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Chapter 1 : Paul Blanshard, American Freedom and Catholic Power - PhilPapers

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Composition[edit] For most of the 20th century, the NEA represented the public school administration in small towns and rural areas. The state organizations played a major role in policy formation for the NEA. After , the NEA reoriented itself to primarily represent the teachers in those districts, rather than just the administrators. It came to resemble the rival American Federation of Teachers AFT , which was a labor union for teachers in larger cities. In the s, more militant politics came to characterize the NEA. It created the NEA Political Action Committee to engage in local election campaigns, and it began endorsing political candidates who supported its policy goals. State NEA branches became less important as the national and local levels began direct and unmediated relationships. These categories are eligible to vote in the union, though the union lists some comparatively marginal categories which are not eligible to vote: Part of the dues remain with the local affiliate the district association , a portion goes to the state association, and a portion is given to the national association. The NEA returned 39 percent of dues money back to state affiliates in They emphasized the education of students in terms of health, a command of fundamental processes, worthy home membership, vocation, citizenship, worthy use of leisure, and ethical character. They Emphasized life adjustment and reflected the social efficiency model of progressive education. In , it argued that tenure: NEA has played a role in politics since its founding, as it has sought to influence state and federal laws that would affect public education. The extent to which the NEA and its state and local affiliates engage in political activities, especially during election cycles, has been a source of controversy. Women play increasing leadership roles in NEA. NEA "Commission on the Emergency in Education", with George Strayer as chairman, Warns that the evidence from the wartime draft shows millions of potential soldiers were illiterate or poorly educated, and often in bad health. The NEA study said the cause was very low quality rural schools in the South, badly trained teachers, and inequitable financing. Many states, however, started setting minimal standards for rural schools. NEA starts to promote state pension plans for teachers; by , every state had a pension plan in effect. The main NEA goal during this period was to raise teacher salaries, raise standards, and to gain a cabinet-level U. Success on the cabinet issue came in Its main goal was for Congress to pass a multipurpose public finance bill that would supplement local property taxes in funding public schools. Some relief money was used to build schools, but the New Deal avoided channeling any of it through the Office of Education. Legislation never succeeded, because it would condone segregated schools in the South and because Roosevelt rejected any across-the-board program. He believed that federal money should only go to the poorest schools, and none to rich states. NEA successfully lobbied Congress for special funding for public schools near military bases. NEA lobbied for the G. Bill , a law that provided a range of benefits for returning World War II veterans. NEA lobbies for passage of the Bilingual Education Act , with federal funding for Spanish-language education in public schools. NEA accounted for 90 percent of the contracts and 61 percent of the teachers. State affiliates become powerful lobbyists. NEA lobbies for passage of a federal retirement equity law that provides the means to end sex discrimination against women in retirement funds. NEA delegates to the Representative Assembly pass a resolution that opposes discriminatory treatment of same-sex couples. The NEA asserts itself as "non-partisan", but critics point out that the NEA has endorsed and provided support for every Democratic presidential nominee from Jimmy Carter to Barack Obama and has never endorsed any Republican or third party candidate for the presidency. Clinton accepted the endorsement in person. Res 59; th Congress. With the modern scrutiny placed on teacher misconduct, particularly regarding sexual abuse, the NEA has been

criticized for its failure to crack down on abusive teachers. From an Associated Press investigation, former NEA President Reg Weaver commented, "Students must be protected from sexual predators and abuse, and teachers must be protected from false accusations. Ninth Circuit Court of Appeals case Fields v. The case originated when some Florida elementary school students were administered a school survey containing sexual questions. Parents, who had not been told the survey would contain questions of a sexual nature, brought the case forward. In a case brought before the U. Supreme Court Davenport v.

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Chapter 2 : The History of Public Sector Unionism - Hillsdale College

Though most legal and labor historians have depicted an American labor movement that suffered from legal disabilities, American law has never denied organized labor's freedom of association.

Seely, and Paul F. Ohio State University Press, NET by William R. The narrative is based on a good balance of secondary and primary sources, reasserts the importance of the presidency in regulatory matters, moves back to the s the origins of the deregulation movement, and offers an initial synthesis of deregulation after But the book is uneven in its contributions in part because it is more narrowly constructed than its title suggests. It is a book about the politics of transport regulation of three industries at the national level railways, trucks, and airlines; water carriers are barely mentioned. The authors are not much concerned with state or local regulation or regulatory federalism or with other industries that were deregulated e. Most significantly, they do not focus analytically on economics industry structures and management decision making management strategies and firm structures and how those elements intertwined with regulatory politics. Politics trumped economics, technology, and individuals, both before and after deregulation. The book begins with a long preface in which the authors reveal that longtime conversations among them? Towards the end of their preface, they note: The authors note, however, that this state action neglected to take into account the rise of a new industry, motor trucking. So rigidly focused on politics, the authors do not take into account the rapid appearance of motor trucking in the s and s as a new transport mode, and the difficulties railway management, ICC commissioners, and lawmakers faced in responding to the new technology. Chapter two narrates the policy transition from consolidation to coordination of rail, truck, and water carriers, which some policy makers trumpeted in the late s and s. Water carriers, of course, had influenced railway rate structures as far back as the last quarter of the nineteenth century. The tone of this and the preceding chapter takes on that of Railway Age, which was one of the key sources cited. In part, this analysis makes some sense, but it misses some subtle and important points. The authors do not take into account economic structures of the transport modes; they do not emphasize the ideas behind the political results; they ignore the fact that interest group politics based in economic self-interests and on ideas undermined what some on the ICC Joseph B. Eastman, for example desired; and they underplay the management decisions of railway executives. Following a fine summary in Chapter 2 of the early years of airline regulation, Chapter 3 focuses on regulation of the airlines between and the early s. Again the authors present the national state as the shaper of the industry, in this case through the efforts of the Civil Aeronautics Board CAB. The government had been both promoter and regulator of the nascent industry, offering mail contracts to help sustain the new businesses and limiting competition. By the s, however, it had come to be viewed as a failed regulatory agency. Unlike with the railways, the authors admit that airline management made some mistakes e. To them the CAB? Chapter 4 is a sprawling survey of railroad and truck regulation in the postwar era before deregulation emerged. It furnishes at times a useful synthesis, but its most important contribution is its focus on President Dwight D. There, the authors list some of the problems e. Chapter 5 continues the focus on presidential initiatives in the deregulation movement. While he did get a Department of Transportation in , he did not get the centralized, presidential clout he thought necessary to shape a coordinated and efficient transportation system. Chapter 6 shows how President Richard M. He was the first to meet with the railway executives and union leaders about deregulation; he saw the significance of utilizing the consumer movement to promote deregulation; and, he was able to do what Eisenhower, Kennedy, and Johnson had not? Although in office only a short while, Gerald R. Ford deserves the treatment received in Chapter 7. The result was modest but notable? In exchange for furnishing loans to ailing railroads and devising Conrail, the act began to loosen government rate controls and to allow abandonment of service which the ICC, following the law, had restricted, thus maintaining high operations costs, which in turn undermined

railway efficiencies and competitiveness. The regulatory regime from the s was still in place, however, and there was not much movement on deregulating trucks and airlines. In Chapter 8, the authors show that President Jimmy Carter, while bringing no new ideas to the arena, nevertheless promoted deregulation through the regulatory commissions and in Congress. This is one area in which Carter appeared to have developed effective congressional relations, for he was able to bring about deregulation of airlines in and trucks and railways in Yet, the authors go too far in their assertions. Take for example their conclusion on truck deregulation which opened entry to the industry and relaxed rate controls: Instead of a singular force? The ICC was dismantled; Congress preempted state regulatory commissions of their powers; intermodal activity increased; railways merged and abandoned unprofitable routes; new airlines entered and left the industry, with a resulting concentration as airlines took up defensive positions in airport hubs. Rather than dichotomizing markets and regulation, it makes more sense to perceive them along a continuum shaped in both cases by the leaders of the American state? In summary, the book offers a mixed bag of ideas and insights. On the one hand, the shifting of the deregulation movement in time back to at least the s and in focus on the executive branch is notable and important. Without acknowledging it directly, however, the authors have completely ignored the powerful argument Thomas K. McCraw understood regulation to be a political art p. My own research in regulation has confirmed this conclusion. For Rose, Seely, and Barrett, apparently, there is nothing natural about industry structures; they do not shape politics but politics shape them. This point of view, rigidly applied throughout the book, undermines the important contributions noted above. A note on the authors: During the preparation of the manuscript, Paul Barrett, Department of Humanities at Illinois Institute of Technology became ill, passing away in Seely drafted the first two chapters; Barrett the third; and Rose Childs has published most recently The Texas Railroad Commission:

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Chapter 3 : Civil Rights and the Right to Work - blog.quintoapp.com

/ Larry Alexander --Organized labor and American law: from freedom of association to compulsory unionism / Paul Moreno --"Guilt by association" and the postwar civil libertarians / Ken I. Kersh --Industrial saboteurs, reputed thieves, communists, and the freedom of association / Keith E. Whittington --Expressive association and the ideal of.

We can call this the first Wagner era, from until And that will require saying a few words about the labor policy that preceded the first Wagner Era, what might be called the labor policy of the free society, or relatively classically liberal society. But let me tall you the end of the story firstâ€”or at least where we are today, for the story is probably not finished yet. The best description of public sector unionism comes from the Rutgers University labor economist Leo Troy. He describes it as the New Socialism. The Old Socialism was about the state taking over the means of production and distribution. The perfect example would be the old Soviet Union. England after the Second World War had quite a bit of this. We never had much of it in the United States. After the New Deal the U. In this system, unions voted for politicians Democratic ones, for the most part who enacted legislation like the Wagner Act that gave unions the power to extract more of the income of their employers. This system began to unravel in the s; its decline accelerated in the s; and it is nearly defunct today. Private sector unionism is actually less powerful in the American economy today than it was before the Wagner Act. Public sector unionism works like private sector unionism, but it cuts out the middleman. Rather than voting for politicians who enact laws that enable unions to gain more private income, unions simply elect their employers and bargain with them. Why bother organizing a private health care industry? Now, let me start from the beginning, to try to explain how we got here. My talk will cover three periods: As the United States became an industrial economy in the nineteenth century, its labor law adapted to that new economy. Although this is not an uncontested point among historians, most saw the shedding of this premodern system in the nineteenth century and the adoption of employer-employee relations appropriate to a modern, democratic, egalitarian society. The law treated all individuals and corporations were considered individuals as equal before the law. Their relations were to be entirely voluntary and contractual. Nobody could coerce someone else to work for him; nobody could coerce someone else to employ him. Either party to an employment contract could terminate the agreement for a good reason, a bad reason, or no reason at all. Groups of workers were perfectly free to form labor unions. Despite many historical legends, American courts had probably never regarded trade unions as inherently criminal conspiracies, as English courts had. And they were perfectly free to quit en masse to strike to achieve their goals. But the employer was equally free to replace those who had quit. When this happened, unions often resorted to threats and violence against the replacement workers known as scabs or finks or sabotage against employers, to prevent their carrying on their business. This is the point at which the law stepped in, to maintain order and protect the rights of employers and non-striking workers to carry on their business. How, after all, could a penniless immigrant from Poland be able to bargain individually with the billion-dollar United States Steel Corporation? This claim that unions are necessary to redress the unequal bargaining power of unorganized workers was the principal basis for doing away with the old employment-at-will doctrine and replacing it with one in which government tries to build up unions by legislature that gives them special privileges. So it is important to observe that it is a specious claim. In economic terms, it confuses monopoly power in product markets with monopsony power in labor markets. Rather, it competed with lots of other monopolistic producers in the labor market, along with innumerable small business employers. The individual worker was free so long as employers competing with one another for labor, in the same way that an individual consumer is free of monopoly power so long as large producer firms compete among one another for customers. On further reflection, the idea of employer monopsony in seems manifestly absurd. The United States had always suffered a labor shortage, making

American wages higher than those in Europe. In a typical year around a century ago, over a million and a quarter immigrants came to the United States. Real wages of all workers rose more than fifty percent , and rose by another third in the next twenty years. Be the economic facts what they may, the cornerstone of American labor law, the National Labor Relations Wagner Act of , was based on this premise of unequal bargaining power. Actually, this was prefaced in the Norris-LaGuardia Act of , which concerned a set of privileges regarding injunctions and the antitrust laws that time and space did not permit me to detail. But this would be just one example of the lack of congruence between popular or political economy and technical economics. But this can mean that a year old girl in a central American sweatshop earning 20 cents an hour is not exploited, while a Major League shortstop earning eight million dollars a year is. What did the Wagner Act do? In a nutshell, it required employers to bargain collectively with any organization chosen by a majority of its employees. Those are the basic principlesâ€”compulsory unionism, and majority unionism. It was an unabashedly pro-union measure. Congress probably enacted it only because it expected the Supreme Court to declare it unconstitutional. Though the Taft-Hartley Act of tried to restore some balance to the law, it still maintained the compulsory and majority principles of the Wagner Act. The most important change that the Taft-Hartley Act made was section 14 b , which allowed states to enact right-to-work laws. Over the course of time, industries relocated from Wagner Act or union-shop states to right-to-work states. Even more than the competition of right-to-work states, the rise of global competition in the late 20th century is the principal reason for the decline of private-sector unionism. Quite simply, they priced themselves out of the market, or killed the goose that laid the golden eggs. Now to the public sector union story. Section 2 of the Wagner Act explicitly exempted public employees from its coverage. Many of you may be familiar with the letter that President Roosevelt wrote to the President of the Federation of Federal Employees in , in which he explained why this must be. It has its distinct and insurmountable limitations when applied to public personnel management. The very nature and purposes of government make it impossible for administrative officials to represent fully or to bind the employer in mutual discussions with government employee organizations. The employer is the whole people, who speak by means of laws enacted by their representatives in Congress. Accordingly, administrative officials and employees alike are governed and guided, and in many instances restricted, by laws which establish policies, procedures, or rule in personnel matters. But this oneâ€”that you could not compel the sovereign power to bargain collectivelyâ€”because whoever can compel the sovereign must perforce become the sovereign powerâ€”this one was such a no-brainer that even F. Joseph Slater, for instance, the author of what I take to be the standard narrative history, entitled Public Workers, makes this the central theme of his work. Public unions began much as private unions did, as voluntary associations that tried to improve the working conditions of their members. A century ago they were especially prominent among postal workers, since the Post Office was one of the few large-scale federal services. In the first decade of the 20th century Presidents Theodore Roosevelt and William Howard Taft recognized the danger of these federal employee organizations lobbying Congress and issued executive orders prohibiting federal employee membership in such organizations. Wisconsin was the seedbed of many progressive initiatives, and that of union empowerment especially. As we will see Wisconsin became the first state to promote public employee unions. But this at was limited to Post Office employees. It did not establish collective bargaining or the right to strike, but merely the freedom to petition Congress. There was no significant extension of federal employee organizing rights until the s. The decisive episode in public sector unionism was the Boston police strike. The public reaction to this strike probably set back public sector unionism several decades. No public service better underscored the sovereign nature of government than the police. The federal equivalent would be to allow the soldiers and sailors of the Army or Navy to form unions. This is not as far-fetched as it sounds. Norway and Germany allow army unions. Mayor Fiorello La Guardia of New York City did the same in the s when the city took over the subways and 26, members of the Transport Workers Union became public employees. John

Lindsay took a similar stance in the sâ€”until Governor Nelson Rockefeller undercut him. By the late s, public opinion had become more open to the prospect of public labor unions. Private sector unions began to decline in relative terms in the mids, and they had become much less radical, less prone to strike, and less prone to violence when they did strike. The expansion of business in the right-to-work states of the South and West probably made union leaders more cautious. It is also likely that Supreme Court decisions in the early s ordering state legislative reapportionment helped, by strengthening liberal, urban areas of states. Above all, there was tremendous growth in the public sector work forceâ€”nearly 9 million by , or one of every 8 workers. The American Federation of State, County, and Municipal Employees led the effort to get a state to allow public employee unionization. Less well known was the fact that Wisconsin also was one of the first states to have second thoughts about such legislation, which it began to amend as early as The state was dominated by Republicans in the sâ€”this was the era of Joseph McCarthy, after all. But the Democrats swept the state in the elections, and public employees won the right to organize and bargain collectively, but not to strike. New York City actually preceded Wisconsin with similar legislation in , and many other states and cities followed. The federal government followed suit when President Kennedy signed Executive Order in Unions could not compel federal employees to join, and they cannot strike. This order was strengthened by President Nixon, and finally given a statutory basis by Congress in the Civil Service Act of With these new federal and state policies in place, the numbers of pubic union members swelled rapidly, from , to 4 million by This was largely because many public employees were already organized. Old professional associations simply became labor unions. It regarded itself as a professional association, like the American Bar Association or the American Medical Association. When the Wagner Act promoted private-sector unionization in the s, the principal justification for the policy was that it would promote industrial peace and facilitate interstate commerce. It actually had the opposite effect, producing more strikes and greater labor militancy in State and federal encouragement of public-sector bargaining had a similarâ€”and even greaterâ€”effect.

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Chapter 4 : Economic Freedom Activist Network

Organized Labor and American Law: From Freedom of Association to Compulsory Unionism. Paul Moreno - - Social Philosophy and Policy 25 (2) details Though most legal and labor historians have depicted an American labor movement that suffered from legal disabilities, American law has never denied organized labor's freedom of association.

 Once focused closely on institutional dynamics in the workplace and electoral politics, labor history has expanded and refined its approach to include questions about the families, communities, identities, and cultures workers have developed over time. Particularly important are the ways that workers both defined and were defined by differences of race, gender, ethnicity, class, and place. Individual workers and organized groups of working Americans both transformed and were transformed by the main struggles of the industrial era, including conflicts over the place of former slaves and their descendants in the United States, mass immigration and migrations, technological change, new management and business models, the development of a consumer economy, the rise of a more active federal government, and the evolution of popular culture. The period between and saw a crucial transition in the labor and working-class history of the United States. At its outset, Americans were working many more hours a day than the eight for which they had fought hard in the late 19th century. On average, Americans labored fifty-four to sixty-three hours per week in dangerous working conditions approximately 35, workers died in accidents annually at the turn of the century. By , half of all Americans lived in growing urban neighborhoods, and for many of them chronic unemployment, poverty, and deep social divides had become a regular part of life. Workers had little power in either the Democratic or Republican party. The ranks of organized labor were shrinking in the years before the economy began to recover in Dreams of a more democratic alternative to wage labor and corporate-dominated capitalism had been all but destroyed. Workers struggled to find their place in an emerging consumer-oriented culture that assumed everyone ought to strive for the often unattainable, and not necessarily desirable, marks of middle-class respectability. Yet American labor emerged from World War II with the main sectors of the industrial economy organized, with greater earning potential than any previous generation of American workers, and with unprecedented power as an organized interest group that could appeal to the federal government to promote its welfare. The labor and working-class history of the United States between and , then, is the story of how working-class individuals, families, and communitiesâ€”members of an extremely diverse American working classâ€”managed to carve out positions of political, economic, and cultural influence, even as they remained divided among themselves, dependent upon corporate power, and increasingly invested in a individualistic, competitive, acquisitive culture. In the eyes of the law, Americans generallyâ€”with the exception of married white womenâ€”had a responsibility to work, but their sole right at work was the right to quit. Great changes were taking place, yet Americans generally believed that even more change was needed if the republic were to survive and thrive in the industrial era. In the workplace as much as in surrounding communities, Americans feared the implications of this new era of global economic expansion. Political and ideological violence may have been rare, but when violence broke out, it both stigmatized and divided labor groups, even as it brought swift reactions from local police, private detective firms, and state and federal officials. The labor violence and economic upheavals of the late 19th century had been horrific enough to convince many powerful Americans that reform was necessary. In , Republican president William McKinley, who would be assassinated in by the anarchist Leon Czolgosz, appointed the United States Industrial Commission to study the causes of labor violence. At the same time, a broad group of largely middle-class and elite Americans, soon to be known as Progressives, set out to document and then ameliorate the worst forms of corruption in the economy and politics, and to soften the edges of the new industrial system

by making workplaces, consumer products, and neighborhoods safer and healthier. There was no single Progressive Era social movement; rather, reformers sought everything from antitrust legislation, shorter working hours, and safer workplaces to bans on child labor, protective legislation for female workers, and reforms that would clean up manufacturing and the political process. These top-down reform effortsâ€”efforts that emphasized the need for greater efficiency and order in the economy and at the workplaceâ€”would be deeply ambiguous for workers. But they reflected an important move away from the commitments to Social Darwinism and laissez-faire principles that had defined the Gilded Age. Progressive reform itself could become a form of social control. For most workers, the greatest fears derived from the accelerating changes at the workplace that were well underway by the turn of the century. There were benefits as production skyrocketed across the economy. Whereas the pick miner in a coal shaft produced 2. Simultaneously, the kinds of occupations Americans held and their experiences at work changed dramatically, not always for the worse. Gangs of day laborers were transformed into legions of semiskilled workers running transportation and equipment handling machines. Skilled, independent workers in iron and steel production became semiskilled machinists and repair technicians. These mechanized factories also required the development of a whole new set of tool-and-die makers. Overall, there was an upward leveling effect of mechanization. Between and , the proportion of unskilled workers in industrial work fell from 36 to Black men, when they were not stuck in sharecropping or tenant farming, were generally relegated to the hot, heavy, hard jobs, and most black women were forced to accept the long hours and lack of independence in domestic service. As early as , two-thirds of American workers were wage laborers, with little hope of opening their own shops or owning their own farms. By , no more than one-fifth of the population of the United States were self-employed. Nativism was on the rise, and workers were divided by skill, craft, race, gender, and region. On the other hand, business leaders and their allies in politics and the press played workers of different backgrounds against one another in order to undercut the possibility of shared militancy. It would be difficult, even for the most privileged workers, to fight for a place in the system. Fighting for a Place in the System With a significant economic recovery underway in , American labor leaders began a new organizing push, primarily through the American Federation of Labor AFL , railroad brotherhoods, and various unaffiliated unions. These organizations largely excluded racial minorities and women, and this model of organizing sought to come to terms with, rather than to transform, corporate dominance of the industrial economy. It is true, however, that the AFL assumed that trade unionists would speak for all American workers in the political sphere. The railroad brotherhoods exerted significant, if informal, political influence through allies like Theodore Roosevelt in the Republican Party. Many, though hardly all, employers had initially accepted the rise of the AFL, even going as far as voluntarily recognizing unions and forming the National Civic Federation, a coalition of labor and business leaders seeking cooperation in the economy. Employers divided workers by national origin and regularly employed strikebreaking replacement workers. As a result of such attacks on organized labor, membership in unions actually dropped in and remained stagnant for the next five years. These were important gains for workers, but they remained limited in no small part by the failure of the AFL to imagine an alliance with the vast majority of unorganized workers. Radical Alternatives in the Progressive Era Workers frustrated with the exclusionary practices and political moderation of the AFL could turn to an embattled world of labor radicalism which was going through something of a renaissance after the defeats of the s and s. American radicalsâ€”led by the socialist Eugene V. Within a decade the SP had built more than three thousand local branches and forty-two state organizations. Dozens of candidates affiliated with the new party won municipal and county elections on town squares stretching from Texas through Illinois to Milwaukee, Wisconsin. Debs, won , votes in his run for the presidency in and more than a million votes for president in , while he was in prison after being convicted of sedition during World War I. Although workers suffered oppressive conditions in sweatshops, they were isolated from the rest of the workforce, and they could not take action directly

against the manufacturers. But as manufacturers moved production to larger factories in order to produce standardized clothing and to distance themselves from the increasingly negative reputation of sweatshopsâ€"spread by Progressive reformersâ€"the larger shops also brought unskilled workers out of their relative isolation. Working conditions did not necessarily improve in larger shops, but opportunities to build worker solidarity presented themselves. After years of suffering, garment workers organizing came in quick surges: In one of the most dramatic moments in U. Speaking in Yiddish, she called her fellow garment workers to action. Within two days, approximately 20, workers from factories were on strike. These events also revealed the politicization of immigrant women in the industry and showed that immigrant workers could be organized, contrary to much AFL commentary. Along with the United Mineworkers, the garment workers forged a new model of unionism, demonstrating that a pragmatic industrial unionism could succeed as well as the more hidebound craft unionism of the AFL. In this, the new unions were important exceptions to the rule of non-socialist craft organizing of the era. Roosevelt Library Photographs, â€", Franklin D. Founded in Chicago in , the IWW took inspiration from a group from the Western Federation of Miners who had been radicalized during a series of violent strikes in Idaho, Montana, and Colorado. IWW membership peaked at , in , riding a wave of important victories and broader socialist sentiment. The IWW sustained a thread of American radicalism that otherwise might have been lost. In the electoral arena, the SP never managed to reach the status of a viable third national party. Moreover, to the extent that Socialist politicians, such as Victor Berger and his allies in Milwaukee, made gains toward practical reform, they also distanced themselves from the more radical class politics of much of the American left. Similarly, when socialist trade unionists rose to the leadership ranks in AFL unions, their pragmatism emerged. The IWWâ€"in part because the Wobblies had some success, and in part because they sustained an unflagging rhetorical radicalismâ€"also became the target of government and vigilante repression. During World War I, 1, miners suspected of being aligned with the IWW in Bisbee, Arizona, were rounded up, forced onto a freight train at gunpoint, and abandoned in the desert without food or water for a day and half before a nearby military commander arranged for their extradition to New Mexico. At the same time, the federal government raided IWW offices across the country and convicted hundreds of Wobblies for antiwar speech. In the end, the IWW became one of the driving forces behind the rise of the American Civil Liberties Union and the push for protections of free speech during and after World War I, but the Wobblies could not save themselves from this repression. By the end of the war, with many of its leaders imprisoned, deported, or having fled the country, the IWW was unable to sustain itself as an institution. Still more obstacles stood in the way of mass labor organizing in the first decades of the 20th century. Chief among them were the racial and ethnic divisions that ran through the shop floors of American industry. Historians have examined in great detail the intraclass racism that blocked white workers from acting in ways that would have been truly class-conscious. Between the late 19th century and World War I, tens of thousands of black workers gained access to unions, some all-black but some biracial in organization. Yet unions often acted as agents of division; some included racial exclusion clauses in their constitutions, while others gave lip service to solidarity while declaring that, in practice, black workers would undercut the wages and opportunities of white workers. Black workers, they feared, could outwork white workers, and black workers would do it on the cheap. Caucasian civilization will serve notice that its uplifting process is not to be interfered with in any such way. The black political leader Ida B. Workers and labor reformers also struggled to organize during one the most conservative eras in United States judicial history. In its decision in Lochner v. New York U. Also in , the Court found that labor boycotts of employers had been banned by the Sherman Anti-Trust Act. Even when the Court did support the constitutionality of reform measures, as in the Muller v. The Railway Labor Act required railway industry employers to engage in collective bargaining and banned discrimination against unions in the railway industry this was expanded to airlines in By , then, in the face of much judicial resistance, legislators had responded to growing public alarm

by initiating a revolution in labor law that would come to fruition when the Supreme Court upheld the National Labor Relations Act. The federal government spurred a national mobilization of the workforce and economic resources, while coordinating industrial planning. Although the government went so far as to take over the railroads, the federal intervention in the economy hardly represented wartime socialism. In essence, the federal government forged a larger role in managing the economy with the primary goal of efficient war-related production. This managed economy also facilitated the private accumulation of capital for employers and benefited masses of workers. Why was this a boon for unions and workers? In the first place, the wartime economy required labor peace. Therefore, the federal government facilitated the formation and growth of unions. At the same time, the wartime economic boom required many new workers. With the end of European immigration and the draft of white men into the military, women and African Americans found new opportunities.

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Chapter 5 : Search Results economics

Organized Labor and American Law: From Freedom of Association to Compulsory Unionism. Paul Moreno - - Social Philosophy and Policy 25 (2)

Artikel bewerten Freedom of association is a cherished liberal value. This book explores the history and development of the right of free association, and discusses the limits that may legitimately be placed on this right. Freedom of association is a cherished liberal value, both for classical liberals who are generally antagonistic toward government interference in the choices made by individuals, and for contemporary liberals who are more sanguine about the role of government. However, there are fundamental differences between the two viewpoints in the status that they afford to associational freedom. While classical liberals ground their support for freedom of association on the core notion of individual liberty, contemporary liberals usually conceive of freedom of association as one among many values that are necessary for a liberal democracy to flourish. Which position provides a better grounding for freedom of association? The twelve essays in this volume explore the history and development of the right of free association, and discuss the limits that may legitimately be placed on this right. The Comparable Worth Debate, and also the editor of numerous scholarly collections. Smith of Thought Probes Prentice-Hall, 2nd edition, , as well as the author of numerous essays on ancient Greek philosophy. He has also co-edited numerous scholarly collections. In addition, he has published numerous articles in various scholarly journals, and has co-edited several scholarly collections. What is freedom of association, and what is its denial? Organized labor and American law: Industrial saboteurs, reputed thieves, communists, and the freedom of association Keith E. Expressive association and the ideal of the university in the Solomon Amendment litigation Tobias Barrington Wolff and Andrew Koppelman; 6. Should antidiscrimination laws limit freedom of association? The dangerous allure of human rights legislation Richard A. Freedom of association in historical perspective Stephen B. The paradox of association Loren E. The Madisonian paradox of freedom of association Richard Boyd; From the social contract to the art of association: The Rawlsian view of private ordering Kevin A. Kordana and David H.

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Chapter 6 : Search Results conditions

Organized labor and American law: from freedom of association to compulsory unionism Paul Moreno; 3. 'Guilt by association' and the post-war civil libertarians Ken I. Kersch; 4. Industrial saboteurs, reputed thieves, communists, and the freedom of association Keith E. Whittington; 5.

But now they must contend with masters of the courtroom. On June 30, the U. Supreme Court agreed to hear Friedrichs v. Several school teachers across California, led by an Orange County teacher, Rebecca Friedrichs in photo , assert that the CTA has no authority to levy political fees on non-members without prior consent. Having taken off in the late Fifties, government employee unions have become a dominant force in American organized labor. In raw numbers, their membership in recent years has been at levels similar to, or even higher than, membership in the private sector. More telling, in relative terms , A union typically sets agency fees almost as high as member dues. As a result, many workers reluctantly join, knowing they can keep their jobs and enjoy the advantages of full membership. This arrangement has defined state and local government labor relations for nearly 40 years. In the U. Supreme Court ruled in Abood v. Detroit Board of Education that a local teachers union had the authority to deduct agency fees from paychecks of non-member employees covered by a contract. Moreover, unions could route a portion of the financial windfall to their favored political candidates and spend more on lobbying for policies and programs. Abood enabled government employee unions and government itself to grow in tandem. Yet the ruling was not a total victory for the unions. The Supreme Court also held in Abood that a union could exact tribute from non-members only for core representational functions; e. In a later affirmation of the rights of dissenting workers, the High Court in Lehnert v. Railway Clerks , Communications Workers v. Beck , and Air Line Pilots Association v. Individual non-members wishing to opt out still have to clear high hurdles, and with the risk of inviting retaliation. Still, some intrepid souls have gone to court to recoup a portion of their payments following a denial of their request. Supreme Court â€" and win. In , in Davenport v. Washington Education Association , the Court ruled unanimously that public school teachers in Washington State were entitled to receive a refund on non-member fees used by the WEA i. The union, disingenuously, had circumvented a referendum passed by state voters in that had given employees the right to withhold tribute for such purposes. In , the Court, in Knox v. Nearly half that money came from the California Teachers Association. These decisions were substantive victories for employee liberty. Yet their reasoning left intact the basis for the public-sector union shop. A new case, however, Friedrichs v. California Teachers Association, may result in the overturning of Abood. An Anaheim teacher, Rebecca Friedrichs, joined by nine other non-union public school employees and a private organization, the Christian Educators Association International, is suing the CTA to recoup fees automatically deducted from worker paychecks by the union for political purposes. The case originally was filed in U. District Court April In December of that year, U. District Judge Josephine Stanton, at the request of the plaintiffs, dismissed the suit on the grounds that she lacked the authority to overturn Abood. The plaintiffs appealed to the Ninth Circuit Court of Appeals, which like the lower court, dismissed the case at their request. With a path to the Supreme Court now fully expedited, a Washington, D. On June 30, the High Court agreed to hear the case. Arguments are scheduled for this fall. And it puts its money where its mouth is. The destinations of these funds have leaned overwhelmingly toward the left side of the spectrum. Their names suggested nonpartisan public-spirited populism, but such organizations have been little more than union fronts. Public-sector unions in California, as in so many other states, function as Democratic Party adjuncts. As such, they support an aggressive expansion of the welfare state, even when an issue at hand does not directly pertain to union interests. There is no mystery in any of this. Unlike private-sector unions, which are oriented mainly toward securing better pay and benefits for workers in a given industry or craft, public-sector

unions view political activism as the essence of effective collective bargaining. Toward that end, they are a guiding force behind an ecumenical coalition of progressive activists outside the realm of organized labor. And government employers may accede to union demands if they see no political downside. After all, they also have an interest in growing government. In their book Shadowbosses: Net tax receivers are those Americans whose income comes from the government one way or another â€" as salary, welfare benefits, and subsidies. Rather than voting for politicians who enact laws that enable unions to gain more private income, unions simply elect their employers and bargain with them. Of that sum, about 30 to 40 percent represents partisan political spending. But does that mean that the other 60 to 70 percent is politically neutral? Lawyers for the plaintiffs argue it is not. Public-sector collective bargaining, they argue, necessarily revolves around highly contentious issues with political implications. For teachers, they include tenure, vouchers and pensions. Following the grant of certiorari in the Friedrichs case, the CIR released a statement, part of which read: But bargaining with local governments is inherently political. The plaintiffs and their lawyers effectively are questioning the rationale underlying Abood v. Detroit Board of Education. Quinn that nonunion private-sector home care providers in Illinois could not be forced to pay fees to a public employee union simply because part of their incomes came out of state Medicaid funds. Labor officials, needless to say, are bitterly opposed to such possibilities. We are disappointed that at a time when big corporations and the wealthy few are rewriting the rules in their favor, knocking American families and our entire economy off-balance, the Supreme Court has chosen to take a case that threatens the fundamental premise of America â€" that if you work hard and play by the rules, you should be able to provide for your family and live a decent life. The Supreme Court is revisiting decisions that have made it possible for people to stick together for a voice at work and in their communities â€" decisions that have stood for more than 35 years â€" and that have allowed people to work together for better public services and vibrant communities. Paint-by-numbers populism of this sort distorts the issues. They are fighting for their right â€" and the right of numerous other school employees â€" to decide for themselves which causes to support monetarily. The plaintiffs assuredly are not a threat to the principle that hard work and fair play should be rewarded. As for the notion that they are free-riders, reaping union-negotiated benefits without having to pay for them â€" this is a common fallacy peddled by union bosses. Even if non-payers do enjoy the benefits of union representation, they also bear the costs. It is up to individual employees, not a union, to decide if the costs are worth it. At present, 91 percent of all public-sector employees in the United States covered by a union contract are union members rather than non-member fee payers. If Rebecca Friedrichs and her co-plaintiffs win their case, the result could be an exodus by reluctant members throughout the nation. Making fee-paying optional already has made this kind of impact. In Michigan, for example, membership in SEIU Healthcare Michigan fell from 55, to 10, during after the state in December had enacted a public-sector Right to Work law. And in Wisconsin, statewide AFSCME membership during March February â€" the month period following the initial vote by the legislature making public-sector union membership optional the measure weeks later was passed and signed into law â€" fell from 62, to 28, In practice, teachers who approach their union representatives for the purpose of receiving a refund instantly become targets of retaliation and become persona non grata among colleagues. Teachers who choose to opt out of subsidizing union political activism are stripped of their union participation rights and their union-sponsored liability insurance. They no longer can vote on a collective bargaining agreement. Rebecca Friedrichs put it this way late in The people who lead public employee unions in this country are not impartial guardians of the public welfare. They are aggressive political activists, and in ways that exceed the zeal of private-sector union leaders. It is in their interest to be that way. Moreover, the managers with whom they negotiate are themselves beneficiaries of political partisanship. The result has been fewer checks upon the growth in wages, salaries and especially benefits, growth that eventually could exhaust the fiscal capacity of currently troubled states such as California, Illinois, New Jersey and Rhode Island, plus any number of

counties and cities. A victory for Rebecca Friedrichs and her co-plaintiffs would be a victory for public employees everywhere in the U. It also would be a victory for American taxpayers who make possible the services provided by public employees.

Chapter 7 : Catholic Church and politics in the United States - Wikipedia

10 See Paul Moreno, Organized Labor and American Law: From Freedom of Association to Compulsory Unionism, F REEDOM OF A SSOCIATION 22 (E LLEN F RANKEL et. al eds.,) (asserting that every labor protest of the era.

For more than half a century, AFL unions routinely banned African Americans from membership, segregated the few blacks they did admit into inferior Jim Crow locals, and lobbied state and federal officials for discriminatory legal privileges. When the federal government began passing pro-union legislation during the s, it was racist outfits like the AFL that reaped the benefits. During the early decades of the 20th century, black economic success typically occurred in spite of organized laborâ€”not because of it. As African Americans migrated from the rural South to the industrial North, they frequently secured jobs by working for lower wages than unionized whites or by serving as strikebreakersâ€”"scabs"â€”when discriminatory white unions walked the picket line. As historian Paul Moreno notes in Black Americans and Organized Labor , strikebreaking and working for lower wages made good economic sense to both the bosses and their new black employeesâ€”regardless of racial discord between them. Caucasian civilization will serve notice that its uplifting process is not to be interfered with in any such way. In response to the presence of "cheap" and "bootleg" labor in his district, Republican Rep. During Senate hearings on the bill, AFL president William Green testified in support, claiming that "colored labor is being brought in to demoralize wage rates. James Davis of Pennsylvania, was an outspoken racist, who argued in that Congress must restrict immigration to "purify the national stream of life, to dry up the sources of hereditary poisoning, and to keep America sound at the core. As the legal scholar David Bernstein notes in his book Only One Place of Redress , "The only recourse African Americans had in a labor market dominated by exclusionary unions that demanded above-market wages was their willingness to work for less money than the unionists. New Deal labor laws had a similar impact. The National Industrial Recovery Act and its accompanying National Recovery Administration NRA , in effect from until the Supreme Court unanimously struck them down in , established the practice of mandatory collective bargaining, whereby a union selected by a majority of employees became the exclusive representative of all employees. Since African Americans were barred from most unions, the law drastically limited their economic options. While many on the modern-day left celebrate such compulsory unionism if not the racialist character of New Deal-era unions , black leaders at the time took a dimmer view. Sociologist and historian W. But those reforms only came after black workers had suffered decades of exclusion and abuse at the hands of organized labor. Root is an associate editor at Reason magazine. Damon Root is a senior editor of Reason magazine and the author of Overruled: The Long War for Control of the U. Supreme Court Palgrave Macmillan. Follow Damon Root on Twitter.

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Chapter 8 : National Education Association - Wikipedia

To understand the history of public-sector unionism, we need first to understand the development of the private-sector unionism that it is replacing. We can call this the first Wagner era, from until And that will require saying a few words about the labor policy that preceded the first.

Book Reviews Labor history is a dreary field dominated by activist-scholars. If they have any knowledge of economics at all, it typically has a Marxist spin. The relentlessly politicized nature of such scholarship has made it lamentably narrow in both subject matter and perspective. Historian David Beito has shown that millions of American workers belonged to fraternal and mutual aid societies in the late 19th and early 20th centuries. But because these societies generally existed outside of union direction or control, labor historians have shown scant interest in admitting their existence, much less studying them. For decades, meanwhile, these historians ignored or played down the fact that some of the most powerful unions in the United States, including the Railroad Brotherhoods and the American Federation of Labor construction unions, excluded African Americans, or at best relegated them to segregated locals. When a younger generation of labor historians no longer could brush aside race, they nevertheless began with the assumption that class solidarity "should" naturally lead to racially egalitarian unions. And by ignoring them, she is able to address matters that labor historians have neglected. As Lee relates, in the s union activists hoped that labor legislation would lead to a "workplace constitution" in which the "right to organize" and ultimately other "social rights" would be constitutionally protected. Labor historians have spilled a great deal of ink explaining why that did not happen, typically once again blaming the "conservatism" of American unions. Unlike European unions, which embraced various forms of state socialism from social democracy to communism, most American unions were fundamentally committed to a more libertarian political and economic system. Lee, by contrast, focuses on what happened next: Civil rights activists attempted via litigation to establish their own set of workplace rules, which she calls the "liberal workplace constitution. But black leaders embraced labor unionism in the s, for three major reasons. Second, the new CIO unions tended to be ideologically sympathetic to civil rights, and their broad-based industrial model made excluding any group counterproductive. And finally, the emerging black leadership of the s was much more left-wing than its predecessors. At the ideological and political level, then, most black civil rights leaders pledged their support for labor unionism. At the grassroots level, however, many black workers found that labor unions were using their newfound powers under the Railway Labor Act as amended in and the Wagner Act of to exclude them. Some unions demanded that employment go only to union members. This led to the complete exclusion of black workers, who were barred from membership by union charter. Other unions organized their fields in ways that forced African American workers, who had previously formed their own unions to represent narrow classes of workers in jobs that blacks dominated, to join a broader-based union in which they were in a distinct minority. These broader-based unions then negotiated contracts that assured black workers would get only the lowest-level jobs, if any. Job categories were shifted so that white workers could take the best jobs that blacks had, but blacks were excluded from traditionally "white" work. In other cases, particularly in the construction trades, blacks were relegated to segregated locals, limiting their employment prospects to jobs in black neighborhoods. Black workers responded with a series of lawsuits seeking federal intervention, starting in the early s. Their lawyers argued that a statutory duty of "fair representation" required unions to fairly represent all workers in a bargaining group, regardless of whether those workers were, or were allowed to become, union members. The courts and the National Labor Relations Board proved reasonably amenable to this argument, but success on this ground meant expensive and time-consuming litigation over whether the unions were in fact engaging in fair representation. Civil rights litigants therefore also promoted a more radical argument: The American

Constitution puts no obligations on private parties, beyond not holding slaves. Government entities, by contrast, are subject to a host of constitutional restrictions, including prohibition on racial discrimination. Civil rights litigants claimed that the unions derived their monopoly power and position from federal labor law. When they used that power to discriminate against blacks, they were implicitly state actors and, thus, were violating the Constitution. Some moderate-to-liberal Republican jurists were sympathetic to this argument, but the litigants received a great deal of pushback from liberal Democrats, who believed that subjecting unions to constitutional norms risked severely weakening the labor movement. The Supreme Court was busy struggling with the scope of the "state action" doctrine in other contexts, and it never adopted the theory that unions were state actors for constitutional purposes. The push for a liberal workplace constitution soon became mostly moot, as the Civil Rights Act banned discrimination by labor unions, providing a statutory remedy that diminished the need for a constitutional one. While the debate over the liberal workplace constitution played itself out, conservative activists tried to establish via litigation a workplace constitution of their own. In particular, in the Hollywood mogul Cecil B. DeMille launched an effort to establish the so-called "right to work," which would ban the closed shop an arrangement restricting employment to union members , the union shop requiring nonunion employees hired to join the union within a certain time period , and the agency shop in which employees must pay union dues. That partial right-to-work victory was followed by the Railway Labor Act amendments, which established the union shop on American railroads. Their concerns had some merit. In doing so, they borrowed heavily from the "state action" arguments made by advocates of the liberal workplace constitution. Legal theories pioneered by civil rights lawyers seeking to hold unions accountable for discrimination were also useful to suggest that forcing workers to join a union or pay union dues violated the First Amendment. Nor was that the only overlap between the two movements. Right-to-work started with a strong foothold in the anti-union South, where union opponents also tended to be very hostile to civil rights. But as the right-to-work movement spread nationally, its leaders began to notice that they had a commonality of interest with advocates of the liberal workplace constitution. Union discrimination provided a useful talking point against compulsory unionism, and right-to-work literature frequently came to feature testimonials by black workers forced out of their jobs by discriminatory unions. The movement never succeeded in constitutionalizing its demands, but it did persuade many states to pass right-to-work laws, and it has managed to win a series of mostly hollow Supreme Court victories placing constitutional restrictions on the use of mandatory union dues for political activity. What started as a top-down movement funded by moguls like DeMille eventually came to have hundreds of thousands of enthusiastic adherents who lobbied and litigated for right-to-work laws across the United States. That aside, The Workplace Constitution is a lively, informative read. Unlike much labor history, it is mercifully free of jargon, of ideological cant, and of the desire to fit round facts into the square peg of Marxist ideology. The very fact that Lee treats the civil rights movement and the right-to-work movement as parallel and at times symbiotic "workplace constitution" movements itself demonstrates a welcome broadmindedness about what is significant in labor and constitutional history.

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