

## **Attack on organized labor is nothing new**

The right-wing attack on American labor unions being led by Wisconsin Gov. Scott Walker is actually Round 2 of corporate America's campaign to destroy the labor movement. Round 1 occurred in the summer of 1978. I was an eyewitness.

The ultimate aim of the right-wing strategy is to allow employers to make a mockery of workers' right to organize, established by the National Labor Relations Act during the New Deal era. Under that legislation, sometimes known as the Wagner Act, employers were required to bargain collectively with unions, which represented a majority of the employees in a designated bargaining unit. The legislation also forbade employers from interfering with the workers' right to organize and established a variety of unfair labor practices that would subject employers to fines and other sanctions for their violation.

However, over time, employers, with the assistance of anti-union lawyers and union-busting consultants, turned unfair labor practices into a hunting license. Although it was unlawful to fire union activists or intimidate employees from associating with union organizers, many companies found it was cheaper to risk fines than to recognize a union.

Employers found myriad ways to delay union recognition elections while carrying out anti-union crusades among the workers and trying to buy off those they couldn't convince with their rhetoric. Many employers would use company time to circulate anti-union messages, while prohibiting pro-union activity during working hours and barring union organizers from company property.

I was invited to Washington in the mid-'70s to help draft legislation that would restore the unfettered right of unions to seek democratic collective bargaining elections in the workplace without illegal interference from employers.

Under the leadership of Rep. Frank Thompson, chairman of the House Labor-Management Subcommittee and who represented New Jersey's working-class 4th Congressional District, the legislation would have strengthened the procedures of the National Labor Relations Board so employers could not use the law as a shield for unfair labor practices and to delay union elections.

The bill was overwhelmingly passed in the House of Representatives in October 1977 and was sent to the Senate. When it reached the Senate floor in May 1978, I was invited back to serve as special counsel to Sen. Daniel Patrick Moynihan (D-N.Y.), an ardent supporter of the bill. I spent the next six weeks sitting on the floor of the U.S. Senate as conservative Republicans and Southern Democrats (Dixiecrats) waged a filibuster egged on by the U.S. Chamber of Commerce and the Business Roundtable.

Supporters of the bill, who included several moderate Republicans, including Sens. Jacob Javits of New York and Clifford Case of New Jersey, needed 60 votes to cut off debate and bring the

bill to a vote. Liberal Democratic Sens. Dale Bumpers of Arkansas and Lawton Chiles of Florida, while not active filibusterers, were afraid to vote for cloture because of anticipated reprisals by the business communities in their states.

After six weeks, the Senate leadership made one final attempt to cut off debate. Robert Byrd, the Senate Majority Leader, said he thought he could deliver the vote of Sen. John Sparkman of Alabama, who was both in his dotage and in his last term. Sparkman entered the chamber with Byrd holding him by one arm and Dixiecrat Fritz Hollings of South Carolina holding him by the other. Hollings cast the vote and labor law reform died on the floor of the Senate on June 22, 1978, along with any hope of reviving a flagging labor movement in this country's private sector.

That success by a 40 percent minority of the Senate continues to haunt us to this day. And a new round of conservative Republican union busters now seek to seize the moment and deliver another devastating blow to American working people — by destroying the last bastion of trade unionism in this country, public employee unions.

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