Labor Law Revision and the End of the Postwar Labor Accord

Gone are the employer's goon squads and the billyclubs; today's union busters wear business suits and carry attache cases. Sharp lawyers and Madison Avenue propagandists have replaced the straightforward concern with brass knuckles with carefully calculated devices designed to destroy, without leaving any visible bruises, the desire of workers to organize.

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The U.S. Senate took its sixth and final cloture vote on June 22, seeking to stop a filibuster on S. 2467, the Labor Law Revision Bill of 1978. After securing fifty-eight of the sixty votes needed to end debate, leaders of the cloture effort saw their frail coalition begin to disintegrate. Majority Leader Robert Byrd then recommitted the bill to the Senate Human Resources Committee, thus ending the most ambitious effort since the New Deal to strengthen American workers' eroding collective bargaining rights under the National Labor Relations Act. Labor and its allies in the Senate had made substantial concessions to win over wavering senators, and the administration used its considerable arsenal of patronage, trade-offs, and constituency favors, all to no avail.

It was a disastrous defeat for organized labor that had worked hard to elect sympathetic senators and representatives to the Congress and a friendly Democrat to the White House. More to the
though contemporary analysts found numerous reasons for the defeat, they concentrated on the labor movement's declining power and influence along with the seeming inability of the Carter administration to push significant reform legislation through Congress. The case could be made without great difficulty.¹

The labor movement's power and influence had reached high tide shortly after World War II but steadily declined thereafter. With a remarkable absence of success, the labor lobby had tried since 1948 to repeal Section 14b of the Taft-Hartley Act that allowed individual states to enact legislation prohibiting the closed or union shop, preferential hiring, and maintenance of membership agreements between employers and unions. Similar frustration accompanied the efforts to enact a federal common situs picketing law overturning an adverse 1951 Supreme Court decision: in National Labor Relations Board v. Denver Building and Construction Trades Council, the Court prohibited striking building-trades unions from picketing other contractors and subcontractors on the same construction site.²

Now, to carry its weight on labor law reform, organized labor found itself dependent on a former governor from a right-to-work state who prided himself on being a moderate-conservative Washington outsider. Perhaps inevitably, the two erstwhile allies ultimately blamed each other for the defeat. But frustration, more than reasoned reflection, inspired such recriminations. In reality, labor and the administration had combined forces to wage a relatively effective campaign for this controversial legislation, but one that simply failed to overcome the tide of American industrial relations history running so strongly against it.

Recently, Melvyn Dubofsky associated the failure of the reform effort during the Carter administration with "the death of industrial pluralism and the New Deal System." Christopher Tomlins takes the argument even further, exposing organized labor's delicate legal status even during the halcyon days of the New Deal. The class-conflict model inherent in collective bargaining simply violated too directly the concept of individualism and property rights so deeply imbedded in the American psyche. The fate of the 1978 labor law reform effort provides no cause to challenge either of these analyses.³

Indeed, even if reform legislation had passed, it probably would have changed little. As Kevin Boyle concludes in this volume, the failure of organized labor, or more specifically, Walter Reuther and the UAW, "to fashion a more democratic political economy in postwar America" left corporate dominance largely unchecked. Thus labor law reform, weakened as it was in the congressional process, still would have had to undergo the same judicial and agency review that so effectively had gutted the legislative intent of the NLRA. The following review of labor law reform's storied history during the Carter administration further testifies to the labor movement's declining political fortunes, its problematic alliance with the Democratic Party, and something of the character of the Carter administration.

Labor leaders had anticipated good things during the election year of 1976. Given the fallout of the Watergate affair and Gerald Ford's unpopular pardon of Richard Nixon, it promised to be a good year for Democrats, and the party's most visible candidates—Hubert Humphrey, Walter Mondale, Stuart Udall, Edward Kennedy, Henry Jackson—all had excellent labor-liberal credentials. The only dark cloud on labor's distant horizon took the form of two southern governors, the bumptious George Wallace of Alabama and Georgia's less well known former governor, Jimmy Carter. As the campaign season progressed the complexion of the "southern threat" changed as party liberals rallied behind Carter to defeat Wallace in the critical Florida primary. That victory, along with his strong showing in earlier primaries, raised the former Georgia governor to front-runner status in the campaign. Yet, while clearly preferable to Wallace, Carter inspired little enthusiasm among most labor leaders. Nevertheless, after a final unsuccessful effort to undermine the Carter candidacy in the Pennsylvania primary, labor recognized the inevitable and made its peace with the new Democratic nominee.⁴

Although Carter wanted and needed labor support during the autumn campaign, he clearly felt no special obligation to the movement and cavalierly dispatched some of its most basic legislative objectives, including the aforementioned common situs picketing bill and the repeal of Section 14b of the Taft-Hartley Act. He did promise to sign these measures into law if passed and gave labor law reform a cool, somewhat equivocal endorsement. It was not much, but it was better than the alternative. Labor had shepherded the picketing bill though the Congress earlier, only to have Gerald Ford veto it, and by 1976, 14b had become more a symbolic litmus test than a realistic legislative objective. On the more positive side, Carter pleased labor
Conflict and discord punctuated the early days of the Carter presidency. Organized labor and the new Democratic administration disagreed over such matters as the appointment of a secretary of labor, deficit spending and the threat of inflation, tax policies, public service employment, and changes in the minimum wage rate. Clearly, labor's traditional legislative agenda had relatively little support in the Congress or among the "new" Democrats now occupying the White House. Actually, even before Carter officially took the oath of office, organized labor publicly disassociated itself with the administration. In a tone reminiscent of his attacks on Nixon and Ford, AFL-CIO president George Meany accused Carter of breaking campaign promises, and a few days later, Secretary-Treasurer Lane Kirkland announced that henceforth the labor federation would maintain an independent posture during the Carter presidency.

Unless common ground could be found, the labor movement seemed likely to lose much of its influence in an administration it had helped to elect. Conversely, the administration confronted the distinct possibility of losing the support of one of the Democratic Party's most important constituency groups. Ultimately, labor law reform provided an issue around which these improbable allies could coalesce. Although differences emerged regarding details, both labor and the administration agreed on the principle of reform. The labor movement had been seeking an adjustment in federal labor-relations law since the passage of the Taft-Hartley Act in 1947. By the mid-1970s, adverse agency rules and regulations and evolving judicial precedent had elevated labor law revision to the top of organized labor's legislative priority list.

For a fiscally conservative president who worried much about inflation and balanced budgets, labor law reform seemed an ideal issue with which to pacify his labor allies; it had no significant budgetary implications and seemed unlikely to be inflationary. Moreover, from Carter's perspective labor law revision was a public interest issue rather than a special interest concern such as situs picketing legislation that only affected a relatively small and select group of workers. The opportunity to engage in good-faith collective bargaining was, after all, a right that had been conferred on all workers whether or not they chose to exercise it. Labor law reform would simply reaffirm that right.

Labor law reform, then, became the critical issue that held together the fragile alliance between organized labor and the Carter administration. Had it passed, labor no doubt would have felt compelled to support the president in 1980. This certainly would have foreclosed Edward Kennedy's challenge in the primaries and could have significantly altered the political landscape in the 1980 election (although not likely the result). The failure of labor law reform had the opposite effect, further estranging the administration from its most likely allies in the labor movement and facilitating a debilitating challenge in the Democratic primaries that not only undermined the incumbent president but also emasculated his party.

Critics later charged that Carter and his White House staff lacked commitment to labor law reform and, as a result, failed to conduct the type of campaign necessary to secure its passage. In other words, reform was possible, but the administration botched it. In retrospect, this analysis is, at best, only partially true. To be sure, Carter and his staff warmed only slowly to labor law reform, but by the time the U.S. Senate took its critical votes on the measure, the administration was totally committed to the bill. Indeed, it spent liberally from the small fund of political capital available to it to pass the measure. By the summer of 1978, the White House staff had come to see labor law revision as the domestic equivalent of the Panama Canal treaties, the administration's uppermost foreign policy objective. It envisioned these two measures as the "bookends" that would enclose the range of foreign and domestic achievements that Carter could take to the electorate in 1980. Thus, labor law reform had become almost as important to Carter as it was to organized labor.

But meaningful labor law reform had not been an easy sell either to the president or to the Congress. Although, as noted earlier, Carter had ambiguously committed himself to reform during the fall campaign, it clearly was not high on his list of presidentially identified priorities for the Ninety-Fifth Congress. Like the Panama Canal treaties, labor law revision would arouse intense opposition that could jeopardize the passage of other desired legislation. The labor movement, however, was prepared to go forward with this measure with or without administration support, so Carter could not stall the measure indefinitely.

Secretary of Labor Ray Marshall championed labor law reform within the administration and served as the White House's principal
liaison with organized labor. The Texas economist believed the revision effort should accomplish three broad objectives: to strengthen the remedies available to the National Labor Relations Board (NLRB) to enforce existing labor laws; to improve the operations of the NLRB to make it a more efficient, equitable, and predictable regulatory agency; and to strengthen the collective bargaining rights of American workers.

During the spring of 1977, Marshall carried on extensive negotiations with the AFL-CIO in an effort to reach an agreement acceptable both to labor and the administration. After having failed to get a common-situs picketing bill through the House—the same bill passed earlier but was vetoed by Gerald Ford—labor wanted and clearly needed administration support of the labor law revision measure. After weeks of hard bargaining, AFL-CIO representatives compromised with the administration on numerous points, including the axing of three of its more controversial proposals: a provision to repeal 14b; a procedure that in some cases would have allowed certification of a union as a bargaining agent without an election; and a stipulation that would have required employers taking over a business to honor an existing union contract. In submitting Marshall’s compromise draft to the president, Stuart Eizenstat, Carter’s domestic policy chief, tried to impress upon Carter the significance of the bill to labor. “It is difficult to overestimate the importance of this matter in terms of our future relationship with organized labor,” Eizenstat wrote. “Because of budget constraints and fiscal considerations, we will be unable to satisfy their desires in many areas requiring expenditure of government funds. This is an issue without adverse budget considerations, which the unions very much want. I think it can help cement our relations for a good while.”

Hamilton Jordan, one of Carter’s closest friends and advisors, agreed and urged strong administration support of the bill. He believed such advocacy would promote more cordial relations with the labor movement and “encourage a reasonable approach on [other] issues.” This politically sensitive presidential advisor noted that labor law reform had particularly strong support from such “progressive” unions as the United Auto Workers (UAW), the Machinists, and the Communications Workers. “These unions represent our real base of support in labor,” he said, and “it is important that we honor their priorities.” Jordan also believed that a unified campaign for labor law reform could convince the UAW to reaffiliate with the AFL-CIO.

This goal, he concluded, “is in our best interest, because it will bring fresh, progressive and reasonable ideas into an organization (the AFL-CIO) which is now stale and obstreperous.”

Yet Carter continued to vacillate. Rejecting the advice of Eizenstat, Mondale, and Marshall, he refused to classify the bill as an administration measure, preferring instead to send Congress a message “endorsing the concepts and principles” of labor law reform without getting involved in specifics. In reality, of course, the administration was—and for some time had been—deeply involved in developing a measure it could support. The Marshall draft worked out with the AFL-CIO was circulated among the inner core of White House advisors and prompted a mixed reaction. Bert Lance, director of the Office of Management and Budget (OMB) and one of the president’s oldest and most trusted advisors, objected to almost every substantive provision in the bill. Juanita Krebs, Commerce, and Charles Schultze, Council of Economic Advisors (CEA), were less antagonistic but still had reservations. Krebs, for example, objected to a striker job-replacement guarantee that might “disturb the delicate balance between management and labor rights in the collective bargaining process.” Schultze worried about the economic consequences of an increased number of strikes with higher wage settlements. Predictably, Vice President Mondale and Ray Marshall strongly endorsed the bill, and Stuart Eizenstat generally agreed with them.

By the time the bill reached Carter’s desk, substantial accord had been reached on most of the complex measure’s numerous provisions. In an effort to strengthen and facilitate the enforcement of federal labor law, the administration agreed to increase the NLRB from five to seven members, to allow the decrees of administrative law judges to be affirmed by two-member rather than three-member panels of the NLRB, to reduce the time lag between filing petitions and the holding of representation elections, to debar employers who willfully violated labor law from participating in federal contracts for three years, and to provide for reinstatement and double back pay for employees unlawfully discharged for union activities.

Several points of contention remained, however, including an equal time provision permitting union organizers to address employees on company time if the employer did so. Another disputed clause would have permitted striking workers bargaining over an initial contract to return to their old jobs even if it meant the discharge of replacement workers. Disagreements also existed over the
organization of plant guards and the issuance of mandatory injunctions for unlawful dismissal and refusal to bargain.13

The president's concern with the latter problems were more tactical than principled. He feared, for example, that the property rights implications of the equal-time provision would be used as the theme of a postcard campaign that ultimately could jeopardize passage of the entire bill. Carter eventually supported the compromises worked out by Marshall on all of these matters but the job-guarantee provision for striking workers, which he wanted further time to study and eventually discarded. Although he approved the compromises worked out on the other issues, Carter continued to hedge, refusing to include these provisions in his presidential message on the subject. Instead, it was decided that during his testimony on the bill, Ray Marshall would disclose the president's support. Carter also rejected a suggestion that he meet with Senators Jacob Javits and Harrison Williams and Representative Frank Thompson Jr., the bill's sponsors, to draw attention to the issue and to acknowledge the efforts of congressional leaders who would be responsible for guiding the bill through the legislative labyrinth. Clearly, the president still sought to distance himself from the labor law reform, a reticence that fed the suspicions of labor leaders who already doubted the former Georgia governor's commitment to their cause. Thus Carter's actions compromised much of the goodwill that his advisors had hoped to build by supporting this measure, and, as they had predicted, did so without gaining credibility from labor's adversaries.14

On July 18 Labor Secretary Marshall released the president's labor law reform message and briefed the press at a White House news conference on the "concepts and principles" of reform the administration supported. Shortly thereafter, Frank Thompson introduced H.R. 8410, the Labor Law Reform Act of 1978, and Harrison Williams introduced a companion bill, S. 2467. AFL-CIO spokesmen immediately endorsed the bill, praising the administration's work on it and privately conveying the federation's gratitude to the administration for its backing.15

Because employer groups such as the Business Roundtable and the National Chamber of Commerce had been consulted and changes in the original draft legislation had been made in response to their concerns, Stuart Eizenstat assumed that business interests would be less strident in their opposition to the bill than might otherwise be expected. "While the business community will certainly oppose the bill," he told the president, "they view it as much more acceptable than earlier versions and will therefore be less vociferous in condemning the administration for its position." The administration's domestic policy chief clearly misjudged the venomous character of these groups, which, after securing concessions from the administration, used all the resources at their command to kill the legislation.16

Before the end of the summer, supporters of the reform legislation had launched a vigorous campaign to secure its passage. Seven former secretaries of labor gave the bill their unqualified endorsement, and a broad-based coalition called Justice on the Job had been organized to support the administration's labor law reform effort. Hubert Humphrey agreed to chair the organization. Success quickly rewarded that effort as HR 8410 sailed through the House on October 6 by a vote of 257 to 163. Chastened by their earlier defeat on situs picketing, labor lobbyists had taken no chances. They discussed their concerns about specific provisions of the bill with individual House members, generated appropriate information for them, and made compromises when necessary. In the end, labor spokespersons pretty much got the bill they wanted.17

The decisive nature of the vote in the House for labor law reform shocked business groups that had become somewhat complacent after the earlier, relatively easy defeat of situs picketing legislation. The National Association of Manufacturers, along with the Chamber of Commerce, the Business Roundtable, and various right-wing conservative groups, such as the National Right to Work Committee, quickly mobilized their forces against the bill. Labor responded in kind but lacked the kind of resources available to business interests. The stage was thus set for the battle that would be waged in the U.S. Senate when the Congress reconvened in January 1978.

Although Walter Mondale told the delegates to the AFL-CIO's twelfth biennial convention, meeting shortly after House action on the bill, that the Carter administration had "no higher priority next year than the passage of labor law reform in the Senate," an administration decision to take up the Panama Canal treaties first dashed labor's hopes that labor law reform would be considered early in the new session. In seeking to explain that decision, legal scholars Thomas Ferguson and Joel Rogers reminded readers of The Nation that Carter was a card-carrying member of the free-trade-oriented Trilateral Commission. They speculated that the president had elevated the controversial Panama Canal treaties ahead of labor law
reframed on his congressional agenda because of the influence within the Democratic Party of the "phalanx of big banks and multinationals who feared the impact a rejection of the treaties might have on their Latin American investments."^{18}

Business forces certainly appreciated the extra time to mobilize their troops. "Time is in our favor," concluded G. John Tyson, labor relations attorney for the Chamber of Commerce. "Delay has dissipated the momentum caused by the easy victory of similar House legislation in October," he said, and "given the Chamber additional time to mobilize grass-roots opposition." Whatever the reason for taking up the Panama Canal treaties first, effective labor law reform probably died with that decision. After the bruising Senate battle to ratify the treaties had ended, several proponents of revision legislation in that body asked Frank Moore, Carter's legislative liaison, to put off labor law reform because of "the political flak" they had already taken on Panama. Moreover, it was feared, correctly as it turned out, that Republican Senate Minority Leader Howard Baker would "become an active opponent in order to redeem" himself among Republicans who were unhappy about his support of the Panama Canal Treaties."^{19}

Reform supporters confronted other problems as well. The death of Hubert Humphrey in early January 1978 removed from the Congress one of the most eloquent champions and effective leaders of the reform effort. Then an early winter coal strike had generated significant public animosity toward organized labor. Finally, and unexpectedly, labor law reform generated almost as much emotional heat as the Panama Canal treaties. Actually, many senators reported receiving twice the mail on labor law reform that they did on Panama, and presidential mail on the subject ran almost ten to one against it. ^{20}

Nonetheless, a solid majority of senators appeared to favor the bill. The crucial question was whether the proponents had the necessary sixty votes to end an anti-labor filibuster. Ever cautious, Majority Leader Robert Byrd hesitated to bring the measure to the floor until he was sure he had the votes to invoke cloture. Victor Kamber, director of the AFL-CIO Task Force on Labor Law Reform, representatives of the Department of Labor, and vote counters in Alan Cranston's Senate office all believed they had at least sixty-three votes for cloture. Along with Senator Byrd, however, Frank Moore and his staff were less optimistic. They counted fifty-two solid votes on the first roll call and six additional votes on subsequent ballots.

The final vote would have to be garnered from among three "very shaky" senators who felt they already had been politically damaged by their Panama vote and, for the time being at least, wanted to avoid another unpopular vote. At the same time that Democratic leaders courted potential cloture votes, Republican Senators Orrin Hatch, Richard Lugar, John Tower, and Jesse Helms effectively organized the conservative effort "to talk the bill to death."^{21}

Opponents focused their attack on three particularly sensitive issues that could easily be exploited for maximum partisan impact: the bill's supposedly injurious effect on small business; the short time period for the conduct of elections, which, it was argued, failed to provide employers adequate time to make their case against unionization; and the equal access provision's potentially adverse effect on an employer's property right. Nik Eides of the U.S. Department of Labor's Office of Legislation and Intergovernmental Relations provided the White House staff an ominous description of the legislative climate awaiting the bill. This reform has become, he said, "one of the most emotional issues to reach the Senate in years. The debate will be strident and bitter and it is going to require the best efforts of the Administration to help win a victory."^{22}

Although still unsure about the cloture vote, Byrd announced that he would call up S. 2467 on May 15. Meanwhile, the president, who earlier had distanced himself from the legislation, now increased his efforts on its behalf. To rally support for labor law reform, he invited eighty-nine labor leaders, reformers, lawmakers, and reporters to a highly visible "Law Reform Breakfast" on May 9, where he told the bill's supporters: "You will have a strong, consistent partner in the White House." Indeed, as the decisive vote in the Senate loomed, the administration now increasingly characterized labor law reform as one of its major legislative objectives. ^{23}

Shortly after the Senate began consideration of the bill, the president made an unprecedented appearance before the Illinois state legislature to urge approval of the Equal Rights Amendment. During a ranging question and answer session following his brief formal address, Carter received several questions about labor law reform. The questioners expressed particular concern about the debarment of businesses (or the "blacklisting of businesses" as critical legislators phrased it) that violated federal law. The president responded by strongly reaffirming his support of the measure, including the debarment provision, which he argued was entirely reasonable. "There is
some need for a threat of punishment to any person in this country who violates a law," he said, "and if business violates the laws of the United States, there has to be some threat of consequences adverse to that business." The usual punishment for such behavior, Carter reminded his audience, "is imprisonment and/or heavy fines."

As the debate in the Senate heated up, the AFL-CIO intensified its effort to publicize the unethical and illegal practices of unscrupulous employers. The centerpiece of their campaign was a May 17 Labor Law Reform Rally held at Lafayette Park across the street from the White House and the Chamber of Commerce. Ray Marshall addressed the rally and was joined on the podium by such luminaries as Theodore Bikel, president of Actor's Equity, and Larry Brown, Kermit Alexander, and Ken Reeves of the National Football League. In the afternoon, a "Victim's Vigil" featured individuals who had been harmed by the injustices practiced by companies such as J. P. Stevens, telling their stories to a sympathetic throng of reform activists. The next day, Victor Kamber led the "victims" and other union supporters on a march to the Capitol where they lobbied on behalf of the bill. The "vigil" was labor's response to a Chamber of Commerce effort to bring small-business men and women from key states to Washington to lobby their senators against the bill.

The extent to which such rallies effectively counteracted the massive negative publicity generated by business groups is difficult to determine and perhaps immaterial, for the real decision on labor reform remained lodged in the hands of a relatively small group of senators who would determine the fate of labor law reform by voting for or against cloture. These swing senators had considerable leverage, and they used it to the fullest. Senator Ted Stevens, for example, wanted to hold up Senate consideration of an Alaskan wilderness bill strongly favored by environmentalists. Others wanted to be identified as the authors of key compromise amendments that would provide them a rationale for supporting cloture and the bill. Most got what they wanted. Meanwhile, as Labor Secretary Marshall had predicted, Senators Hatch, Lugar, Helms, and company avoided germane issues in their attacks on the bill and instead "concentrated on union bashing," "labor racketeering," "inflation," "destroying small business," and other matters which go to the heart of our national policy of fostering industrial democracy."

Majority Leader Byrd delayed the first cloture vote until June 7 to give proponents additional time to organize their forces. Still, only forty-two senators backed the first cloture effort, shocking reform advocates inside and outside the administration. Several senators who had promised to support cloture were absent, while others pledged to change their vote on some subsequent ballot. But the message was ominous; too many senators believed they had more to lose than to gain by supporting labor law reform. Even if they managed to invoke cloture, moreover, the administration's key legislative lobbyists worried that they might not have enough votes to pass S. 2467. Several senators had agreed to back cloture but said they could not risk a favorable vote on the legislation itself. Labor's friends in the Senate would also have to figure out how to break a post-cloture "filibuster by amendment," a tactic that had been developed by Senator James Allen of Alabama during the Panama Canal treaties debate. Orrin Hatch reportedly had over 500 amendments ready to introduce in the event that the filibuster was broken.

On the second ballot, seven additional senators supported cloture, four of whom had been absent on the first vote and the other three as a result of Democratic senators who switched their votes. Still considerably short of the requisite number of votes needed to end debate, Senator Byrd, with the support of the bill's sponsors, offered a package of amendments that substantially weakened four of the bill's more important but controversial provisions. Fifty-four senators then voted for cloture on the third tally and on the subsequent vote four Republican senators joined the majority, bringing the count to fifty-eight. Another senator, probably Lawton Chiles of Florida, agreed to vote for cloture if the bill's supporters came up with the sixtyieth vote. The search for that last vote ultimately centered on three southern Democrats, John Sparkman (Ala.), Dale Bumpers (Ark.), and Russell Long (La.), and a conservative midwestern senator, Edward Zorinsky (Neb.). But the administration and its labor allies never found that final vote, and after the fifth ballot, support for the measure began to disintegrate. At this point, Senator Byrd recommitted the bill to the Human Resources Committee where it died.

Symbolically, the defeat marked the final demise of the postwar accord that had inhered in key industries since World War II. Beyond the industrial sector of relatively dense unionization, little tolerance for organized labor existed, and by the 1970s, even the labor movement's core constituency had begun to crumble. In the face of technological change, deregulation in communications and transportation, and intensified international competition, American in-
Industry became more cost conscious. In an increasingly internationalized and competitive market economy, higher labor costs could no longer be passed along to consumers. To maintain profits, costs had to be reduced. Rather than making the necessary investment to boost productivity, American business attacked organized labor where it existed and resolved to maintain a union-free environment elsewhere.29

These business stratagems set the context for the labor law revision debate of 1978. Labor law reform cut against the corporate grain; anything that might empower labor in its effort to resist management's cost-saving or profit-maximizing initiatives could not be tolerated. Thus, American business aligned itself with various right-wing reactionary groups to mount a massive campaign against it. Reacting to the accelerated decline of comity in industrial relations, Douglas Fraser dramatically announced his resignation from John Dunlop's prestigious Labor Management Group, the last and most visible manifestation of corporate liberalism and the postwar industrial accord. In his letter of resignation, the UAW leader, citing the "dishonest and ugly multimillion-dollar campaign" against the labor law reform bill, accused business leaders of waging "a one-sided class war against labor." Meanwhile, the AFL-CIO's Lane Kirkland advocated repeal of the National Labor Relations Act, concluding it not only had become meaningless to labor but an additional weapon in the hands of corporate America. Industrial pluralism, to the extent that it had ever existed, indeed had died.30

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NOTES


10. Stuart Eizenstat to Carter, June 30, 1977, Folder 7/13/77 [1], Box 37, Staff Secretary File, Jimmy Carter Library.


13. Eizenstat and Johnston to Carter, July 11, 1977, Folder 7/13/77 [1], Box 37, Staff Secretary File.

14. Ibid.


16. Eizenstat to Carter, August 1, 1977, Folder 8/1/77 [2], Box 41, Staff Secretary File.

17. AFL-CIO News, September 10, 17, October 8, 1977; Congressional Quarterly, October 8, 1977, 2129, 2124.

The Labor-Liberal Alliance at Work


25. AFL-CIO Press Release, May 15, 1978, Vertical File, Labor Law Reform Folder, George Meany Memorial Archives, Washington, D.C. Ray Marshall had earlier urged the president to hold a “meeting with victims” at the White House to publicize his support of reform. In this case, Stuart Eizenstat advised against such a meeting, arguing that this ploy would not change any critical votes in the Senate and “from a national standpoint the less visible you are on this divisive issue, the better.” Eizenstat to Carter, May 11, 1978, Folder 5/9/78, Box 84, Staff Secretary File.


29. For an elaboration of this argument, see Rogers, “In the Shadow of the Law,” 283–302.