

# Union lawyer tells US Supreme Court: “Union security is the tradeoff for no strikes”

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*Update: On Wednesday evening, teachers reported to the WSWS that the strike in West Virginia will continue in many counties, and possibly state-wide, in defiance of the order to return to work by the unions and the governor. The WSWS will post updates on the developing situation as they become available.*

Teachers unions in West Virginia announced yesterday that they will end the state-wide strike of teachers and school employees and instruct workers to return to work on Thursday. The union executives hailed a worthless agreement with the state officials for an inadequate pay increase that may never be adopted and leaves untouched soaring health care costs that have meant a continual decline in the real income of educators.

The attempt to shut down the strike on this basis, even as it is winning growing support from teachers and other workers throughout the country, is the latest in a long line of such betrayals. It confirms the warnings made by the *World Socialist Web Site* throughout the strike that teachers confront as bitter enemies not only the Republican and Democratic officials, but also the organizations that take workers' dues money and claim to represent their interests.

This essential function of the unions—to suppress working class resistance to attacks by corporations and the government—was articulated explicitly just one day earlier in US Supreme Court oral arguments in the case of *Janus v. AFSCME* (American Federation of State County and Municipal Employees). The case concerns the constitutionality of union “agency fees”—the requirement that public service employees in some states pay the equivalent of dues even if they opt out of joining a union.

In his argument before the court, David Frederick, representing AFSCME Council 31 in Illinois, stated: “The key thing that has been bargained for in this contract for agency fees is a limitation on striking. And that is true in many collective bargaining agreements.”

Frederick continued: “The fees are the tradeoff. Union security is the tradeoff for no strikes.” If the court makes the decision to overturn prior precedent allowing states to

mandate agency fees, he warned, “you can raise an untold specter of labor unrest throughout the country.”

The argument could not be clearer: The financial stability of the trade union apparatus is essential for preventing the growth of working class opposition. This extraordinarily frank statement was made before one of the most important state instruments of the ruling class, the Supreme Court. It demonstrated how conscious the unions are of their role as industrial police for the US corporate elite and its state institutions.

The position of AFSCME before the court was supported by the state of Illinois, which is one of 20 states that permit contracts that require agency fees. Illinois Solicitor General David Franklin argued that the state has “an interest... in being able to work with a stable, responsible, independent counterparty that’s well-resourced enough that it can be a partner with us.” The purpose of this “responsible” partnership is underscored by the situation in Illinois, where the state has implemented ruthless austerity measures and relied on the unions to impose cuts to public education, health care and state workers’ wages.

The relationship between the unions and the state described by Frederick and Franklin applies to the entire AFL-CIO. Over the past four decades, the unions have worked systematically to suppress any organized opposition to the social counterrevolution carried out by the American ruling class.

In 2017, there were only seven work stoppages involving more than 1,000 workers, the second smallest number since at least 1947. The lowest was in 2009, the first year of the Obama administration, immediately following the 2008 financial collapse and the government bailout of Wall Street. The number of workers involved in large-scale work stoppages fell from an average of 1.5 million per year in the 1970s to 70,000 this decade (and only 25,000 last year)—a decline of more than 95 percent.

This same period, from the 1980s to today, has seen an enormous concentration of income and wealth in the ruling elite. The national income share for the bottom half of the

population fell from 20 percent in 1980 to 12 percent in 2014, while the income share for the top 1 percent rose from 12 percent to 20 percent. Wealth and income is even more heavily concentrated in the top 0.1 and 0.01 percent of the population.

The unions have been indispensable in effecting this transfer of wealth from the working class to the rich. This is not primarily a matter of corruption on the part of individual union officials. Of that there is plenty, as evident in the scandal that has erupted in the United Auto Workers (UAW) union involving payments from the auto companies to UAW executives involved in negotiating union contracts. This corruption, however, is an expression of the nature and function of the organizations themselves.

The 1980s, following Reagan's firing and blacklisting of the PATCO air traffic controllers, was a decade of immense working class resistance to plant closures, mass layoffs, wage cuts and union busting. But the unions ensured the defeat of every one of the hundreds of battles in the mines, in auto, steel, transport and meatpacking, and among teachers and other public-sector workers. They sabotaged these struggles to break the militancy of the working class and facilitate the transformation of the unions into fully corporatist adjuncts of the corporations and the state.

During the major class battles of the 1980s, the Workers League, the predecessor of the Socialist Equality Party, played a central role in organizing opposition to the betrayals of the unions. It sought to mobilize the rank-and-file against the pro-capitalist trade union leadership as part of a fight to develop an independent political and socialist leadership of the working class.

In the aftermath of these struggles, the International Committee of the Fourth International (ICFI) drew far-reaching conclusions about the nature of the unions. The response of these national-based organizations to the globalization of production and the decline of American capitalism was to integrate themselves into the framework of corporate management and the state and become "responsible" partners in the intensification of the exploitation of the workers. In return, the executives in the union apparatus were given bigger payoffs in the form of corporate stock, control of health care trusts, access to union-management slush funds and outright bribes.

The trade unions, the ICFI concluded, could no longer be called "workers' organizations." In an earlier period, when the unions, despite their pro-capitalist leadership and their subordination of workers to the Democratic Party, served to increase the income of workers or at least protect it from diminution, this categorization remained valid. But as Leon Trotsky, the founder of the Fourth International, explained in 1937, should these organizations "defend the income of the

bourgeoisie from attacks on the part of the workers; should they conduct a struggle against strikes, against the rising of wages, against help to the unemployed; then we would have an organization of scabs, not a trade union."

This is precisely the role of the trade unions today, not only in the US but internationally. All those pseudo-left political tendencies that insist on upholding the organizational stranglehold of the trade unions on the working class function as accomplices in their anti-working class agenda.

The strike by West Virginia teachers is an expression of a much broader development. There is deep anger in all sections of the working class over social inequality, declining wages, soaring health care costs and all of the manifold manifestations of social crisis. The "specter of labor unrest" that terrifies the unions no less than it terrifies the ruling class is beginning to materialize.

The development of the emerging movement of the working class requires the formation of new organizations—rank-and-file factory, neighborhood and workplace committees, independent of the unions and both big-business parties, and democratically controlled and accountable to the workers. The formation of such committees will mark an immense advance in developing the initiative of the workers and bringing together their struggles, in the US and internationally, to forge a common offensive against the capitalist class and its political instruments.

The formation of such organizations is bound up with the building of a political leadership in the working class to bring into its struggles a socialist program directed against the capitalist system and the social inequality, repression and war it breeds.



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