 1985, 5619-017, box 110, ACTWU papers. (emphasis in the original document.)

<sup>107</sup> “Merger Discussions Disclosed by Cannon Mills,” *The New York Times*, August 20, 1985. This article notes that Murdock owned the company privately and did not disclose specific profit figures.



manufacturing sector employers like Cannon became more likely than those in the service or retail to fight their workers' efforts to unionize starting in the 1970s. Though in 1965 the ratio of unfair labor practices filed to the number of elections held was the same in manufacturing, retail and service, by 1980 there were one and half times as many charges against manufacturers.<sup>108</sup> Manufacturers from many industries, not only textiles, routinely capitalized on their workers' insecurities in a global economy and threatened that they would close the plant if the workers unionized. Political scientist Kate Bronfenbrenner found that by the early 1990s half of all employers faced with a union organizing drive threatened plant closure and twelve percent actually followed through with the threat. In manufacturing, a full 62 percent of employers threatened to shut down and move compared to 36 percent in less mobile sectors, like health care and retail. U.S. labor law deemed such threats illegal, yet the penalties and enforcement were so weak that employers continued to make the threats.<sup>109</sup> Cannon workers and other U.S. textile workers certainly did face an uncertain future in a globalized economy, but their nation's legal structure allowed employers to exacerbate that insecurity.

Though the union staffers in 1985 thought that their operation was better than the one in 1974, they found themselves tilting at new windmills within the global climate. "They outgunned us, outclassed us," remembered ACTWU lead organizer Mark Fleishman. The company's campaign was orchestrated by the management-side law firm Constangy, Brooks and Smith, an Atlanta-based firm well known to the textile union for its harsh campaigns. The firm trained supervisors to serve as messengers who to

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<sup>108</sup> Based on the author's analysis of NLRB annual reports, Tables 5 and 13, 1965 – 1980. See Appendix E.

<sup>109</sup> Kate Bronfenbrenner, "We'll Close! Plant Closings, plant-closing threats, union organizing and NAFTA," *Multinational Monitor*, 18(3), 1997, 8-14.

Fleishman seemed “like an army of folks. . . . We were like kids with our faces pressed up against the glass.”<sup>110</sup> ACTWU tried to neutralize the company’s import issue by pointing out that Murdock himself was a free trader - - “Murdock – king of the importers.” One leaflet featured the local post office with a headline that read “mortgaged,” pointing out that Murdock had put up the town’s land for collateral on loans for foreign machinery.<sup>111</sup> They held rallies and marches in Asheville, Raleigh, and Charlotte to position the union as an import-fighter, and worked to get the rallies covered in the Kannapolis media market.<sup>112</sup> They argued that the union could provide job security in the face of global competition and featured union members whose contracts included language on subcontracting globally.<sup>113</sup> No one really believed them. In fact, the union’s own polling firm found that while imports were one of the workers’ most serious concerns, the vast majority of workers thought that government was the only one who could rectify it. A mere 35 percent thought the union could “help make things better” on the import issue.<sup>114</sup> The company kept up the offense. When union supporters presented Austrian-made yarn at a press conference, arguing that Cannon imported goods, the company sent a clear message by firing one of them, allegedly for revealing company secrets.<sup>115</sup>

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<sup>110</sup> Mark Fleishman interview with the author, July 31, 2013, Takoma Park, Maryland.

<sup>111</sup> “Mortgaged! To Buy Foreign Imports,” May 28, 1985, 5619-016, box 11, ACTWU papers.

<sup>112</sup> Paul Filson and Mark Fleishman to Jack Sheinkman, May 7, 1985, 5619-004, Box 34, ACTWU papers; memo re. Communications Campaign, May 9, 1985, 5619-016, box 11, ACTWU papers.

<sup>113</sup> “The Union is Real Security,” June 24, 1985, 5619-016, Box 11, ACTWU papers.

<sup>114</sup> Peter D. Hart Research Associates, Inc. to ACTWU, August 20, 1985, 5619-017, box 110, ACTWU papers.

<sup>115</sup> Release in Full and Covenant Not to Sue, Bobby J. Kemp, July 10, 1986, Affidavit, Bobby Joe Kemp, October 3, 1985, 5619-017, Box 110, ACTWU papers.

Cannon Mills even used its political activism around the Textile and Apparel Trade Enforcement Act (the Jenkins bill) as a way to sway votes in the union election, despite the fact that the union served as its lobbying partner on the bill. Under the headline, “Which Will You Choose?” it circulated leaflets with photos of David Murdock meeting with President Reagan on trade, juxtaposed with photos of sparse union rallies. The company solicited letters from employees to Reagan to call for passage of the Jenkins bill, and a week before the election sponsored letter-writing tents at the main grandstand of the Charlotte Motor Speedway. An 800-member marching band, fireworks, a jet fly over and a pre-race parade featuring David Murdock rounded out the weekend’s “Buy American” weekend of textile bill events. Richard Petty, the celebrity racer, toured Cannon’s plants with a message tailored toward the upcoming union election: “Support your Company - - it Supports You.”<sup>116</sup>

A week before the union election in Kannapolis, David Murdock called the union an “insidious cancer” in a video all workers were required to watch, and drove home the fear of imports: “If I determine that Cannon cannot operate competitively, I can and I will cease to operate Cannon. This is my decision and mine alone, and no one can stop me, including the union.”<sup>117</sup> Cannon workers got the message. David Murdock was jubilant as he greeted company supporters on the mill floor, dressed in a double-breasted suit, after the company solidly defeated the union by a two-to-one margin, 63 to 37

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<sup>116</sup> “Speedway Activities Support ‘Buy American,’” and “Letter Will Make a Difference,” Cannon News, vol. 15, no. 10, October 2, 1985, pages 3-9, 5619-017, box 110, ACTWU papers.

<sup>117</sup> “Cannon Employee Questions Answered by Mr. Murdock,” 10/9/85, 5619-017, box 100, ACTWU papers; Peter Perl, “Union Fails at Cannon by Wide Vote,” *Washington Post*, October 12, 1985, A 10.

percent.<sup>118</sup> Workers cheered with cries of “We’re Number One!” as the mill whistles sounded for what turned out to be a short-lived victory for union opponents. A mere seven weeks later, Murdock sold the mills to Fieldcrest for 250 million dollars.<sup>119</sup>

### **Retail Topples the Smokestacks**

The 1986 ACTWU Executive Board meeting in New York City was a grim one. The union’s budget was off by a million dollars, a deficit the leaders pinned in part on the twin losses of Cannon Mills and the failed fight for the Jenkins bill. The leaders passed a resolution to withhold any support from legislators who had voted against the Jenkins bill, but by 1986 their power to weigh in as a political force in Washington, DC was greatly diminished. The union had lost over a quarter of its membership in the last five years.<sup>120</sup> Though it needed to organize at least 20,000 workers a year just to stay even, it was averaging less than 7000.<sup>121</sup>

After the 1974 election, leaders at a similar Executive Board meeting had lauded the close Cannon election, and thought that it could just be a matter of a few years before

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<sup>118</sup> Cannon Mills Co., Inc. and ACTWU, Tally of Ballots, 11-RC-5314, October 10, 1985, 5619-017, Box 110, ACTWU papers. Everette L. Gilliam, “Cannon Workers Turn Back Union by an Overwhelming 2 to 1 Margin,” *The Daily Independent (Kannapolis)*, October 11, 1985, 1.

<sup>119</sup> Scott Kilman, “Fieldcrest Agrees to Buy Cannon Mills From David Murdock for \$250 Million,” *Wall Street Journal*, December 5, 1985, 22.

<sup>120</sup> ACTWU General Executive Board meeting, March 17, 1986, 5619-030, Box 5, ACTWU papers; Linda Williams, “Textile Union is Struggling to Organize Cannon Mills Workers as Ranks Shrink,” *Wall Street Journal*, January 16, 1985, 12.

<sup>121</sup> Report to Executive Board from Organizing Committee, July 17, 1982, 5619-007, Box 42, ACTWU papers.

Cannon Mills would go union.<sup>122</sup> Yet they could not see from that vantage point that Cannon Mills workers would have to wage their future unionizing fights on shifting terrain. Not only would their employer successfully use a globalizing economy to scuttle their unionizing efforts by 1985, but a more retail-driven economy overcame the power of the U.S. manufacturing sector. This was especially clear in the apparel and textile sectors which had long been interdependent - - apparel companies bought the textiles to make their clothes. Yet starting in the mid-1980s what had been separate operations increasingly combined into retail-apparel-textile “channels,” and retailers like Wal-Mart began to lead the whole process.<sup>123</sup> The retail industry had been sufficiently spooked by the success of the Jenkins bill that it formed two powerful new lobbying groups: the Retail Industry Trade Action Coalition (RITAC) and the American Fair Trade Council (AFTC), which included importers and clothing retailers and manufacturers like Levi-Strauss and Patagonia.<sup>124</sup> The year after Cannon workers lost the second election, the Reagan Administration sent representatives of retail to the MFA negotiations in Geneva for the first time.<sup>125</sup> Retail had effectively gotten its hands on the wheel that steered the textile industry’s fate, and would soon move into the driver’s seat of globalization.

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<sup>122</sup> TWUA Executive Council, January 27-31, Atlanta, GA, M86-403, Box 39, TWUA papers.

<sup>123</sup> According to Abernathy, *A Stitch in Time*, 2, a channel is “the set of all firms and relationship that get a product to market, including the original acquisition of raw materials; production of the item at a manufacturing facility; distribution to a retailer; sale of the finished item to the customer; and any installation, repair or service activities that follow the sale.” See also Lichtenstein, *The Retail Revolution*; Edna Bonacich and Jake B. Wilson, *Getting the Goods: Ports, Labor, and the Logistics Revolution* (Ithaca, N.Y.: Cornell University Press, 2008).

<sup>124</sup> “Where’s the Beef?” A Response to the RITAC, July 31, 1984, 5619-004, Box 194, ACTWU papers; “3.4 billion a year added to family clothing costs by textile quota bill,” October 8, 1985, 5619-004, Box 199, ACTWU papers; “O’Neill to Head Retail Group,” *Washington Post*, January 21, 1985, WB41.

<sup>125</sup> Dickerson, *Textile and Apparel in the Global Economy*, 480.

When textile employers fought their workers' efforts to form unions and prevented the unions from growing, they weakened the textile labor-management alliance which had served as a counter weight to these retail interests. Over the decades, the textile and apparel unions depended too heavily on management-labor coalitions as tools to mitigate imports' impacts. In order for U.S. workers to win power within a globalizing capitalism, labor would have had to win effective curbs on capital's ability to move, and would have had to forge full partnerships with workers across the globe.<sup>126</sup> The union did begin to build some global alliances, such as holding organizing trainings with representatives from sewing shops in the Caribbean in the same months when the union was in the throes of the 1985 Cannon Mills election.<sup>127</sup> Yet the efforts remained small and scattered, even after the union expanded such partnerships more broadly in the 1990s.<sup>128</sup> The union always put the most emphasis on lobbying jointly with the employers as the most viable lever with which to soften the blow of global capital. Yet its ability to come to the table as a full partner in those efforts was quickly fading.

Cannon Mills changed hands several times over the next decades after the 1985 election - - textile giant Fieldcrest bought it in 1986 and then Pillowtex in 1997. The

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<sup>126</sup> On labor's attempts to curb capital's ability to move, see Stein, *Running Steel, Running America*, 203-204. Stein covers the Burke-Hartke bill of 1971 (the Foreign Trade and Investment Act) which would have launched import quotas in many more industries, eliminated tax incentives for companies expanding abroad and, remarkably, given the executive branch powers to stop US-based companies from investing abroad if it believed this would cost U.S. jobs. For examples of union efforts to pass this legislation see "Almost 1,000,000 lost," undated IUD brochure, c. 1972, Box 57, M86-019, TWUA papers; Sol Stetin to Howard Chester, October 6, 1972 describing the Executive Council of the AFL-CIO's taskforce to move a grassroots program to support Burke-Hartke, M86-019, Box 57, TWUA papers.

<sup>127</sup> Minutes ACTWU General Executive Board, January 13 – 16, 1986, Box 5, 5619-030, ACTWU papers, Cornell. For limitations of such partnerships, see Jorgensen interview with the author.

<sup>128</sup> For a critique of labor's unwillingness to forge such partnerships more broadly, see Frank, *Buy American*. See Minchin, *Empty Mills*, 235, on ACTWU global partnerships in the 1990s.

company's workers tried three more times to win a union, in 1991, 1997, and 1999. Each time the company threatened workers' jobs with imports. "They would show ... videos right before it was time to vote of padlocks on gates, and grass all the way to the top of the gates," remembered worker Kem Taylor.<sup>129</sup> After the 1991 election, the NLRB found the company guilty of violating labor law 150 separate times and found its behavior so egregious that it called for special remedies. On Election Day, for instance, the company had fired a high-profile union leader, Elboyd Deal, and had security guards escort him out through work areas where other employees would be certain to see him.<sup>130</sup> The NLRB ordered the company to allow union organizers in the plants and forced the president to read the NLRB remedy to all the workers.<sup>131</sup> Meanwhile, the union sued Murdock for absconding with the workers' pensions, and Murdock eventually agreed to settle the suit and make up the shortfall.<sup>132</sup>

In 1999, a majority of the workforce finally voted by a narrow majority for the union (by then called UNITE) in a last ditch effort to control the companies' forced speed-ups and to avoid layoffs. The workforce was now down to 5000 employees (less than a third of the 1974 workforce) and included many more immigrant workers who,

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<sup>129</sup> Anderson, *The Social Consequences of Economic Restructuring in the Textile Industry*, 73; Background on Union Organizing at Cannon Mills," n/d c 2000, Box 9, 6000-026, ACTWU records; Transcript of Kem Taylor interview with Alexandra Lescaze, Part two, May 21, 2002 for documentary, *Where Do You Stand? Stories from an American Mill* (2004).

<sup>130</sup> Background on Union Organizing at Cannon Mills," n/d c 2000, Box 9, 6000-026, ACTWU records; Transcript of interview with Elboyd Deal, Stoney and Associates, Tape 286B, Uprising of '34 papers; "NLRB orders new election at Fieldcrest," *The Daily Independent* (Kannapolis, NC), September 5, 1995.

<sup>131</sup> "NLRB orders new election at Fieldcrest," *The Daily Independent* (Kannapolis, NC), September 5, 1995; "NLRB Orders New Union Vote for Fieldcrest Cannon Inc. Plants," *The Wall Street Journal*, September 5, 1995; "Union Apparent Loser in Election," *The Charlotte Observer*, August 14, 1997.

<sup>132</sup> "Murdock Must Pay Back Pension Funds," *The Daily Independent* (Kannapolis, NC), March 30, 1990; "Union Claims Credit for Murdock Decision," *The Salisbury (NC) Post*, August 7, 1991.

like the African-American workers, tended to be supportive of the union.<sup>133</sup> The workers won their first union contract in 2000, earning a nine percent wage increase over two years, and the first sick days in the textile industry.<sup>134</sup> They would not have the union contract for long, however. Just three years later, the company shut its doors due to global competition in North Carolina's largest mass layoff ever. Workers not only lost the gains they had made with the union but found many of their employer-provided social welfare protections, like health care, pulled out from under them. Those who did get jobs often found that the jobs were part-time and poorly paid. When a Wal-Mart superstore opened in Kannapolis in 2003, more than half its new staff was made up of laid-off workers from the mill.<sup>135</sup> Cannon workers' experience was a typical one in the textile industry. One study of the textile industry found that two-thirds of re-employed textile and apparel workers earned less on their new jobs than before.<sup>136</sup> When the giant smokestacks of former Cannon Mills' Plant 1 tumbled to the ground in 2006, the demolition was one of the largest such efforts in the world.<sup>137</sup>

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<sup>133</sup> "Victory for Union Plant in South is a Labor Milestone," *The New York Times*, June 25, 1999; "Union Claims Victory at Pillowtex Plants," *The Wall Street Journal*, June 25, 1999. UNITE stands for the Union of Industrial and Textile Employees.

<sup>134</sup> "25-Year War Over: Historic Union Contract Ratified," *The Independent Tribune* (Kannapolis – Concord, NC), February 11, 2000, 1.

<sup>135</sup> Minchin, "'It Knocked this City to its Knees,'" 295-296.

<sup>136</sup> Minchin, *Empty Mills*, 224.

<sup>137</sup> <http://charlotte.news14.com/content/headlines/597779/the-pillowtex-effect--five-years-later/> (accessed December 2, 2014).



## Conclusion

The Cannon Mills case demonstrates the thorny complexities of labor's decline in the late twentieth century. It suggests that scholars should look for causation beyond complacent unions or an individualistic working class. At Cannon Mills, Southern textile workers wanted unions and tried hard to form them, even in the face of globalization. The Civil Rights movement bolstered the textile union's efforts by creating a diversified workforce at Cannon Mills, one which was more union-minded than preceding generations.

Yet just as Cannon workers found a way out of the Southern frying pan, they found themselves tossed into the global fire. Globalization mattered deeply to these workers' fates, of course, and was bound to impact them, yet the Cannon Mills case reminds us that the terms on which U.S. workers would experience globalization were not inevitable, but were determined by the larger legal and political context.<sup>138</sup> A globalizing economy did not necessarily have to mean weaker unions. In Germany, for instance, though textile and apparel employment dropped 60 percent between 1970 and 1990, the membership of the union representing these workers only dropped 20 percent. There, workers were more easily able to turn to unions to help protect them from job losses and to mediate globalization's effect. German workers can enter unions without having to fight with their employers and go through tumultuous union elections.<sup>139</sup> The Italian textile industry's workforce plummeted in the 1970s, but by the late 1980s that industry regrouped and workers' wages were above the European average. There, local

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<sup>138</sup> Peter A. Hall, David W. Soskice, *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage* (Oxford [England]; New York: Oxford University Press, 2001); Stiglitz, *Globalization and its Discontents*.

<sup>139</sup> The German textile and apparel union is the Gewerkschaft Textil-Bekleidung or GTB. Joan Campbell, *European Labor Unions*, (Westport, CT: Greenwood Publishing Group, Inc., 1992) 183.

labor movements were involved in the development of a network of smaller, specialized textile companies giving workers a safer seat within global forces.<sup>140</sup> Throughout Europe, when textile workers did lose jobs en masse, stronger labor movements were able to negotiate more freely than in the U.S. for income adjustment and assistance.<sup>141</sup> Within the U.S. political economy, in contrast, globalization severely undercut textile workers' unions. There, employers resisted workers' unionizing efforts, often using increased global labor competition as a weapon against organizing workers. At Cannon Mills, the workers' union organizing campaigns thus became not only sites for the unfolding of the cloth of globalization, but for its very manufacture. When such U.S. textile workers lost the power to unionize, they also lost their platform from which to lobby and negotiate the terms under which their industry globalized and so were less able to counter the retail sector's growing push to deregulate trade policies.

We turn now to take a closer look at workers inside retail, the industry that was the clear winner over textiles in the trade struggles of the late 20<sup>th</sup> century. Scholars often cite the nation's turn toward a retail and service based economy as one of the driving factors behind labor's decline, since so few workers were traditionally unionized in this sector. Unions did not try to organize retail workers, the standard narrative goes, and retail workers did not turn to traditional unions.<sup>142</sup> Yet in retail, as in so many other cases covered in these pages, the standard narrative of labor's decline gets far more

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<sup>140</sup> Richard M. Locke, *Remaking the Italian Economy*, (Ithaca, New York: Cornell University Press, 1995) 140-147.

<sup>141</sup> Leslie Stein, "General Measures to Assist Workers and Firms in Adjusting to Injury from Freer Trade," *American Journal of Economics and Sociology*, Vol. 42, 3 (July, 1983) 315-327.

<sup>142</sup> Lichtenstein, *The Retail Revolution*; Bethany Moreton, *To Serve God and Wal-Mart*; Troy, "Twilight for Organized Labor."

complicated upon examination of the workplace-level struggle and through discussions with the working people themselves.

## *Chapter 6*

### **Retail Workers Organize: The Victory at Woodward & Lothrop**

Rosa Halsey rarely ate lunch in the Woodward & Lothrop downtown store's employee break room until she started forming a union. "Other people I met had the same spirit...we had a common goal," she remembers. Halsey moved to the Washington, DC area in 1977 from Norfolk, Virginia, a town adjacent to Newport News. A young, African-American mother, she quickly found a job in the accounts department of the Washington area's largest department store, widely known as "Woodies." In 1979, she joined her 5,300 co-workers in winning the largest NLRB union election in Washington, DC's history, and the nation's last large retail industry union election. As in the organizing efforts at Newport News and Cannon Mills, young workers, people of color and women propelled the Woodward & Lothrop union drive. What is different about the Woodies story, however, is that unlike shipbuilding and textile, retail was an ascendant industry. Here was the future of the U.S. economy, and Rosa Halsey and her co-workers thought that future should include a union.<sup>1</sup>

Transformations in retailing, driven by a new breed of discount retailers like Wal-Mart, helped shape the twenty-first century economy. Giant, multinational retailers harnessed new technologies - - like UPC symbols and enormous container ships - - to shift the locus of power from manufacturers to retail. They became the shapers of global

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<sup>1</sup> Rosa Halsey, interview by the author, August 28, 2013, Landover, MD; Jerry Knight, "NLRB Orders Union Election at Woodies," *Washington Post*, May 3, 1979, C1; AFL-CIO, "List of Large NLRB Elections, 1961 - 2010," November 1, 2010, in the author's possession.

markets, determining what was manufactured and by whom, how it was transported, and how much it would cost. Retail conglomerates also re-shaped the working class experience in the United State. Their low-road employment policies - - very low wages, paltry benefits and mandatory part-time status - - permeated the labor market, shaping the work experience for people far beyond those who ran credit cards at a register.<sup>2</sup> Retailers like Wal-Mart also weakened the nation's social safety net by essentially refusing to play the role of security provider. The company's no-holds-barred anti-union approach meant that it sidestepped the state-backed mechanism - - collective bargaining - - that forced the company to pay its fair share. The company s effectively shifted those costs to the public coffers and helped deepen the nation's economic divide.<sup>3</sup>

Scholars have given much attention to Wal-Mart and the rise of retailers, but there has been little attention to retail union organizing in the pivotal moment of the 1970s, the years when a new breed of retail companies first began to gain momentum. Many retail workers, it turns out, did not back down easily when they faced de-skilling and the gutting of wage and benefits standards in the 1970s. They fought to bring retail jobs into the most secure tier of the U.S.'s social welfare state - - a union contract. While retail

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<sup>2</sup> On Wal-Mart's labor practices, low wages, and their impacts, see Nelson Lichtenstein , *Wal-Mart: The Face of Twenty-First-Century Capitalism* (New York: New Press, 2006) 9-10; Lichtenstein, *The Retail Revolution*, 326-331; Moreton, *To Serve God and Wal-Mart*, 50-55; Steven Greenhouse, *The Big Squeeze: Tough Times for the American Worker* (New York: Alfred A. Knopf, 2008) 135-157; Bob Ortega, *In Sam We Trust: The Untold Story of Sam Walton, and How Wal-Mart is Devouring America* (New York: Times Business, 1998).

<sup>3</sup> In 2005, nearly half of the children of Wal-Mart's workers were uninsured or depended on state-provided medical care, for instance, according to an internal company survey, and Wal-Mart spent less than half on health care per employee than did other major corporate firms. See Steven Greenhouse and Michael Barbaro, "Wal-Mart Suggests Ways to Cut Employee Benefit Costs," *The New York Times*, October 26, 2005; Greenhouse, *The Big Squeeze*, 154-155.

workers were less likely than other workers to have a union, they were trying to organize.<sup>4</sup> The number of retail workers voting in elections in the 1970s increased by 28 percent compared to the previous decade, a rate not far behind the job growth in the industry, which increased by 39 percent. Though unions were not organizing at anywhere near the scale necessary to increase union density in the retail sector, they were clearly stepping up efforts in the 1970s. (See Appendix F) Retail workers at Caldor Inc., Dillon Companies, Davison's department store in Atlanta, The Hecht's Company, Gimbles, FW Woolworth, Montgomery Ward and Peoples Drug Store were just a few examples of those voting in union elections in the 1970s, according to monthly NLRB reports.<sup>5</sup>

The new workforce was increasingly young, female and African-American. By 1970 a full half of sales clerks nationwide were under 25, and so had grown up in the wake of the civil rights movement.<sup>6</sup> Though women had long worked as sales clerks, the percentage of retail sales clerks who were female rose from less than half in 1950 to more than seventy percent by 1979, the year of the Woodies workers' union election.<sup>7</sup> As in textiles, black workers had only won the right to many retail sales jobs as a result of civil rights activism and legislation in the 1960s. Employers worried that this new workforce would translate into unions. One anti-union management consultant warned, "Danger: a union can muster a most potent campaign when it can take advantage of a "racial" or

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<sup>4</sup> Eleven percent of retail workers in 1979 had a union, compared to an overall union density of 25 percent, according to Barbara Cottman Job, "Employment and Pay Trends in the Retail Industry," *Monthly Labor Review*, March 1980, 40-43.

<sup>5</sup> These examples are drawn from NLRB monthly reports from 1970 and from 1977.

<sup>6</sup> Barry Bluestone, *The Retail Revolution: Market Transformation, Investment, and Labor in the Modern Department Store* (Boston, Mass.: Auburn House Pub. Co, 1981) 96.

<sup>7</sup> BLS, *Perspectives on Working Women: A Databook*, 10.

“sexist” theme.”<sup>8</sup> They were right to be worried. Rosa Halsey and her co-workers fought to make retail jobs secure and rewarding for the people who would swipe scanners, stock shelves and serve shoppers.

For the Woodies workers, the fight succeeded in part because their employer did not attack their union with the kind of scorched earth tactics that Wal-Mart and other discount retailers adopted. Wal-Mart, for instance, approached unions as though they were a cancer, flying in a specialized team at the first appearance of union cards in the 1970s and 1980s.<sup>9</sup> Kmart had a special security department to track union activity and report it to the Board of Directors.<sup>10</sup> Even other Washington, DC department store employees faced tough tactics waged by anti-union consultants, such as at The Hecht’s Company warehouse. In the Woodies election, we can see a glimpse of what the retail industry might have been like if employers had not had such a free hand to trample workers’ freedom to form union. The workers of Woodies won their union, and built a strong contract and local that would serve them well in the face of the squeezed retail labor standards and department store mergers of the 1990s and 2000s. Macy’s owns some of the stores left when Woodward & Lothrop closed in 1995. Those workers still have a union in 2015 that is a legacy of the one formed in 1979, and they are among the

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<sup>8</sup> Jackson, *When Labor Trouble Strikes*, 41.

<sup>9</sup> Lichtenstein, *The Retail Revolution*, 156-196; Lichtenstein, “Wal-Mart, John Tate, and Their Anti-Union America.” For more on Wal-Mart anti-unionism, see Human Rights Watch, “Discounting Rights: Wal-Mart’s Violation of US Workers’ Right to Freedom of Association,” May, 2007, electronic version accessed November 18, 2013, <http://www.hrw.org/reports/2007/04/30/discounting-rights>.

nation's few department store workers who have any say over the terms of their employment.

Retail workers nationally, however, were not able to turn the tide. The giant Woodies election would be the last of its kind in retail. After 1982, union organizing in the industry slowed to a crawl. In the 1980s, when jobs in retail grew by a third, the number of union elections in retail sunk by half. By 1989, a mere 14,000 retail workers voted in NLRB elections annually. Only five percent of retail workers had a union by 2012 and this lack of unionization helped make most retail jobs bad ones.<sup>11</sup> Low wages, paltry benefits and scarce full-time schedules marked the industry, yet retail loomed huge in the nation's economy. Retail sales clerk was the second-fastest growing occupation in the United States by 2013. There were as many people working as salespeople, cashiers and stockers as in all production jobs combined. The poor quality of retail jobs was thus a foundation on which the new economic divide rested.<sup>12</sup>

Was retail just so big, and the tug of technology so strong, that retail workers' enervation was inevitable? History is never made by the victors alone. Wal-Mart and K-Mart, for example, were just starting to mold the kinds of low-road labor decisions in the 1970s that would later become a template for the larger economy. They made those

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<sup>10</sup> Thomas Jessen Adams, "Making the New Shop Floor: Wal-Mart, Labor Control, and the History of the Postwar Discount Retail Industry in America," in *Wal-Mart*, ed. Lichtenstein, 225.

<sup>11</sup> See Appendix F. Bureau of Labor Statistics, "Union Members, 2012", Table 3, <http://www.bls.gov/news.release/pdf/union2.pdf> (accessed November 14, 2013).

<sup>12</sup> Bureau of Labor Statistics, Employment Projections, Table 1.4, [http://www.bls.gov/emp/ep\\_table\\_104.htm](http://www.bls.gov/emp/ep_table_104.htm), accessed October 29, 2013. Registered nurse is the fastest growing occupation. See also Laura K. Jordan, "Avoiding the 'Trap': Discursive Framing as a Means of Coping with Working Poverty," in *Retail Work*, ed. Irena Grugulis and Ödül Bozkurt (Basingstoke: Palgrave Macmillan, 2011)150.



decisions facing young, female, minority workers - - like those organizing at Woodward & Lothrop - - who were vocal about their rights, active and a possible threat. Perhaps corporations only needed a small hammer to tap down retail unionization efforts in the 1970s and 1980s, but they thought they needed a massive sledgehammer which they swung with abandon, pummeling the nation's system of economic levelers and leaving great holes in the social safety system. Retailers continued to wield this weapon long after the union threat weakened. The early twenty-first century's unequal economic divide was fashioned, in part, by corporate fear of workers' 1970s activism. Yet scholars have taken worker activism far less seriously than did the corporations, and have asked few of the kinds of questions that would illuminate the contours of this crucial class battle workers waged in the 1970s.

The Woodward & Lothrop organizing campaign allows us to understand more clearly the role of union organizing in shaping today's economy. Who formed this union and why? What did the company do? What role did the state play in this contest? Did workers' unions continue to organize and, if not, why? Can we find within this victory some clues as to why and how retail workers across the United States lost control of their fate within twenty-first century capitalism?

### **Seeking Refuge Amidst the Retail Storm**

In 1962, the same year Michael Harrington sparked a nation-wide discussion of poverty amidst an age of plenty with this book *The Other America*, he also published a much less known book which examined economic justice in a different way. In *The Retail Clerks*,

Harrington profiled a single, growing union - - the Retail Clerks International Association (RCIA).<sup>13</sup> Though the union was still relatively small at 400,000 members, it had quadrupled in size over the preceding two decades. Harrington called it “labor’s newest giant” for he believed that the RCIA represented labor’s future, “a new type of industrial union” which was well on its way to organizing this expanding sector.<sup>14</sup>

It was not clear in the early 1960s, even to so prescient a scholar and activist as Harrington, that a rocky road lay ahead for workers in retail. The industry itself had grown along with the rise of a post-World War II consumerist economy built around a car-centered, suburban culture.<sup>15</sup> When consumers drove to those new suburban department stores, the people who waited on them were not likely to have a union, though the union was indeed making some headway at organizing among regional discount stores, such as at Marshalls, Gemco, Caldor’s, Two Guys, and Bradlees. Unionized department stores were mostly confined to urban areas in cities like New York, Seattle and San Francisco. However, when those consumers cruised down the suburban street to their local grocery store, chances were much better that a union clerk would ring up their Cheerios, especially if they lived in a Northeastern or Midwestern market. By the late 1970s, the Retail Clerks International Union (RCIU) - - the same parent union that the Woodies workers would join - - represented a quarter of the national grocery market and virtually all of it in Washington, DC. Unionized retail workers had

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<sup>13</sup> Michael Harrington, *The Other America* (Baltimore: Penguin Books, 1962); Michael Harrington, *The Retail Clerks* (New York: Wiley, 1962) 2-7.

<sup>14</sup> Harrington, *The Retail Clerks*, 2-5.

<sup>15</sup> Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Knopf : Distributed by Random House, 2003).

good wages and benefits, and guarantees of full-time work.<sup>16</sup> Though retail weekly wages had fallen relative to those of other non-supervisory workers in the 1950s and 1960s, in 1968 retail workers nationally still made about 70 percent of what the average non-supervisory worker made each week, and most worked nearly full-time.<sup>17</sup>

The 1970s, however, brought profound changes to the retail industry which Michael Harrington could not have foreseen in 1962, the very same year in which Wal-Mart, Target and Kmart were all founded. The discounters rose to prominence in this new economic structure over the next three decades, and used new technology to force manufacturers and vendors to drive their prices down.<sup>18</sup> The discount chains were helped along by the elimination of New Deal-era federal fair pricing laws which had allowed manufacturers to set base prices. Opponents to these laws, such as discount department stores, successfully argued in the 1970s that they were inflationary. There were 45 such local and state laws in 1941, but by 1975 only 13 survived. Now discounters could not only drive down prices, but could also access brand-name merchandise that had been the purview of the conventional department stores.<sup>19</sup> New technologies - - such as computerized inventory and containerization - -

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<sup>16</sup> “Retail Clerks Union: High Hopes,” *Retail Week*, July 15, 1979, 50-53; Lichtenstein, *Retail Revolution*, 178-9; Jerry Knight, “Unions’ Organizing Push Could Alter D.C. Business,” *Washington Post*, April 22, 1979, G1. In 1977 the Retail Clerks International Association (RCIA) changed its name to the Retail Clerks International Union (RCIU). See “We are the Retail Clerks International Union,” *Retail Clerks Advocate*, August / September, 1977.

<sup>17</sup> See Appendix G. Weekly wages are a better unit of comparison than are hourly wages because so much of the decline in retail wages came through the shift to part-time work. On full-time work, see Job, “Employment and Pay Trends in the Retail Industry, 40-43.

<sup>18</sup> Misa Petrovic and Gary G. Hamilton, “Making Global Markets: Wal-Mart and its Suppliers,” in *Wal-Mart*, ed. Lichtenstein, 111 and 136-7.

<sup>19</sup> Bluestone, *The Retail Revolution*, 120-126.

also helped shift the levers of economic power from manufacturers to retailers. As laid bare in the Cannon Mills case, this shift in power was contingent on more than technology - - trade policy and manufacturers' own labor policies also favored retail's rise. For the department store industry, this shift meant tremendous consolidation as firms sought to gain enough leverage to compete. Prior to the 1970s, department stores typically sold a wide range of products and catered to a variety of price ranges. The discount retailers, however, stripped off the bottom market starting in the late 1970s and 1980s, just as consumers had less money to spend.<sup>20</sup> Meanwhile, upscale department stores like Nordstrom's began to expand, creating more competition for the upper echelons of the market.

As the discounters grew in size and influence in the 1970s and 1980s, hours and working conditions plunged for most retail workers, and what had been decent jobs quickly became very bad ones. In order for discounters to make a profit, they had to sell more goods and squeeze labor, keeping labor costs to less than half those in department stores.<sup>21</sup> Part-time work grew to be the norm and technological changes, like the rise of scanners, allowed for the mass de-skilling of retail jobs. Whereas retailers used to carefully train working class women to serve as salespeople, by the late 1970s most workers received little, if any, training for what was considered a low-skill job.<sup>22</sup> Wages

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<sup>20</sup> Lichtenstein, *The Retail Revolution*, 46-69.

<sup>21</sup> Bluestone, *The Retail Revolution*, 108.

<sup>22</sup> Susan Porter Benson, *Counter Cultures : Saleswomen, Managers, and Customers in American Department Stores, 1890-1940* (Urbana: University of Illinois Press, 1986) 9-10; Adam Mathias, interview with the author, August 15, 2013, Kensington, MD.

fell much more quickly than before, and jobs became more contingent.<sup>23</sup> While retail workers had started out the decade with weekly wages averaging 70 percent of those of all non-supervisory workers, by the time of the Woodies campaign in 1979 they only earned 63 percent of the average workers' weekly wage. Ten years later, they earned only 56 percent of that average wage. (See Appendix G)

The history of Woodward & Lothrop parallels that of the retail industry. The store was founded in 1880 by Samuel Woodward and Alvin Lothrop who made their name through the one price marking system, eliminating sales person haggling. The downtown store on F Street in the nation's capital became famous for its opulence, including the introduction of live models, concerts and even a radio broadcasting station. It took off in the 1920s and 1930s, serving the growing army of government employees in Washington DC and opening its first suburban store in 1950 in Chevy Chase. By the time of the union election in 1979, the company owned 14 stores and two warehouses spread over the metropolitan area.<sup>24</sup>

In 1979, Woodward & Lothrop stood just on the cusp of the discount store retail revolution. It was one of the nation's last independent department stores. Four major firms owned the majority of the nation's department stores: May Company, Federated, Allied, and Dayton Hudson.<sup>25</sup> Neither Wal-Mart nor upper-scale stores, like Nordstrom's and Macy's, had a presence yet in the Washington DC area, and

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<sup>23</sup> Bluestone, *The Retail Revolution*, 98-105; Lichtenstein, *The Retail Revolution*, 9-10.

<sup>24</sup> *Woodlothian, 100 Years*, Feb, 1980, Series V, Sub-Series A, Container 8, Folder 305, Woodward & Lothrop records, Washington Historical Society, (hereafter Woodward & Lothrop records); 1979 annual report, Series III, Sub-Series A, Folder 75, Woodward & Lothrop records.

<sup>25</sup> Rosen, *Making Sweatshops*, 178-181; Bluestone, *The Retail Revolution*, 23.

Woodies occupied a kind of middle-ground between upscale Garfinkel's and the lower-end Hecht's.<sup>26</sup> It brought in a new President, Edwin K. Hoffman, in 1969, replacing family management.<sup>27</sup> By 1978, Hoffman had successfully revamped the stores, jettisoning departments like hardware in which the discount stores were clearly beating Woodies, and getting out of budget fashion entirely.<sup>28</sup> This publicly-owned store was doing well by 1979. The company's net margin had nearly doubled in the previous six years to 4.6 percent, well above the median figure of 2.4 percent for the department store industry and making it the most profitable of the leading department store companies.<sup>29</sup> The company boasted in its annual report that 1979 marked "the greatest increase in our market share in recent times."<sup>30</sup>

Woodies did not pass this profit on to its workers. When Woodies felt squeezed by the industry competition, it followed the discounters' lead and squeezed workers. Rosa Halsey and her co-workers thus began organizing, signing union cards starting in January of 1979. A survey commissioned by the union at the outset of the campaign revealed that top issues among workers were, in order, health and pension benefits, job security and

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<sup>26</sup> Lichtenstein, *Wal-Mart, 14*; Margaret Webb Pressler, "Woodies Slide Into Extinction Began Decades Ago," *Washington Post*, June 25, 1995, B1.

<sup>27</sup> "The Selling of Woodies," *The Washingtonian*, November, 1984, folder 528, container 18, Woodward & Lothrop records; Message from Edwin Hoffman, *Woodlothian* Annual Report to Employees, February, 1980, Series V, Sub-Series A, Container 8, Folder 305, Woodward & Lothrop records.

<sup>28</sup> "Building Profit on a New Image," *Chain Store Age*, August, 1978, 4.

<sup>29</sup> "Woodward & Lothrop: Flourishing in the Face of Glossy Competition," *Business Week*, March 19, 1979, 156; William H. Jones, "Woodies Approaches 100, Still Single," *The Washington Post*, September 27, 1978, D8.

<sup>30</sup> Woodward & Lothrop, Annual Report, Series III, Sub-Series A, Folder 75, Woodward & Lothrop records.

increased wages. “To me, it meant better benefits, better pay, better working hours, better working conditions. I didn’t see any reason not to support it,” recalls Adam Mathias, a young white clerk at the Montgomery Mall store’s luggage department.<sup>31</sup>

Woodies’ workers had little access to the kinds of fringe benefits that filled in the gaps left by the patchwork U.S. social welfare state. Though technically, full-time Woodies workers had access to health benefits and pensions, workers remember that mostly white-collar managers received these benefits, and part-timers were excluded.<sup>32</sup> Only a quarter of Woodies’ employees, including managers, were part of the group hospitalization plan; only 1500 out of 8000 total active employees were covered by Woodies’ retirement plan.<sup>33</sup> Top managers had contracts, including stock options and severance guarantees, but Woodward and Lothrop’s rank-and-file were far more dependent on management’s whims when it came to their economic security.<sup>34</sup>

Rampant inflation cut deeply into Woodies workers’ earnings, 68 percent of whom had family incomes of less than \$18,000 a year in 1979, a level below what the

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<sup>31</sup> “A Survey of Opinion Toward Unions Among Woodward & Lothrop Employees in the Washington Metropolitan Area,” March 1979, for Local 400, Retail Clerks International Union, Kraft Opinion Research Center, provided by United Food and Commercial Workers research department in 2013 and in the author’s possession; Mathias interview.

<sup>32</sup> Cash interview; Mathias interview; “Woodie’s Organizing Effort Rolling,” *Union Leader*, (RCIU Local 400 newsletter, available at UFCW Local 400 headquarters, Lanham, MD), February, 1979, 1.

<sup>33</sup> Form 5500, Annual Return / Report of Employee Benefit Plan, 8/30/78, corporate files – W, c07/c/19, box 19, FAST records, AFL-CIO archive; Form 5500, Annual Return / Report of Employee Benefit Plan, 7/31/7, corporate files – W, c07/c/19, box 19, FAST records. The 8000 employment figure includes both salaried and hourly employees.

<sup>34</sup> Proxy Statement, Woodward & Lothrop, Inc, May 21, 1979, corporate files – W, Box 19, FAST Records,.

federal government considered an “intermediate budget” for the Washington, DC area.<sup>35</sup> “Back then, they did not give good raises. They just did not. Your raises depended on your manager,” remembers Leola Dixon who worked in the flagship store’s flowers and gift department.<sup>36</sup>

Job security was a recurrent theme among workers who wanted protection against unjust firings and favoritism. Two-fifths reported that had been hassled by their supervisors or department heads. “If you made a mistake, it was like you killed somebody, but the other person, if they made a mistake, it’s all well and good,” remembered Barbara Cash, a merchandise receiver in the downtown warehouse. “If you didn’t belong to a union the company could say, “you’re fired” if you did something they didn’t think you should be doing.”<sup>37</sup>

Not everyone thought the workers needed a union, however. Frank Wright, a group leader in major appliances at the Lakeforest store, argued that “They treat their...employees fair. The pay is better than other operations and the benefits are much better. There is room for advancement for good people from within.”<sup>38</sup> Woodies

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<sup>35</sup> “A Survey of Opinion Toward Unions Among Woodward & Lothrop Employees in the Washington Metropolitan Area”; “It Costs \$17,000 to Live Halfway Decently Today,” *Retail Clerks Advocate*, June, July 1978.

<sup>36</sup> “A Survey of Opinion Toward Unions Among Woodward & Lothrop Employees in the Washington Metropolitan Area”; Leola Dixon, interview with the author, October 25, 2013, Takoma Park, MD.

<sup>37</sup>“A Survey of Opinion Toward Unions Among Woodward & Lothrop Employees in the Washington Metropolitan Area”; Cash interview.

<sup>38</sup> Wright quote from the *Woodlothian*, Feb, 1980, Series V, Sub-series A, Container 8, Folder 305, Woodard & Lothrop records.



workers, overall, reported that they liked their company and were proud to work for it. A full eighty-six percent, however, thought the company could afford to pay them better.<sup>39</sup>

### **New Workers Knocking On Old Doors**

Like the Newport News and Cannon Mills workers, many of the Woodies workers who sought security through a strong union contract were representative of America's diversifying workforce. Black workers had long been excluded from retail sales jobs, but during the 1970s the percentage of black working women in sales increased even as that of white women decreased slightly.<sup>40</sup> By 1979 a quarter of Woodies' non-supervisory workforce was African-American, and three-quarters of the workers were female. Black workers were far more likely than whites to support the union, as were young women, especially those supporting a family alone. Almost half of the workers were young, under the age of 35, and this group supported the union most strongly.<sup>41</sup> These workers fought for access to the strongest economic security that was available to them as working-class Americans – a union contract.

Like the Newport News workers, workers at Woodies had to first overcome an independent union that had been set up in the 1930s as what one shipyard worker aptly

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<sup>39</sup> "A Survey of Opinion Toward Unions Among Woodward & Lothrop Employees in the Washington Metropolitan Area."

<sup>40</sup> Bureau of Labor Statistics, *Perspectives on Working Women: A Databook*, 74.

<sup>41</sup> "A Survey of Opinion Toward Unions Among Woodward & Lothrop Employees." This survey includes workers in the two distribution centers, where nearly all non-supervisory workers were black. It shows that as a whole, women were less likely to support the union than were the men at the beginning of the campaign. Because three-quarters of the Woodies workers were women, this figure reflects a non-union attitude on the part of older, white women. Younger women were much more likely to support the union.

termed a “union stopper.”<sup>42</sup> As at Newport News, though unions had tried numerous times to organize a new local union at the department store, it was a workforce with changed demographics that gave the RCIU the grassroots momentum to mount an effective challenge. The independent union had been born in a Woodward & Lothrop Board of Directors’ meeting in 1937 soon after the Amalgamated Clothing Workers of America (ACWA) union president Sidney Hillman announced that the CIO would launch an industry-wide drive in department stores.<sup>43</sup> Luke Wilson, a member of the Board of Directors, suggested a company union when the directors fretted that the CIO was a “communistic” threat to the esteemed store. Management had long opposed unions and Woodies had been on the local Coalition of Labor Unions’ unfair list for 20 years by then. When a delegation from the Washington League of Women Shoppers asked Donald Woodward’s position on the union in 1937, he told them the company would not stand for domination by unions and hoped soon to have a company union.<sup>44</sup>

The first unions to challenge Woodies in the fall of 1937, however, were not those of Hillman’s CIO department store group. Rather, the AFL’s Building Service Employees Local #82 sought to represent the majority-black unit of janitors, and the Painters union picketed Woodies because it refused to hire union painters. Soon after,

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<sup>42</sup> Moore interview.

<sup>43</sup> For a full account of the CIO’s organizing efforts in retail and the Department Store Organizing Committee set up in 1937 see Daniel J. Opler, *For All White-Collar Workers: The Possibilities of Radicalism in New York City’s Department Store Unions, 1934-1953* (Columbus: Ohio State University Press, 2007). The AFL union was the Retail Clerks International Association (RCIA) which changed its name to the Retail Clerks International Union (RCIU) in 1977.

<sup>44</sup> “Regional Director’s Report in matter of Woodward & Lothrop Corporation and Building Service Employees International Union, Local #82,” Case no V-C-371, undated (c. April, 1938), Formal and Informal Unfair Labor Practices and Representation Case Files, 1935-48, Box 1253, RG 25, NLRB records.

the promised company union emerged. Charles Davis, a supervisor who one NLRB official noted “had never before been interested in any labor organization,” began to circulate a petition to start a company union. The petition came as a shock to employees. The new union collected initiation fees and dues, and set up a new constitution with nineteen long-service employees serving as the Executive Committee. The constitution required everyone to join. The company allowed the group to sign up members while they worked and to hold meetings on the property, while refusing the AFL unions similar access. The NLRB found in 1938 that the Association of Woodlothian Employees was an illegal union, company-directed, and ordered it disbanded. As in the Newport News case, however, the organization simply ducked and wove. It changed its name and then won official NLRB sanction through an election in 1940 as the Union of Woodward & Lothrop Employees.<sup>45</sup>

The employee organization hung on for another 39 years, beating out a 1947 challenge by the RCIA-backed Department Store Council by a two-to one margin.

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<sup>45</sup> “Regional Director’s Report in matter of Woodward & Lothrop Corporation and Building Service Employees International Union, Local #82”; Constitution of the Woodward & Lothrop Employees’ Association (undated, c. 1938), Series I, Sub-Series B, Container 2, Folder 65, Woodward & Lothrop records; Certification on counting and tabulation of ballots, October 29, 1940, Formal and Unfair Labor Practices and Representation Case Files, 1935-1948, Box 1253, RG 25, NLRB records. The new name for the union was the “Union of Woodward & Lothrop Employees.” Between the time that the NLRB ordered the company to withdraw all recognition from the Association of Woodlothian Employees in 1938, and date when the new union won the election, several unions claimed to represent the workers. One union, the Amalgamated Clothing Workers, charged that the new union was company dominated. However, the union dropped this charge after two fired workers were re-hired. The NLRB held a hearing, invited all four unions to argue their case, and only the Union of Woodward & Lothrop Employees showed up. There were two elections on October 29, 1940. For the largest unit of 2197 employees, no other union was on the ballot. There was a contested election for another unit of 160 restaurant workers in which the Union of Woodward & Lothrop Employees beat out the hotel and restaurant workers. See weekly reports on pending cases, Case No. V-R-508 from July 13, 1940 to October 31, 1940, Formal and Unfair Labor Practices and Representation Case Files, 1935-1948, Box 1253, RG-25, NLRB records.

Though workers sometimes expressed interest in organizing with a more potent union, the independent union continued to officially represent the workers, often signing one-year contracts with small increases. The company continued to develop anti-union tactics, even while letting the in-house union do its job. For instance, it enlisted George Washington University psychology professors to survey workers as a means of ferreting out dissatisfaction, the kind of soft anti-union tactic pioneered by Sears Roebuck and described by historian Sanford Jacoby.<sup>46</sup>

The workforce, however, began to change in the 1960s, and the black and young workers were more willing to challenge the company and its union than had been workers in previous generations. In the 1950s, black workers had access to few jobs at Woodies. “If you are colored, you start here in uniform as a maid or porter. After 20 years, you’re still in uniform,” summed up one black worker in 1956.<sup>47</sup> Yet by the late 1950s, the company found itself in the crosshairs of savvy civil rights leaders who served as de facto labor leaders for the black community, especially since so many unions still excluded black workers. In the fall of 1957, ministers who led the local NAACP were unsuccessful in their attempts to persuade Woodies to hire black sales clerks for the holiday season. The following spring, however, the group persuaded the black

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<sup>46</sup> “Store Workers Vote to Continue Own Union Setup,” *Washington Post*, August 12, 1947, 9; Franz E. Daniel to Joseph F. Heath, April 19, 1956, Box 55, RG 28-002, Organizing Department records, AFL-CIO archives; “Official Notice,” August 1, 1955, Series I, Sub-Series B, Container 2, Folder 65, Woodward & Lothrop records; “Dear Store Member” from Andrew Parker, May 26, 1952, Series I, Sub-Series B, Container 2, Folder 65, Woodward & Lothrop records; Memo to Andrew Parker from Thelma Hunt and Curtis E. Tuthill, May 5, 1952, Series I, Sub-Series B, container 2, Folder 65, Woodward & Lothrop records; Jacoby, *Modern Manors*, 95-142.

<sup>47</sup> Edward Peeks, “Woodward and Lothrop Maintain Segregation,” *Baltimore Afro-American*, November 24, 1956, 6; Patricia Gilliam, phone interview with the author, August 28, 2013.

community to boycott Woodies for a day. Woodies finally employed 80 black women to wrap packages in the 1958 holiday season. They were the first black people to serve customers in any Washington area department store, outside the tea rooms.<sup>48</sup> “They knew the change was coming,” remembers Patricia Gilliam, one of those African-American women first hired to wrap, noting they did it “to keep people in the stores...it had a lot to do with civil rights.”<sup>49</sup> However, not until after the Congress of Racial Equality (CORE) got involved in negotiations with the company in 1961 did the company finally hire four sales women for the holiday season.<sup>50</sup> Woodies then expanded its black hiring in the mid-1960s faster than did other local firms.<sup>51</sup> Leola Dixon was working as a housekeeper at the downtown store when Woodward & Lothrop tapped her to be one of the store’s first black sales associates. “I was so nervous and I just stood behind the register” in the flowers and gifts department, remembers Dixon, until an older white supervisor kindly encouraged her to step forward and help the customers.<sup>52</sup>

The women workers at Woodies provided impetus for the effort to throw off the old, ineffective union, and they made that decision amidst the women’s movement sweeping the nation around them. “Women were waking up in the 70s,” remembers Glenda Spencer-Marshall, a unionized discount store worker who served as a rank-and-

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<sup>48</sup> Lester Tanzer, “Negroes Boycott 5 Big Washington Stores for Day,” *Wall Street Journal*, March 28, 1958, 12; “Labor Aide Hints Merit Hiring Near,” *Baltimore Afro-American*, April 26, 1958, 5.

<sup>49</sup> Gilliam interview.

<sup>50</sup> “Group Demands Change,” *Baltimore Afro-American*, May 31, 1961, 20.

<sup>51</sup> William J. Raspberry, “Negro Job Progress is Seen Lagging in Government, Trade,” *Washington Post*, October 23, 1965, B1.

<sup>52</sup> Dixon interview.

file organizer on the campaign. She remembers that women like those at Woodies “decided they wanted more and decided that they would have to be the ones to get more.”<sup>53</sup> Women had long served as sales clerks and starting in the early twentieth century, department stores trained and shaped women to become professional saleswomen. After World-War II, many women found jobs in the burgeoning suburban shopping malls, often ringing up clothes and perfume on a part-time basis while their children were at school during the day.<sup>54</sup> When women moved en masse into U.S. workplaces in the 1970s, a great many followed that well-worn path and took up positions behind cash registers. After all, sales offered a flexible job for working mothers and a familiar space to many women.<sup>55</sup> The year of the Woodies election, 1979, marked the first year that more than half of U.S. women worked for wages, and a full quarter of the eleven million women who joined the workforce in the preceding ten years took jobs in retail trade.<sup>56</sup> However, four-fifths of these women were stuck in the lower ranks of sales clerks and service, and could not easily access the higher sales positions - - like sales representatives. The women were also far more likely than the men to work part-time.<sup>57</sup> The women at Woodies wanted a union, in part, so that they could have more control over their schedules as working mothers, and so that even as part-timers, they

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<sup>53</sup> Glenda Spencer-Marshall, phone interview with the author, September 23, 2013.

<sup>54</sup> Benson, *Counter Cultures*. Cohen, *Consumers Republic*, 282-286.

<sup>55</sup> Sue Bean, telephone interview with the author, July 31, 2013.

<sup>56</sup> Bureau of Labor Statistics, *Perspectives on Working Women: A Databook*, 3. Job, “Employment and Pay Trends in the Retail Industry.”

<sup>57</sup> Job, “Employment and Pay Trends in the Retail Industry.”

could access full benefits.<sup>58</sup> If their feet were going to be glued to the lowest rungs of the job ladder, they at least wanted to be better paid. The women at Woodies hoped to use the union as a tool to shape their feminized work experience.

The older department store workforce had not been willing to challenge the status quo. After a 1970 department store organizing effort failed in nearby Baltimore, one organizer noted, “The department stores for many years have had many widows and older people convinced that they are one big happy family...it’s difficult to convince them that they have rights.”<sup>59</sup> By the end of the 1970s, the scale had tipped in the other direction, and a new working class at Woodies viewed its rights with fresh eyes.

Arthur Banks, an African-American loading dock supervisor, noticed the change in the younger generation, and supported it as best he could. Even though he was a supervisor, he surreptitiously backed their union efforts. Banks remembers that the group pushing the union was different from his generation because the younger workers had grown up in an integrated world and had a different understanding of their rights following the Civil and Women’s rights movement. “They were just more outspoken. They didn’t really care about the repercussions of getting fired.”<sup>60</sup> Like Archie Bunker from the *All in the Family* television series, Banks worked as a loading-dock supervisor. Though a number of historians find the fictional Archie Bunker’s conservatism representative of the late 1970s working class, Banks’s support for young workers’

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<sup>58</sup> Bean interview.

<sup>59</sup> Quote from William R. Forsythe, “Retail Union’s Drive Stalls,” *The Baltimore Sun*, November 8, 1970, 27.

<sup>60</sup> Arthur Banks, interview with the author, August 20, 2013, Washington, DC.

organizing efforts serves as a reminder much of the real working class was open to liberal change and union-minded throughout the entire 1970s.<sup>61</sup>

### **How to Win a Union**

Like Edward Coppedge and the other originators of the Newport News steelworkers union, Wilbur Reed was an African-American man who had once been active in the independent union but who helped launch the drive for a new union. A company bus driver who shuttled workers between warehouses and stores, Reed knew everyone, and once served as the independent union's president.<sup>62</sup> Reed, however, was dissatisfied with the paltry raises the independent union could win, and with the fact that the workers had no right to outside arbitration to deal with grievances. During the 1979 campaign, he fed Local 400 (an RCIA affiliate) information about the workforce and worked behind the scenes to support it.<sup>63</sup>

The union first attempted to sign up Woodies workers in 1976.<sup>64</sup> Local 400, however, could not convince the NLRB to allow it to hold separate elections among

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<sup>61</sup> Cowie, *Stayin' Alive*, 192-197; Sandbrook, *Mad as Hell*, 47-49.

<sup>62</sup> Banks interview.

<sup>63</sup> John Brown, telephone interview with the author, March 25, 2013. The Retail Store Employees Union, AFL-CIO, Local 400 was a unit of first the RCIA, and then the RCIU when the parent union changed its name in 1977.

<sup>64</sup> "Woodie's Organizing Effort Rolling," *Union Leader*, February 1, 1979, 1; Jerry Knight, "Woodies Employees Vote Solidly for AFL-CIO Union," *Washington Post*, June 22, 1979, C8.



warehouse workers, like Reed, and those at the individual stores where it found support.<sup>65</sup> This was a typical dilemma for retail workers who wanted a union by the 1970s. As retail chains grew in size and importance, the nation's legal structure needed to adapt to the industry's changes. Would workers at one chain store or fast food joint be allowed to form their own union, or would they be forced to try to unite with workers at various stores who they may have never met before, spread across a vast urban area? In the early 1960s, the Kennedy-appointed NLRB leaned toward allowing workers in small units to form their own unions, deciding in the Sav-On Drugs case that union elections did not have to follow the same jurisdictional lines adopted by the parent company's mega-structures.<sup>66</sup> Employers, however, hated this interpretation. The Chamber of Commerce, for example, in 1966 singled out unit-size as one of the issues that the Labor Law Reform Group should address, demanding that the NLRB favor the employer's administrative structure when determining who could vote in a union election.<sup>67</sup> The Nixon-appointed board gave the employers what they asked for. In a 1971 precedent-setting case, it decided that a group of McDonald's workers could not form a union at their restaurant - - they had to be included in a larger group of McDonald's restaurants also owned by a regional conglomerate called Twenty-first Century Restaurant.<sup>68</sup>

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<sup>65</sup> Joost Polak, "Organizing Case Study: Woodward & Lothrop, Washington DC, 1987, Box 9, Kistler papers.

<sup>66</sup> Schlossberg and Scott, *Organizing and the Law*, 288; Gross, *Broken Promise*, 172.

<sup>67</sup> U.S. Chamber of Commerce, "The Need for Labor Law Reform" as reprinted in "Chamber Publicizes Panel Proposals for Amendments to Taft-Hartley Act," *Daily Labor Report*, December 23, 1966, A-1. For more on Labor Law Reform Group see chapter three.

<sup>68</sup> NLRB Annual Report 1972, 56 – 57; see also Gross, *Broken Promise*, 228 -9.

Thus, by 1976 Local 400 was forced to try to organize across all stores and warehouses at Woodies, and with only a few organizers on staff, it could not get enough workers to sign union cards to warrant a vote. However, the union worked with activists to try to take over the independent union's board and then to force a merger with Local 400. It did not work. Instead, the board elected a strong company supporter as president of the independent union, Natalie Koeling.<sup>69</sup> If Woodies workers were going to have a union with Local 400, they were going to have to do it the hard way - - by winning what would be the Washington, DC area's largest union election in history, and by taking on the Washington area's largest private-sector employer.<sup>70</sup>

Thomas McNutt, the president of Local 400, was just crazy and ambitious enough to help them try. A young upstart within the RCIU, McNutt came out of the Michigan district council and quickly rose through the union's ranks. McNutt won the local's presidency in 1975 after having served as its headquarter-appointed trustee, and made waves by negotiating top-notch contracts with full health benefits and by prioritizing organizing.<sup>71</sup> "Our philosophy is never to be satisfied with what is," said McNutt.<sup>72</sup> McNutt knew that the Woodies independent union's contract would expire again in 1979, thus opening a window of time during which workers could legally switch unions. This time, he began amassing an army of organizers well in advance, calling on colleagues and

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<sup>69</sup> Jerry Knight, "Woodies Only the First Step," *Washington Post*, April 4, 1979, D7; Brown interview; Michael Earman, telephone interview with the author, March 22, 2013.

<sup>70</sup> Jerry Knight, "Pepco Pact Set; Woodies Talks to Start Today," *Washington Post*, August 8, 1979, C1.

<sup>71</sup> "The Nation's Capital Has an Outstanding Union: Local 400," *Retail Clerks Advocate*, April 1979, 12 - 15; James Lowthers, interview with the author, Landover, MD, July 20, 2013.

<sup>72</sup> "The Nation's Capital Has an Outstanding Union: Local 400."

allies throughout the union to send their own staff his way in 1978.<sup>73</sup> The international union sent McNutt one of its top strategists, Jack Adams, to head the campaign. McNutt also recruited and trained union members from within the local to help on the drive.<sup>74</sup>

January 22, 1979 found 200 staff members and rank-and-file volunteers spread out across Woodies' 14 stores and two warehouses in the Washington, DC area, including stores in suburban Maryland and Virginia. The organizers synchronized their watches and at exactly 4:30 p.m., they started working their way from the top floor down through the department store levels, handing out handbills and passing out union cards. Managers scurried behind them collecting the papers.<sup>75</sup>

Each of the Woodies stores and warehouses had different kinds of workers with their own unique concerns and issues. Some of the suburban stores employed mostly older white workers who were more concerned about retirement issues, for instance, whereas the workforce at the Washington, DC warehouse on M Street was nearly all African-American and mostly young. Pay and treatment were the biggest issues there.<sup>76</sup> The union approached this puzzle by building a balkanized organizing structure that gave each team a fair amount of autonomy. In effect, it chose to run 16 different campaigns, assigning a team of organizers and volunteers to each store and distribution center, trying to match the staff demographics to that of each facility. Each team was free to create and

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<sup>73</sup> Lowthers interview; Earman interview; Brown interview.

<sup>74</sup> Earman interview.

<sup>75</sup> "Woodie's Organizing Effort Rolling," *Union Leader*, Feb, 1979, 1; Lowthers interview; Jerry Knight, "NLRB Orders Union Election for Woodies," *Washington Post*, May 3, 1979, c1.

<sup>76</sup> Brown interview; Earman interview; "A Survey of Opinion Toward Unions Among Woodward & Lothrop Employees."

distribute its own literature, drive its own message and call frequent meetings, often in a hotel suite or the shopping mall's bar.<sup>77</sup>

The loose structure offered room for surprises, such as discovering a union hot bed in cosmetics. Though workers who work for on commission are notorious for being the least supportive of a union, the teams at Prince George's and Montgomery malls found that the commissioned women in those cosmetics departments were particularly interested in having a union because they wanted more control over rates of pay. "Pretty soon those girls were our shock troops," reported one organizer. When it became clear that the commissioned men in suits were "totally scared to death," the cosmetics union flotilla would float behind the racks to talk with them, and soon many of the men signed up for the union.<sup>78</sup>

At the M Street warehouse, supervisors faced a tidal wave of union support, and attempted to shut down all union activity. They banned workers from signing union cards on the warehouse floor – something that they were within their legal rights to do. A group of women workers, however, outmaneuvered their male bosses by turning the ladies' restroom into a union safe house where they could sign cards. When they ran out of union cards, they called out to organizers for more through the chicken-wire-covered windows in the bathroom. The organizers rolled up the cards and shoved them through the wire, and the women poked them back out once signed. "They were giggling and

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<sup>77</sup> Earman interview; Lowthers interview; "Woodward & Lothrop – Supplemental Notes," Box 9, Folder 23, Kistler papers; Mathias interview.

<sup>78</sup> Brown interview; Polak, "Organizing Case Study: Woodward & Lothrop, Washington DC," quote from Mike Fusco.

laughing, and I know supervisors knew what was happening but there wasn't anything they could do...they couldn't very well go busting into the ladies room," remembered the organizer John Brown.<sup>79</sup>

A thousand workers signed union cards in the first four days of the campaign. Hundreds more signed cards in the following weeks in meetings, parking lots, garages and surreptitiously on the shop floor. "You hide behind the rack of clothes or you go in the store room," when told not to organize on the shop floor, remembered Adam Mathias.<sup>80</sup> Nearly a third of the workers who signed cards sent them through the mail. The union petitioned for an election with about 3,400 cards on April 3, 1979, the earliest date on which it could make a legal claim to challenge the independent union.<sup>81</sup> Two days later the company and the union filed nearly identical challenges to the union's petition alleging that the union had used improper methods to get signatures, and the independent union filed a civil suit demanding a quarter of a million dollars in damages to compensate for costs incurred by the drive. The union's lawyer remembers that the charges were weak and the union's legal team easily got them dismissed.<sup>82</sup>

The management of Woodies did not run a scorched earth assault on the union in the vein of the Cannon Mills campaigns. Rather, it walked a fine line between the union busting tactics that were becoming *de rigueur* for employers at the time, and a more

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<sup>79</sup> Brown interview; Polak, "Organizing Case Study: Woodward & Lothrop, Washington DC."

<sup>80</sup> Mathias interview.

<sup>81</sup> "Election at Woodies Coming Up," *Union Leader*, May, 1979, 1.

<sup>82</sup> Thomas R. McNutt, "Dear Woodies Employees," May 8, 1979, corporate files – W, Box 19, FAST record; "Election at Woodies Coming Up," *Union Leader*, May 1979, 1; Carey Butsavage, interview with the author, June 17, 2013, Washington, DC.

paternalistic tone that matched the dignified public image Woodies carefully cultivated. “It’s kind of like they went to a management library and got a notebook that has all the typical ... boiler-plate stuff,” remembers Michael Earman, an organizer on the campaign. A letter from the company’s president to workers was a typical attempt to paint the union as an outside third-party: “I personally feel that the treatment you and this Company are receiving from this union (Local 400) is offensive...I encourage you to report to your personnel office when...you have been intimidated, harassed or in any way interfered with.”<sup>83</sup> Management ran an inconsistent campaign, pleading that workers trust the company to have the workers’ best interest at heart. The company held captive audience meetings - - mandatory anti-union meetings - - but the tone was civil and non-threatening. “It was politely put, that they wanted to make sure you knew what Woodies had to offer,” remembers Rosa Halsey, who attended such meetings in the flagship store.<sup>84</sup>

Front-line supervisors turned out to be key to the company’s campaign. Woodies relied on supervisors to carry a “neither union” message to their employees, urging them to let employees know that unions would hurt the company. Labor law did not permit them to support either union publicly.<sup>85</sup> Both the company and the union, however, knew that many supervisors supported Local 400 because if the rank-and-file workers got a

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<sup>83</sup> Letter quoted in “Woodies Drive in High Gear as Deadline Nears for Filing,” *Union Leader*, April, 1979, 1.

<sup>84</sup> Halsey interview.

<sup>85</sup> E.K. Hoffman to all members of management, May 1, 1979, reprinted in “Dear Woodies Employee,” May 8, 1979, corporate files – W, box 19, FAST records.

raise, so would the supervisors.<sup>86</sup> Arthur Banks, the loading dock supervisor, made quiet, positive comments about the union to some of his staff though he knew his platform supervisor “might have balled me out.”<sup>87</sup> At many other companies, supervisors would be unlikely to have even this sort of soft latitude. Most employers followed the advice laid out by one self-styled management guru in 1981 to fire promptly any supervisor who “does not possess or acquire the requisite leadership capacity and is unable to grasp and comply with the union-free concepts.”<sup>88</sup>

Woodies, however, still had one foot in the old way of doing things. If Woodies had run a more vigorous campaign, with the kinds of threats and intimidation that were so common by the late 1980s and 1990s, it is much less likely that the workers would have won their union. Instead, Woodies did not even hire the Shawe & Rosenthal anti-union firm until six weeks before the election, and chose not to run as vigorous a campaign as that same law firm ran at the Hecht’s warehouse in the early 1980s, for instance. Woodward & Lothrop company archives shed no light on the company’s motivations for running a less threatening anti-union campaign. One union staffer’s speculations, however, offer one explanation. The company’s president, Hoffman, had served as president of the Metropolitan Washington Board of Trade, a kind of mini-chamber of commerce for retail employers, which included unionized employers like grocery stores, and they may have advised him against a fierce campaign.<sup>89</sup> “Ultimately, there were enough

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<sup>86</sup> “Woodward & Lothrop,” Supplemental Notes, Box 9, Folder 23, Kistler papers.

<sup>87</sup> Banks interview.

<sup>88</sup> Jackson, *When Labor Trouble Strikes*, 32 -3.

<sup>89</sup> “Hoffman is Chosen BOT ‘Man of Year’,” *Washington Star*, May 5, 1979.

people ... that were friends of Hoffman and they convinced him that Local 400 was not bad... at that time it had a very good relationship with the owners of Giant Food," remembers union organizer Earman.<sup>90</sup> Whatever the immediate motivation, Woodies' decision to run a lighter anti-union campaign serves as reminder that even by the late 1970s, corporations' anti-union stances were not yet so absolute as they would be a decade later. Unions still held great sway and union-busting was still considered unseemly for so prestigious an institution as Woodward & Lothrop's. After all, the company carefully had cultivated that rarified reputation over many decades among its clientele. Woodies thus proved itself to be on the more cautious end of the spectrum of corporate anti-union development in the late 1970s.

Woodies' relatively weak campaign meant that when young Woodies workers brought new consciousness about their rights - - as blacks, as women, as workers - - into the workplace, they had a more open playing field than would workers who faced the full brunt of 1980s anti-union tactics. Having finally gotten the kinds of jobs from which they had long been excluded, they felt fairly free to organize. They would never have felt this freedom at other retailers in the 1980s and 1990s, such as at Wal-Mart. The absence of a full anti-union campaign at Woodies gives us a glimpse of the kind of future that might have met the new working class forged in the 1970s if it had not faced the sort of increased employer resistance described in chapter three.

Local 400 organizers were able to run a high-road campaign that capitalized on the momentum generated by this young and energetic workforce. The union commissioned an opinion polling firm to survey the workers in March, and they were

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<sup>90</sup> Earman interview.



surprised to learn that a majority of workers generally liked working for Woodies, though they were dissatisfied with the pay and benefits. Organizers decided to run a campaign that stuck to a positive message.<sup>91</sup> It was a strategy that resonated with Rosa Halsey, who looked forward to going across the street after work to the union's store-front union office where she met with the organizers who she found to be "truthful and upfront."<sup>92</sup> Even Woodies' soft anti-union tactics, however, were enough to scare a number of the workers, and the union struggled with how to show that it was building support. One day organizers passed out glow-in-the-dark key chains, shaped as "#1", emblazoned with the local's slogan. The key chains were a hit, and the "#1" theme began to permeate the campaign. It became a mechanism for workers to embrace the union without aggressive sloganeering. When organizers at the Springfield mall were banned from leafleting, they had shopping bags printed up with a "#1" on the side and handed them to shoppers so employees would see them throughout the store. The union ordered several thousand "#1" golden pins - - a trendy designer trinket at the time - - and workers wore them on their lapels as they served customers.<sup>93</sup>

The union even rode the momentum generated by the 1979 smash box office hit, *Norma Rae*. The union secured a Dupont Circle movie theater, and hired shuttle buses to ferry workers to two private showings. Four buses went from the downtown store and

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<sup>91</sup> "A Survey of Opinion Toward Unions Among Woodward & Lothrop Employees"; Lowthers interview; Earman interview.

<sup>92</sup> Halsey interview.

<sup>93</sup> Earman interview; Thomas R. McNutt, "Dear Woodies Employee"; Polak, "Organizing Case Study: Woodward & Lothrop, Washington DC."

warehouse alone.<sup>94</sup> *Norma Rae* portrayed a strong female protagonist leading a Southern textile labor struggle, and her story resonated strongly with the heavily-female Woodies crowd. Like Norma Rae, they were yoking their challenges as a new breed of working women to those of union activists.

The women and men who worked at Woodies wanted a union so that they could win more economic security from their employer in the insecure times of the late 1970s. Health and retirement benefits were of utmost importance to them, as were raises. The union thus led its message with its greatest strength, featuring its strong local contracts at other retailers like the men's clothing store, Raleigh's, the discount store, Memco, and the unionized grocery chains. There, the local had won fully-employer paid health benefits, often including dental and eye care, and robust retirement plans and wage increases.<sup>95</sup> Through leaflets, meetings and conversations, they showed the Woodies workers what could be possible with a union. They even invited workers from Woodies to attend the union meetings of other unionized workers, like those at Giant and Safeway.<sup>96</sup>

Health insurance played a pivotal role on the campaign. Workers were already angry with the company for requiring high employee co-pays, and many part-timers resented not having access to the benefits. A few weeks before the date of the election, the union unearthed the forms that employers were required to file with the government

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<sup>94</sup> "With the movie Norma Rae in town..." *Union Leader*, May, 1979, 1; Brown interview.

<sup>95</sup> Jerry Knight, "Unions' Organizing Push Could Alter D.C. Business," *Washington Post*, April 22, 1979, G1; Memo to all Woodward & Lothrop Employees, from RSEU Local 400, Box 9, Kistler papers; Spencer-Marshall interview; Polak, "Organizing Case Study: Woodward & Lothrop, Washington DC."

<sup>96</sup> Halsey interview.

about their employee benefits. They revealed that the company had not been rebating to the workers the money it received when there were extra funds in the company insurance account at the end of the fiscal year. The union publicized the missing funds, and though the company called the union's claims "hogwash," it chose to rebate the money, cutting individual workers checks for as much as 75 dollars.<sup>97</sup> The union claimed victory under the headline, "Look What Local 400 Just Won for You!"<sup>98</sup> "The best thing they could have said was nothing," remembered Brown. "That was admitting... you got caught with your finger in the cookie jar."<sup>99</sup>

As the date of the union election approached in June, the vote took on a special meaning for Local 400's parent union. The RCIU spent an unprecedented two million dollars on the campaign. "This meant unlimited personnel, payroll... We were able to max big money," remembers Samuel Meyers a long-time vice president of the union.<sup>100</sup> The election would take place just a couple weeks after the RCIU's merger with the Amalgamated Meat Cutters to form the new United Food and Commercial Workers union (UFCW). The new union would have 1.3 million members, ranking this retail and food union as one of the nation's largest, comparable to those in auto and steel. The new president had high hopes of making the newly-minted UFCW the face of the union movement's future. He envisioned organizing the new kinds of workers who were the

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<sup>97</sup> Jerry Knight, "Union: Woodies Makes a Profit on Insurance," *Washington Post*, June 15, 1979, E5.

<sup>98</sup> "Look What Local 400 Just Won for You!," leaflet from Woodward & Lothrop Organizing Committee, Box 9, Folder 23, Kistler papers.

<sup>99</sup> Brown interview.

<sup>100</sup> Interview with Samuel Meyers, 1980, Tape 5, United Food and Commercial Workers Union Retired Leaders Oral History Project, Wisconsin Historical Society.

future of the economy: retail, banking, insurance, and finance.<sup>101</sup> The Woodies election would be the first test.

The day of the election dawned bright and hot, and found Rosa Halsey brimming with hope. “I felt good, I felt like this was going to happen.”<sup>102</sup> Employees walked into the M Street warehouse, pointing number one with their fingers, and sales clerks wore their gold pins as a display of solidarity. Workers went into the election knowing that another large, local group of workers had recently ousted their own long-standing independent union at the Potomac Electric Power Company (Pepco).<sup>103</sup> Woodward & Lothrop sales clerks, order fillers and others filed into employee break rooms to vote all day long.

That afternoon, the NLRB agents sealed all the ballot boxes and then took them to the NLRB headquarters on L Street where they co-mingled all the ballots, and started to count the ballots, one-by-one. By evening, nearly a hundred workers and organizers gathered anxiously outside that office. A couple hundred workers, meanwhile, came together at a rented hall at the Ramada Inn in Alexandria, Virginia in order. Many sported their “#1” union t-shirts while they anxiously waited. As a waiter made the rounds with relishes and fried chicken, the long-anticipated phone call came through. Union supporters danced for joy when they got word of their win, hugging one another in a huge mass and shouting “We’re Number One!” The workers had voted for Local 400 by a

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<sup>101</sup> “The Big New Retailing Union Eyes the Services,” *Business Week*, March 5, 1979, 73; “Retail Clerks Union, High Hopes,” *Retail Week*, July 15, 1979, 50-53.

<sup>102</sup> Halsey interview.

<sup>103</sup> Jerry Knight, “Pepco Pact Set; Woodies Talks to Start Today,” *Washington Post*, August 8, 1979, C1.

huge margin: 2407 votes for Local 400, 600 votes for the independent union and 973 votes for no union.<sup>104</sup> “I just can’t wait for tomorrow,” said one sales woman from cosmetics. “I just want to watch the look on my supervisor’s face when I walk in wearing that pin.”<sup>105</sup>

### **The First Contract: Securing Full Prosperity**

Winning the election was the first step for the workers at Woodward & Lothrop who sought to secure full prosperity within the U.S.’s employer-based social welfare system. However, the election victory merely put a state-backed mandate behind the employer’s obligation to bargain with its workers. Workers still had to get a first contract. By the late 1980s, a full third of workers who won a union election never got a first contract, in large part because employers increasingly gamed the system. Consultants counseled employers to drag their feet, pointing out that the law was so weak that the threat of penalties was negligible, so employers should do all they could to stop the union from ever getting an agreement.<sup>106</sup> Newport News had taken such advice, and dragged out its first negotiations through a number of courts. What path would Woodward & Lothrop follow in negotiations?

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<sup>104</sup> Jerry Knight, “Woodies Employees Vote Solidly for AFL-CIO Union,” *Washington Post*, June 22, 1979, C8; “Woodies Win – Biggest Ever,” *Union Leader*, July 1979, 1 and 3.

<sup>105</sup> “Woodward & Lothrop Footnotes,” *Union Leader*, July 1979, 3.

<sup>106</sup> Kate Bronfenbrenner et al, *Organizing to Win: New Research on Union Strategies* (Ithaca, NY: ILR Press, 1998) 5; Logan, “Consultants, Lawyers, and the ‘Union-Free’ Movement in the USA since the 1970s,” 197.

In the end, Woodies chose a middle path and exploited a key Achilles heel in the late 20<sup>th</sup> century union movement: the “right to work” Sunbelt. Woodies was in a rather unique position of having workers spread out over Virginia, Maryland, and Washington, DC. Virginia was what was commonly known as a “right to work” state, which meant that employers and unions could not negotiate a union security clause requiring all workers to either join the union or pay union dues. Maryland and Washington, DC, however, allowed such clauses, which were standard fare in the state’s union contracts.

Woodies chose a strategy reflecting that of the National Right to Work Committee and painted itself as the protector of individual workers’ rights. The National Right to Work committee had seized on the legalistic strain of individual rights consciousness in the 1970s that grew out of the Civil Rights movement and adapted it to its fight against collective bargaining.<sup>107</sup> Hoffman refused to sign a union security clause for any of the workers, saying “my concern is the employee.” He effectively used language privileging individual rights in his efforts to defeat the workers’ collective class power.<sup>108</sup> “It was this plantation mentality,” remembered the union’s lawyer. “The great protector of employees is not the union but the employer who is there to look out for his charges.”<sup>109</sup> The National Right to Work Committee sought to bolster Woodies efforts, sending out a letter to all area newspapers asserting that, “We hope that braced by Virginia’s Right to

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<sup>107</sup> Lee, “Whose Rights? Litigating the Right to Work, 1940-1980.”

<sup>108</sup> Merrill Brown, “Contract Talks Break Off, 1<sup>st</sup> Contract Between Woodies, Union,” *Washington Post*, November 1, 1979, B3; Merrill Brown, “Federal Mediator Enters Stalled Talks at Woodies,” *Washington Post*, November 6, 1979, D6.

<sup>109</sup> Butsavage interview.

Work law, the company managers will not continue to surrender the rights of employees.”<sup>110</sup>

Local 400 faced a real dilemma. The loss of a union security clause would weaken the union for years to come as it would be forced to constantly shepherd workers into the union, one by one. In many ways, this was the same dilemma that the union movement faced writ large as employers fled the more unionized Northern states after Taft-Hartley allowed so-called “right to work” states. Local 400 could not afford to have the entire newly-organized unit follow the way of the Sunbelt.<sup>111</sup>

The union held fast in negotiations and used the contract fight as a way to further mobilize the workers. Whereas workers had not even been allowed to vote on the contract with the old independent union, they were very involved in the new negotiations. Employees from each store met separately to discuss the issues that mattered most, and elected a group to join the 150-person advisory board that supported the negotiating team. One worker from each store went into negotiations with the staff.<sup>112</sup> By the time negotiations broke down over the union security issue on Halloween, the union had done enough rank-and-file education that hundreds gathered at the downtown Constitution Hall and voted to strike unanimously if they could not get an agreement. The following week, a federal mediator stepped in.

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<sup>110</sup> “Free Advice Woodies Ignored,” *Union Leader*, Dec 1979, 2. The letter was only picked up by the Reston, Virginia paper.

<sup>111</sup> For information on the impact of Taft-Hartley and employers moving to the South to avoid unions see Schulman, *From Cotton Belt to Sunbelt*, 163-164; Cobb, *The Selling of the South*, 101-103.

<sup>112</sup> “Woodies Contract Talks Coming Up,” *Union Leader*, August, 1979, 3.

The result was a compromise, a “modified” union security clause, grandfathering workers in Maryland and Washington, DC to a “right to work” status. Current workers in those states would not have to join the union, but new employees would. Virginia workers would not be required to join the union.<sup>113</sup> The agreement meant that while the workers got their contract, the local would always have a non-union cadre in its midst, and would never grow strong in Virginia. In fact, it would lose representation rights there when the company passed to new ownership in the 1990s.<sup>114</sup> Local 400 had one foot squarely in the Sunbelt and, despite its best efforts, it could not avoid the weak footing forced by the “right to work” status which plagued the entire union movement.

Twelve hundred Woodies workers packed into an auditorium of the Shoreham Americana hotel for the contract ratification meeting. They lined up at microphones to discuss the provisions, which included at least eight percent wage increases a year for three years, with most workers receiving at least a dollar or more an hour over the life of the contract. It broadened health care coverage and lowered co-pays, increased vacation days, and provided for free eye and dental care by the third year of the contract.<sup>115</sup> (Part-time workers gained access to health benefits more incrementally in

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<sup>113</sup> “Woodies Pact Ratified,” *Union Leader* December, 1979, 1; Brown, “Federal Mediator Enters Stalled Talks at Woodies”; Merrill Brown, “Contract Talks Break Off Between Woodies, Union,” *Washington Post*, November 1, 1979, B3.

<sup>114</sup> Lowthers interview.

<sup>115</sup> “Breakthrough Pact Won from DC Store Chain,” *AFL-CIO News*, December 1, 1979, 2; *Collective Bargaining Agreement by and between Woodward & Lothrop Inc. and Retail Store Employees Unions, Local 400*, November 18, 1979 to February 1, 1983, Kheel Center for Labor-Management Documentation, Cornell University Library.



subsequent contracts.)<sup>116</sup> For a workforce concerned about security, the contract was a boon. It included a full grievance procedure and mandatory third-party arbitration, which meant that if the union and company could not agree, they could rely on a third-party. The workers ratified their new contract with a nearly unanimous vote.<sup>117</sup>

If Woodies workers had worked in England, France or Germany, they already would have had greater job security and state-provided health care. Woodies' workers had to win that kind of basic social provision through their union contract. Fifty Woodies workers stepped into leadership roles as stewards, a group fully representative of the racial and gender mix of the workforce. They went to workshops to learn how to enforce their new contract.<sup>118</sup> Job security was key. For instance, they used their contract to help a silver polisher, Clarence Mills, who lost his job when Woodies closed its metal engraving department. The union pushed to get him a job in suits, and it also successfully helped John Thomas win his job back at the distribution center when he was fired for being 15 minutes late.<sup>119</sup> Local 400 had a health and welfare fund for unionized grocery store workers that provided actual health services, like dental and optical, at the union's building, and built its own network of doctors. Although Woodies' workers were not part of that fund, union

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<sup>116</sup> "New 3-Year Woodies Pact Brings Gain to 6000," *Union Leader*, March, 1983, 1; "Food and Commercial Workers Ratify Contract with Woodward & Lothrop, Inc.," *Retail / Services Labor Report*, March 1, 1983, found in UFCW headquarters records; *Collective Bargaining Agreement by and between Woodward & Lothrop Inc. and United Food and Commercial Workers Union, Local 400*, February 1, 1983 to February 1, 1986, Kheel Center for Labor-Management Documentation, Cornell University Library.

<sup>117</sup> "6000 Woodies Members Ratify Local 400 Pact," *UFCW Action*, number 1, 1980, UFCW records; *Collective Bargaining Agreement, Woodward & Lothrop Inc and Retail Store Employees Union, Local 400*, November 18, 1979 to February 1, 1983.

<sup>118</sup> "Local Holds 1<sup>st</sup> Seminar for Woodies' Stewards," *Union Leader*, September, 1980, 3.

<sup>119</sup> "Woodie-O-Gram," *Union Leader*, December, 1980, 4.

members and their families could now access its networks and go to the union building to get discounted health services. The union was effectively playing the role of a social welfare provider.<sup>120</sup>

Workers also used their contract to shore up their power on the shop floor. The company began to educate its managers on how to honor workers' rights under a union contract. It was a big change for a management team that was used to having free rein on the shop floor. On one "complaint and grievance" checklist, top management instructed supervisors to "listen patiently. Don't interrupt. Consider the effect of your decision on the individual, your total group...don't pass the buck."<sup>121</sup> Rosa Halsey remembers having to step in as a steward to help a young clerk when a supervisor vociferously yelled at her about not paying bills on time: "The young lady was crying, trying to explain to her that she'd just gotten the mail." Halsey got upper management involved to help straighten the disagreement out. "You don't get to do that anymore after the union," asserted Halsey.<sup>122</sup>

### **Insecure Times**

The Woodies workers won their union on the cusp of major changes in the retail industry and the U.S. economy. Over the next two decades, multinational

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<sup>120</sup> Lowthers interview; "Eye Care Center at Metro 400 Always Offers 'The Right Stuff,'" *Union Leader*, December, 1980, 4.

<sup>121</sup> "The Collective Bargaining Agreement: History and Background," undated, c. 1980, corporate files – W, box 19, FAST records.

<sup>122</sup> Halsey interview.

corporations would harness the power of technology and globalization to drive working standards down to a new low. Though Woodies workers would not be directly pitted against overseas workers, as were the Cannon workers, they all served as labor links in the new retail-manufacturing structure that would define the late 20th-century economy. Globalization did more than just offer new international competition that shifted jobs overseas. It fundamentally reorganized the roles that firms played, and created what scholars have called “commodity chains” or “channels” in which retail-based transnational corporations drove the design, manufacture and sale of goods which were geographically dispersed across the globe.<sup>123</sup> Those global changes were coming, but the terms on which they would come were determined by the decisions made by employers, unions and the state. When employers faced a newly-energized workforce, most fought workers’ unionizing efforts with tremendous vigor, and they did so with a freer hand as the state weakened support for organizing. Workers thus entered a retail-based global economy on much weaker ground than they might have if the new, union-minded workforce had been able to organize.

Though retail workers in the 1970s and early 1980s were trying to organize unions - - such as at Montgomery Ward, Dillon Company, and Caldor’s - - most met with increased employer resistance. The fate of workers at another Washington, DC area department store, Hecht’s, is instructive. After the Woodward & Lothrop workers won their union, workers at the Hecht’s distribution center on New York

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<sup>123</sup> Gereffi and Korzeniewicz, *Commodity Chains and Global Capitalism*. For “channels,” see Abernathy, *A Stitch in Time*, 2.

Avenue filed for, but then lost, several NLRB elections.<sup>124</sup> Hecht's hired the same Baltimore-based "anti-union" consultant as had Woodward & Lothrop. Shawe & Rosenthal ran a no-holds barred campaign at Hecht's, a campaign that illustrates the way that lawyers learned to bend an increasingly malleable labor law. For instance, a 1981 memo reveals that Shawe worked the NLRB process to ensure that "as a matter of campaign strategy" the union election was scheduled one week before the annual pay raise. Shawe explained to company management that they could not blatantly threaten to take away the annual raise if the workers voted for a union, citing a 1976 precedent in which the board sanctioned Montgomery Ward for doing just that. Instead, Shawe told the company exactly what words they could use to convey the threat in a legal way: "If the Company wins the election, we will be able to continue our past practice. If the Union wins the election, the Company could not lawfully implement a wage increase here unilaterally but would have to negotiate that matter with the Union. We want to insure you of the Company's firm intention to comply with its legal responsibilities in this matter, as we do in all others."<sup>125</sup> In case the intent was not clear, Shawe & Rosenthal drove home the idea that workers could count on nothing. One Q&A style leaflet asked, "If the union wins the election, will the law compel the Company to reach an agreement with the union?" Answer: "Absolutely not! The Company does not have to agree to a single thing the union

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<sup>124</sup> Brown interview; Brief on Behalf of the Hecht Company, "The Hecht Co and United Food and Commercial Workers union," Case No. 5-RC-11515 before the NLRB, 5<sup>th</sup> Region, 1981, Box 8, Shawe papers.

<sup>125</sup>"Confidential memorandum: Prepared for the Hecht Company," April 7, 1981, Box 4, Shawe papers.

proposes so long as we bargain in good faith.”<sup>126</sup> The law firm built a two-month campaign for Hecht’s that ran from the time the workers won the right to an election until the date of the election. The campaign schedule reveals that each week workers were forced to endure several “events” such as one of thirteen leaflets, twelve different posters, home mailings, paycheck stuffers, mandatory meetings and constant supervisor one-on-one discussions.<sup>127</sup> Typical “legal” threats included a leaflet that asked, “If the union calls a strike and I go out on strike, can I lose my job?” Answer: “YES! Under the law, if the union calls a strike to try to force the Company to agree to the union’s economic demands the Company is free to permanently replace the strikers. This means that if you are replaced in such a strike you cannot reclaim your job, after the strike is over.”<sup>128</sup> The firm got particular traction among Hecht’s workers by driving home a threat of layoffs, a top concern of retail workers as the industry moved to more contingent employment models. A letter from the General Manager of the warehouse read: “All of you know that Hecht’s has a policy of providing steady employment for Regular Associates...I have read Retail Clerks’ contracts and I haven’t seen one contract - - not one - - that doesn’t provide for employee layoffs. Every single contract spells out the way to lay off employees. That is what can happen in a union company.”<sup>129</sup>

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<sup>126</sup> “Dear Hechts Company Associates” undated, c 1981, Box 4, file 4d, Shawe papers.

<sup>127</sup> “The Hecht Company Campaign Calendar,” April 24, 1981 to June 1, 1981, Box 6, Shawe papers.

<sup>128</sup> “Dear Hechts Company Associates” undated, c 1981, Box 4, file 4d, Shawe papers.

<sup>129</sup> “Dear Viola” from Jean Abbott, May 15, 1981, Box 6, file 3d, Shawe papers.

Finally, Hecht's feared that the Woodies workers' union victory could spread to their own company, like a virus. The company made sure to match the wages and benefits won by Local 400, thus building a bulwark against the union while helping to lift the area's wages. The law firm prepared a letter that Hecht's President and board Chairman sent out to workers three days before the election saying as much: "We have committed to you in writing that Hecht's will provide you with wages and benefits equal to or better than competitive department stores - - like Woodies. We have fulfilled our commitment and will continue to do so... With the United Food and Commercial Workers Union, Woodward & Lothrop employees have BOTH – the risk of a strike and the payment of union dues."<sup>130</sup> The Woodward & Lothrop workers did not have to face these sorts of aggressive threats and harassments. Thus, they were able to find refuge in their union when upheaval and mergers hit the industry in the 1980s and 1990s.

The storm of changes in the retail industry hit Woodward & Lothrop with great force. By the mid-1980s, the company found it increasingly difficult to maintain its market share in the face of increased competition. When management faced the possibility of a hostile takeover from a corporate raider, Edwin Hoffman pushed through a leveraged buyout by Al Taubman, a shopping center magnate from Detroit. He did so over the objections of the family shareholders who fought back in a highly-public shareholder vote battle.<sup>131</sup> Taubman then used Woodies to buy out

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<sup>130</sup> Dear Ms. Hill from Irwin Zazulia and Edgar Mengafico, May 18, 1981, Box 6, File 3e, Shawe papers

<sup>131</sup> The Selling of Woodies, *The Washingtonian*, November, 1984, 152; "Why We Believe You Should Vote FOR the Proposed Merger of Your Company," Woodward & Lothrop, *Washington Post* advertisement, July 24, 1984, A5.

Philadelphia's Wannamaker stores, which left Woodward & Lothrop too strapped for cash to be able to continually update merchandise. Meanwhile, Nordstrom's and Macy's entered the Washington, DC area, joining K-Mart and, eventually, Target and Wal-Mart in the outer suburbs.<sup>132</sup> By 1995, Woodward & Lothrop could no longer compete and began looking for a buyer among the retail giants.<sup>133</sup>

Woodies workers thus joined the thousands of retail workers who faced department store consolidations and pressure from discounters in the 1990s. Woodies workers, however, successfully used their union to secure their future. When Federated and May Company began a bidding war over Woodward & Lothrop in mid-1995, the union could have just scrambled for access to diminishing funds in bankruptcy court, doing battle with suppliers and buyers. Instead, the union declared that the workers wanted to be considered as a buyer. The union's lawyer remembers that the union never really had the funds to build a worker-owned corporation. Nevertheless, by putting itself into the competitive bidding process, it forced the other buyers to take it seriously, and won negotiating power. "The buyout made us a player," said McNutt. "It put us in the arena with the bidders and gave us access to all the financial information."<sup>134</sup> Though the union ultimately did not make an official bid to buy the company, it retained leverage within the negotiations because it had insisted on including in the last round of negotiations a clause in the contract that

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<sup>132</sup> Kirstin Downey Grimsley, "Another Discount Retail Giant Sets Sights on Area," *Washington Post*, January 10, 1995, A1.

<sup>133</sup> Margaret Webb Pressler, "Analysts See Woodies Sale Going Through," *Washington Post*, June 25, 1995.

<sup>134</sup> Frank Swoboda, "Hecht's MD, District Workers Join Union," *Washington Post*, September 5, 1995.

required any buyer to honor existing labor contracts.<sup>135</sup> At first, the union struck an agreement with Federated under which all union workers would be retained, but then May Company asked for a meeting.<sup>136</sup> By this time, May Company's holdings included the Hecht's Co. McNutt sat down with May Company executives and came to an even better agreement two weeks later. May would also hire all workers covered by the Woodies' contract, those workers would retain their union, and it would even remain neutral in a card check process for the 1700 workers in its ten Hecht's facilities in Maryland and DC where workers did not yet have a union.<sup>137</sup>

Ironically, the Woodward & Lothrop workers preserved not only their own unionized jobs, but they opened the door to the union for those Hecht's workers who had long tried and failed to form a union. Hecht's put out a notice in 1995 to employees telling them that it still did not think they needed a union, but that it would honor the terms of the neutrality agreement.<sup>138</sup> Once the employer backed off, the Hecht's workers felt free to join the union. By September of 1995, over 1000 Hecht's workers signed union cards, thus winning to right to form a union.<sup>139</sup> The Hecht's

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<sup>135</sup> Margaret Webb Pressler, "Union to Forgo Bid on Woodies," *Washington Post*, April 21, 1995, F2; Butsavage interview.

<sup>136</sup> Dennis J. Roderick to Thomas McNutt, June 15, 1995, UFCW Local 400 headquarter records, Landover, MD; Margaret Webb Pressler, "May Co. Explores Possibility of New Bid for Woodies," *Washington Post*, July 11, 1995.

<sup>137</sup> "Recognition and Neutrality Agreement," July 20, 1995 signed by representatives of Local 400 and May Department Stores, UFCW Local 400 headquarters; Swoboda, "Hecht's MD, District Workers to Join Union."

<sup>138</sup> Exhibit A, "Recognition and Neutrality Agreement," July 20, 1995 signed by representatives of Local 400 and May Department Stores, UFCW Local 400 headquarters.

<sup>139</sup> "Certification of Representative" in the case of The May Department Stores and UFCW Local 400 before arbitrator Joseph Sickles, September 15, 1995, UFCW Local 400 headquarters.



workers without a union fared much worse during the merger than those with a union contract. About 700 people in management and other sorts of jobs excluded from union coverage felt the full brunt of the retail revolution, and were laid off after the merger.<sup>140</sup>

The workers' union helped ease their transition. Sue Bean was working in commissioned cosmetics sales at the time of the Hecht's buy-out in 1995, and she remembers feeling very insecure about the sale. She turned to the union who "made sure I was getting the same salary, the hourly wage and they were able to make sure I kept my years of service, which is very important...I even got to work on the same cosmetics line."<sup>141</sup> Mary Laflin was working at Hecht's in 1995 when the workers won the union. "The first thing that happened to us, we all got raises...and they treated the people with a little more respect."<sup>142</sup> The workers retained their union in another major consolidation in 2005 when Federated bought out Hecht's parent company, May Company. By 2006, all the DC-area Hecht's stores were called Macy's. Workers at Macy's in the Washington, DC area still have a union in 2015 and continue to use it to win fair access to scheduling, good wages and benefits, including for part-timers.<sup>143</sup>

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<sup>140</sup> Suzanne Leddy, "Farewell Woodies," *Washington Post*, November 17, 1995, A24.

<sup>141</sup> Bean interview.

<sup>142</sup> Mary Laflin, phone interview with the author, July 24, 2013.

<sup>143</sup> Ylan Z. Mui, "Era Ends with New Beginning: Transformation from Hecht's to Macy's Will Be Completed Today" *Washington Post*, September 9, 2006; Laflin interview.

Woodward & Lothrop was the union exception within a growing non-union pool of retailers. Most retail workers in the U.S. did not have a union, and they fared much worse in the 1980s and 1990s than did the Woodward & Lothrop workers. For instance, Woodies' median wage for sales clerks right before it sold to Hecht's was about \$238 for a 35-hour week. That was higher than the average retail wage, and even more than that earned by department managers at Wal-Mart.<sup>144</sup> Woodies workers also had full health and retirement benefits, and could use seniority in such issues as choosing the best shifts. None of this would be available to most non-union retail workers. In 2015, Macy's workers still face downward pressure on their wages and working conditions, and find it increasingly difficult to get a schedule that allows a full week's paycheck. "If Macy's had their way, the union would not exist," says Mary Laflin, a Macy's worker and union officer.<sup>145</sup> Nevertheless, members of Local 400 who work at Macy's have a real, state-backed tool to assist them in that fight.

### **The Downturn in Organizing**

The UFCW never ran another large department store campaign like the one at Woodies, and the union saw the same downturn in organizing that marked the rest of the union movement by the mid-1980s. By 2000, unions held a mere 183 NLRB elections in retail in the US, bringing about 7,800 workers to election. That is not even

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<sup>144</sup> *Collective Bargaining Agreement by and between Woodward & Lothrop Inc and United Food and Commercial Workers Union, Local 400*, 1993, UFCW Local 400 headquarters; Steven Greenhouse, "Report Warned Wal-Mart of Risks Before Bias Suit, *The New York Times*, June 3, 2010, B1; retail wages found in Appendix G.

<sup>145</sup> Laflin interview.

a fifth of the number of the retail workers that the unions brought to election in 1979, even as the industry itself meanwhile grew by leaps and bounds.<sup>146</sup>

The impending downturn was not clear to the union leaders in the late 1970s. On Bill Wynn's first day as president of the RCIU in 1978, he met with President Jimmy Carter and told reporters that he anticipated a labor law reform victory that he would use to launch a new wave of organizing campaigns.<sup>147</sup> Likewise, McNutt was determined to make his local a growing, vibrant one. In his 1979 end-of-the-year newsletter, he pledged to expand into other area retail stores, and asked members, "Will we view the present moment as Local 400's finest hour, or simply the beginning of an era of great service?"<sup>148</sup> Even employers thought unions were potent threats. The head of the retail bureau of the Metropolitan Washington Board of Trade conceded that employers were worried about union strength after the Woodies election which "caused a bit of shock in the business community."<sup>149</sup>

So what happened? Partly the downturn in organizing was the union's fault. The UFCW was slow to organize among the newer generation of discount stores – like Wal-Mart – in part because it did not fully understand that these stores were a threat to its powerful position within the grocery store market.<sup>150</sup> Instead, it concentrated on fighting for unionization within grocery, but mostly won agreements to expand unionization

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<sup>146</sup> Appendix F. On numbers of elections in 2000, see Table 16, 65<sup>th</sup> Annual Report, NLRB, 2000.

<sup>147</sup> "President Wynn Tells BNA Reporter He'll Bank Heavily on Organizing," *Union Leader*, January, 1978, 3.

<sup>148</sup> "McNutt Report," *The Union Leader*, December, 1979, 4.

<sup>149</sup> Jerry Knight, "\$2 Million for Woodies Drive," *Washington Post*, June 23, 1979, D8.

<sup>150</sup> Earman interview; Lichtenstein, *The Retail Revolution*, 178.

within employers that were already under union contract.<sup>151</sup> There was also a cultural resistance within the union to the sort of no-holds-barred organizing techniques that the Woodies union staffers had used. Woodies organizers remember working ten to twelve hour days, and though many were from out of town, they rarely went home.<sup>152</sup> Such commitment was not widespread in the UFCW, and much power in the union remained at the local level where the “executive’s primary concern is reelection, so he has to attend to members over organizing programs,” remembered one organizing supervisor.<sup>153</sup> Organizing staffers would not put in the hours, and local leaders would not put in the resources. And while the UFCW did have some organizers who were women and people of color, the organizing staff was not fully representative of the workforce it was trying to organize, a key determinant for union success.<sup>154</sup> Nevertheless, the union’s campaign at Woodies was a tremendous organizing feat, and serves as evidence that this young union was organizing in a savvy and forward-looking manner.

Changes in federal labor law also mattered. For instance, in the 1970s, shopping malls were quickly becoming America’s de facto town squares, and the rules were still in flux as to who would have access and free speech there. Retail organizers waged a fight for the right to speak to workers in the privately-owned malls, as members of the general public. In 2015, that die has been cast. The law is

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<sup>151</sup> Lowthers interview.

<sup>152</sup> Earman interview; Brown interview.

<sup>153</sup> Quote from Dwayne Carman in Region 8 report, Box 4, M93-009, Retail Clerks International Association records Wisconsin Historical Association, Madison, Wisconsin.

<sup>154</sup> Spencer –Marshall interview; Bronfenbrenner and Juravich, “It Take More than House Calls,” 24-25.

so limiting that union organizers are lucky to get to stand on the sidewalk by the main thoroughfare.<sup>155</sup> But in 1979, the rules were not so clear. For example, the NLRB ruled in favor of retail organizers who challenged the fact that Hutzler's Brothers threw them off its parking lot Towson, Maryland in 1976.<sup>156</sup> Local 400 tested the bounds during the early weeks of the Woodies campaign. The local routinely sent organizers into the stores, even when they knew that doing so meant risking arrest, in part to expose the company's true colors to its workforce. Twenty-two union organizers were arrested in the first two months of the campaign.<sup>157</sup> They included Russell Wise who was arrested for trespassing while passing out union cards in a parking lot, and Tony Gasson who was jerked off the stairs by the downtown store security guards.<sup>158</sup> While the union got many of the charges dismissed in the short term at Woodies, it would ultimately lose the battle for access to the workers by the 1980s. "The law got built up at that time that was not good for us," remembers Carey Buttsavage whose first assignment as a young lawyer for the local was negotiating with police in shopping malls on the Woodies campaign. "Private property always trumps the rights of employees. At the time, that was not a given."<sup>159</sup>

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<sup>155</sup> *Lechmere, Inc. v NLRB*, 502 U.S. 527 (1992).

<sup>156</sup> "Retail Clerks Union: High Hopes," *Retail Week*, July 15, 1979, 50-53; *Hutzler Bros. Co v. NLRB*, 630 F. 2<sup>nd</sup> 1012 (1980) Us Court of Appeals, 4<sup>th</sup> Circuit.

<sup>157</sup> Buttsavage interview; "Election at Woodies Coming Up," *Union Leader*, May, 1979, 1.

<sup>158</sup> Russell Wise, telephone interview with the author, March 21, 2013; "Organizer Has Big Beef," *Union Leader*, February, 1979, 2.

<sup>159</sup> "Election at Woodies Coming Up"; Buttsavage interview.

In addition, union leaders found that their time was increasingly focused on providing to members the kind of social provisions that workers in other countries got through the welfare state. James Lowthers, for instance, who was elected Local 400 president in 1997 remembers spending the majority of his time on servicing the health and welfare trust, meeting with “eye people, dental people, panels of people,” and even served on the Maryland Health Services Cost Review Commission which regulates state hospital rates.<sup>160</sup> Unions were saddled with this social provision role, and so often could devote less time and fewer staff resources to organizing.

In the end, the fact that employers’ assaults on workers’ organizing efforts were increasingly unchecked by federal labor law was the most determinative factor for the downturn in organizing. The Reagan NLRB dragged its feet so slowly on enforcing the law that it effectively negated much of its potency. The number of backlogged unfair labor practice cases, for instance, nearly doubled in 1983 to the largest number in the agency’s history.<sup>161</sup> Local 400’s organizing effort at the Bi-Lo grocery chain in Norfolk, Virginia in the late 1980s was typical. The local sank in resources and staff, but lost two elections in the face of a brutal anti-union campaign, which included many of the threatening tactics that were quickly becoming employers’ standard anti-union fare. Lowthers remembers that McNutt was disillusioned by the time Lowthers took over the presidency in the late 1990s, and had stopped organizing. Lowthers was determined to recharge it. “When I first became president, I hired ten organizers. Then I beat my head against a wall for four or five

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<sup>160</sup> Lowthers interview.

<sup>161</sup> Gross, *Broken Promise*, 253.

years. I don't believe you can really organize in the United States anymore."

Lowthers shut down the local's organizing department in the early 2000s and instead put two million dollars into a community affairs department where he was able to shore up workers' waning power in contract negotiations. But he was never able to facilitate the planned jump into fresh organizing. "We could never get from there to there," mused Lowthers.<sup>162</sup>

### **Conclusion**

The Woodward & Lothrop case reminds us that there is no natural law that says that retail work has to be bad work. Rather, the way that globalization and technology affected workers was determined by employer and state policy. After all, if technology and globalization had meant an inevitable decline in the quality of retail jobs, that would have held true around the world. In fact, the quality of jobs in retail is a function of the employment legal paradigm in which the workers must operate. In Sweden and Denmark most retail workers have unions because the state strongly backs collective bargaining, and workers have not seen the levels of wage degradation seen elsewhere. Though retail is still less unionized in the United Kingdom and Australia than in other sectors, workers there have not seen the sweeping sort of job degradation that U.S. workers have experienced. In the Netherlands and Germany, however, even though unions are strong, retailers have been able to circumvent

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<sup>162</sup> Lowthers interview.

minimum wage laws by using legal exceptions for young workers, thereby worsening job conditions in retail.<sup>163</sup>

Through the Woodward & Lothrop workers' successful unionizing effort, we can see that at least some U.S. workers rode the wave of energy from the civil and women's rights movement to successfully win full economic prosperity through a union contract. Rosa Halsey, Adam Mathias, Barbara Cash and their co-workers demanded and won a more secure future in their retail jobs. Yet they entered a door to economic security that was only open for so long. Though these workers won their union, most retailers would shut that door by the mid-1980s, and labor law would prove too weak to keep it open for most workers.

We turn now to a look at labor organizing among another primarily female, service industry workforce: clericals. Like the Woodward & Lothrop workforce, Boston's clerical workforce made new demands on the city's employers as they entered the workforce, seeking security and respect on the job. Unlike the working people of Woodward & Lothrop, Newport News and Cannon, however, the women clericals in Boston experimented with an alternative avenue for worker power that circumvented the increasingly-broken NLRB system: a worker association.

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<sup>163</sup> Chris Tilly and Francoise Carre, "Endnote: Retail Work – Perceptions and Reality," in *Retail Work*, eds. Grugulis and Bozkurt, 300-304.



## *Chapter 7*

### **9to5: The Women Who Built a New Door**

“I want to be treated as an equal, in pay as well as common courtesy,” was one woman’s response to a 1976 questionnaire circulated by 9to5, a Boston organization for women office workers. “A male art director (who managed to support a family of four very comfortably on his salary) was replaced by a woman upon his resignation. She received a small raise, but... she is being paid less than half what the male was paid, for the same job!” she continued.<sup>1</sup> Women like this irate publishing assistant carried new ideas about women’s rights along with them as they entered America’s workplaces in record numbers during the 1970s. Her words neatly capture how respect and pay were inextricably linked in a market-based society, and how mounting a challenge to gender norms on the job was both a social and economic task for the nation’s low-paid, coffee-fetching “office wives.” Many such women in the 1970s turned to a host of new workplaces caucuses, associations and unions in order to effect such multivalent change. 9to5, founded in 1973, is one of the most well-known of the employment-based women’s organizations that burst on the scene in the 1970s. The women office workers who created 9to5 first built what they called an “organization for women office workers” - - which was explicitly an association, not a union. Through a combination of public pressure, savvy media outreach and strategic affirmative action suits, 9to5 helped upend workplace gender norms and challenge the terms under which millions of women entered the workplace in the 1970s. The women clericals, however, also wanted to harness the

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<sup>1</sup> “Women in Publishing Wage Survey,” December, 1976, Folder 75, Carton 2, 9to5, National Association of Working Women (U.S.) Records, 1972 – 1980, 79-M16-81-M121, Schlesinger Library, Radcliffe Institute, Cambridge, MA (hereafter 9to5 Records, 1972-1980).

power of collective bargaining, and so built a bifurcated structure, maintaining 9to5 the association while also launching their own union - - Local 925 of the Service Employees International Union (SEIU). They later replicated this dual structure at the national level, with a separate association and union.<sup>2</sup>

Like the retail clerks, ship builders, and textile workers covered in this dissertation's chapters, the women who founded 9to5 found themselves at the confluence of a host of shifting dynamics that shaped their workplace experience. Young women and people of color poured into a broad range of the nation's workforces, making new demands about their rights. Hundreds of thousands attempted to use NLRB elections as a tool to win the fair pay, robust benefits and the respect to which they felt they were entitled. Employers, however, rolled back workers' ability to win NLRB elections, and so mitigated the efficacy of these workers' organizing movements. What is different about the women of 9to5, however, is that they expanded the range of possibilities open to workers by using in tandem strategies based both on and beyond NLRB elections.

The group's founders thus essentially pioneered a new form of labor organizing, one built

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<sup>2</sup> On the importance of caucuses and associations in the 1970s, see Nancy MacLean, "The Hidden History of Affirmative Action: Working Women's Struggles in the 1970s and the Gender of Class," *Feminist Studies* 25, no. 1 (Spring, 1999), 51-54; Deslippe, *Rights, Not Roses*, 114-145. For other scholarship on 9to5 see Cobble, "A Spontaneous Loss of Enthusiasm: Workplace Feminism and the Transformation of Women's Service Jobs in the 1970s," 24-27; "Karen Nussbaum: In Conversation with Dorothy Sue Cobble and Alice Kessler-Harris," in *Talking Leadership: Conversations with Powerful Women*, ed. Mary S. Hartman (New Brunswick, N.J.: Rutgers University Press, 1999) 135-155; Phyllis Sharon Glick, *Bridging Feminism and Trade Unionism: A Study of Working Women's Organizing in the United States*, PhD dissertation, Graduate School for Advanced Studies in Social Welfare, Brandeis University, 1983; Jean Tepperman, *Not Servants, Not Machines: Office Workers Speak Out!* (Boston: Beacon Press, 1976) 89-93; Karen Nussbaum, "Working Women's Insurgent Consciousness" in *The Sex of Class: Women Transforming American Labor*, ed. Dorothy Sue Cobble (Ithaca: ILR Press, 2007) 159-176; Nancy Seifer and Barbara Wertheimer, "New Approaches to Collective Power," in Bernice Cummings, Victoria Schuck, *Women Organizing: An Anthology* (Metuchen, N.J.: Scarecrow Press, 1979) 152-183; John P. Hoerr, *We Can't Eat Prestige: The Women Who Organized Harvard* (Philadelphia: Temple University Press, 1997); Philip S. Foner, *Women and the American Labor Movement* (New York: Free Press, 1979) 480-484; Joan Keller Burton, "Dilemmas of Organizing Women Office Workers," *Gender and Society* 1, no. 4 (Dec., 1987), 432-46.

on New Deal traditions and legal structures as well as the tactics and legal strategies of the contemporaneous women's movement. Boston's clericals managed to force some of the city's largest banks and insurance companies to post jobs, offer training and even give raises - - all without holding NLRB elections or signing union contracts. Instead, they used affirmative action suits to expand workers' rights, and learned to make creative use of public opinion. SEIU Local 925, meanwhile, won a few NLRB elections, such as among clericals at Allyn and Bacon publishing, but it found that most of the private-sector employers it challenged in NLRB elections were able to block workers' organizing efforts by manipulating and breaking labor law. The union had greater success among public sector workers, such as on state university campuses, where employers were far less likely to oppose the workers' unionizing efforts.

Though the first generation of women's movement histories tended to ignore women's working-class organizations, recent histories of the women's movement often portray organizations like 9to5, Chicago's Women Employed, San Francisco's Union WAGE, or Dayton's Working Women as integral components of the "second wave" of feminism in the late 1960s and 1970s.<sup>3</sup> Yet these histories place these women's employment-based organizations within the context of the women's movement, and have overlooked the extent to which the groups were part of another "wave" in the 1970s - -

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<sup>3</sup> Examples of scholarship with little emphasis on class include Sara M. Evans, *Personal Politics: The Roots of Women's Liberation in the Civil Rights Movement and the New Left* (New York: Knopf: Distributed by Random House, 1979). Alice Echols, *Daring to Be Bad: Radical Feminism in America, 1967-1975* (Minneapolis: University of Minnesota Press, 1989) has more of a class focus, but does not include organizations like 9to5. A more recent genre of broad histories of the women's movement often do position 9to5 and other working women's class-based organizations as part of the second wave of feminism. See Sara M. Evans, *Tidal Wave: How Women Changed America at Century's End* (New York: Free Press, 2003) 86-88; Ruth Rosen, *The World Split Open: How the Modern Women's Movement Changed America* (New York: Viking, 2000) 267-271; Cobble, *The Other Women's Movement*, 214-216.

that surge of private-sector labor organizing attempts considered throughout this dissertation. 9to5 certainly was representative of the working-class side of feminism, yet it also represented the feminist side of 1970s working-class activism. This chapter builds on Dorothy Sue Cobble's scholarship about workplace feminism by placing the 9to5 clericals not only alongside other female workers who organized in the 1970s, like flight attendants, but also next to the millions of other male and female private-sector workers who pushed to form unions through the NLRB in the 1970s. It allows us to see how the path-breaking women activists Cobble studies were part of a broader, unseen labor organizing movement in the 1970s. Like the work of Nancy MacLean, the chapter emphasizes the conjunctures rather than the fissures between labor and the new "rights consciousness" forged by the social movements of the 1960s and 1970s, and it broadens MacLean's rich historical discussion into the understudied realm of private-sector union organizing.<sup>4</sup>

Unfortunately, 9to5 was never able fully to realize the potential of its model. The association lost momentum in the 1980s when middle-class women gained new access to professional jobs, and so became less likely to agitate for the rights of clericals.

Computers did away with many secretarial jobs and the industry shrunk. 9to5 also had a

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<sup>4</sup> Cobble, "A Spontaneous Loss of Enthusiasm": *Workplace Feminism and the Transformation of Women's Service Jobs in the 1970s*, 23-44; Cobble, *The Sex of Class: Women Transforming American Labor*; Cobble, *The Other Women's Movement*. For other scholarship that explores the feminist side of class, see MacLean, *The Hidden History of Affirmative Action: Working Women's Struggles in the 1970s and the Gender of Class*, 42-78; Deslippe, *Rights, Not Roses*; Nancy Felice Gabin, *Feminism in the Labor Movement: Women and the United Auto Workers, 1935-1975* (Ithaca: Cornell University Press, 1990); Mary Margaret Fonow, *Union Women: Forging Feminism in the United Steelworkers of America* (Minneapolis: University of Minnesota Press, 2003). Scholarship emphasizing a juncture rather than a fissure between the rights-based movements of the 1960s and 1970s and the labor movement includes MacLean, *Freedom is Not Enough*; William Powell Jones, *The March on Washington: Jobs, Freedom, and the Forgotten History of Civil Rights*, (New York and London: W.W. Norton & Company, 2013); Barry, *Femininity in Flight*.

harder time raising money in the 1980s as foundations lost interest. Union organizing by District 925 (the national version of Local 925) floundered in the face of tremendous employer resistance. In the end, District 925 never fulfilled SEIU's hopes that it would open the flood gates and bring in millions of women as new union members. In 2015, few office workers in the private-sector have unions.

Though 9to5 never boosted unions' membership rolls, it did find a different kind of success; the experience of being a female office worker by the late 1980s was far less demeaning and disempowering than in the early 1970s. 9to5 helped fundamentally alter working women's experiences in the U.S. In addition, 9to5 was the first organization to experiment with the sort of non-NLRB, community-based path for labor organizing that has become increasingly important for workers by the turn of the 21<sup>st</sup> century. It preceded such groups as Jobs with Justice and Justice for Janitors, both founded in the late 1980s, that used non-NLRB tactics to gain new leverage over employers. The women of 9to5 were the first to use corporate campaign tactics in the service sector, like shareholder campaigns. In fact, they were the foremothers of what became known as "alt-labor," the new wave of workers' centers, associations and campaigns that in 2015 seek to build power for workers outside the collective bargaining paradigm.<sup>5</sup> 9to5 was thus an early starter in ongoing, creative organizing efforts to transcend a key weakness of the

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<sup>5</sup> The term "alt-labor" refers to a range of new worker organizations which seek to boost workers' power outside the traditional collective bargaining process. These include workers' centers, industry-based workers' associations (like the Restaurant Opportunity Centers or the Taxi Workers' Alliance) and the movement for justice for global garment workers. See Josh Eidelson, "Alt-Labor," *The American Prospect*, January 28, 2013 found at <http://prospect.org/article/alt-labor> (accessed August 11, 2014). On Justice for Janitors see Preston Rudy, "'Justice for Janitors' Not 'Compensation for Custodians,': The Political Context and Organizing in San Jose and Sacramento," in Ruth Milkman and Kim Voss, *Rebuilding Labor : Organizing and Organizers in the New Union Movement* (Ithaca, N.Y.: Cornell University Press, 2004) 133-149. For more on the history of Jobs with Justice, see <http://www.jwj.org/about-us/our-history> (accessed March 16, 2015.)

U.S. employer-based social welfare system: the fact that it gives employers such a heavy incentive to resist workers' unions. For a time, these women labor activists were able to use the new organizing forms of the women's movement, in combination with community organizing tactics, to build an entirely new doorway into economic security and equality for America's workers.

### **Women's Rights Comes to the Office**

It was no coincidence that some of the most forward-thinking labor organizing in the 1970s grew up among clericals, those women who found themselves at the epicenter of two major shifts in this decade: the mass entry of women into America's workforce and the cultural transformations rooted in the women's movement. Twelve million women entered the workforce in the 1970s, and half of those new workers were aged 25 to 34. Whereas in 1960, women had made up less than 30 percent of the U.S. workforce, by 1979 women were a full 42 percent of all workers. Women were more likely to earn their paycheck as a clerical than in any other job. More than a third of U.S. working women worked as clericals by the end of the decade, a greater number than in teaching or food services, the next two most common jobs.<sup>6</sup> The occupation was undergoing a major shift as technologies like photocopiers, memory typewriters and, increasingly, computers furthered a century-long process of mechanizing office work. Women ran the new office machines, and they did it cheaply. Early 20<sup>th</sup> century employers had learned that they could keep costs down by employing women as typists and stenographers, so displacing

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<sup>6</sup> Bureau of Labor Statistics, *Perspectives on Working Women: A Databook*, 1-3, 10-11.

the young aspiring businessmen who had once served as clerks.<sup>7</sup> By the 1970s, a full 97 percent of typists were women.<sup>8</sup> Yet female clericals earned less than men who worked as operatives, salesmen or service workers - - in fact, they earned less than all men except farm workers.<sup>9</sup> “The companies do not see us in the mainstream of the workforce,” complained Fran Cicchetti at one of 9to5’s first public meetings in 1974. “We are working for pin money, they think.”<sup>10</sup> Yet working women in the 1970s were actually providing much-needed family income. By 1978, 84 percent of women in the labor force either supported themselves or were married to men whose income was under \$15,000, well under what the federal government deemed an “intermediate” standard of living for a family of four.<sup>11</sup>

Yet the clericals who organized wanted to upend unfair, gender-typed treatment in the office as much as they sought to address low pay, and they found momentum from the new equality ideologies of the women’s movement. The expectations that women clericals would get the coffee, buy the presents, and pamper their bosses collided with

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<sup>7</sup> On historical shift in clerical work see Margery W. Davies, *Woman's Place is at the Typewriter: Office Work and Office Workers, 1870-1930* (Philadelphia: Temple University Press, 1982); Margo Anderson, , Lisa M. Fine, "The Souls of the Skyscraper: Female Clerical Workers in Chicago, 1870-1930." *The American Historical Review* *the American Historical Review* 96, no. 3 (1991); Turk , "Labor's Pink-Collar Aristocracy: The National Secretaries Association's Encounters with Feminism in the Age of Automation." For a discussion on changes on clericals in the 1970s and 1980s see Tepperman, *Not Servants, Not Machines*; Joan M. Greenbaum, *Windows on the Workplace : Technology, Jobs, and the Organization of Office Work* (New York: Monthly Review Press, 2004); Cobble, “A Spontaneous Loss of Enthusiasm” 30-33.

<sup>8</sup> Bureau of Labor Statistics, *Perspectives on Working Women: A Databook*, 9.

<sup>9</sup> Bureau of Labor Statistics, *Perspectives on Working Women: A Databook*, 49 and MacLean, “Hidden Histories of Affirmative Action.”

<sup>10</sup> “9-to-5ers Press for Office Rights,” *The Boston Globe*, April 9, 1974 found in folder 103, carton 3, 9to5 Records (1972-1980).

<sup>11</sup> Ann Draper, “Why Women Work,” *AFL-CIO Federationist*, reprinted in Retail Clerks, *The Advocate*, June – July 1978, 7; Bureau of Labor Statistics, *Perspectives on Working Women: A Databook*, 1 and 9.

their growing sense of professionalism and entitlement. “My greatest gripe, besides the obvious problems of low pay and lack of respect, is that the men with whom we work refuse to recognize us as mature, adult women... I am not a ‘puss,’ or a ‘chick’, a ‘broad’ or a ‘dear.’ I am a WOMAN and I have a name, a full name of my own,” insisted one Boston office worker, writing in response to an early 9to5 newsletter in 1973.<sup>12</sup> Other women who propelled 9to5 embraced the new ideas of women’s equality, even if they chose not to embrace its language. “Many of the women who come to us say that, ‘I’m not women’s libber” or “I’m no joiner, but...’ said 9to5 co-founder Karen Nussbaum in 1979.<sup>13</sup> Judith McCollough was typical of such working-class women attracted to the group. An office worker at Travelers insurance in Boston, she joined 9to5 in 1974. “I’d been interested in the women’s movement,” but was “slightly intimidated by it,” remembers McCollough. Though she “identified with the idea that women should...do all the things that they wanted to do...The National Organization for Women... just didn’t seem to connect to me.” McCollough went on to join 9to5’s staff and later became a national union organizer.<sup>14</sup>

### **Experimenting with New Forms of Worker Power (1972 – 1975)**

The founders of 9to5 did not set out to launch a new form of labor organizing. Karen Nussbaum and Ellen Cassedy were young, middle-class white women who met at the

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<sup>12</sup> Joyce Weston to “dear sisters,” May 22, 1973, Folder 87, Carton 3, 9to5 records (1972-1980).

<sup>13</sup> Peter Drier, “Raises Not Roses,” *In These Times*, June 13, 1979.

<sup>14</sup> Judith McCollough, interviewed by Ann Froines, November 4, 2005, Washington DC, SEIU District 925 Legacy Project, Oral History Transcript, Walter P. Reuther Library, Wayne State University, Detroit, Michigan (hereafter SEIU District 925 oral history transcripts).



University of Chicago in 1969 when they were 19 years old. “Revolution was in the air” remembers Nussbaum, who found political action within this zeitgeist far more interesting than college. She fled to Boston where she organized with other women to end the Vietnam War. The rent soon came due and groceries were not free, so she got a job at Harvard as a clerical. Cassidy, meanwhile, finished her college degree at the University of California at Berkeley.

Two events nudged Nussbaum in the direction of labor work. First, during a massive anti-war mobilization in 1971 a dozen activists chanted, “What are the unions for? General strike to end the war!” Labor leaders’ support for the war made unions anathema to peace activists like Nussbaum, yet something clicked as she watched the protestors: “Oh, that’s an interesting notion: unions as a tool for social change.” Second, when she joined a picket line of working-class waitresses near Boston that same year, she discovered the women’s movement bubbling through: “I realized that there was this power in the ideas of women’s liberation which could be exercised against the authority of the boss.”<sup>15</sup>

Nussbaum brought these new ideas about labor organizing to her clerical job at Harvard and organized a group of women in 1972 to “support each other and to act as a group to improve our situations as Services and Wages employees.”<sup>16</sup> The Women Office Workers at Harvard was an organization made up of mostly young women who despised the “wifely” duties, like getting professors tea, and who also agitated for clearly-

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<sup>15</sup> Nussbaum interview with the author, Washington, DC, December 18, 2013.

<sup>16</sup> *Memorandum: Newsletter of Women Office Workers at Harvard*, Vol. 1, No. 1, April, 1972, in possession of Karen Nussbaum, Washington, DC.

defined job classifications and demanded that Harvard disclose salary information.

Though there was not a union drive, they discussed unionization as one of the options for change.<sup>17</sup> Nussbaum soon expanded her labor activism among women in other workplaces. She helped organize a workshop for office workers at an anti-war Boston Women's Assembly in April of 1972, out of which developed a discussion group of ten clericals from a hodge podge of local workplaces; they worked at a shoe factory, a hospital, universities and insurance companies. The group put an ad in the newspaper inviting others who wanted to talk about building an organization for office workers.<sup>18</sup> That ad attracted Janet Selcer, a white, middle-class clerical at Harvard University, who was more interested in issues of wealth inequality than "the cultural aspects of the women's movement."<sup>19</sup> The group grew to about 25 people and would soon form the core of 9to5.<sup>20</sup>

Ellen Cassedy joined this group in the summer of 1972 when she moved to Boston and also got a job as an office worker at Harvard. "I am writing as a newly-recruited member of the labor movement," penned Cassedy in September to a favorite high school teacher who was active in his teachers union. She understood her Harvard clerical organizing as part of a larger wave of union organizing, explaining to her mentor

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<sup>17</sup> *Memorandum: Newsletter of Harvard Office Workers*, Vol. 1, No 2, May 15, 1972 and Vol. I, No. 4, August, 1972, in possession of Karen Nussbaum, Washington, DC; *Women's Work Has Just Begun*, No. 1, August, 1972, in possession of Nussbaum. (Note that *Memorandum* is also available through the Harvard University Archives periodicals collection.)

<sup>18</sup> Ellen Cassedy, Karen Nussbaum, Debbie Schneider, interviewed by Ann Froines, Washington, DC, November 1, 2005, SEIU District 925 oral history transcripts.

<sup>19</sup> Janet Selcer interview by Ann Froines, Brookline, Massachusetts, February 1, 2005, SEIU District 925 oral history transcripts.

<sup>20</sup> Nussbaum in Cobble, *The Sex of Class*; Nussbaum interview with the author, 2013; Ellen Cassedy to Heather (Booth) and Day (Creamer), August 5, 1973, folder 126, carton 3, 9to5 records (1972-1980).

that waitresses and hospital workers were organizing unions in Boston. Yet she also admitted to being wary of unions and the “corrupt and ambitious and reactionary labor leaders...”<sup>21</sup>

The discussion group started handing out a “9to5: Newsletter for Boston Area Office Workers” at subway stations and on the sidewalks outside major financial institutions in late 1972. Under such headlines as “We DO Have Rights” and “‘girls’ till we retire,” they aimed to change the lens through which female clericals saw their own jobs. Meanwhile, they insisted that “we must get together as office workers, not only as women” and so kept readers updated on local union organizing at hospitals and insurance companies.<sup>22</sup> They saw themselves as part of a larger movement of organizing by women workers. For example, one newsletter featured a map of the United States under the headline “What’s Happening...” It highlighted the Farah slacks strike in El Paso and the Metropolitan Life Insurance Company unionizing effort in San Francisco alongside new groups like Chicago’s Women Employed and Los Angeles’ Working Women.<sup>23</sup> The young women pooled their pennies to send Cassedy to the first training held by the Midwest Academy in Chicago in the summer of 1973. Founded by activist Heather Booth from the proceeds of a back-pay award in an unfair labor practice suit, the Midwest Academy taught activists from a broad array of organizations the nuts and bolts

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<sup>21</sup> Ellen Cassedy to Howard and Chris, September 19, 1972, folder 126, carton 3, 9to5, National Association of Working Women Records, Additional records, 1972-1985, 82-M189 – 86-M213, (hereafter 9to5 record (Additional records, 1972-1985)); Ellen Cassedy interview with the author, Takoma Park, Maryland, January 6, 2014.

<sup>22</sup> *9to5: Newsletter for Boston Area Office Workers*, December 1972 / January 1973, Summer 1973, and December 1973 / January 1974, Folder 20, Box 1, SEIU District 925 records.

<sup>23</sup> “What’s happening...”, *9to5 Newsletter for Boston Area Office Workers*, Vol. 1, no5, Oct / November, 1973, Folder 20, Box 1, SEIU District 925 papers.

of community organizing strategy and tactics.<sup>24</sup> Cassedy returned with ideas of how to build an organization of women office workers that would apply these tactics to build change among Boston's office workers.<sup>25</sup>

It was in turning their ad hoc newsletter group into a membership organization in 1973 that the women began to wrestle with the questions and issues that would propel them to build a new labor organizing path. Nussbaum and Cassedy especially were interested in unions, but were wary of unions' conservatism and their male leadership. In a foundational planning document from September of 1973, they made clear that long-term goals included "a labor movement comprised of democratic unions" yet they also valued an "independent women's movement," and bristled at a "labor bureaucracy" consisting of "a few men negotiating with corporations and government."<sup>26</sup> In a response document, Nussbaum clarified that the goals should be transformational - - they sought to "improve working conditions," and also to win more "control of the workplace (the community and environment as well) by the people who work and live there..."<sup>27</sup> They decided to build something in-between the labor and women's movements, an association that would function as an "independent women office workers' organization."<sup>28</sup> Cassedy remembers that she was influenced in her thinking about 9to5 by the Women's Trade

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<sup>24</sup> For more on the Midwest Academy see: <http://www.midwestacademy.com/about/mission-history/> (accessed March 17, 2015).

<sup>25</sup> Cassedy interview; Nussbaum interview, 2013.

<sup>26</sup> Ellen Cassedy, Karen Nussbaum, Joan Tighe, "The Future of 9to5: A Proposal for an Independent Women Office Workers' Organization," September 8, 1973, folder 1, Box 1, 9to5 records (Additional records, 1972-1985).

<sup>27</sup> Nussbaum, "the long and the short," c Sept, 1973, in Nussbaum's possession, Washington, DC.

<sup>28</sup> Cassedy, Nussbaum and Tighe, "The Future of 9to5," September 8, 1973.

Union League (WTUL), a coalition of working-class and middle-class women that was founded in 1903 to push for better working conditions in the Progressive Era. The WTUL also built an alternative workers' organization that was outside the purview of the traditional unions of its day. In fact, the women of WTUL were the subject of Cassedy's senior honors thesis in college and she considered them the "grandmothers" of 9to5.<sup>29</sup>

9to5's creators envisioned changing an undemocratic labor movement by seeding it with a fresh wave of the women workers who were pouring into the nation's workforces with new ideas about their rights. Cassedy thought the whole process should take about three to five years.<sup>30</sup> In fact, the young women were pushed by both the limitations of the collective bargaining model and the rich possibilities of the women's movement to build something over the next decade that was much more significant and far more complex than their original concept.

That organization took the newsletter's name, 9to5, and its first public event was a forum for office workers in November, 1973, billed as "the beginning of an action-oriented organization, fighting for fair employment for the women in Boston's offices."<sup>31</sup> A hundred and fifty women attended. They were mostly young, white office workers, with a sprinkling of middle-aged and older women, a couple of African-American

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<sup>29</sup> Cassedy interview. For more on the WTUL, see Orleck, *Common Sense and a Little Fire*, 117 -134; Kessler-Harris, *Out to Work*, 203-210.

<sup>30</sup> Cassedy, Nussbaum, and Tighe, "The Future of 9to5;" Cassedy interview; Ellen Cassedy to Heather (Booth), October 8, 1974, folder 127, carton 3, 9to5 records (1972-1980).

<sup>31</sup> Ellen Cassedy and Susan Fahlund to Dear Friend, October 27, 1973, folder 3, carton 1, 9to5 records (1972-1980).

women, and few whom Cassedy termed “Cambridge-area radicals.”<sup>32</sup> “I am not the girl, the kid, dear or honeychile,” testified Lillian Christmas, a legal secretary, during the meeting. “After nearly a quarter century of experience...why is my salary so low that I have to take in freelance typing to support my family?”<sup>33</sup> Yet if the group was not focused on organizing employees at one workplace, like in a union, who should they target for change? The group’s first official membership meeting answered that question by planning a meeting with the Chamber of Commerce.<sup>34</sup> They took twenty people and half a dozen reporters along to the December meeting with the Chamber’s Executive Vice President, and asked the Chamber to host a meeting for women office workers with local personnel managers.<sup>35</sup> The Chamber refused, arguing that “salaries and conditions of work are the responsibility of individual firms.”<sup>36</sup> That refusal “threw us for a loop” wrote 9to5 co-chair Joan Tighe in early 1974 because it forced the group to figure out its own alternative steps.<sup>37</sup>

9to5 began to develop an organizational model based on caucuses of workers within specific industries: insurance and finance, legal, universities, publishing, small businesses and temporary agencies and health care. Members of each caucus would

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<sup>32</sup> Ellen Cassedy to Heather (Booth), December 4, 1973, folder 126, carton three, 9to5 records (1972-1980); “9 to 5: An Organization for Office Workers,” *Boston Phoenix*, November 27, 1973, found in box 19, 9 to 5 additional records (1972-1985).

<sup>33</sup> *9to5 Newsletter*, Vol 2, no 1, Dec 73 / Jan 74, Folder 20, Box 1, SEIU District 925 papers.

<sup>34</sup> Cassedy to Heather Booth, December 4, 1973.

<sup>35</sup> Karen Nussbaum, timeline and memo, n/d, c. 1974, in Karen Nussbaum’s possession, Washington, DC; Glick, “Bridging Feminism and Trade Unionism: A Study of Working Women’s Organizing in the U.S.”

<sup>36</sup> James Kelso to Ellen Cassedy, January 2, 1974, folder 3, carton 1, 9to5 records (1972-1980).

<sup>37</sup> Joan Tighe, “Some thoughts for 9to5: Medium Range / Joan,” n/d, c. January, 1974, folder 3, carton 1, 9to5 records (1972-1980).

testify at their own hearings to which they would invite representatives of government and business. In a sense, 9to5 recreated a miniature version of the industrial model that the unions of the CIO had forged when they abandoned craft unions in the 1930s, though the historical record does not indicate that 9to5 did so consciously. These industry-based committees - - especially the publishing and insurance committees - - would be the engines for the group's later development. They also began to define more clearly their public goals through an "office workers' bill of rights." They banged out the bill of rights in "two stormy meetings" in which the group lost a few African-American members who were unsuccessful in getting child care included as part of the new treatise. The founders did not think they could win childcare and resisted including it among the demands. 9to5 would struggle throughout its years with issues of diversity, and this early defection by women of color turned out to be an important one.<sup>38</sup>

Women from each industry testified at the April, 1974 "Hearing on the Working Conditions of Women Office Workers." The three hundred office workers in attendance signed the Office Workers' Bill of Rights, which included the rights to "respect as women and office workers" as well as "comprehensive written job descriptions, and "regular salary reviews and cost-of-living increases" among its thirteen demands. Interestingly, the group did not include higher pay or benefits among its original demands, only "benefits and pay equal to those of men in similar job categories," despite the women's constant frustration with their low salaries. Their higher-pay campaigns

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<sup>38</sup> Nussbaum timeline and memo; Nussbaum interview, 2013; Cassidy interview, 2014.

would only develop later, toward the end of the decade, as the group matured as an organization pushing for working-class economic power.<sup>39</sup>

9to5 chose a clear women's issue as the focus for their first action in May of 1974: supporting maternity leave legislation. The groups' leaders experimented with three different varieties of power levers to advance their goals. Members picketed the state house twice, held a meeting with the chief lobbyist of the Associated Industries of Massachusetts (AIM), a trade group for industry which opposed the bill, and picketed the New England Merchants Bank for its opposition to the bill. From these activities, Nussbaum and the other leaders learned that their attempts to lobby government through the state house picket were far more popular among members, who found the "attacks on agencies and private companies an alien idea."<sup>40</sup>

Nussbaum and Cassedy thus followed their members' lead and steered away from confronting corporations directly, choosing instead to exercise power by pressuring and influencing government throughout 1974 and 1975. In this way, they searched for new ways for the state to support workers' organizing efforts outside collective bargaining. For instance, while the insurance committee did pass out leaflets and surveys in front of Travelers Insurance, New England Mutual, and other major Boston-based insurers, they

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<sup>39</sup> Press release, "Public Hearing Held on Conditions of Women Office Workers," April 8, 1974, folder 626, carton 11, 9to5 records (additional records, 1972-1985); "9-to-5ers Press for Office Rights," *The Boston Globe*, April 9, 1974 found in folder 103, carton 3, 9to5 Records (1972-80).

<sup>40</sup> "9to5 Meets with Walter Meuther at the Associated Industries of Massachusetts about Maternity Leave Bill," May 22, 1974, folder 3, carton 1, 9to5 records (1972-1980); *9to5*, June / July, 1974, carton 4, 9to5, National Association of Working Women (U.S.) additional records (1972 - 1986), 88-M96-89-M104, Schlesinger Library, Radcliffe Institute, Cambridge, Massachusetts, hereafter 9to5 records (Additional records, 1972-1986); Nussbaum timeline and memo; "Pickets urge action on maternity benefits bill," *Boston Globe*, July 3, 1974.



did not yet confront these companies directly about their employment practices and pay.<sup>41</sup> Rather, they used their surveys to build a report on the insurance industry which then formed the basis for two public forums on the insurance industry. Women in the insurance industry were part of “an explosive situation” advertised a flyer for the forum, featuring an image of dynamite stuck in a high heel shoe.<sup>42</sup> The report found that though 60 percent of the city’s insurance workforce were female, a full 86 percent of those 18,000 women were in clerical positions. Though over half of the industry’s men earned more than \$10,000 a year, only two percent of women did so.<sup>43</sup> In July of 1975, the new Massachusetts Insurance Commissioner accepted 9to5’s proposal to issue new state regulations against sex discrimination in hiring, pay and benefits and promotions within the insurance industry. The commissioner agreed to use his power to revoke individual companies’ licenses if they discriminated against women and to refuse the entire industry a rate increase if too many companies did not change employment practices. The insurance regulations were the first of their kind in the nation.<sup>44</sup> Although the young activists of 9to5 had not challenged individual corporations directly, they nonetheless found themselves thwarted by corporate power. A group of twenty-five Massachusetts

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<sup>41</sup> Steering Committee Meeting, October 29, 1974, Folder 6, box 1, 9to5 records (1972-1980).

<sup>42</sup> “Women in Insurance: An Explosive Situation,” September 9, 1974, folder 128, carton 5, 9to5 records (1972-1980).

<sup>43</sup> “Claims Against Boston’s Insurance Industry,” September, 1974, folder 127, box 5, 9to5 Records (1972-80); “Women Office Workers Accuse Insurance Firms,” *Christian Science Monitor*, September 10, 1974.

<sup>44</sup> “Insurance Discrimination Revealed at Hearing,” 9to5, March, 1975, carton 4, 9to5 records (Additional records, 1972-1986); “First in Nation: Insurance Regulations,” 9to5, May, 1975, carton 4, 9to5 records (Additional records, 1972-1986).

insurers challenged the new regulations in court and the commissioner suspended the regulations ‘voluntarily’ until the case could be resolved.<sup>45</sup>

The temporary agencies committee of 9to5 also tried to use state regulation as a lever for worker power, and ran into a similar road block when they championed a State Senate bill governing temporary agencies. These agencies began to exercise enormous political power in the U.S. as the number of temporary workers doubled during the 1970s, and companies increasingly turned toward these agents of precarious work to help them sidestep their social welfare obligations.<sup>46</sup> The women of 9to5 tried to fight back. Their rather innocuous legislation would have required agencies to provide job descriptions, cease their prohibitions on temps taking permanent job offers from their assignments, and allow employees to see and respond to job evaluations.<sup>47</sup> After the industry’s lobbyists successfully scuttled the bill, 9to5 met with the Secretary of State to demand that he look into the fact that a number of the lobbyists were not officially registered, but they never successfully made in-roads on behalf of workers’ rights in this growing industry.<sup>48</sup>

So if corporations could block legislation and effectively thwart government agencies from changing the rules that governed them, then what other levers of state

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<sup>45</sup> Glick, “Bridging Feminism and Trade Unionism: A Study of Working Women’s Organizing,” 70; “Insurance Firms Ordered to End Job Discrimination,” *Boston Globe*, June 6, 1975, 3.

<sup>46</sup> Erin Hatton, *The Temp Economy: From Kelly Girls to Permatemps in Postwar America* (Philadelphia: Temple University Press, 2011) 22-23 and 57.

<sup>47</sup> “Fact Sheet: State Senate Bill 303,” folder 111, carton 3, 9to5 Records (1972-1980); “Temporaries – Low Women on the Totem Pole,” *The Boston Phoenix*, March 11, 1975, 12 found in Box 19, 9to5 records (Additional records, 1972-1985).

<sup>48</sup> 9to5, March / April, 1975; May, 1975 and August, 1975, carton 4, 9to5 records, (Additional records, 1972-1986); Glick, “*Bridging Feminism and Trade Unionism.*”

power could a non-union group of employees effectively pull? “If you look at the power structure of the office world in Boston, where do you go? How do you get near them?” remembers Cassedy of the group’s dilemma.<sup>49</sup> Here, the Women in Publishing subcommittee began to break the most fertile ground. Women in Publishing was 9to5’s most active committee following the April, 1974 forum, and it soon began distributing its own newsletter at publishing houses. The women of the publishing committee were the most middle-class group of all the 9to5 committees because nearly all publishing jobs required a college degree. This committee included Nancy Farrell, a production assistant at Allyn & Bacon who first got involved in the Women in Publishing in 1974 because she was concerned that her employer did not post sales and management jobs. Farrell would later serve as 9to5’s chairwoman and would help unionize Allyn & Bacon.<sup>50</sup> Like Farrell, many of these women came into publishing expecting to rise quickly into editorial jobs, but instead found themselves ghettoized in dead-end clerical positions. Though women in the insurance and banking industries tended to be more working-class, it was the middle-class activists at 9to5 who paved a path on affirmative action that would set the tone for the entire organization. They were the first group at 9to5 to adopt an action plan centered around affirmative action requirements laid out in President Johnson’s 1965 Executive Order 11246, which was expanded to include sex in 1967. This Executive Order required all federal contractors not only to refrain from discrimination but also take “affirmative action to ensure that applicants are employed, and employees are treated

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<sup>49</sup> Cassedy interview with author, 2014.

<sup>50</sup> “Interview with Nancy Farrell,” September 19, 1980 (unknown interviewer), Folder 915, carton 14, 9to5 records (Additional records, 1972-1985); Nancy Farrell, “My Entry into 925 History,” February 6, 2004, folder 26, box 5, SEIU District 925 records; “9to5 Election Results,” 9to5 News, December / January 1976-77, carton 12, 9to5 records (Additional records, 1972-1985).

during their employment without regard to their race, color, religion, sex or national origin.”<sup>51</sup>

To build a strategy around this Executive Order, Nancy Farrell and the other activists in the Women in Publishing subgroup began by claiming the high ground. They conducted a broad survey of the Boston publishing industry, and released the report at a public forum detailing the rampant discrimination in the nation’s second-largest publishing city. The report showed that though 66 percent of the Boston industry’s workers were female, women only made up six percent of the management level employees. They called for equal hiring and promotion across gender, equal pay and benefits, and for companies to publicize affirmative action plans. They insisted that “stereotypical attitudes” about women “must be discredited.” (Interestingly, as with 9to5’s Bill of Rights, this committee did not yet call for across-the-board higher pay.)<sup>52</sup> They then worked with the new Massachusetts Attorney General, Francis X. Bellotti, to file a joint suit against three of the city’s largest publishers with the Equal Employment Opportunity Commission, the federal agency enforcing Title VII of the Civil Rights Act of 1964, as well as with its state-level equivalent, the Massachusetts Commission Against Discrimination (MCAD.) The suits targeted Addison-Wesley Publishing, Co, Allyn & Bacon Inc. and Houghton Mifflin Co. and alleged discrimination on the basis of sex and

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<sup>51</sup> Rosen, *The World Split Open*, 304; Thomas J. Sugrue, ‘The Largest Civil Rights Organization Today’: Title VII and the Transformation of the Public Sector, *LABOR*, Fall 2014, 25-29.

<sup>52</sup> “Women in the Boston Area Publishing Industry: A Status Report, March 1975,” folder 906, carton 14, 9to5 additional records (1972-1985); “Publishers Just Eliminate Stereotypes in Books, Women Charge,” *The Boston Evening Globe*, March 26, 1975 found in box 19, 9to5 additional records (1972-1985).

race.<sup>53</sup> Five women editors in the Houghton Mifflin educational division meanwhile filed their own class action suit in federal court after discovering through the 9to5 survey that women were paid an average of \$3400 less a year than men doing the same jobs.<sup>54</sup>

The women had found their answer as to how best to get corporate Boston's attention. The companies were shocked by the suits, which seemed to come out of the blue in an industry that was not unionized and was not used to any sort of worker collective action. "We think a lot of women... we think they're very nice," asserted Addison-Wesley's apparently tone-deaf president Donald Jones in denying the charges.<sup>55</sup> Addison-Wesley later counter-sued 9to5, unsuccessfully trying to force them to turn over all the group's records.<sup>56</sup> Houghton Mifflin, meanwhile, hired a consulting firm to evaluate salaries and do interviews with employees, and ended up giving workers a sizeable raise, some as much as \$2500. All the suits ended up being settled over the course of the next six years. First Houghton Mifflin settled the class action suit for \$750,000. Then each of the three publishers agreed to settlements that amounted to \$1.5

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<sup>53</sup> "Bias Charge is Filed: Against 3 Publishers in the Boston Area," *Wall Street Journal*, December 4, 1975, 17; "Three Publishers Named in Discrimination Action," *Boston Evening Globe*, December 2, 1975, found in folder 137, carton 5, 9to5 records (1972-1980).

<sup>54</sup> Judy Foreman, "9to5: A Success Story," *Boston Globe*, September 28, 1979, 17.

<sup>55</sup> "Bias Charge is Filed," *Wall Street Journal*; David Gumpert, "Boston Publishers See Organizing Bid Behind Sex Bias Suit," *Wall Street Journal*, April 11, 1977, 18.

<sup>56</sup> Women in Publishing, three month plan, May 1977, folder 897, carton 13, 9to5 records (Additional records, 1972-1985); "9to5 Dealing - Successfully - with Problems for Women Office Workers," *The Washington Star*, December 2, 1978 found in folder 137, carton 5, 9to5 records (1972-1980).

million in back pay, and also agreed to create job ladders, post salaries and offer new kinds of job training.<sup>57</sup>

9to5 was not alone among female workplace activists in using affirmative action in the 1970s to pry open doors that had long been closed to women. Women at the *New York Times* and *Newsweek*, New York City firefighters, steelworkers and telephone operators were just some of the groups who successfully used affirmative action provisions to force equal access to a full range of jobs.<sup>58</sup> What made 9to5's efforts different, however, was the extent to which the class action suits were embedded within the organization's large range of collective tactics for workplace change. 9to5 saw the suits not as just individual suits filed by individual women, but as part of a strategy that involved personal empowerment, workplace coalition building, group confrontations with management, corporate public shaming and alliances with women across industries. For example, though the early Women in Publishing were originally loath to take on higher pay as an issue, they gained momentum and confidence through the suits, and soon launched a city-wide wage survey in 1976. "The management here is scared to death of this survey, and of WIP in general, and has made loud flapping noises at us," wrote one incensed production editor at the publisher Heath. "What has been going on here is medieval!"<sup>59</sup> The 9to5 report of the survey of 18 local publishing houses called publishing "a women's job ghetto" and found that the Boston area employees made less than those in the national industry. They demanded higher wages - - for all office workers

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<sup>57</sup> Anson Smith, "Job Bias Settlements Costly for Publishers," *Boston Globe*, January 22, 1981, 49.

<sup>58</sup> MacLean, "The Hidden History of Affirmative Action."

<sup>59</sup> Women in Publishing Wage Survey, December, 1976, folder 75, carton 2, 9to5 records (1972-1980).

in the industry - - as well as equal pay and benefits for women.<sup>60</sup> They amplified their influence through savvy use of public opinion, awarding a “wasted womanpower award” to publishers with the worst maternity leave policies, salary reviews and job posting plans. They not only leafleted workers, but also shareholders at the Houghton Mifflin annual meeting.<sup>61</sup> Like Rosa Halsey at Woodward & Lothrop, they gathered with like-minded co-workers over lunch and after work to form new alliances. Within a year after making the demand for job postings, they had forced five publishers to institute new posting policies.<sup>62</sup> This wide range of tactics, which 9to5 first tried in publishing, would serve as a toolbox for the group’s later efforts to force change at other Boston industries by the end of the decade.

### **Local 925 – A New Kind of Union**

It was not long after founding 9to5 that the women went knocking on labor’s door, meeting with ten unions active in the Boston area. “It was never...that we only wanted to have a women’s work organization alone. We wanted to use it to prompt union organizing among office workers,” remembers Selcer. 9to5’s founders saw the group as a precursor to unions, “a step in between,” and had originally envisioned raising women’s

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<sup>60</sup> Press Statement, February 25, 1977, folder 78, carton 2, 9to5 records (1972-1980).

<sup>61</sup> “Women in Publishing Presents Dubious Distinction Awards to Boston Publishing Firms,” June 26, 1975, folder 126, carton 5, 9to5 records (1972-1980); Gumpert, *Wall Street Journal*.

<sup>62</sup> Minutes of the General Meeting held May 22, 1976, folder 30, carton 1, 9to5 records (1972-1980); “Women in Publishing Hails Job Posting Improvements,” September 24, 1976, folder 126, carton 5, 9to5 Records (1972-1980).

consciousness and then shepherding them into existing unions.<sup>63</sup> A local labor educator urged them to rethink that formulation, and realize that the power they were building “was more precious than something to just give away,” remembers Nussbaum.<sup>64</sup> When they knocked on labor’s door, they encountered a mixed reception. “I don’t want any Communist cunts around here,” asserted Matt McGraw, the leader of SEIU Local 285 representing city workers.<sup>65</sup> Eddie Sullivan, a labor leader for university janitors and food servers, believed it was simply impossible to organize clerical workers.<sup>66</sup> Yet District 65 was interested in a partnership with the clerical organization and the national union representing office workers, the Office and Professional Employees International Union (OPEIU), seemed interested in hiring Nussbaum and Cassedy. It turned out that the national-level SEIU was the only union willing to charter the group as an autonomous local, and to fund three people as organizers. 9to5 thus formed a union with SEIU in 1975 because it was important to the group that “we control how we use the money, where we organize, and how we organize.”<sup>67</sup>

The new union chose as its name SEIU Local 925, a clear play on the association’s name. It had a close relationship with 9to5 and staff of both groups

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<sup>63</sup> Selcer interview; see also Cassedy, Nussbaum and Tighe, “The Future of 9to5,” September 8, 1973 and Ellen Cassedy to Heather (Booth), October 8, 1974, folder 127, carton 3, 9to5 records (1972-1980).

<sup>64</sup> Nussbaum interview with author, 2013.

<sup>65</sup> Karen Nussbaum, “My Entry into 925 History,” February 6, 2004, Folder 25, Box 5, SEIU District 925 records. McGraw did, in fact, later give his approval to the young local.

<sup>66</sup> Robert Welsh and Jon Hiatt interviewed by Ann Froines, November 3, 2005, Washington, DC, SEIU District 925 oral history transcripts.

<sup>67</sup> Ellen Cassedy to Heather (Booth), February 21, 1974, folder 127, carton 3, 9to5 records (1972-1980); quote from Karen Nussbaum to Vicki Legion, August 16, 1975, Folder 291, Box 5, 9to5 records (Additional records, 1972-1985).



attended weekly meetings together. Nussbaum served as director of both organizations until 1978, when she moved to Cleveland and began organizing nationally.<sup>68</sup>

Nevertheless, Local 925 was its own separate membership organization. From the start, the group set out to be a different kind of union that harnessed the power of collective bargaining and also built from many of the women-focused organizing forms they had developed through their work with 9to5. “We started by making it personal, and that was different from the kind of organizing going on at the time,” remembered Nussbaum. “The typical organizing was you stood at the plant gate and handed out leaflets...Instead, we would use these surveys, talk to women individually. We assumed there would be five conversations with each individual before you could get them to sign a card.”<sup>69</sup>

They began to challenge clericals’ assumptions about unions much in the same way they had challenged their assumptions about gender roles. “Does a union mean time-clocks, limited wage scales and rigid working conditions? No, in fact it can mean the opposite,” read one early organizing brochure.<sup>70</sup> Though the union was open to male and female members, Nussbaum and the local’s leaders positioned it as a union addressing women office workers’ needs. “We are being taken advantage of because we are women and because we are unorganized,” read recruitment literature.<sup>71</sup>

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<sup>68</sup> 9to5 Executive Board Meeting minutes, July 19, 1976, folder 10, box 1, 9to5 records (Additional Records, 1972-1985); Nussbaum interview with the author, 2013.

<sup>69</sup> Karen Nussbaum interview by Ann Froines, November 16, 2006, SEIU District 925 oral history transcripts.

<sup>70</sup> “Why Unionize and How to Do It: Local 925,” undated, c 1977, carton 5, folder 131, 9to5 Records (1972-1980).

<sup>71</sup> “The Union for Office Workers: Local 925” undated, c 1976, Folder 292, Box 5, 9to5 records (Additional records, 1972-1985).

The young local's first campaign was among 40 librarians at Brandeis University and Local 925 found far more resistance from this liberal-minded university than it had anticipated. The librarians had formed their own independent staff association in 1969 because while they felt a "special kinship" to the institution, they also "felt increasingly ignored or even abused over the years."<sup>72</sup> Their pay was lower than that of other librarians (some of them made only \$95 for a 35-hour week), medical costs had increased, and they wanted more job security. Members of the association met with representatives from local unions and chose to launch a union organizing campaign with Local 925 which they found "sensitive to our cause."<sup>73</sup> Though publicly Brandeis said it "honors the right of its Library employees to choose freely to join or to refrain from joining a union," in fact it trained supervisors to warn employees about strikes, dues and unions as "a third party." Supervisors were to make clear that "the law permits the hiring of a permanent replacement" in cases of economic strikes.<sup>74</sup> Once 89 percent of the librarians voted for the union in early 1976, the university dragged its feet in negotiations, refusing for six months to move on a single major item.<sup>75</sup> The women of Local 925 had to pull from many of the community campaign tactics developed by 9to5 the association in order to force the university's hand. Just as 9to5 had learned to leaflet downtown buildings, members of Local 925 began leafleting Brandeis alumni events in New York,

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<sup>72</sup> Library Staff Association to Brandeis Board of Trustees, December 8, 1975, folder 37, box 7, SEIU District 925 records.

<sup>73</sup> "Brandeis Library Staff Unionize," December 11, 1975, folder 37, Box 7, SEIU District 925 records; Open Letter to the Brandeis Community, September 19, 1975, Folder 36, Box 7, SEIU District 925 records.

<sup>74</sup> Helen Codare, Dean, to Members of the Brandeis University Library Staff, January 15, 1976, Folder 38, Box 7, SEIU District 925 records; "Guidelines for Supervisors and Managerial Employees During a Union Organizing Drive, January 12, 1976," Folder 38, Box 7, SEIU District 925 records.

<sup>75</sup> Planning Committee, February 9, 1976, folder 14, carton 1, 9to5 records (1972-1980); Karen Nussbaum to John Geagan, October 12, 1976, folder 38, Box 7, SEIU District 925 records.

Chicago and Atlanta. They kept the Brandeis cause in front of reporters, activated Brandeis students in a group called “Jewish Students for a Just Settlement,” and pressured the National Women’s Committee to stop raising funds for the library. “Union-busting isn’t Kosher,” read one solidarity leaflet.<sup>76</sup> The university finally settled after nine months. Local 925 had tapped 9to5’s broad array of non-traditional labor tactics, and had managed to bring home the first union contract covering university office staff in the Boston area.<sup>77</sup>

Though the going was slow and employer opposition was strong, the young local managed to win a few union elections among small units of clericals at private-sector employers, like Allyn & Bacon, Educators Publishing Services and Rounder Records. They developed their own unique organizing tactics and contract demands, based in their experiences as working women. Consider the campaign at Allyn & Bacon, one of the three publishers named in the joint affirmative action suit filed by Massachusetts Attorney General and 9to5. Even before the workers saw a settlement in that suit, the clericals started to explore unionizing. When it became clear that some employees thought of themselves as non-union professionals, Nancy Farrell - - Women in Publishing activist and 925 supporter - - remembers developing a unique tactic to build solidarity. “The participants had to reveal their weight or their salary,” during a union meeting ice breaker. “The numbers came tumbling out... and they were low, all over the

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<sup>76</sup> Brandeis / Pressure Campaign for a Fair Contract, c. 1976, folder 39 box 7, SEIU District 925 records; Jackie to Karen Nussbaum, November 11, 1976, folder 39, Box 7, SEIU District 925 records; “Union Busting Isn’t Kosher,” Folder 38, Box 7, SEIU District 925 records.

<sup>77</sup> Karen Nussbaum to Julius Bernstein, January 11, 1977, folder 40, box 7, SEIU District 925 records.

lot...obviously salaries.”<sup>78</sup> Allyn & Bacon workers won an NLRB election and managed to get a legally-binding contract with more flexible schedules, an average 18 percent salary increase, and a standing union-management committee on job training, three years before the affirmative action suits ever settled.<sup>79</sup> The Local 925 contract at Rounder Records included issues uncommon in contemporaneous contracts, like parental leave and a no-discrimination clause that included sexual preference.<sup>80</sup> In other cases, Local 925 found the union paradigm limiting. When the union reached an impasse in negotiations with Educators Publishing Services (EPS), the women formed a conga line picket and held signs reading “EPS – Every Person a Slave.” The next Monday Nussbaum received a subpoena as such public actions were in violation of labor law once the parties had reached impasse. Eventually, however, Local 925 did sign a first contract with EPS, winning a 25 percent wage increase and improved medical insurance that was completely financed by the employer.<sup>81</sup>

Yet Local 925 quickly ran up against the increased private-sector employer resistance to unions that grew throughout the nation in the 1970s. Activists found that the door through which workers could enter the union was far narrower than the entryway to the association. When they tried to organize a small radio station, for instance, they discovered that Alfred DeMaria, one of the nation’s most notorious union busters,

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<sup>78</sup> Nancy Farrell, “My Entry into 925 History,” February 6, 2004, folder 26, box 5, SEIU District 925 records.

<sup>79</sup> “Victories: A Look at 1978,” folder 290, box 5, 9to5 records (Additional records, 1972-1985).

<sup>80</sup> *News from Local 925*, January, 1981, folder 25, box 7, SEIU District 925 records.

<sup>81</sup> “Karen Nussbaum: In Conversation with Dorothy Sue Cobble and Alice Kessler-Harris,” in *Talking Leadership*, ed. Hartman, 143. “Local 925 Signs First Contract,” *News from Local 925*, June, 1976, Box 4, 9to5 records (Additional records, 1972-1985).

represented the company.<sup>82</sup> The small Massachusetts College of Pharmacy called in the national Three M firm to successfully defeat a clerical unionizing effort there, and Allyn & Bacon never stopped resisting the local, dragging out negotiations at every turn.<sup>83</sup> Eventually, that publisher moved to Newton, laid off many of the original staff, and the union was decertified.<sup>84</sup> “We were trying to organize in... this private sector where the companies had this whole union-busting industry...but we didn’t know anything about it... it was really psychological warfare,” remembers Local 925 organizer Dorine Levasseur.<sup>85</sup> Local 925 found it had far more success with public-sector and non-profit sector workers where employer resistance was lighter, such as among teachers’ aides, public librarians, and legal services employees.<sup>86</sup> The local never grew very large, topping out at about a thousand members by 1981.<sup>87</sup>

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<sup>82</sup> Karen Nussbaum interview with the author, Washington, DC, June 11, 2014.

<sup>83</sup> “News from Local 925,” April, 1980, folder 25, box 7, SEIU District 925 records; “News from Local 925,” January, 1981, folder 25, box 7, SEIU District 925 records.

<sup>84</sup> *Local 925 news*, March 7, 1982, folder 25, box 7, SEIU District 925 records; Proposal to SEIU to Support Expanded Organizing Program by Local 925 in the Boston, MA area, May 22, 1981, folder 18, box 7, SEIU District 925 records; Dorine Levasseur interview with Ann Froines, February 23, 2005, Braintree, MA, SEIU District 925 oral history transcripts.

<sup>85</sup> Levasseur interview.

<sup>86</sup> District 925 Executive Board Minutes, April 5, 1986, file 34, box 4, SEIU District 925 records; Dorine Levasseur to Janet Garabedian, December 9, 1982, folder 19, box 7, SEIU District 925 records.

<sup>87</sup> “Service Employees Launch Drive for Women Workers,” *AFL-CIO News*, March 7, 1981.

### **Testing the New Model of Organizing (1976 – 1980)**

Though Nussbaum and Cassedy had once thought that a union would negate the need for the association, they soon began to realize that there was enormous potential in the alternative labor organization they had brought into being. It was “clearly apparent that you hadn’t exhausted the unbelievable opportunity that 9to5 the association created...you could let anybody in and hundreds of women would become activists and thousands would participate in one things and ... hundreds of thousands would hear about it and be moved,” remembers Nussbaum.<sup>88</sup> It turned out that in creating a separate, autonomous union in 1975 the organization had settled the question of whether 9to5 was a union, a point of confusion often raised by new recruits, the press and the public.<sup>89</sup> Clearly, 9to5 was not a union, because Local 925 was the union. Ironically, this sharp separation freed up the association to move into deeper confrontations with corporate employers, including around “bread and butter” issues like wages and benefits. It was thus after the creation of Local 925, in the years between 1976 and 1980, that the association 9to5 began to most fully explore the potential of its new model of labor organizing.

In the first months following the creation of Local 925, the association’s first steps were down the affirmative action road it had paved with Women in Publishing. In early 1976, 9to5 voted to make affirmative action enforcement its signature campaign for the year, and it set out to target the banks and insurance companies it so far had found elusive. Janet Selcer played a lead role in the effort to target these private-sector companies. “We became very adept at making contacts on the inside,” remembers Selcer,

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<sup>88</sup> Nussbaum interview with the author, 2013.

<sup>89</sup> Selcer interview.

who passed out surveys in front of Boston's banks and then held "endless numbers of lunches" with the women office workers who responded. "I loved the one woman who would say, sure you can come to lunch in the First National Bank of Liberty Mutual. Then you felt like you were in the belly of the beast and all the people you wanted to talk to were right there."<sup>90</sup>

9to5 used affirmative action suits as a mechanism to organize Boston's banks and insurance company workers. "Obviously, this is where 9to5 comes alive!" one member urged, noting 9to5 found 842 Boston-area companies with federal contracts exceeding \$50,000, all of whom were legally required to have an affirmative action plan.<sup>91</sup> "We decided we would do a campaign where we would teach people what affirmative action was. We had a big conference in Boston...and had specific campaigns that each of our committees did...in their industry. And then we did campaigns where we went after government agencies to enforce affirmative action," remembers Nussbaum.<sup>92</sup> 9to5 sent out a mock engraved invitation to the May hearing labelled "an invitation to equal opportunity."<sup>93</sup> Women from insurance companies like Liberty Mutual and Aetna began to gather after work to read their companies' affirmative action plans.<sup>94</sup> Selcer and the other activists replicated the publishing survey in banking and insurance, and found ample evidence of discrimination by sex, race and even age. After state officials and

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<sup>90</sup> Selcer interview.

<sup>91</sup> Enforcement campaign report, January 26, 1976, folder 14, carton 1, 9to 5 records (1972-1980).

<sup>92</sup> Nussbaum interview with Froines, 2006.

<sup>93</sup> "An Invitation to Equal Opportunity," May 6, 1976, folder 128, carton 5, 9to5 records (1972-1980).

<sup>94</sup> *Women Insurance News*, Vol. 1, No. 2, 1976, folder 111, carton 3, 9to5 records (Additional records, 1972-1986).

9to5 held hearings on this issue, the U.S. Senate Banking Committee got involved, accusing the U.S. Treasury Department of not enforcing EEOC standards at financial institutions. 9to5 then filed a suit against New England Merchants Bank (NEMB), citing it as a prime offender.<sup>95</sup> 9to5's charges did force a Treasury Department suit, but the women found it more disappointing than the publishing suits. Though NEMB was found guilty in 1977, the Treasury Department was slower to force this major financial institution to move into compliance.<sup>96</sup> Yet the suit had far-reaching implications when other banks, like Boston Safe Deposit and Trust Company, voluntarily signed new affirmative action agreements.<sup>97</sup> 9to5's affirmative action campaign shifted into a defensive one when the new director of the national Office of Contract Compliance, Lawrence Lorber, announced plans to eliminate all but the largest firms from affirmative action requirements and to end compliance reviews in the pre-contract stage. 9to5 joined the group Women Employed and civil rights groups in a successful campaign to vigorously defend the existing affirmative action regulations.<sup>98</sup>

9to5's leaders found that though an affirmative action strategy was fruitful, its focus on government agencies rather than on corporations was limiting as an organizing tool. "After we worked on government enforcement...we realized that we were teaching our members that government was the enemy," recalls Nussbaum. "We changed what

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<sup>95</sup> "Nine to 5 blasts banks and bureaucrats," *The Boston Phoenix*, October 5, 1976, 18.

<sup>96</sup> Ruth Olds to Weldon J. Rougeau, December 18, 1979, folder 12, carton 1, 9to5 records (1972-1980).

<sup>97</sup> "9to5 Celebrates Five Years of Action," *Equal Times*, November 6, 1978 found in folder 130, carton 5, 9to5 records (1972-80.)

<sup>98</sup> "9to5 Targets Lorber," *9to5 News*, Dec / Jan, 76-77, carton 12, 9to5 records (Additional records, 1972-1985); "Affirmative Action Changes Opposed," *The Boston Globe*, December 14, 1976; "Women, Civil Rights Groups Protest U.S. Hiring Revisions," *The Boston Herald*, December 14, 1976.



we did. We did a whole set of campaigns focused on...the biggest employer in different industries.”<sup>99</sup> 9to5 began to run what it called “higher pay” campaigns, finally making a full-throated demand for increased wages and benefits across the board as well as increased job training and promotions.<sup>100</sup> Through these campaigns at specific corporations, the organization found it was often able to raise wages and improve working conditions, all outside the collective bargaining paradigm. For instance, the group launched a campaign at First National Bank on Secretary’s Day in April, 1979.<sup>101</sup> The group publicized the fact that the bank’s own affirmative action report showed that women were underutilized in 15 of 36 job categories, that it had no job posting system, and that a file clerk made a mere \$6800 a year. They began meeting with First National employees, started a newsletter for the group, set up an employee “hotline,” launched a petition drive among depositors, reached out to community leaders, and held public demonstrations at stockholder meetings.<sup>102</sup> The campaign worked. The bank announced a new job posting system immediately after the campaign launch, and within a year workers had won raises amounting up to 12 percent, a larger increase than in previous years.<sup>103</sup> 9to5 launched a similar campaign at the John Hancock insurance company

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<sup>99</sup> Nussbaum interview with Froines, 2006.

<sup>100</sup> Nussbaum interview with the author, 2013.

<sup>101</sup> “9to5 Rally Announces First Victory in Campaign for Women at First National Bank,” May 2, 1979, folder 742, 9to5 records (Additional records, 1972-1985).

<sup>102</sup> “9to5’s Year at the First, Special Report,” April, 1980, folder 769, carton 12, 9to5 records (Additional records, 1972-1985); “9to5 Targets Stockholders,” March 29, 1979, folder 742, carton 12, 9to5 records (Additional records, 1972-1985); “First People First,” no 1, May 10, 1979, folder 769, carton 12, 9to5 records, (Additional records, 1972-1985).

<sup>103</sup> “9to5 Announces Participation in Shadow Board of FNB,” n/d, folder 742, carton 12, 9to5 records (Additional records, 1972-1985); “Raises Won! First Responds to 9to5 Pressures,” March 7, 1980, folder 769, carton 121, 9to5 records (Additional records, 1972-1985).

where women made up 60 percent of the workforce, including 85 percent of the lowest level clericals.<sup>104</sup> Nussbaum later served on a panel with a high-level executive from John Hancock who recalled that on the day 9to5 launched the campaign he barricaded himself in his office and stayed there overnight, feeling under siege.<sup>105</sup> The John Hancock campaign resulted in a 10.5 percent average pay increase, the raising of the lowest pay grade, and the formation of an ad hoc committee to develop career paths at non-management employees. These gains were comparable to what the Woodward & Lothrop workers won in their first union contract, though the Hancock workers never had a union. The company even contributed to local child care centers when the workers demanded assistance with child care.<sup>106</sup>

As they ran these major campaigns, the women of 9to5 re-defined organizing by borrowing and adapting the forms that grew out of the women's movement. Gone were house calls and the card signing routines of traditional union organizing. Instead they held what they called "recruitment" or "nurturing" lunches. These were like the consciousness-raising sessions popular among women's movement activists but, Cassidy recalls, were far less intimidating. Staff and leaders would sometimes have three such organizing lunches a day as they had the goal of meeting with every member or potential member at least once a year. They prioritized leadership training and groomed members to take the lead in confronting power. "This was an organization that would take you as

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<sup>104</sup> Susan O'Malley to Dorine Levasseur, June 16, 1981, folder 19, box 1, SEIU District 925 records; "John Hancock Fact Sheet," folder 19, box 1, SEIU District 925 records.

<sup>105</sup> Nussbaum interview with the author, 2013.

<sup>106</sup> The Hancock Observer, No. 10, September 29, 1981, folder 19, Box 1, SEIU District 925 records; "9to5 Focuses on Child Care at Hancock," 9to5 News, Feb / March, 1982, folder 20, box 1, SEIU District 925 records.

fast as you could go, even a little faster than you might be ready to go... to help change the world,” recalls Debbie Schneider who was recruited from her Boston-area publishing house and remembers the systematic training 9to5 provided her on public speaking.<sup>107</sup> A 9to5 conference on “Women for Economic Justice” offered skill development, coalition building strategies and workshops for displaced homemakers, alongside sessions on regulating banks and economic policy.<sup>108</sup>

### **Taking the Dual Structure National**

The women of 9to5 had hit on a novel structure for helping women office workers effect workplace change, especially since by the end of the decade employers had so narrowed possibilities for organizing unions. Activists balanced an association which “combines public action with legal action and advocacy work,” with an official union that allowed workers to tap the most secure tier of the U.S. social welfare regime, through legally-backed collective bargaining. They were “constantly re-adjusting the balance between outreach and activism on one hand, and consolidating power on the other,” in the union side, remembers Nussbaum.<sup>109</sup>

Between 1977 and 1981, the group took this bi-furcated structure national, replicating a nationwide association and union that were independent, yet intertwined.

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<sup>107</sup> Debbie Schneider interview with Ann Froines, Washington, DC, November 3, 2005, SEIU District 925 oral history transcripts.

<sup>108</sup> “Is there economic justice for women in Massachusetts?” August 14, 1979, folder 71, carton 2, 9to5 records (1972-1980).

<sup>109</sup> “Commonly Asked Questions About the Union and Suggested Answers,” n/d c 1981, folder 292, box 4, 9to5 records (Additional Records, 1972-1985); Nussbaum interview with the author, 2013.

9to5 was already integrated within a larger network of women office workers' organizations that were also experimenting with non-collective bargaining solutions, often learning from 9to5's model. Cleveland's Working Women, founded in 1975, followed the 9to5 model of doing a survey and report on women in banks in order to force government action on discrimination and San Francisco's Women Organized for Employment did the same in banking. These groups shared ideas and tactics, but found that they often bumped up against one another in fundraising. In order to amplify their efforts, they launched an informal joint organizing project and then officially launched Working Women: A National Association for Office Workers. Karen Nussbaum served as its Executive Director from her new base in Cleveland. This new national association started with 13 membership organizations in 1977 and grew to 22 chapters by 1983 when it changed its name to 9to5: National Association of Working Women. Boston 9to5 continued as a separate, local organization, and was a chapter of this umbrella group.<sup>110</sup>

Working Women tested its wings as an alternative labor organization, adopting 9to5's "higher pay" campaign in the late 1970s, as well as focusing on discrimination at banks and insurance.<sup>111</sup> Yet it was in the cultural realm that Working Women was able to make the most of its national-level platform. The group invited women office workers nationwide to join them in laying bare the contradictions between the emergent cultural

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<sup>110</sup> Staff Reports to the Executive Board, Ellen Cassidy, November 28, 1978, January 22, 1979 and February 12, 1979, folder 27, Box 1, 9to5 records (Additional records, 1972-1985); Brochure entitled "Working Women: National Association of Office Workers," 1978, Folder 241, Box 4, 9to5 records (Additional Records, 1972-1985); Revised 9to5 Chapter Listing, September 1983, folder 12, box 1, SEIU District 925 records; "9to5 to Release 'Office Workers Speak Out,' and New 'Bill of Rights,' February 22, 1983, Folder 627, Carton 11, 9to5 records (Additional records, 1972-1985).

<sup>111</sup> Organizers Meeting, Detailed Agenda, Working Women, n/d c. 1980, Folder 111, box 3, 9to5 records (Additional records, 1972-1985).

shifts around gender and the stubborn reality of office sexism. Humor was often their weapon of choice. Consider, for instance, the group's petty office procedure contest. The boss who required his secretary to vacuum up his fingernail clippings after he scattered them all over the floor won the personal hygiene award. The boss who required his secretary to sew up his split seam pants – while he was wearing them – also was honored. Thirty-five women showed up at his office and presented him with an “executive sewing kit.” Women nationwide read about the group under such headlines as “Have you heard the one about the boss who...?” Their “Raises Not Roses” campaign redefined the annual Secretary's Day rituals, as women turned out in rallies nationwide each year. 9to5 was helping to drive a cultural shift, even before it inspired the *9 to 5* movie which was the group's crowning achievements on the cultural front.<sup>112</sup>

The movie *9 to 5* launched at Christmastime in 1980 and changed the debate about whether there was discrimination in the workplace. The film was a runaway hit, grossing more than \$38 million in its first three weeks, and later inspiring a spin-off television show and musical.<sup>113</sup> “Before that, we had had to argue carefully, make proof... and then Jane Fonda makes a movie that mocks discrimination in the workplace and the argument is over,” remembers Nussbaum.<sup>114</sup> Nussbaum had gotten to know the acclaimed Fonda in the anti-war movement, and when Fonda approached her about the

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<sup>112</sup> “By the Seat of His Pants,” *The Boston Globe*, September 15, 1977; “Have you heard the one about the boss who...?” *Chicago Daily News*, September 13, 1977; “Rebellion Behind the Typewriter,” *Businessweek*, April 26, 1980, 85; Nussbaum interview with the author, 2013.

<sup>113</sup> *9 to 5* was released December 19, 1980 by 20<sup>th</sup> Century Fox. “Fox Studio's Woman Chief Smashes Mogul Stereotype,” *The Wall Street Journal*, January 13, 1981, 35; “Jane Fonda's Got a 9-to-5 Job in TV,” *Baltimore Sun*, January 24, 1982, TVW6. For information on the musical see <http://9to5themusical.com/>, accessed October 22, 2014.

<sup>114</sup> Transcript of Karen Nussbaum interview by Kathleen Banks Nutter, December 18 – 19, 2003, Voices of Feminism Oral History Project, Sophia Smith Collection, Smith College, Northampton, MA.

idea of a movie, Nussbaum brought her to meet with 40 women clericals in Cleveland. The women spent a long night talking with Fonda about problems on the job and how they had dreamed about getting even with the boss. Nearly every detail of the film grew out of Fonda's conversations with the Cleveland women.<sup>115</sup> The film itself is a revenge fantasy in which three clericals (played by Fonda, Lily Tomlin and Dolly Parton) get even with a bigoted boss (played by Dabney Coleman) who is prone to yelling, lying and "pinching and staring." After fantasizing about roping him like a steer, poisoning him and executing him, they then actually kidnap him and hold him captive with a device made from a garage door opener. Some of the best moments of the film are the farcical depictions of women dealing with errant copying machines and fraught memo-taking sessions, laying bare the ludicrous machinations of sexism on the job. The film made a deep imprint on the nation's understanding of gender at work. "The other day our lawyer saw the film," said Fonda in a promotion interview in 1980. "For the first time in all the years I've known him, when he wanted coffee, he went out and got it himself."<sup>116</sup> Working Women built on the film's popularity, launching the "Movement Behind the Movie" tour in 15 cities where leaders and members did interviews with morning television shows and held recruitment meetings and rallies after work.<sup>117</sup>

Working Women amplified 9to5's message about discrimination at work, and also deepened and challenged the original organization. For instance, Working Women

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<sup>115</sup> Transcript of Nussbaum interview with Nutter, 2003; Eleanor Ringel, "Making It From 9to5," *Atlanta Journal and Constitution*, December 6, 1980, 28.

<sup>116</sup> Ringel, "Making It From 9to5."

<sup>117</sup> Nussbaum in Cobble, *The Sex of Class*, 165; Janice Blood to all affiliates, August 29, 1980, folder 2, box 8, Atlanta 9to5 Working Women Records, Southern Labor Archives, Georgia State University Library, Atlanta, Georgia (hereafter Atlanta 9to5 records.)

helped Boston's 9to5 mature as part of a more racially diverse organization. All of the Boston group's founders were white, as were most of the activists, and though the leaders asked each committee to build diversity into their plans, there was "some lack of consciousness on our part about what that task would look like and how to accomplish it," remembers Janet Selcer, one of the original members.<sup>118</sup> The group was conscious of racial issues and did include racial discrimination along with sexual discrimination as part of its charges against the publishers and banks, for instance, but its membership remained stubbornly white. Part of the problem was a lack of diversity in Boston itself, where the clerical workforce was only four percent black. Yet as in the case of the African-American women who wanted to include child care in the Bill of Rights, the organization's priorities often reflected those of its majority white, young membership. As Working Women expanded in the 1980s to other cities that had a more diverse population, it was able to attract more women of color as members and leaders, who in turn influenced the direction of the organization. The Columbus, Ohio chapter, for instance, pushed for Ohio State University to include clericals among its discussions of affirmative action, which before had been confined to faculty and students. The Atlanta chapter included a sharp focus on minority workers in its surveys and reports and African-American leaders from the Baltimore chapter did minority outreach trainings for the group nationwide.<sup>119</sup>

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<sup>118</sup> Sam, Maggie and Joan to Executive Board, October 14, 1976, folder 7, carton 1, 9to5 records (1972-1980); December 6, 1979 Executive board meeting, folder 9, carton 1, 9to5 records (1972-1980); Selcer interview.

<sup>119</sup> "Be a 9to5'er," 9to5 Newsletter, January / February, 1986, Box 26, Atlanta 9to5 records; "Fact Sheet on Working Women's Agenda Survey," February, 1983, and "Office Workers Job Survey, Report, October –

Working Women was changing cultural mores and challenging corporations on working conditions, but found that it also needed the sharp teeth of collective bargaining in order to win lasting workplace gains in wages and benefits at a national level. By 1979, leaders decided it was time to take Boston's Local 925 national. The group approached and evaluated five unions as potential national partners - - SEIU, UAW, UFCW, the Communications Workers of America (CWA), and the OPEIU. Nussbaum and the members of Working Women wanted their partner union to commit resources to clerical organizing, establish a special structure in the union to address clericals' needs, and "make a commitment to several years of 'our' approach to organizing."<sup>120</sup> SEIU seemed the most willing. They bargained hard with SEIU's new national president, John Sweeney, and his male staff, insisting on salaries comparable to SEIU rates for other organizers. The new union was chartered in 1981 as District 925, a stand-alone national local with its own officers, by-laws and autonomy. Nussbaum would serve as its president while continuing to direct Working Women, thus linking the two organizations. Former Local 925 organizer Jackie Ruff would serve as the District 925 Executive Director.<sup>121</sup> "It was pretty revolutionary," remembers Ray Abernathy, a public relations consultant for unions who had a good sense of labor's attitudes. "The very idea of having

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December, 1980" in folder 1, box 101, Atlanta 9to5 records; 9to5 Newsletter, March, April, 1985, Box 26, Atlanta 9to5 records.

<sup>120</sup> Summary / Working Women, National Association for Women Office Workers Ponders Forging a Formal Relationship with a Major Union, n/d, c 1979, folder 24, Box 5, SEIU District 925 records.

<sup>121</sup> Karen Nussbaum to Bob Welsh, November 25, 1980, folder 24, box 5, SEIU District 925 records; Memorandum of Understanding Between Working Women and SEIU, February 1, 1981, folder 24, box 5, SEIU District 925 records.



a national union run by women was preposterous... women who were in positions of authority in the union were very often there as tokens.”<sup>122</sup>

District 925 launched with great fanfare, holding rallies and major press events in a bi-coastal media launch in early 1981. Dabney Coleman, the actor who played the villain boss in the *9 to 5* movie, helped launch the group by answering its toll-free line, fielding calls from union-minded clericals. District 925 vowed to organize clericals nationwide, with a special focus on private-sector workers in insurance and banking.<sup>123</sup> In fact, while District 925 did make headway in its secondary goal to organize public sector workers, its organizing efforts almost universally failed in the private sector.

The Equitable insurance campaign - - District 925’s earliest and largest national campaign in the private-sector - - offers a case study as to why the union floundered in the private sector. A few months after the union’s launch, a woman working as a claims adjuster at Equitable in Syracuse, New York saw District 925 mentioned on 60 Minutes, and reached out. She and others were upset by having no voice in the way the company was switching from paper claims to using computers, and thought they were paid too little. Nearly 70 percent of the 90 workers signed a card over a weekend. Most were young, in their 20s and early 30s, and had a strong sense of both women’s and class-based rights. “They were really smart working-class women from a working-class town which had a big union tradition,” remembered Cheryl Schaffer, a District 925 organizer

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<sup>122</sup> Ray Abernathy and Denise Mitchell interview with Ann Froines, November 3, 2005, Washington DC, SEIU District 925 oral history transcripts.

<sup>123</sup> Ray Abernathy to Bob Welsh, January 29, 1981, folder 25, box 5, SEIU District 925 records; “Bosses Watch Out: Office Workers Have Inside Line,” n/d c 1981, folder 11, box 3, SEIU District 925 records; News, AFL-CIO, April 8, 1981, Box 10, RG 98-002, AFL-CIO archives.

on the campaign.<sup>124</sup> Equitable, meanwhile, hired Raymond Mickus Associates (a spin off from Three M) to fight the unionization effort, and the consultant trained all the supervisors in its tactics. Nevertheless, the workers voted 49 to 40 for District 925 on February 4, 1982. When Equitable dragged its feet in contract negotiations, District 925 launched a national boycott that was under the auspices of the AFL-CIO, and endorsed by NOW. A thousand demonstrators marched in New York City, many of whom were construction workers, to protest Equitable's "corporate policy of anti-unionism." The group set up pickets in 41 cities.<sup>125</sup> District 925 did finally win a contract, after 20 months of negotiations and after taking the corporation before the NLRB in Washington, DC, but it could never make headway in the corporation's other national offices. Equitable closed the Syracuse claims office in 1987 and laid off all the unionized workers.<sup>126</sup>

District 925's struggles to organize in the private sector financial sector were not unique. SEIU boasted that the Equitable campaign was the first time "a group of low-paid, traditionally powerless clericals...has taken on a giant of the insurance industry," but the claim was overblown.<sup>127</sup> In fact these 100 workers' union campaign was just one of many efforts by clericals to organize in the nation's financial firms. For example,

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<sup>124</sup> Cheryl Schaffer interview with Ann Froines, January 19, 2006, SEIU District 915 oral history transcripts.

<sup>125</sup> David Moberg, "Clerks Outmaneuver Bosses," *In These Times*, March 30, 1983; Ruth Milkman, "Breakthrough at the Equitable," *The Nation*, December 3, 1983; quote from "District 925 and NOW Demonstrate at 41 Equitable Life Assurance Offices," *White Collar Reporter, BNA*, November 19, 1982 found in Box 42, RG 98-002, Series 1, AFL-CIO Archives; Abernathy and Mitchell interview with Froines.

<sup>126</sup> Nussbaum in Cobble, *The Sex of Class*; Fact Sheet: The Equitable Life Assurance Society, n/d c. 1982, folder 19, box 8, SEIU District 925 records; Press Release, District 925 to Oppose Equitable's Plans to Close Syracuse Office, March 27, 1987, folder 24, box 17, SEIU District 925 records.

<sup>127</sup> Fact Sheet, The Equitable Life Assurance Society.

NLRB monthly reports reveal that OPEIU won the right to represent 1266 clericals at Blue Cross in Oakland, California in July of 1977, and tried to organize at Mutual Hospital Insurance in Indianapolis and Blue Shield in New York and Alabama, all around the time District 925 was getting started.<sup>128</sup>

District 925 ran into the same resistance that other bank, insurance and financial workers faced when they tried to form unions.<sup>129</sup> Employers were deeply alarmed by such clerical organizing, and pushed back with force. Calling union organizing efforts among female office workers “the most significant trend in labor-management relations today,” Martin Payson, a partner in a law firm notorious for countering union organizing, warned that “the allegiance of millions of female workers is at stake.”<sup>130</sup> Stephen J. Cabot, a well-known union avoidance lawyer, asserted that despite its lack of immediate NLRB election success, District 925 “is driving companies in the Northeast crazy...it’s been very effective.”<sup>131</sup> Employers were not willing to allow this new workforce to step into the collective bargaining relationship. Employers flocked to seminars focused on rolling back clerical workers’ organizing efforts, like the “Managing White Collar Women” seminar held by the Georgia Chamber of Commerce, and made liberal use of union avoidance consultants.<sup>132</sup> Jon Hiatt, a lawyer for SEIU who later served as the AFL-

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<sup>128</sup> Based on NLRB monthly reports, from July, 1977, November, 1978, February, 1979, and November, 1980.

<sup>129</sup> For more information on bank and other clericals’ efforts to unionize, see chapter 2.

<sup>130</sup> Payson was a partner at Jackson, Lewis. Martin F. Payson, “How to Beat the Union Drive for Female Office Workers,” *Nation’s Business*, September, 1983 found in file 8, box 5, SEIU District 925 records.

<sup>131</sup> “His business is breaking union s and keeping them out,” *Seattle Times*, November 28, 1982.

<sup>132</sup> “Georgia Chamber Seminar Focuses on Managing White Collar Women,” *White Collar Report, BNA*, September, 24, 1982, Box 42, Series 1, RG 98-002, AFL-CIO archives; “Anti-Union Seminar Held,”

CIO's chief of staff, remembers that many employers fought their female clericals with even greater vehemence than those in other sectors: "It was almost universally that they were up against tremendous employer resistance in units where employers felt that their managerial prerogatives had been the rule... for 20, 25 years ago, (it) was more than the norm."<sup>133</sup> District 925 did have success organizing public sector workers, such as at the University of Washington in Seattle, the University of Cincinnati, and among county workers in Ohio and Illinois. But its attempts to organize private sector workers at banks and insurance companies did not get off the ground.<sup>134</sup>

Meanwhile, by the early 1980s, the association side of the dual structure also began to flounder. The association's Achilles heel was the same that weakened so many non-union labor organizations: funding. Unions were more self-sustaining because they had a dues base. While 9to5 had a dues structure, in fact only about four percent of the organization's revenue came from membership dues. By far, the greatest source of funding was grant money from foundations, followed by grassroots fundraisers and, eventually, canvassing.<sup>135</sup> For a time under the Carter administration, the organization had received some government funding, including for Vista volunteers, but those

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*Times-Courier*, January 20, 1982; Levitt and Conrow, *Confessions of a Union Buster*, 102-112. Levitt describes spending weeks at World Airways headquarters when secretaries and file clerks there tried to organize.

<sup>133</sup> Welsh and Hiatt interview with Froines, 2005.

<sup>134</sup> Bonnie Ladin to District 925 Executive Board, April 4, 1986, folder 34, box 4, SEIU District 925 records; Executive Board Minutes, December 5, 1986, folder 35, box 4, SEIU District 925 records; District 925, Union / Membership Statistics, July 1986, Folder 28, box 5, SEIU District 925 records; "Georgia Chamber Seminar Focuses on Managing White Collar Women," *White Collar Report*, BNA; Nussbaum in Cobble, *The Sex of Class*, 207; Schneider interview by Froines, 2005.

<sup>135</sup> Finance Report, January, 1979, folder 8, carton 1, 9to5 records (1972-1980); Karen Nussbaum to 9to5 Board Members, June 27, 1985, folder 8, Box 1, SEIU District 925 papers.

governmental funds dried up under the Reagan Administration.<sup>136</sup> Foundations, meanwhile, lost interest as the women's movement succeeded at advancing many women's access to better jobs in the workplace. "By the 80s, we were not the shiny new object for foundations," remembers Cassedy. Many saw that there was "less of a need for an organization that screamed and yelled about women's rights in the office."<sup>137</sup> Unless chapters could raise their own funds, 9to5 was forced to turn them into to all-volunteer chapters rather than staffed organizations, which blunted the organization's effectiveness. The Boston chapter was forced to move into this all-volunteer model, and in 1985 the chapter closed its office.<sup>138</sup>

9to5 also weakened when many of the middle-class women who had bolstered its ranks, like those in Women in Publishing, discovered they had less need for an organization demanding job promotions and equal access. Middle-class, college-educated women found that the nation's workplaces began steadily to open their doors to them. "The power that came from this compression of middle-class women and working-class women in the same workplaces ... was released once the demand to access to higher pay jobs was allowed to the economic status women," recalls Nussbaum.<sup>139</sup> During the 1970s the lowest-paid women had seen the greatest increases in their wages among all women. During the 1980s and 1990s, however, the highest-paid women's incomes took off and

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<sup>136</sup> Mike Sparks to the Board of 9to5, July 25, 1985, folder 8, Box 1, SEIU District 925 papers; Pat Reeve to Dear (blank), December 28, 1984, folder 22, box 2, 9to5 records (Additional records, 1972-1986).

<sup>137</sup> Cassedy interview with the author, 2014.

<sup>138</sup> Ellen Cassedy and Karen Nussbaum, "Reports of Our Demise Were Premature," *Boston Globe*, November 16, 1985.

<sup>139</sup> Nussbaum interview with the author, 2013.

working-class women remained stuck in low-paying, dead end jobs. By 2003, wages had grown twice as fast among women in the top wage percentiles than at the median and bottom, helping to drive the new inequality so pervasive by the early twenty-first century.<sup>140</sup>

9to5 continues to operate in 2015 as an important voice for progressive employment policies for all women, not only office workers. The organization has played an especially important role in places where unions are traditionally weak, like in Atlanta, where it has helped win a minimum wage ordinance for workers paid with city funds. Yet the organization remains small, with four chapters, and does not have the hold on the public's imagination that 9to5 once did.<sup>141</sup>

### **The New Door**

The women who started 9to5 in the early 1970s did not envision the inequality that would impact working women by the close of the 20<sup>th</sup> century. Instead, they had envisioned workplaces that would bend to the new women workers' needs, guaranteeing fair wages alongside equal access to jobs, offering working-class security alongside career ladders. The 1980s would belie those hopes. Yet the women of 9to5 fought hard for their vision, just as did the millions of working people who tried to organize unions in the 1970s.

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<sup>140</sup> Leslie McCall, "Increasing Class Disparities Among Women and the Politics of Gender Equity," in Cobble, *The Sex of Class*, 15-34. In figure 1.1, McCall shows that wages grew 63 percent among women in the 95<sup>th</sup> percentile, 37 percent in the 90<sup>th</sup> percentile, 27 percent at the 50<sup>th</sup> percentile and 23 percent at the 10<sup>th</sup> percentile. The statistics are for 1972 to 2003, though much of the diversion begins in the 1980s. See also Vicky Lovell, Heidi Hartmann and Misha Werschkul, "More Than Raising the Floor," in Cobble, *The Sex of Class*, 35-57.

<sup>141</sup> 9to5 40<sup>th</sup> Anniversary video, accessed at <http://9to5.org/9to5-turns-40-celebrating-40-years-of-winning-justice-for-working-women/video-40-years-of-winning-justice-for-working-women/> on October 20, 2014.

Yet the labor movement did not stop organizing or fighting back in the face of the 1980s employer push back against labor. By the late 1980s, it changed tactics, adopting some of those first tried by 9to5 the association. 9to5 had essentially run what the labor movement would come to call “corporate campaigns” against John Hancock insurance and First National Bank, campaigns enlisting the support of the community, shareholders, and other stakeholders to force corporate action for workers’ rights. 9to5 was the first organization to run such corporate campaigns among service workers, though unions had used this tactic with other blue-collar workers in the 1970s, such as the UMWA against Duke Power in support of Brookside miners, the clothing workers at Farah and ACTWU at J.P. Stevens. Such corporate campaigns became much more common by the late 1980s and 1990s.<sup>142</sup> 9to5 also built a model of putting pressure on multiple employers simultaneously within a given industry, such as among Boston publishers or banks, and this helped to inspire other industry-wide campaigns, like Justice for Janitors. SEIU started Justice for Janitors in 1985, using community support to pressure building cleaning contractors to enter into a collective bargaining agreement, without workers ever having to go through the fire of an NLRB election.<sup>143</sup> 9to5’s community organizing tactics also would be adopted by Jobs with Justice, a coalition of labor and community supporters founded in 1987.

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<sup>142</sup> Tom Bethell, “1974: Contract at Brookside,” *Southern Exposure*, Vol IV, no 1-2, 114-124; see chapter 2 of this dissertation for more on Farah; also Bill Finger, Victory Sobre Farah, *Southern Exposure*, Vol IV, no 1-2, 45-49; Minchin, *Don’t Sleep with Stevens*; Tom Juravich, Kate Bronfenbrenner, *Ravenswood : The Steelworkers’ Victory and the Revival of American Labor* (Ithaca, N.Y.: ILR Press, an imprint of Cornell University Press, 1999) ; Steven K. Ashby, C.J. Hawking, *Staley: The Fight for a New American Labor Movement* (Urbana: University of Illinois Press, 2009); Barbara Presley Noble, “At Work; Different Tactics in Labor’s Battles,” *The New York Times*, September 6, 1992.

<sup>143</sup> Rudy, “Justice for Janitors’ Not ‘Compensation for Custodians,’ 133-149.

What was unique about 9to5, however, was that the organization did not enlist these community and corporate campaigns only to bring women into unions. Collective bargaining was one path to power, but it was not the ultimate goal of 9to5's campaigns, as was the case with Justice for Janitors. Rather, 9to5 used a host of non-traditional labor tactics to try to force change for women office clericals outside the collective bargaining structure. As a result, the most important impact of 9to5 showed up in neither union membership tallies nor in the Department of Labor's annual review of declining union membership statistics: women office workers experienced far less overt sexism on the job by the late 1980s than they did in the years of 9to5's founding. 9to5 was a leader in expanding the national conversation on gender at work and that conversation fundamentally changed the societal expectations for women working in an office. Nussbaum and Cassedy were a new breed of labor organizers, seeking to build an organization that would "build the women's movement in the working class with the boss as the target for change" while also allowing them to "use the momentum of the drive for women's equality to build class power," according to Nussbaum.<sup>144</sup> The women of 9to5 made such progress by building an entirely new door into the labor movement, a door which employers could not close as easily as that into collective bargaining.

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<sup>144</sup> Nussbaum interview with the author, 2013.



## Conclusion

During the AFL-CIO's Solidarity Day in Washington, DC on September 19, 1981, Jan Hooks, Edward Coppedge and other members of USWA Local 8888 marched alongside Karen Nussbaum and the clericals of SEIU District 925, Woodward & Lothrop workers from UFCW Local 400, and a quarter of a million other union members and their supporters. Solidarity Day was the largest labor rally ever staged by the American labor movement, and was equal in size to the 1963 March on Washington. "Behold your numbers, as far as the eyes can see," boomed AFL-CIO President Lane Kirkland's voice over a crowd that filled the streets from the Capitol building to the Washington Monument.<sup>1</sup>

Bearded mechanics, hard-hatted carpenters, secretaries in collared blouses and actors in hip blue jeans made the pilgrimage to Washington, DC to protest the Reagan Administration's social spending cuts and attacks on labor and civil rights. Participants rode on 3000 chartered buses, a dozen specially-chartered Amtrak trains and the free subway trains the AFL-CIO universally subsidized in the hours leading up to the rally. For many, it was their first trip to the nation's capital city. They wore paper hats and ball caps advertising their unions and toted signs with a dizzying array of messages: "Health Care for All," "Hands off Social Security," "ERA Now," "A Clean and Healthful

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<sup>1</sup> "260,000 Protest Reagan Policies," *Los Angeles Times*, September 20, 1981, A1; Ed Townsend, "Union Leadership Ponders Ways to Build on Solidarity Day Success," *The Christian Science Monitor*, September 25, 1981, 5; Richard L. Strout, "Solidarity Day in Washington Gives Reagan Foes a Lift," *The Christian Science Monitor*, September 21, 1981, 3; Jones, *The March on Washington*, x; photos of District 925 and 9to5 at march found in folder 24, box 18, SEIU District 925 records; Hooks interview; "Labor's Banner Day: 400,000 in Washington," *Steellabor*, October, 1981, 7; "Today is Just a Start...," *The AFL-CIO American Federationist*, October, 1981, 1.

Environment,” “Export Goods, Not Jobs.” Had such a march taken place thirty years earlier, the union members would have made for a far less diverse crowd. In 1981, however, the working men and women gathered in Washington, DC were a cross-section of the nation’s workforce, and so embodied the changes wrought by the 1964 Civil Rights Act’s opening of America’s workplaces and unions. America’s re-shaped working class gathered together because it understood that it was under vicious attack. “We’re tired of working people falling further and further behind while, it seems, the rich get richer,” summed up Mary Jo Vavra, the first woman ever to work at the Hercules chemical plant in Jefferson, Pennsylvania.<sup>2</sup>

Though elected leaders were invited to attend Solidarity Day, they were not given access to the podium. Instead, union members heard from leaders of allied organizations such as Eleanor Smeal of NOW, Benjamin Hooks of the NAACP, Reverend Jesse Jackson of People United to Serve Humanity (PUSH) and Reverend Joseph Lowery of the Southern Christian Leadership Conference (SCLC), among others. A disparate group of allies, including the Sierra Club and the United Methodist Church, joined the throngs of union members.<sup>3</sup> The broad support for the march signified a confluence, rather than a conflict, between the goals of civil and labor rights. Coretta Scott King, civil rights leader and widow of Dr. Martin Luther King, Jr., drove home that point in her speech to the crowd: “In a very real sense, Solidarity Day is a continuation of the great

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<sup>2</sup> For photos and extensive coverage of the march, see “Solidarity Day! You are Not Alone...,” *AFL-CIO News*, September 26, 1981, 1-16; “Solidarity Day: Behold Your Numbers,” *The AFL-CIO American Federationist*, October, 1981, 1-22. Mary Jo Vavra quote found in “Pennsylvania: ‘Tired of...the rich getting richer,’” *Steellabor*, October, 1981, 10.

<sup>3</sup> “Solidarity Day: Behold Your Numbers,” 6-16; “Labor Hoping for Massive Anti-Reagan March Today,” *Los Angeles Times*, September 19, 1981, A1. ““Labor Expects 100,000 for Solidarity Day: Civil Rights Groups to Join Protest of Reagan’s Policies,” *Washington Post*, September 12, 1981, B1.

march on Washington, the latest stop in our long journey toward fulfilling the American dream of freedom, justice and equality for all.”<sup>4</sup>

Scholars rarely feature Solidarity Day in histories of labor’s late twentieth-century decline. Most historical narratives focus instead on another contemporaneous event: the August 1981 Professional Air Traffic Controllers Organization (PATCO) strike and the Reagan Administration’s decision to fire these federal employees. A surprising number of labor history textbooks and studies have no mention at all of labor’s largest public gathering in history.<sup>5</sup> Yet Solidarity Day reminds us that though the union movement was under attack, it still held enormous sway as late as the early 1980s and union members and leaders believed that they had the power to change the direction of the nation.

The Solidarity Day march capped off more than a decade of deep class ferment over the terms that would shape American labor relations during the nation’s slow transition out of industrially-centered capitalism - - a transition that began in the 1970s and is still happening today. We have seen how as part of that class struggle, a diverse American working class - - nurses, clericals, auto workers, ship builders, textile workers and retail clerks - - sought out unions for economic security. These workers recently had won full access to the U.S. employment market following the Civil Rights Act of 1964

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<sup>4</sup> “Labor Marches on Washington,” *Steelabor*, October, 1981, 9; “The Cynical Politics of Selfishness,” *The AFL-CIO American Federationist*, October, 1981, 14.

<sup>5</sup> Scholarship and textbooks that cover the PATCO strike but do not cover Solidarity Day include: Roy Rosenzweig, et al, *Who Built America? Working People and the Nation's History*, Volume II, Edition 3 (Boston, New York: Bedford / St. Martin's, 2008); Cowie, *Stayin' Alive*; Kim Moody, *An Injury to All*; Philip Yale Nicholson, *Labor's Story in the United States*. On PATCO, see Joseph Anthony McCartin, *Collision Course: Ronald Reagan, the Air Traffic Controllers, and the Strike that Changed America* (New York: Oxford University Press, 2011). Note that McCartin does briefly cover Solidarity Day, especially on 318.

and their turn toward private-sector union organizing marked the 1970s as a decade of working-class promise. Increasingly, however, these workers failed in their organizing attempts. Their efforts to form unions were undermined by a weakness in the post-World War II welfare state: unions negotiated with employers for a higher social wage, but employers simultaneously had the ability to limit workers' access to those same unions. Faced with increased global competition, employers sought to rid themselves of their social wage obligations and to close off workers' access to unions. They began to roll back labor law in the late 1960s and increased their law breaking and use of anti-union consultants on union organizing campaigns throughout the 1970s. This battle raged throughout the 1970s and early 1980s. The tide did turn, but not in the direction the Solidarity Day marchers had hoped. The years from 1982 to 1985 turned out to be dark ones for the American labor movement and, by 1985, the employers had effectively rolled back workers' access to forming labor unions through the NLRB.

The failed PATCO strike was only one of a bevy of forces working against labor in the early 1980s. The recessions of 1981-82 brought in unemployment rates of ten percent, the highest the nation had seen since the Great Depression. Much of the job loss was concentrated in the traditionally-unionized manufacturing sector, causing unions to face steep membership losses in plant closures.<sup>6</sup> Membership in both the UAW and USWA, for instance, dropped by more than 400,000 between 1979 and 1984, and UAW membership plunged by a full third.<sup>7</sup> Employers, meanwhile, began to demand and win

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<sup>6</sup> Stein, *Pivotal Decade*, 265 – 270; McCartin, *Collision Course*, 9- 10.

<sup>7</sup> Membership Change, 1984, in Folder 10, Box 4, Kistler papers. These records show that in 1984, the UAW had 1,068,552 members. The UAW showed a net loss of 459,300 for the 1979 to 1984 period. In

massive contract concessions in nearly every industry - - heavy metals, autos, newspapers, oil, meat cutting, rubber and airlines.<sup>8</sup> Employers perfected the union-breaking strategies, first pioneered by firms like Seyfarth and Shaw in the mid-1970s, of bargaining to impasse, provoking a strike and then replacing the striking union membership. Seyfarth and Shaw counseled employers, for instance, to cross-train supervisors to break strikes and even hold strike drills. Bus drivers at Greyhound, hotel workers in Las Vegas, and copper miners in Arizona all waged massive strikes in these years to try to hold on to the gains they had won over previous decades, but to no avail. Management gained major concessions across the board.<sup>9</sup> In 1984, the Supreme Court upheld the right of employers to use bankruptcy procedures to abrogate union contracts, a tactic used successfully by Frank Lorenzo at Continental Airlines.<sup>10</sup> The Reagan Administration, meanwhile, appointed conservative ideologue Donald Dotson to head the NLRB in 1983, and the agency began to issue a series of decisions rolling back workers' organizing rights even further. It gave employers more room to threaten plant closings, strikes and layoffs if workers formed unions, deeming such threats an accurate portrayal of the "economic realities" of unionization. It even gave employers more free rein to

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1984, the USWA had 733,545 members. The USWA showed a net loss of 416,500 for the 1979-1984 period.

<sup>8</sup> Voss and Fantasia, *Hard Work*, 64-65. Harrison and Bluestone, *The Great U-Turn*; Rosenblum, *Copper Crucible*.

<sup>9</sup> Voss and Fantasia, 68-70; Jeremy Brecher, *STRIKE!* Revised and expanded (Oakland, CA: PM Press, 2014) 247-249. Alan Kistler speech, 1984, Box 2 / 15, Kistler papers; Rosenblum, *Copper Crucible*; Moody, *An Injury to All*; James P. Kraft, *Vegas at Odds: Labor Conflict in a Leisure Economy, 1960 – 1985* (Baltimore, Maryland: The Johns Hopkins University Press, 2010). On Seyfarth and Shaw see Report on Union Buster (RUB) sheet, issues no. 2 and no. 4, 1979, Box 11, Kistler papers.

<sup>10</sup> "A Make-or-Break Year for Nation's Unions," *U.S. News and World Report*, March 5, 1984, 75; Thomas Rosenstiel, "Was Continental Action a Plot to Bust Unions or a Move to Survive?" *The Los Angeles Times*, November 6, 1983, SG2.

change location and open up nonunion.<sup>11</sup> The NLRB also slowed down the entire apparatus governing labor-management relations by decreasing its own activity. The Dotson NLRB issued decisions at a rate less than half of that at which the NLRB had issued decisions in 1976 and 1980 under Carter, for instance.<sup>12</sup> The effect of all these employer and government strategies, according to one prominent university leader, was to “redefine the current limits of acceptable behavior” for employers.<sup>13</sup>

After more than a decade of increased employer resistance to organizing, unions were not prepared to meet the confluence of the 1981-1982 recession, the Reagan NLRB and steep membership losses. Starting in 1982, unions abruptly pulled back from organizing efforts. The number of workers whom unions brought to election plummeted sharply from an average of half a million a year in the 1970s to half that level in 1982. By 1983, a mere 165,000 workers voted in NLRB elections.<sup>14</sup> By 1982, both the UAW and USWA, for instance, were running at least 55 percent fewer elections than they had in the recent 1977 to 1979 period.<sup>15</sup> Union elections in the Southeast alone dropped nearly 40 percent in just the year from 1981 to 1982.<sup>16</sup> Unions suddenly had far fewer resources for

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<sup>11</sup> Gross, *Broken Promise*, 257-259. Kenneth B. Noble, “N.L.R.B.: Thunder Against Thunder,” *The New York Times*, June 8, 1985.

<sup>12</sup> Untitled speech by Alan Kistler, 1984, box 2/15, Kistler papers.

<sup>13</sup> Arnold Weber, speech at Washington University entitled “Lifeboat Labor Relations,” May 1984, Box 147A, Series 7, Acc 1411, NAM archive. Weber later served as President of Northwestern University and the University of Colorado, and was a member of the faculty of the Graduate School of Business at the University of Chicago.

<sup>14</sup> See Appendix A.

<sup>15</sup> The union organizing rate change is calculated from “NLRB, Single Union RC & RM Elections, 1977 – 1982, Top 20 AFL-CIO Unions in Activity, & IBT” in Folder 10, Box 4, Kistler papers.

<sup>16</sup> Alan Kistler address to AFL-CIO Executive Council, August, 1982, Folder 8, Box 2, Kistler papers.

organizing at the very same moment that they faced tremendous pressure on existing contracts and employer-forced strikes. They found themselves unable to both invest in growth and fulfill the larger social welfare role on which the nation's economy had come to depend. Yet even unions that did not face membership loss abruptly slowed their pace of organizing. SEIU for instance, grew by more than 200,000 members between 1979 and 1984, but it pulled back its participation in NLRB elections by 40 percent in 1982 compared with the late 1970s.<sup>17</sup>

Unions thought that the change in activity was temporary and that they would be able to turn the tide around once they got past the Reagan administration and the recession. "Traditionally, since World War II, economic recessions have been accompanied, initially, by a decline in NLRB election activity. Unions encountering membership decline sometime must re-align staff assignments - - few unions, in such circumstances, hire additional organizers," AFL-CIO Organizing Director Kistler assured the Executive Council in 1982 as he explained the sharp drop in elections.<sup>18</sup> However, the early 1980s turned out to be marked by a fracturing of the old organizing pattern, not an episodic interlude. Unions never jumped back in at the same level of organizing in the private sector, and the numbers of workers eligible to vote in NLRB elections never again topped even a quarter of a million. (By 2010, fewer than 100,000 workers lined up to

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<sup>17</sup> Membership number is from Membership Change, 1984 in Folder 10, Box 4, Kistler papers, AFL-CIO Archive. The union organizing rate change is in "NLRB, Single Union RC & RM Elections, 1977 - 1982, Top 20 AFL-CIO Unions in Activity, & IBT" in Folder 10, Box 4, Kistler Papers, AFL-CIO Archive. SEIU held an average of 322 elections each year from 1977 to 1979, and held 195 elections in 1982.

<sup>18</sup> Alan Kistler address to AFL-CIO Executive Council, August, 1982, Folder 8, Box 2, Kistler papers.

vote in NLRB elections.)<sup>19</sup> A vicious cycle ensued. As unions pulled back from organizing, workers had less chance to form unions. Workers began to be less sure that unions could still deliver access to the most secure tier of the social welfare state, and so were less willing to join. Working people's interest in unions dropped in the early 1980s, and while union workers still firmly believed that unions raised wages, workers without a union became less likely to believe this than they once had.<sup>20</sup>

Labor leaders did begin to wrestle with the magnitude of the challenge they faced, but missed a pivotal opportunity in the 1980s to restructure the doorway through which America's working people could enter unions. The AFL-CIO's Executive Council founded a high-level Committee on the Evolution of Work in August of 1982 to study the shifting economy and the shrinking union membership. The committee sought to "establish the degree of change, analyze its impact and develop possible solutions."<sup>21</sup> The committee of 27 of the nation's most powerful union officers issued three reports, in 1983, 1985 and 1994.<sup>22</sup> While the 1983 report was mostly limited to a description of structural changes in the economy, the 1985 report was more expansive and reflected a

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<sup>19</sup> See Appendix A. In 2010, 98, 572 employees were eligible to vote in RC elections, found in Table 13, 2010 NLRB Annual Report.

<sup>20</sup> Henry S. Farber, "Trends in Worker Demand for Union Representation," *American Economic Review* 79, no. 2 (May, 1989), 166. Note that more recent polling revealed that a majority of workers were once again interested in joining unions by the early 2000s. See Richard B. Freeman and Joel Rogers, *What Workers Want* (Ithaca, NY: ILR Press, 2006).

<sup>21</sup> Tom Donahue to All Members of the Committee on the Evolution of Work and Its Implications, October 21, 1982, Box 4, Kistler papers.

<sup>22</sup> AFL-CIO Committee on the Evolution of Work, "The Future of Work," August, 1983, Box 4, Kistler papers; AFL-CIO Committee on the Evolution of Work, "The Changing Situation of Workers and Their Unions," February, 1985, Box 26, Series 1, RG 34-002, AFL-CIO archive; AFL-CIO Committee on the Evolution of Work, "The New American Workplace: A Labor Perspective," February, 1994, Box 33, RG 34-002, AFL-CIO archive.



series of intensive meetings with a wide range of academics, pollsters and analysts. In that report, entitled “The Changing Situation of Workers and Their Unions,” the labor leaders agreed to fundamentally reconsider “our notions of what it is that workers can do through their unions.”<sup>23</sup> Because employers had so effectively manipulated labor law to narrow workers’ entryway to unions, “tinkering is futile,” AFL-CIO Secretary-Treasurer Thomas Donahue told the leaders in a closed-door meeting. “We must consider whether radical change is possible.”<sup>24</sup> The leaders began to study an entirely new model for representing workers outside the increasingly fraught collective bargaining paradigm: associational membership. Under this model, workers would not have to go through the difficult NLRB election process to join a union - - they could just sign up. However, under associational membership, workers would not be covered by a collective bargaining agreement and the union movement would have to find other ways to leaven workers’ social welfare. As a first step, the AFL-CIO began to negotiate a series of consumer-focused incentives with which to entice workers to join unions, such as a credit card with the nation’s lowest interest rate, free legal services, and discounted disability insurance.<sup>25</sup>

Unions’ interest in growing their own individual memberships, however, trumped their willingness to pool resources to launch such a movement-wide initiative for the

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<sup>23</sup> “The Changing Situation of Workers and Their Unions.”

<sup>24</sup> Notes at Future of Work Committee, April 19, 1984, Folder 10, Box 4, Kistler papers.

<sup>25</sup> “Union ‘Associates’: A Proposal for Action,” n/d, c 1985, Folder 9, Box 4, Kistler papers. On development of the union benefits program see David Silberman to Charles McDonald, March 5, 1985, Folder 4, Box 10, Kistler papers; “Can Credit Cards and IRAs Rebuild the Labor Movement?,” *Business Week*, November 4, 1985, 96; Eric Starkman, “AFL-CIO in an Era of Change,” *Detroit News*, November 8, 1987.

broader public. A USWA officer worried that “open membership” would leave unions “banging into one another,” and an IUE office posited that the extra benefits for non-members would “milk unions” of precious resources. Though some of the leaders, like the American Federation of Teachers’ (AFT) Albert Shanker, were open to a “wide-open associate membership,” others worried whether they could institute such changes under their organization’s constitutions or were wary of giving the broad public voting rights. Above all, they wanted to make sure that their organization received revenue from any associational membership program.<sup>26</sup>

By 1986, the AFL-CIO had adopted the path of least resistance and left the decision on whether to form new associate membership programs up to each affiliate union. Some unions did dive into experiments with this form. The AFT and AFSCME, for example, both used the associational status to recruit public-sector workers in states where collective bargaining was prohibited, such as in Texas. On the whole, however, leaders did very little to broaden workers’ access to unions beyond the traditional collective bargaining model. The AFL-CIO’s consumer-based “Union Plus” program turned out to mainly be a perk of traditional union membership. Some unions used the credit cards and discounts to incentivize membership among the so-called “free-riders” - - workers in right-to-work states who benefitted from a union on their job but who chose

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<sup>26</sup> See “Notes on Future of Work Committee meeting,” January 29, 1986, Box 4, Kistler papers.

not to join.<sup>27</sup> Even as late as 1989, the AFL-CIO pushed for a union-movement wide associational membership, but a number of affiliate unions scuttled the attempt.<sup>28</sup>

The 1994 report by the Committee on the Evolution of Work was far less ambitious than the 1985 report in matters of new organizing. Like the 1983 report, it was a high-level look at the changing economy with an added focus on “new labor-management partnerships,” but with no mention of the thorny question of alternative membership structures.<sup>29</sup> The AFL-CIO did finally establish a community-based, associational model of membership - - Working America - - but it did not do so until 2003. By then, union density in the private sector had been cut in half, to 8.2 percent, compared to the level in 1983 when Committee on the Evolution of Work issued its first report.<sup>30</sup>

After 1985, workers and their unions increasingly put aside the New Deal tools of NLRB elections and began to explore new doorways through which workers could enter collective bargaining. They ran strategic campaigns that were more community-based, like the groundbreaking Justice for Janitors campaign which used militant demonstrations - - such as blocking bridges - - and savvy public pressure to convince building owners to

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<sup>27</sup> Charles McDonald, “The AFL-CIO’s Blueprint for the Future - - A Progress Report,” Industrial Relations Research Association, 39<sup>th</sup> annual meeting proceedings, 1987, folder 17, box 65, RG 98-002, AFL-CIO archive.

<sup>28</sup> Frank Swoboda, “AFL-CIO Considers Plan to Enlist Workers Outside Bargaining Context,” *Washington Post*, February 19, 1989, A23.

<sup>29</sup> “The New American Workplace: A Labor Perspective.”

<sup>30</sup> Private-sector union density in 1983 was 16.5% and in 2003 it was 8.2% according to Hirsch and Macpherson, “Union Membership and Coverage Database from the CPS,” available at [www.unionstats.com](http://www.unionstats.com) (accessed January 11, 2015.) For more on Working America see [www.workingamerica.org](http://www.workingamerica.org) (accessed January 11, 2015).

force their cleaning contractors to recognize the SEIU.<sup>31</sup> Many unions focused on what they termed “comprehensive campaigns” or “corporate campaigns” which used multiple levers of power to persuade employers to recognize workers’ collective bargaining rights, such as enlisting support from consumers, shareholders and the general public.<sup>32</sup> The UFCW, for instance, claimed that by the mid-1980s, less than a sixth of its organizing wins came through the NLRB election process. More typical was its 1985 win at Magruder’s supermarkets in Washington DC, in which UFCW Local 400 threatened to picket stores, informing customers of the below-standard wages and benefits. Though this company agreed to come to the bargaining table, these tactics never worked with larger chains like Food Lion.<sup>33</sup> Unions began to use the successful shareholder-based tactics of the JP Stevens campaign more broadly in the service sector, filing shareholder proposals and holding annual meeting demonstrations to support the nursing home workers at the nationwide chain Beverly Homes, for instance.<sup>34</sup> Unions also recruited and trained more young and college-educated organizing staff, pooling resources to form

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<sup>31</sup> For more on Justice for Janitors see Waldinger et al, “Helots No More,” in *Organizing to Win: New Research on Union Strategies*, eds. Kate Bronfenbrenner et al (Cornell, New York: ILR Press, 1998) 102-119.

<sup>32</sup> See, for instance, Resolution No. 85, “Comprehensive Organizing Campaigns,” AFL-CIO 1985 Constitutional Proceedings, 161. Fantasia and Voss, *Hard Work*, 128-129.

<sup>33</sup> “Organizing Activities,” 1985 AFL-CIO Convention Proceedings, AFL-CIO archive; Nell Henderson and Frank Swoboda, “Magruder Win Becomes a Labor Landmark,” *The Washington Post*, April 8, 1985, 1; Richard Greer, Unions Go for the Cut with Corporate Campaigns,” *The Atlanta Journal and Constitution*, February 12, 1993, G8; Frank Swoboda, “Labor’s Food Fight: Food Lion Tests Strength of Supermarket Union,” *The Washington Post*, March 1, 1993, F1.

<sup>34</sup> Paul J. Baicich and Lance Compa, “Cooperate, Hell: Unions Get What They Fight For,” *The Washington Post*, December 1, 1985, C1; “NLRB Charges Beverly Enterprises Used Unfair Tactics to Block Union Activities,” *The Wall Street Journal*, September 8, 1987, 12; James A. Craft and Marian M. Exteit, “New Strategies in Union Organizing,” *Journal of Labor Research*, Vol IV, No. 1, Winter, 1983, 19.

a new Organizing Institute in 1989.<sup>35</sup> They also began to put less emphasis on single-shot elections and deepened long-term community ties, such as those established through Jobs with Justice, an organization dedicated to building city-wide community coalitions to support workers' rights.<sup>36</sup>

Most of these late twentieth century campaigns and organizations, however, were still designed to bring workers into a traditional collective bargaining relationship within industrial capitalism. It has only been in the early twenty-first century that a broad array of workers' organizations have begun to experiment with alternative models of worker power outside collective bargaining. Capitalism's latest transmutation demands it. Corporate structures in early twenty-first century workplaces - - in what one scholar titles the "fissured workplace" - - are increasingly determined by the breakdown of the vertically-integrated firm, which means workers often do not have clearly-defined employers with whom to negotiate. Employers have relinquished not only their social welfare roles but often the employer-employee relationship itself. Workers find that they work for sub-contractors, sometimes layers away from the parent corporation, or they find they are legally considered independent contractors - - even when they drive the same truck on the same route each day, or sweep the same office floors. Labor law, meanwhile, has not kept up with the changing workforce, and millions of U.S. workers hold positions that exclude them from the Wagner Act's protections: they are part-time workers, low-level managers, international guest workers, temporary staff or are

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<sup>35</sup> Amy Foerster, "Labor's Youth Brigade: What Can the Organizing Institute and its Graduates Tell Us About the Future of Organized Labor," *Labor Studies Journal*, Vol. 28, No. 3 (Fall 2003): 1-32. Marc Levinson, "It's Hip to Be Union," *Newsweek*, July 8, 1996, 44-45.

<sup>36</sup> Jobs with Justice was founded in 1987 as a platform for union / community partnerships for workers' rights. See <http://www.jwj.org/about-us/our-history>.

otherwise contingent. The result is that a new breed of worker organizations - - sometimes called “alt-labor” - - are struggling to shore up workers’ economic security in new ways, such as through workers’ centers, new occupational alliances, public campaigns to raise wages, and coalition efforts to demand increased state-provided social welfare provisions. It is likely that the future workers’ movement will be a hybrid of traditional collective bargaining-based unions and these new alt-labor forms.<sup>37</sup>

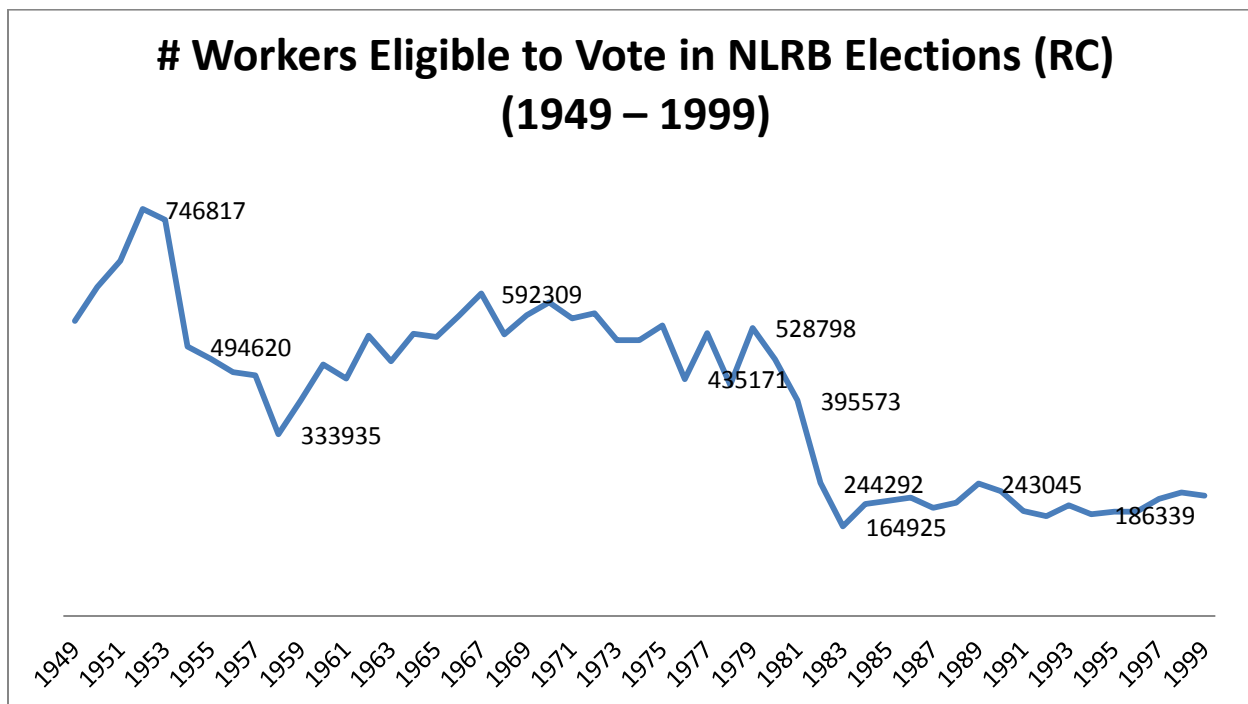
When workers faced U.S. capitalism’s late twentieth-century shifts - - shifts toward more global, less industrial structures - - they fought vehemently for economic security. America’s working women and men did not acquiesce. Their collective struggle did not fade away. Instead, a newly-diversified workforce demanded full access to collective bargaining and tried to organize private-sector unions, making a massive push for broadly-shared economic prosperity. Finally, it seemed, women and people of color would be able have full access to the New Deal’s economic promise. Working people chose to wage their fight, however, with what were revealed to be increasingly weak weapons - - government-sanctioned NLRB union elections. The fact that employers were able to effectively shut down union organizing and close the door to workers’ access to unions reverberates far beyond the labor movement. Employers have essentially blocked private-sector workers’ entry into what functioned in the mid-twentieth century as the most secure tier of the nation’s social welfare system. Collective

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<sup>37</sup> David Weil, *The Fissured Workplace: Why Work Became So Bad for So Many and What Can Be Done to Improve It* (Cambridge, MA: Harvard University Press, 2014); Standing, *The Precariat*. The term “alt-labor” refers to a range of new worker organizations that seek to boost workers’ power outside the traditional collective bargaining process. See Josh Eidelson, “Alt-Labor,” *The American Prospect*, January 28, 2013 found at <http://prospect.org/article/alt-labor> (accessed January 14, 2015); Lane Windham, “Why Alt-Labor Groups are Making Employers Mighty Nervous,” *The American Prospect*, January 30, 2014 found at <http://prospect.org/article/why-alt-labor-groups-are-making-employers-mighty-nervous> (accessed January 14, 2015).

bargaining once lifted wages and benefits not only for union members, but for much of the broader public. Today, unions are too small to play this equalizing role, and the state has neither strengthened workers' access to unions, tapped another entity to pull citizens' social welfare provisions from employers, nor robustly increased state-provided social welfare. The result is a twenty-first century economy that is far more unequal and precarious than that once envisioned by Jan Hooks, Edward Coppedge, Rosa Halsey, Daisy Crawford and the millions of other workers who went knocking on labor's door.

## APPENDIX A

**Figure 1: Number of Workers Eligible to Vote in NLRB Elections (RC) (1949-1999)**

Source: NLRB annual reports, Table 11 and Table 13, 1949 – 1999.

**Table 1: Number of NLRB Elections (RC), Number of Eligible Voters, and Percentage of Private and Nonsupervisory Workers Eligible to Vote in NLRB Elections, 1949-1999**

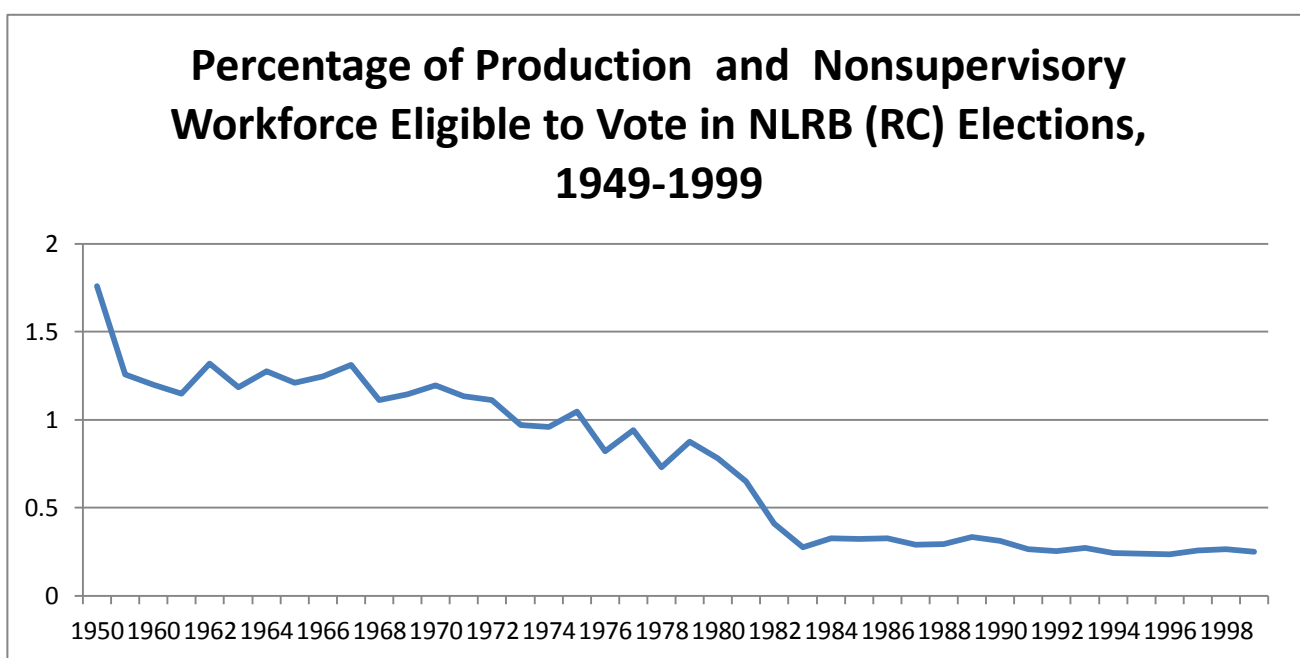
YEAR	# Elections	# Eligible Voters	# private production and nonsupervisory workers	% of private production and nonsupervisory workers eligible to vote in NLRB elections
1949	5282	541283	-	
1950	5251	604006	34349000	1.76
1951	6271	651651	-	
1952	6612	746817	-	
1953	5886	726620	-	
1954	4445	494620	-	
1955	4003	471709	37500000	1.26
1956	4694	448115	-	
1957	4499	441542	-	



1958	4099	333935	-	
1959	5022	395635	-	-
1960	6021	461985	38516000	1.20
1961	6042	436181	37969000	1.15
1962	6916	514394	38979000	1.32
1963	6512	468116	39553000	1.18
1964	6940	517661	40576000	1.28
1965	7176	512159	42303000	1.21
1966	7637	551408	44293000	1.24
1967	7496	592309	45186000	1.31
1968	7241	517372	46519000	1.11
1969	7319	552037	48247000	1.14
1970	7426	575464	48178000	1.19
1971	7543	546632	48145000	1.14
1972	8066	556100	49961000	1.11
1973	8526	506289	52228000	.97
1974	7994	506047	52843000	.96
1975	7729	533576	51012000	1.05
1976	7736	435171	52921000	.82
1977	8308	519102	55210000	.94
1978	7168	424481	58189000	.73
1979	7026	528798	60402000	.86
1980	7021	471651	60370000	.78
1981	6439	395573	60956000	.65
1982	4031	244292	59463000	.41
1983	3241	164925	60001000	.27
1984	3336	205717	63313000	.32
1985	3545	211161	65434000	.32
1986	3495	217110	66800000	.33
1987	3149	198865	68697000	.29
1988	3377	208394	71026000	.29
1989	3670	243045	72923000	.33
1990	3536	229015	73689000	.31
1991	3089	192257	72529000	.27
1992	2927	183865	72799000	.25
1993	2991	203674	74616000	.27
1994	3020	186339	77416000	.24
1995	2860	191825	79883000	.24
1996	2738	191929	81817000	.23
1997	3029	215562	84225000	.26
1998	3289	227390	86397000	.26
1999	3120	221210	88514000	.25

Sources: For number of private production and nonsupervisory workforce in years 1950 to 1963 see DOL, BLS, Table 64, *Handbook of Labor Statistics, Issue 2217* (Washington, DC: U.S. Government Printing Office, 1985) 176. Note that data is only available in this chart for 1950, 1955, and 1960-1963. Numbers of private production and non-supervisory workforce in years 1964 to 1999 (seasonally adjusted), are found in DOL, BLS, Employment, Hours and Earnings from the Current Employment Statistics Survey. Number of workers voting in RC election from NLRB annual reports, various years.

**Figure 2: Percentage of Production and Nonsupervisory Workforce Eligible to Vote in NLRB (RC) Elections, 1949-1999**



**A Note on Data: Why the number of workers eligible to vote in NLRB (RC) elections is the key variable for this study**

For my examination of the level of workers' union organizing efforts in the 1970s, the most relevant variable is the number of workers eligible to vote in NLRB "RC" representation elections. "RC" (certification of representative) elections are those triggered by the employees at a workplace who are trying to form a union. I exclude the "RM" elections, which are elections triggered by management, and "RD" elections,

which are elections in which employees attempt to decertify their existing union.<sup>1</sup> Before the passage of the Taft-Hartley Act, there were only “R” cases - - there were no RC, RM or RD categories of elections. The need for the distinction grew when Taft-Hartley allowed management to trigger an election (an RM election) if a) workers who did not already have a union demanded recognition without an election or b) if it could produce substantial evidence the existing union was no longer representative of the bargaining unit.<sup>2</sup> Also for the first time, Taft-Hartley allowed workers to decertify their existing union (RD).

I look at the number of workers eligible to vote in RC-type NLRB elections over the post-Taft-Hartley period, including as a percentage of the production and nonsupervisory workforce over time. Some scholars choose other variables by which to measure labor’s activity. Some favor Bureau of Labor Statistics (BLS) union density numbers or the percentage of NLRB elections won by unions, but both numbers are problematic for measuring workers’ organizing efforts.<sup>3</sup> Union density figures include only the people who already have unions, not those trying to form them. Density figures also mask union organizing because they also include not only new members who organized a union, but also the loss of union membership due to plant closures and job

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<sup>1</sup> The NLRB defines an “RC” case election as “a petition by a labor organization or employees for certification of a representative for purposes of collective bargaining.” An “RM” case election is “a petition by an employer for certification of a representative for purposes of collective bargaining” and an RD case is a “petition by employees...asserting that the union previously certified or currently recognized by their employer as the bargaining representative, no longer represents a majority of the employees in the appropriate unit.” “R Cases” are petitions for certification under the NLRA, prior to the Taft-Hartley amendment. See “Definitions of Types of Cases Used in Tables” found in NLRB annual reports, various years.

<sup>2</sup> Lisa M. Lynch and Marcus H. Sandver, "Determinants of the Decertification Process: Evidence from Employer-Initiated Elections," *Journal of Labor Research* 8, no. 1 (Winter, 1987) 85.

<sup>3</sup> See for example Lipset and Katchanovski, “The Future of Private Sector Unions in the U.S.,” 9-13.

loss. The union win rate (or the number of elections won by unions) is also problematic. It reflects the results of the campaign period - - the period between the time the union files for election and the election date -- when employers routinely broke labor law and intimidated employees.<sup>4</sup>

I might have chosen the absolute number of NLRB elections as the studied variable. After all, as indicated in Table 1, the 1970s marked the peak of NLRB elections. However, many of these elections were among a smaller number of workers than in previous decades. The best and most consistent indicator, then, by which to measure workers' union organizing efforts over time is the number of workers who were eligible to vote in RC union elections. My chosen variable is not a perfect one because many of the workers who were eligible to vote in elections never showed interest in a union. Rather, their co-workers signed cards and won the right to the government-held election. Nevertheless, it is important to remember that unions cannot just call elections of their own accord. At least thirty percent of workers in a workplace must sign cards or petitions for the NLRB to hold an election, and many unions will not file for election with less than half signed up. Thus, the number of workers eligible to vote remains the best one available for measuring worker interest in organizing new unions prior to the employer pressure campaign. By using this constant variable, I can measure changes in the volume of worker interest, and shifts by geographic region and economic sector.

I have also included in Figure 2 the proportion of the production and nonsupervisory workforce that unions brought to NLRB election. A number of scholars argue that the key variable by which to measure workers' organizing efforts is not the

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<sup>4</sup> For more information on employer behavior in union elections, see chapter three. Also see Bronfenbrenner and U.S. Trade Deficit Review Commission, "Uneasy Terrain."

number of workers voting in elections, but the rate at which workers were voting in union elections compared to the potential pool of workers.<sup>5</sup> Figure 2 reveals that while there was a slow decline in this ratio of voting workers to the U.S. workforce that is eligible for unionization over the 1970s, it is clear that the 1980s, not the 1970s, is the period of sharp decline on this front. Some scholars include all workers in their analysis, including supervisory and managerial workers who are ineligible for NLRB representation.<sup>6</sup> I find that a better variable to use is the production and nonsupervisory workforce, or the pool of workers actually eligible for unionization.

My data for the number of NLRB elections held and the number of workers eligible to vote in NLRB elections differs from that of Michael Goldfield in *The Decline of Organized Labor* for the 1949 to 1964 period. In the 1949 to 1964 period, Goldfield uses a figure that the NLRB labels “collective-bargaining elections” and that reflects the number of elections and eligible voters in both RC and RM elections. Starting in 1965, Goldfield’s data only reflects RC elections, presumably because the NLRB changed its reporting format.<sup>7</sup> In order to avoid this inconsistency in the reporting of the data, I

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<sup>5</sup> Henry S. Farber and Bruce Western, *Round Up the Usual Suspects: The Decline of Unions in the Private Sector, 1973-1998* (Princeton, N.J.: Industrial Relations Section, Princeton University, 2000). Richard B. Freeman, “Why are Unions Faring Poorly in NLRB elections?” in Thomas A. Kochan, *Challenges and Choices Facing American Labor* (Cambridge, Mass.: MIT Press, 1985) 50.

<sup>6</sup> Richard Freeman uses the entire non-agricultural workforce in “Why are Unions Faring Poorly in NLRB elections?” This figure is also used in Freeman and Medoff, *What Do Unions Do?*, 229. Freeman concludes that in the early 1950s unions organized one percent of the workforce annually, but only .3% by the 1970s. He does not indicate whether he is studying RC elections or the amalgamated number used by Goldfield. Paula Voos, however, in “Trends in Union Organizing Expenditures, 1953-1977,” *Industrial and Labor Relations Review* 38, no. 1 (Oct., 1984), 59-60 chooses the same variable that I do, the production workers, rather than the entire non-agricultural workforce.

<sup>7</sup> Goldfield, *The Decline of Organized Labor in the United States*, 90 – 91. (The NLRB reports an amalgamated number for eligible voters under the heading “collective bargaining election.” See the NLRB definition for “collective-bargaining election,” for example, in fn 1, Table 13, in the 1955 NLRB Annual Report. However, the data for each of the three kinds of election is available in each annual report, though the table number in which it is presented often varies by year before 1965.)

instead use the number of eligible voters in RC elections for the entire 1949 to 1999 time period. Starting in 1965, when Goldfield switches to using only data from RC elections, our data does not differ.

Goldfield's inclusion of the RM election numbers in the "collective bargaining elections" before 1965 serves to inflate the numbers of elections and workers eligible to vote in election in the 1950s and early 1960s, as compared to the 1970s and later. The inclusion of the RM statistics in the 1947 to 1964 period especially skews the statistics for the 1950s because RM elections were much more common during the height of the Cold War than in the 1970s and beyond. For example, in 1950, Goldfield reports data found in Table 15 B of that year's NLRB report reflecting that there were 890,374 eligible voters in "collective bargaining elections," which includes RC and RM elections. Table 13 of that year's report shows, however, that there were 604,006 workers eligible to vote in RC elections, 284,281 eligible to vote in RM cases (and another 2081 who voted in elections in the "R case" category left over from before Taft-Hartley.)<sup>8</sup> The bulk of the voters in RM elections in that year voted in the elections at GE and Westinghouse. Roughly 250,000 workers voted that year to choose between the United Electrical workers (UE) ( which had been red-baited and ousted from the CIO in 1949), and the newly-created, CIO-sanctioned International Union of Electrical, Radio and Machine Workers (IUE). The GM and Westinghouse elections were RM elections, triggered by management seeking to assist the IUE in its effort to oust the more radical UE. The IUE was having trouble getting enough workers to sign cards to trigger its own

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<sup>8</sup> NLRB 1950 Annual Report, Table 13 and 15B.

elections.<sup>9</sup> Or consider 1955, when Goldfield reports that 515,995 workers were eligible to vote, a figure found in Table 13A of the annual NLRB report. Table 11 of the 1955 report reveals, however, that this figure includes the 471,709 workers eligible to vote in RC elections as well as the 44,286 who were eligible to vote in RM elections.<sup>10</sup>

When you consistently look at RC elections alone, it becomes clear (see Figure 1) that the number of workers voting in NLRB elections was not significantly higher in the 1950s compared to the 1970s. In fact, the number of workers eligible to vote in union elections was fairly steady throughout the 1950s, 1960s and 1970s, though there were some ups and downs. The numbers dropped sharply in 1982, and never rebounded.

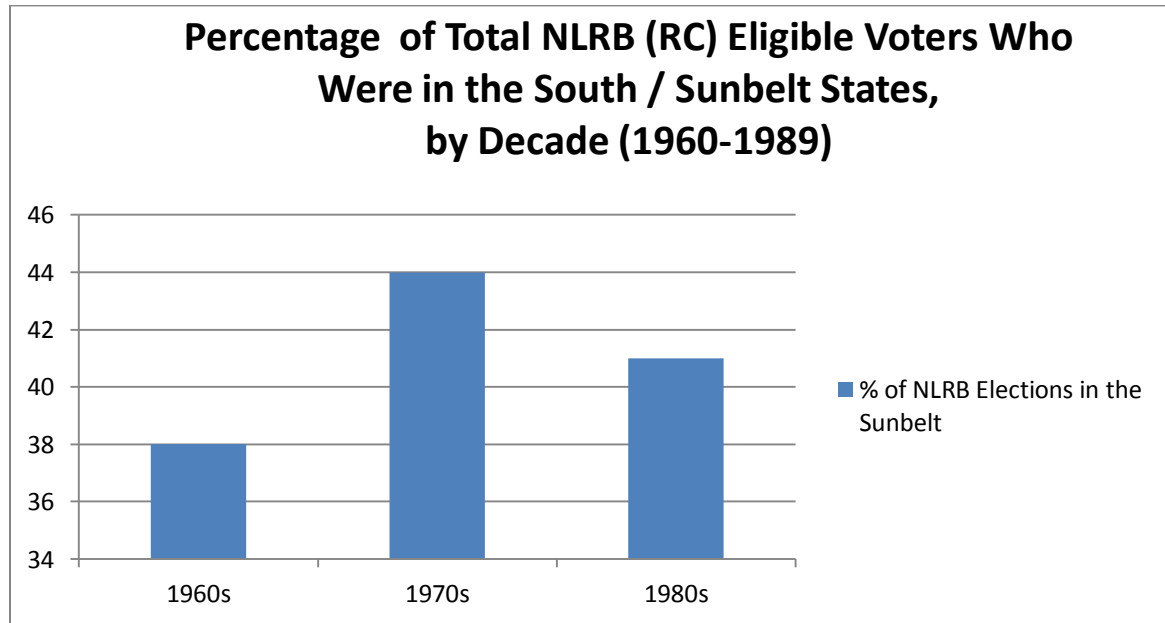
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<sup>9</sup> Ronald L. Filippelli and Mark McColloch, *Cold War in the Working Class: The Rise and Decline of the United Electrical Workers* (Albany: State University of New York Press, 1995) 139 - 148. See also page 32 of the 1950 NLRB annual report's discussion of its precedent-setting decision at Westinghouse that a union (the IUE) need not "make a showing if it is claiming to represent a unit substantially the same as that requested by a petitioning employer." (Westinghouse Electric Corp, 89 NLLRB, no. 11, General Electric Co, 89 NLRB no. 120.)

<sup>10</sup> 1955 NLRB Annual Report, Tables 11 and 13A.

## APPENDIX B

**Figure 3: Percentage of Total NLRB (RC) Eligible Voters in South/ Sunbelt States (1960-1989)**



**Table 2: Workers Eligible to Vote in NLRB (RC) Elections in the South / Sunbelt (1960-1989)**

	*South Atlantic	*East South Central	*West South Central	NM	AZ	NV	CA	Total Voters in South / Sunbelt States	Total Eligible to Vote in NLRB Elections	% of total NLRB eligible voters in South / Sunbelt states
1960	53404	26367	45553	2346	3562	171	33111	164514	483964	33.99
1961	62131	24680	33246	2246	2097	969	33194	158563	450930	35.16
1962	70491	28342	43135	2403	3535	713	40139	188758	536047	35.21
1963	64800	32575	36653	1553	5302	1252	36542	178677	489365	36.51
1964	72152	32550	40050	1058	2691	1362	52855	202718	551751	36.74
1965	73256	37085	44283	2264	2029	1299	41122	201338	544,536	36.97
1966	90801	53706	56632	973	2852	682	36925	242571	592,722	40.92
1967	85312	51520	50014	1238	2315	1988	49337	241724	623711	38.76
1968	76679	59943	48444	1587	3696	546	59639	250534	566164	44.25
1969	81895	53384	51447	1308	2570	480	47415	238499	592761	40.24
TOTAL 1960s								2067896	5431951	38.07
1970	101404	53208	49979	1586	3569	1817	45316	256879	608558	42.21



1971	100377	45381	51487	1336	3911	841	55749	259082	586155	44.20
1972	103650	47708	43797	885	2622	1866	54385	254913	591636	43.09
1973	92552	54383	45272	2567	3041	1375	54712	253902	541445	46.89
1974	95342	54386	49224	2853	3990	721	43535	250051	544331	45.94
1975	94180	54265	45665	4184	6884	2063	48140	255381	568920	44.89
1976	53104	51717	40057	2127	2903	1299	54163	205370	475404	43.20
1977	68521	54296	49387	1137	4638	1996	62440	242415	570716	42.48
1978	60898	41482	41207	1512	5425	1066	46565	198155	471819	41.99
1979	109941	47686	40691	1809	5403	1190	59026	265746	577942	45.98
TOTAL 1970s								2441894	5536926	44.10
1980	71240	44720	35413	2343	4220	2267	47488	207691	521602	39.82
1981	62208	33191	34436	797	6497	2440	57755	197324	449243	43.92
1982	46779	19034	17535	1458	3112	3234	37419	128571	297764	43.18
1983	23597	14760	10246	727	1578	1481	25577	77966	209918	37.14
1984	49759	18700	14149	595	1737	1591	29502	116033	249512	46.50
1985	34355	23264	17116	678	2256	2317	23790	103776	254220	40.82
1986	45142	19421	12330	726	2203	887	22923	103632	259239	39.98
1987	28786	23741	12475	632	4816	645	21883	92978	241825	38.45
1988	31174	26608	13988	1104	3124	927	24297	101222	243692	41.54
1989	35585	23574	13912	448	3038	2712	35735	115004	273775	42.01
TOTAL 1980s								1244197	3000790	41.46

\*South Atlantic: DE, MD, DC, VA, WV, NC, SC, GA, FL

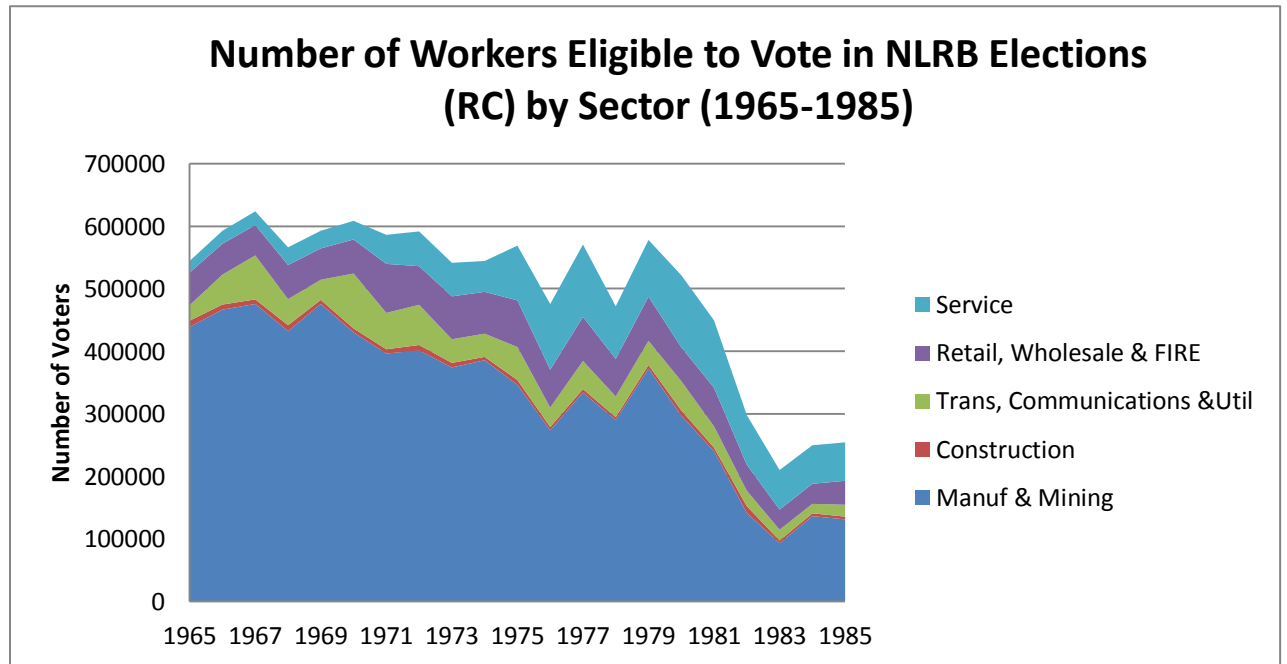
\*East South Central: KY, TN, AL, MS

\*West South Central: AR, LA, OK, TX

Source: Table 15 or 15a : Geographic Distribution of Representation Elections Held in Cases Closed, Fiscal Years 1960 – 1989, NLRB Annual Reports, 1960 – 1989

## APPENDIX C

**Figure 4: Number of Workers Eligible to Vote in NLRB Elections (RC) by Sector (1965-1985)**



Source: NLRB Annual Reports, 1965-1985, Table 16

**Table 3: Numbers of Workers Eligible to Vote in NLRB Elections (RC) by Sector**

	Manufacturing and Mining	Construction	Transportation, Communications and Utilities	Retail, Wholesale & FIRE*	Service
1965	438832	10112	24869	52193	18530
1966	466518	8154	47939	49355	20756
1967	475553	7351	70372	48461	21974
1968	432047	9552	41708	54593	28264
1969	475587	6504	32240	50149	28281
1970	429994	6429	87862	54472	29801
1971	396268	6810	58228	78378	46471
1972	401169	8812	64284	61776	55595
1973	374021	7308	37747	68713	53656
1974	385504	5397	37201	66847	49382
1975	346343	7505	52773	74695	87604
1976	273399	5387	31060	60483	105075
1977	333882	5514	45020	70541	115759

1978	290019	4563	33069	60002	84166
1979	372182	5760	38602	70660	90738
1980	296808	8547	46738	54274	115235
1981	240052	5683	33972	61689	107847
1982	141128	10989	24634	41668	79345
1983	92905	4316	17182	32231	63284
1984	136116	4543	15137	32097	61619
1985	130953	4391	19020	38326	61530

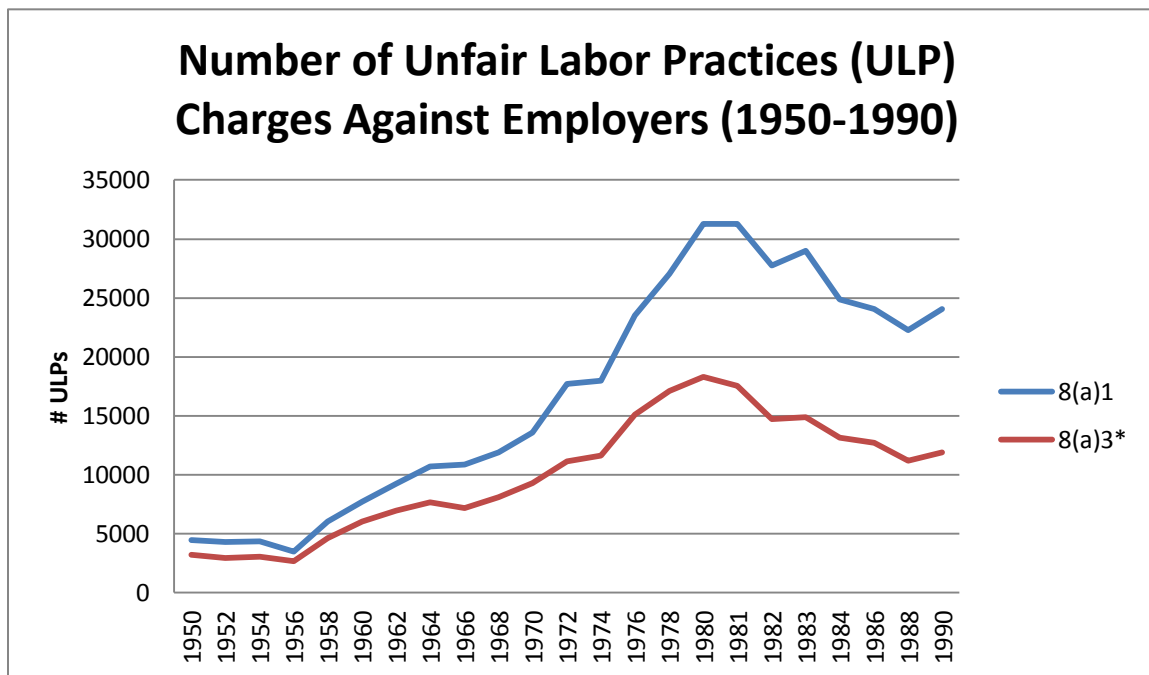
Source: NLRB Annual Reports, 1965-1985, Table 16

Note that in 1972, there were a small number of workers each year who voted in elections in the US postal system, and starting in 1975 the NLRB added a “public administration” category. These have been folded into the “services” category.

\*FIRE stands for “Finance, Insurance and Real Estate.”

## APPENDIX D

**Figure 5: Number of Unfair Labor Practices (ULP) Charges Against Employers (1950-1990)**



Source: NLRB Annual Reports, 1950 -1990. For years 1954 – 1990, see Tables 2 and 4. For 1950, see Table 3A and Table 10. For 1952, see Table 2 and 3.

**Table 4: Number of Unfair Labor Practice Charges Against Employers (8(1)1 and 8(a)3), 1950-1990**

Year	8(a)1	8(a)3
1950	4472	3213
1952	4306	2972
1954	4373	3072
1956	3522	2661
1958	6068	4649
1960	7723	6044
1962	9231	6953
1964	10695	7654
1966	10902	7203
1968	11892	8129

1970	13601	9290
1972	17733	11164
1974	17978	11620
1976	23496	15090
1978	27056	17125
1980	31281	18315
1981	31273	17571
1982	27749	14732
1983	28995	14866
1984	24852	13177
1986	24084	12714
1988	22266	11196
1990	24075	11886

Source: NLRB Annual Reports, 1950 -1990. For years 1952 – 1990, see Table 2. For 1950, see Table 3A.

Note: Section 8(a)1 of the NLRA “forbids an employer to interfere with, restrain, or coerce employees in the exercise of the rights” guaranteed by the NLRA. Examples may include threats, interrogation or spying on union activity. Section 8(a)3 of the NLRA “makes it an unfair labor practice for an employer to discriminate against employees ‘in regard to hire or tenure of employment or any term or condition of employment’ for the purpose of encouraging or discouraging membership in a labor organization.” Examples may include firing and demoting workers. All 8(a)3 violations are also counted as 8(a)1 violations.<sup>11</sup>

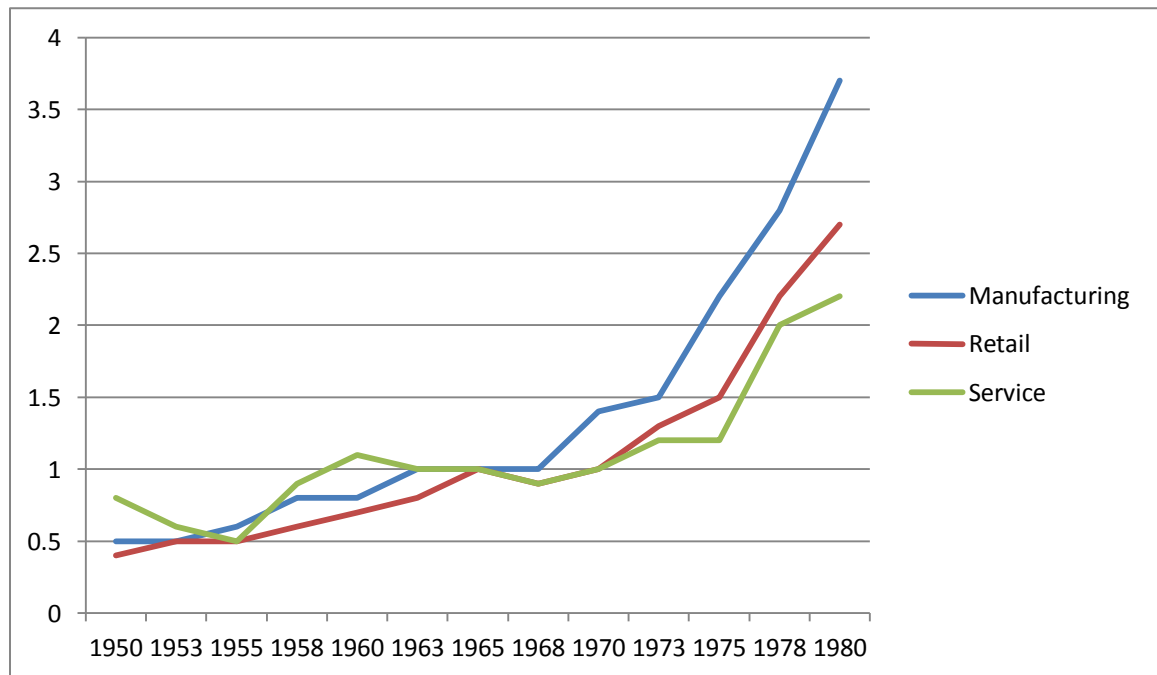
Unfair Labor Practice charges may be filed against either an employer or a union. Charges against unions are not included in these numbers. They are filed under Section 8(b) of the NLRA. The vast majority of charges are filed against employers.

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<sup>11</sup> NLRB, “Basic Guide to the National Labor Relations Act: General Principles of Law Under the Statute and Procedures of the National Labor Relations Board,” (Washington, DC: U.S. Government Printing Office, 1997) 14-15, <https://www.nlr.gov/sites/default/files/attachments/basic-page/node-3024/basicguide.pdf>, accessed March 19, 2015.

## APPENDIX E

**Figure 6: Ratio of ULPs Filed Against Employers to Union Elections (RC) by Sector, 1950-1980**



Source: Table 5, NLRB Annual Reports, 1950 – 1980.

**Table 5: Number of ULPs Filed Against Employers (CA cases) and Union Elections Cases (RC) in the Manufacturing, Retail and Service Sectors, 1950-1980**

Year	MANUFACTURING			RETAIL			SERVICE		
	ULPs	Elections	Ratio ULPs / Elections	ULPs	Elections	Ratio ULPs / Elections	ULPs	Elections	Ratio ULPs / Elections
1950	2760	5188	.5	406	937	.4	187	238	.8
1953	2772	5455	.5	438	854	.5	148	243	.6
1955	2755	4243	.6	242	488	.5	80	149	.5
1958	3438	4149	.8	417	674	.6	154	170	.9
1960	4009	5067	.8	756	1089	.7	544	497	1.1
1963	5223	5272	1	1080	1324	.8	693	687	1
1965	5954	5639	1	1241	1259	1	710	690	1

1968	6386	5510	1.2	1308	1410	.9	921	983	.9
1970	7223	5117	1.4	1422	1455	1	1086	1143	1
1973	8093	5509	1.5	1981	1580	1.3	1949	1614	1.2
1975	8913	4137	2.2	2210	1480	1.5	2939	2543	1.2
1978	12381	4367	2.8	2746	1253	2.2	3878	1867	2.1
1980	14205	3847	3.7	3034	1114	2.7	4783	2183	2.2

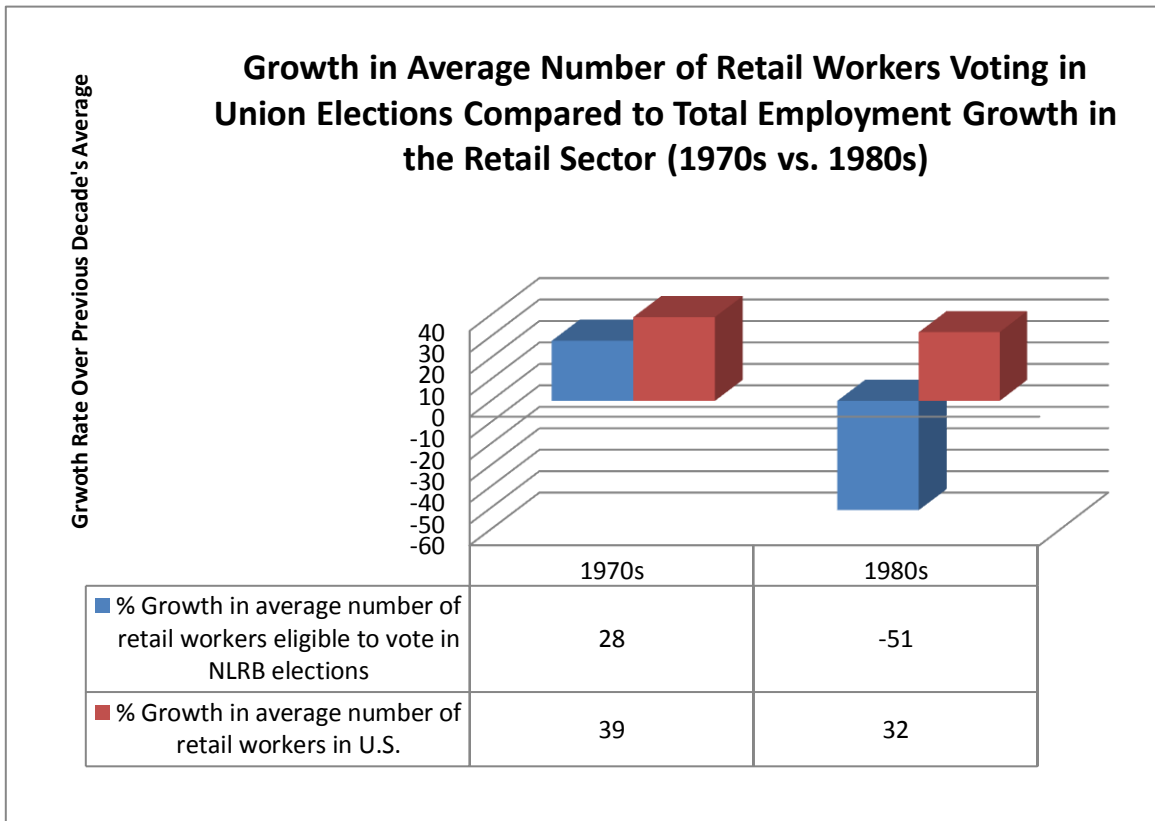
Source: Table 5, NLRB Annual Reports, 1950 – 1980.

Note: A CA case is “A charge of unfair labor practices against an employer under section 8 (a)” of the NLRA, according to NLRB annual reports’ definitions of types of cases used in tables. The total number of CA cases is equivalent to the total number of 8(a)1 cases listed in Appendix D. Appendix E looks at sectoral subsets of this number.

An RC case is “a petition by a labor organization or employees for certification of a representative for purposes of collective bargaining.” See Appendix A for an explanation of the different kinds of petitions for NLRB elections.

**APPENDIX F**

**Figure 7: Growth in Average Number of Retail Workers Voting in Union Elections Compared to Total Employment Growth in the Retail Sector (1970s vs. 1980s)**



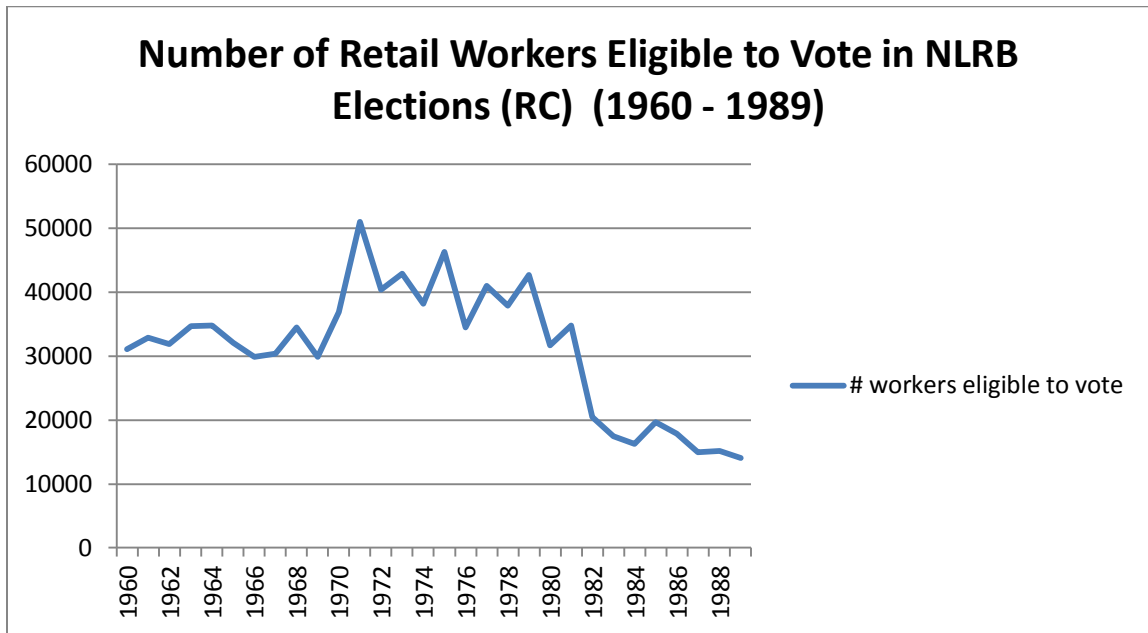


**Table 6: Number of Retail Workers Eligible to Vote in NLRB Elections (RC) and Total Number of Retail Workers (1960-1989)**

Year	# retail workers eligible to vote	# retail workers
1960	31098	8238000
1961	32825	8195000
1962	31888	8359000
1963	34717	8520000
1964	34770	8812000
1965	32097	9239000
1966	29871	9637000
1967	30367	9906000
1968	34483	10308000
1969	29858	10785000
Average 1960-1969	32197	9199900
1970	33899	11034000
1971	50945	11338000
1972	40388	11822000
1973	42928	12315000
1974	38167	12539000
1975	46248	12630000
1976	34435	13193000
1977	41011	13792000
1978	37922	14556000
1979	42728	14972000
Average 1970 – 1979	41167	12819100
1980	31625	15018000
1981	34792	15171000
1982	20422	15158000
1983	17467	15587000
1984	16264	16512000
1985	19617	17315000
1986	17895	17880000
1987	14965	18422000
1988	15160	19023000
1989	14057	19475000
Average 1980-1989	20226	16956100

Sources: NLRB Annual Reports, 1960-1989; BLS, National Employment, Hours and Earnings, Not Seasonally Adjusted, Retail Trade, SIC codes 52-59, 1960-1989

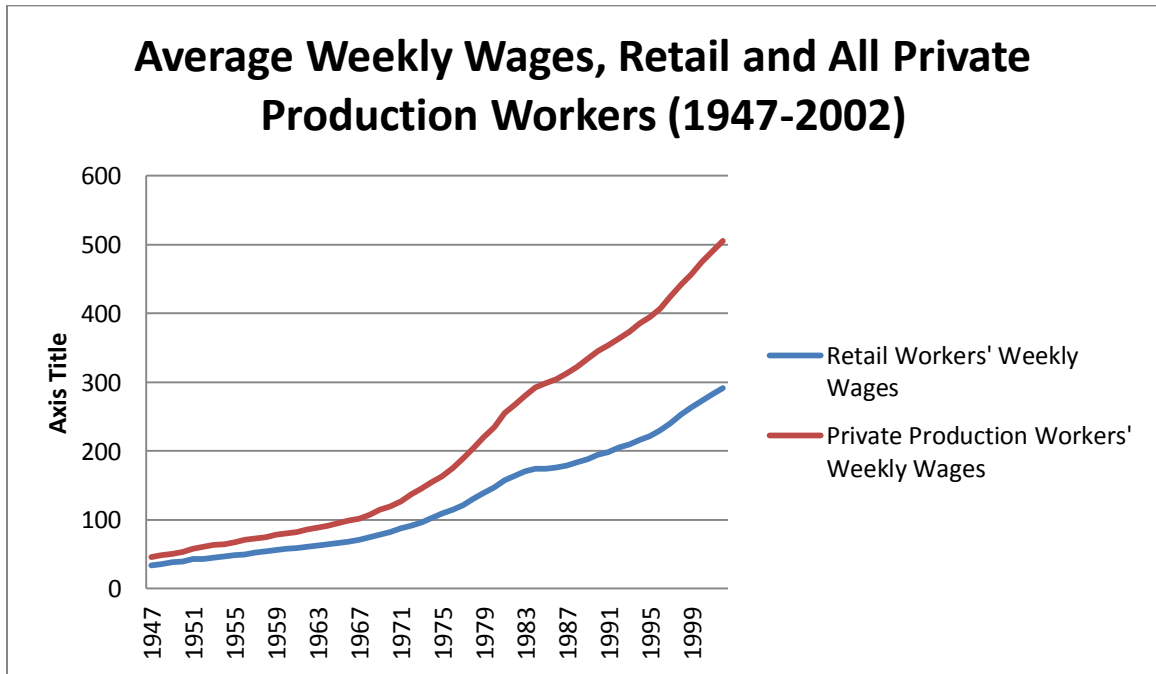
**Figure 8: Number of Retail Workers Eligible to Vote in NLRB Elections (RC) (1960-1989)**



Source for NLRB Election Data: NLRB Annual Reports, 1960-1989. Source for Total # Retail Workers: BLS, National Employment, Hours and Earnings, Not Seasonally Adjusted, Retail Trade, SIC codes 52-59, 1960-1989

## APPENDIX G

**Figure 9: Average Weekly Wages, Retail and All Private Production Workers (1947-2002)**



Source: Bureau of Labor Statistics, National Employment, Hours, and Earnings, Not Seasonally Adjusted, (Retail Trade and Total Private), Average Weekly Earnings of Production Workers, 1947 to 2002

**Table 7: Average Weekly Wages, Retail and All Production Workers, 1947-2002**

Year	Retail Workers	Priv. Production Workers	% Retail /Prod.
1947	33.77	45.58	74.09
1948	36.22	49.00	73.92
1949	38.42	50.24	76.47
1950	39.71	53.13	74.74
1951	42.82	57.86	74.01
1952	43.38	60.65	71.53
1953	45.36	63.76	71.14
1954	47.04	64.52	72.91
1955	48.75	67.72	71.99
1956	50.18	70.74	70.94
1957	52.20	73.33	71.19
1958	54.10	75.08	72.06
1959	56.15	78.78	71.27
1960	57.76	80.67	71.6
1961	58.66	82.60	71.02
1962	60.96	85.91	70.96
1963	62.66	88.46	70.83
1964	64.75	91.33	70.90
1965	66.61	95.45	69.79
1966	68.57	98.82	69.39
1967	70.95	101.84	69.67
1968	74.95	107.73	69.57
1969	78.66	114.61	68.63
1970	82.47	119.83	68.82
1971	87.62	127.31	68.82
1972	91.85	136.90	67.09
1973	96.32	145.39	66.25
1974	102.68	154.76	66.35
1975	108.86	163.53	66.57
1976	114.60	175.45	65.32
1977	121.66	189.00	64.37
1978	130.20	203.70	63.92
1979	138.62	219.91	63.03
1980	147.38	235.10	62.69
1981	158.03	255.20	61.92
1982	163.85	267.26	61.31
1983	171.05	280.70	60.94
1984	174.33	292.86	59.53
1985	174.64	299.09	58.39
1986	176.08	304.85	57.76
1987	178.70	312.50	57.18

1988	183.62	322.02	57.02
1989	188.72	334.24	56.46
1990	194.40	345.35	56.29
1991	198.48	353.98	56.07
1992	205.06	363.61	56.4
1993	209.95	373.64	56.19
1994	216.46	385.86	56.1
1995	221.47	394.34	56.16
1996	230.11	406.61	56.59
1997	240.74	424.89	56.66
1998	253.46	442.19	57.32
1999	263.61	456.78	57.71
2000	273.39	474.72	57.59
2001	282.35	489.40	57.69
2002	291.16	505.13	57.64

Source: Bureau of Labor Statistics, National Employment, Hours, and Earnings, Not Seasonally Adjusted, (Retail Trade and Total Private), Average Weekly Earnings of Production Workers, 1947 to 2002

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- ACTWU vs. Cannon Mills papers
- Atlanta 9to5 Working Women Records
- United Steelworkers of America, District 35 records
- The Uprising of '34 Collection

##### Jimmy Carter Library

- Domestic Policy Staff (Stu Eizenstat's Files)
- Office of the Chief of Staff
- Office of Congressional Liaison
- White House Central File

##### *Cambridge, Massachusetts*

Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University  
9 to 5, National Association of Working Women (U.S.) Records

##### *Chapel Hill, North Carolina*

The Southern Historical Collection, Louis Round Wilson Library, University of North Carolina

- Mildred Gwin Andrews papers
- John Harden papers

##### *Charlottesville, Virginia*

University of Virginia School of Law Special Collections, Arthur J. Morris Law Library  
The Papers of Earle K. Shawe

##### *College Park, Maryland*

George Meany Memorial AFL-CIO Archive, Special Collections & University Archives, Hornbake Library, University of Maryland

- AFL-CIO Organizing Department records
- Food, Allied and Service Trades (FAST) records
- Industrial Union Department (IUD) records
- Alan Kistler papers
- Office of the President records

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- Records of the National Labor Relations Board (record group 25)

*Detroit, Michigan*

Archives of Labor History and Urban Affairs, Walter Reuther Library, Wayne State University

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- Irving Bluestone papers
- Douglas A. Fraser papers
- Walter P. Reuther papers
- SEIU District 925 papers and oral history transcripts

*Durham, North Carolina*

David M. Rubenstein Rare Book & Manuscript Library, Duke University  
Cannon Mills records

*Ithaca, New York*

Kheel Center for Labor-Management Documentation, Cornell University Library  
Amalgamated Clothing and Textile Workers Union (ACTWU) papers  
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