

Senate Democrats drop “card check” measure from pending bill

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A handful of Democrats in the US Senate have agreed to eliminate from a pending bill a “card check” provision that would have required employers to recognize a union as soon as a majority of workers sign union cards, without a secret ballot election.

The decision is a major defeat for the AFL-CIO and Change to Win. These organizations have plowed hundreds of millions of union workers’ membership dues into the election of Democrats in recent years. They had launched an intensive lobbying campaign to persuade “moderate” Democrats to support the card check measure, which the bureaucracy claimed was the most important labor legislation since passage of the Wagner Act in 1935.

The bill, formally known as the Employee Free Choice Act, was so associated with the card check provision it simply came to be called “the Card Check bill.” The AFL-CIO and Change to Win pushed the measure as a means of shoring up their dues base amidst a steady decline in the number of workers in these organizations.

The Senate Democrats who scrapped the measure, led by Tom Harkin of Iowa, determined that the bill, with the card check provision, could not achieve a filibuster-proof 60-senator majority after three or four conservative Democrats indicated their opposition. To make the bill more agreeable to these Democratic conservatives and some Republicans, Harkin and other Democratic senators involved in negotiations decided to drop the bill’s central component.

According to sources, Harkin also gained the agreement of AFL-CIO president John Sweeney, Service Employees International Union (SEIU) president Andy Stern and Communications Workers of America president Larry Cohen, who have been

involved in crafting the legislation.

The Democrats now control the Senate 60-40 (supposedly a “filibuster-proof” supermajority), the House of Representatives by a lopsided margin, and the US presidency—certainly a rarity in US history. Nevertheless, they have given Republicans a *de facto* legislative veto by declaring that bills must be prepared in such a way as to ensure their support. With a few Democrats announcing their open opposition to the card check measure, and with the illnesses of Edward Kennedy of Massachusetts and Robert Byrd of West Virginia, the Democratic leadership determined they could not break a Republican filibuster.

For his part, President Obama formally supported the card check, after campaigning in favor of it during his run for the White House. But in fact the White House tacitly abandoned the issue, and “very clearly indicated to Congressional leaders” that the Employee Free Choice Act was of little importance to the administration, as one account put it.

Democratic Senators have also dismissed the AFL-CIO’s request that whatever bill results from ongoing negotiations led by Harkin be voted upon in August. Senate Democrats say they are too preoccupied with health care reform and other matters.

Union executives proclaimed victory in defeat. Other possible elements of the bill, such as a proposed measure that would expedite the holding of elections for union recognition and allow union organizers greater access to workplaces, are also important, they claim.

“This bill will bring about dramatic changes, even if card check has fallen away,” one union official told the *New York Times* on conditions of anonymity. Another anonymous union official told the *Times*, “Even if card check is jettisoned to political realities, I don’t think

people should be despondent over that because labor law reform can take different shapes.”

The battle over the card check will now be replaced by a struggle over another potential component of the Employee Free Choice Act—mandatory binding arbitration. The measure would require a government-appointed arbitrator intervene when a union entering a new workplace fails to settle on a contract with an employee. With a Democrat in the White House, union executives calculate that government-nominated arbitrators will tend to intervene to enforce new contracts.

Business interests, while celebrating the elimination of the card check measure, have announced they will fight against mandatory binding arbitration. “Binding arbitration is an absolute nonstarter for us,” Mark McKinnon, a representative with pro-business Workforce Fairness Institute told the *Times*. “We see it as a hostile act to have arbitrators telling businesses what they have to do.”

“We would remain adamantly opposed to the bill regardless of whether the card check provisions remain in or out,” Randel Johnson, a spokesman for the US Chamber of Commerce, said to the Associated Press. “We’ve always made clear in every letter and meeting on the Hill that the arbitration provisions are completely unacceptable to us.”

There is little reason to believe that any of the union executives’ significant demands will be met when, and if, the Employee Free Choice Act becomes law. It is a measure of the political irrelevance of the union bureaucracy that, in spite of the millions upon millions of dollars it funnels to the Democratic Party, it is incapable of realizing the central component of its legislative agenda.

To be sure, US labor law is reactionary. By hook or crook, it prevents workers from banding together in their workplaces to fight back against the exploitation of ownership. However, this was not the concern animating the AFL-CIO’s and Change to Win’s drive for the card-check. Union executives hoped that the measure could be used to reverse the organization’s decline and expand its dues base.

There is, in fact, no reason workers would seek to join these organizations. These so-called “unions” have utterly failed to defend jobs, wages, workplace conditions, and living standards. Where unions still

exist—they now cover only 7.6 percent of the private workforce—they bully and threaten workers into accepting layoffs and wage cuts. Far from being defenders of workplace rights, the unions act as a police force against militant and independent-minded workers.

It is the unions—not the government or business interests—that have played the pivotal role in smothering nearly all strike activity over the past two decades. It is this fact that is principally responsible for the decline in membership, not the corporate-sponsored restraints placed on organizing.

The transformation of the unions into business organizations *not only unrepresentative of the interests of their workers but bitterly opposed to them* has found its most finished expression in the United Auto Workers (UAW), long America’s most important industrial union. The UAW was an indispensable ally to the Obama administration in this year’s savage restructuring of the auto industry. In return, it was given large amounts of Chrysler and General Motors (GM) stock, providing it a source for union executives’ six-figure salaries and fat expense accounts—and a vested interest in driving down the wages of workers and the benefits of retirees.

In the coming months and years workers will launch major struggles in their workplaces and beyond. In so doing, they will of necessity find themselves in conflict not only with corporate management and the government, but with the existing unions. Workers will therefore rely on new forms of organization completely free of the control of the rotten bureaucracies—shop committees and worker councils, for example.

Most critically, the success of these struggles will require that they be consciously guided by a new revolutionary leadership among workers, based on the program and principles of international socialism.



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