

The American Labor Movement in the Age of Obama: The Challenges and Opportunities of a Racialized Political Economy

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The relative weakness of the American labor movement has broader political consequences, particularly for the ambitions of the Obama presidency. Absent a strong countervailing political constituency like organized labor, well-organized and more powerful stakeholders like business and industry groups are able to exert undue influence in American democracy, thereby frustrating attempts at political reform. I argue that it is impossible to understand the current political situation confronting the Obama administration without an account of the underlying sources of labor weakness in the U.S. In such an account two factors loom especially large. One is the role of the state in structuring labor market institutions and the rules of the game for labor-business interactions. The second is the distinctively racialized character of the U.S. political economy, which has contributed to labor market segmentation, a unique political geography, and the racial division of the U.S. working class. In our current post-industrial, post-civil rights racial and economic order, whether and how the labor movement can overcome its historical racial fragmentation will determine its possibilities for renewal and ultimately its political strength in relation to the Obama presidency. If the labor movement remains an uneven and weak regional organization hobbled by racial fragmentation, the Obama Administration's efforts to advance its core policy agenda will lack the necessary political force to be effective.

Introduction

The labor movement remains the most powerful core constituency of the national Democratic Party, judging by its campaign contributions, its ability to mobilize the party's key voters at the grassroots level, its lobbying presence, and its influence over the party's legislative agenda.¹ Labor unions spent more money than ever to get a Democrat elected to the White House in 2008.² A labor leader, Andy Stern, visited President Barack Obama more than any other person did during the first year of his administration.³ Union support was important for the first major legislative initiative tackled by the Administration, the "stimulus package"—the American Recov-

ery and Reinvestment Act⁴—aimed at immediate economic recovery. Organized labor's support was also one of the central reasons why health care reform was successful. While the Obama Administration was able to neutralize several of the opposition interests to reform, labor was instrumental in pressuring Congress through financial contributions, grassroots mobilization, and endorsement threats in future election cycles against non-supportive legislators.⁵ Further, the labor movement has been a persistent (if not always the most powerful) constituency pushing for financial reform or re-regulation. Allying with a national network of grassroots community-based organizations in poor and working-class communities, unions co-organized a rally on Wall Street around financial regulation, with coordinated actions on banks to pressure Congress and the Administration to act.⁶ Labor is also playing a significant role on immigration reform, having abandoned the exclusionist position it held for most of the twentieth century to offer unified support to immigrant rights advocates and the Obama Administration for their reform proposals.⁷ In the most important issues on the Obama Administration's and the Democratic Congress's policy agenda—jobs and the economy, health care reform, financial regulatory reform, tax policy, immigration, energy and the environment—labor is

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a key player. One cannot understand the politics of the Democratic Party today without understanding the central role of organized labor.⁸

Labor's importance for the Obama agenda is organizational.⁹ Measured by both members and money, the labor movement is the most powerful and resourceful political constituency on the political left in American politics. This is especially true given the decline in mass membership organizations over the last half-century.¹⁰ Insofar as much of the Democratic Party's and President Obama's campaign contributions have come from organized Wall Street interests, unions are a countervailing political force within the Democratic Party.

Yet unions were once considered a countervailing power to the influence of business and industry in the American political system and economy more generally. Presently, the U.S. labor movement is in crisis, a fact routinely proclaimed by union organizers and scholars alike for at least two decades.¹¹ Relative to the movement in other advanced industrialized democracies, U.S. organized labor is very weak. It is less encompassing, less centralized, and less powerful than its counterparts, and the institutional conditions for an effective labor party in the United States are absent.¹² In the postwar era, unions' share of the American workforce dropped from over 30 percent of workers in the 1940s and 1950s to 12.3 percent of all workers and 7.2 percent of workers in the private sector in 2009—historic lows not seen since the early 1900s.¹³

This matters for issues of economic inequality. In post-industrial economies, labor unions are often the necessary and decisive political actors in efforts to reduce inequality through redistribution by the state, via their alliances with left-of-center political parties and other forms of working-class representation.¹⁴ And stronger, more encompassing labor movements reduce inequality through centralized wage-bargaining negotiations with peak employer associations and government officials.¹⁵ Insofar as class bias continues to exist in American politics—measured by rates of political participation, government responsiveness, public policy outcomes, and public opinion¹⁶—the U.S. labor movement is one of the few countervailing forces against increasing economic and political inequality.¹⁷ It is no accident that the lowest union density rates in the U.S. since the 1920s have coincided with the growth and highest rates of inequality since that period.

So, with the steep decline of union membership rates over the post-war period, and the subsequent decline in unions' bargaining power vis-à-vis employers, the labor movement saw the 2008 election as critical for its survival in the twenty-first century. To address the decline in membership, organized labor has made labor law reform a key priority of the Democratic Party over the last decade; for example, it extracted promises of support for the Employee Free Choice Act—the current reform bill which would change the rules to make it easier for unions to organize

workers over employer opposition—from all of the Democratic primary candidates, including then-Senator Barack Obama, in the 2008 election cycle.

If the labor movement does not stop the continued decline in union membership and spark a widespread renewal, it will lose its ability to deliver votes and resources for the Democratic Party in future elections, and to counterbalance the forces driving economic and political inequality. Moreover, absent a strong countervailing political constituency like organized labor, well-organized and more powerful stakeholders like business and industry groups are able to exert undue influence in American democracy and frustrate attempts at political reform.¹⁸ Hence the relative weakness of the American labor movement has consequences for the political ambitions of the Obama presidency itself.

In this essay I argue that it is impossible to understand the current political situation confronting the Obama administration without an account of the underlying sources of labor weakness in the U.S. In such an account two factors loom especially large. One is the role of the state in structuring labor market institutions and the rules of the game for labor-business interactions.¹⁹ The second is the distinctively racialized character of the U.S. political economy, which has contributed to labor market segmentation, a unique political geography (divided between “red” and “blue” states), and the racial division of the U.S. working class.

In our current post-industrial, post-civil rights racial and economic order, whether and how the labor movement can overcome its historical racial fragmentation will determine its possibilities for renewal and ultimately its political strength in relation to the Obama presidency. The decline of the manufacturing sector and the rise of the service sector—predominantly consisting of women, immigrants and people of color—along with continued racial and ethnic demographic changes, means that the majority of *new* union members are women and workers of color.²⁰ Insofar as the future of the American labor movement hinges on its ability to recruit new members, unions must organize at least one million new workers a year just to halt the decline in union density.²¹ In order to do this organized labor must reach out to these new constituencies in new ways.

Much of the recent scholarship on American labor has focused on the institutional, legal, organizational and ideological obstacles to organization which the American labor movement has always confronted.²² Yet equally noteworthy are recent attempts of the labor movement to surmount these obstacles.²³ In the closing section of this essay, I thus turn to some promising examples of organized labor's efforts to overcome its historic racial divide. These efforts include living-wage ordinances and minimum wage increases, “labor peace” and “right-to-organize” provisions, and equitable development agreements. Whether and how

quickly these innovations can be scaled up and diffused broadly will determine the future of the American labor movement as well as the future trajectory of the Democratic Party, the Obama Administration and American democracy. If the labor movement remains an uneven and weak regional organization hobbled by racial fragmentation, the Obama Administration's efforts to advance its core policy agenda will lack the necessary political force to be effective. The current moment is thus a moment of great challenge, but also great opportunity.

The Political Causes of Weak Unions

From the moment the 1935 National Labor Relations Act (NLRA) was ruled constitutional two years after its passage,²⁴ workers' rights to organize, bargain collectively, and strike have been attacked and severely curtailed by conservatives and the business community. Employers fought for and won several significant victories from the 1940s onward, from legislative reforms constraining the power of workers (like the 1947 Taft-Hartley Act and the 1959 Landrum-Griffin Act), to successfully blocking further progressive labor law reforms in the 1960s, 1970s and 1990s.²⁵ Over the past three decades, employers have become much more aggressive at violating workers' rights to organize under a much less protective labor law regime which, contrary to the intent of the NLRA, now provides perverse incentives for employers to break the law.

Employer opposition has been a crucial factor in declining unionization rates. Economists Richard Freeman and James Medoff first observed this in their classic 1984 book, *What Do Unions Do?*, estimating that twenty-five to fifty percent of the decline in union density was due to increased management opposition.²⁶ In 1994, for example, the Clinton-appointed Dunlop Commission confirmed that "in the early 1950s, approximately 600 workers were reinstated each year because of a discriminatory discharge during a certification campaign. By the late 1980s, this number was near 2,000 a year."²⁷ The Commission concluded that "the probability that a worker will be discharged or otherwise unfairly discriminated against for exercising legal rights under the NLRA has increased over time" from the mid-1950s to 1990.²⁸ A more recent study finds that employers illegally fire pro-union workers in thirty-four percent of union election campaigns.²⁹

What explains this increased and effective employer hostility to unions in the contemporary post-Fordist economic era? Scholars have advanced four explanations: (1) the exceptional anti-unionism of American employers; (2) the post-1960s breakdown of the post-war social contract; (3) the historically weak administrative capacity of the federal government; and (4) the regulatory capture of the state by big business. Each explanation has merit, though each offers at best a partial insight into anti-union hostility.

American employers have always been exceptionally antagonistic towards unions, often with state and federal governments on their side.³⁰ It is true that labor made substantial gains during the New Deal period, and that some of these gains persisted until after World War II, the years immediately following which were characterized by détente between labor and management, when employers implicitly agreed to a labor-management "accord."³¹ Yet, as Nelson Lichtenstein has argued, in many ways this post-war labor-management accord is more myth than reality.³² After their short-lived victory with the 1935 Wagner Act, which codified their right to exist and to engage in collective bargaining, unions simply got beaten back by employers, a retrenchment symbolized by the passage of the Taft-Hartley Act a mere two years after the end of the war (1947) at the height of union power (as measured by union membership numbers).³³

Still, while employer hostility did increase after labor's New Deal victories and World War II—reaching a peak with President Ronald Reagan's infamous firing of the PATCO workers in 1981—a more fundamental reason for labor's weakness has been the comparatively weak administrative capacity of the American federal government and its regulatory capture by business interests.³⁴ From its inception, the National Labor Relations Board (NLRB) lacked adequate power to monitor and enforce labor law effectively.³⁵ This might have been relatively unproblematic in the early years of its existence, when employers were still on the defensive and thus under pressure to adhere to certain norms, as those stressing the significance of the postwar social contract might argue.³⁶ But since the 1970s and 1980s, NLRB remedies for employer violations of the law have been ineffectual at best, and have provided perverse incentives for employers to break the law at worst.³⁷ Underfunded and understaffed, the NLRB has further been prone to regulatory capture by business interests, as we have indeed seen during periods of conservative governance.³⁸

Increasing employer hostility to workers' rights and unionization efforts, and the ineffectiveness or disinclination of the NLRB to redress this hostility, have driven organized labor to promote labor law reform, to fix what they consider to be a broken system. Convinced that such reform is essential to the survival of both unions and the Democratic Party, President Obama and Democratic party leaders have committed themselves to pass such reform. Their hope is to reverse labor's organizational fortunes by changing the rules of union recognition and collective bargaining, making it easier to overcome management opposition to organizing drives, and increasing the penalties on employers for violating the law. An NLRB with real teeth would be an important institutional advance. But reform has not moved anywhere near the top of the Democratic policy agenda as of mid-2010, and such policy reform would be insufficient anyway. For labor must

also overcome the deeper historic legacies of a racialized political economy which play out in the broad political arena, and in the racial fracturing of the labor movement in particular.

Racial Regimes in American Political Economy

Recently, political scientists have been paying more attention to the role of race in American political development.³⁹ But much of the relevant literature still ignores the relationship between historically specific economic regimes and racial orders.⁴⁰ Even in their seminal article on “racial orders in American political development,” Desmond King and Rogers Smith say explicitly that their approach “analyzes the ‘political economy’ of American racial systems by stressing the ‘political’, not the ‘economy.’”⁴¹ But leaving the “economy” out presumes that economic regimes are conceptually and empirically separate from state institutions. Yet the political construction of *racialized* markets is a central feature of the American labor movement’s historical development and future possibilities. As Fred Block writes: “Labor markets . . . are politically structured institutions in which the relative power of the participants is shaped by legal institutions that grant or deny certain baskets of rights to employers and employees. And this, in turn, generates an ongoing process of political contestation to shape and reshape these ground rules to improve the relative position of the different actors.”⁴² And race has been central to the political construction of U.S. markets, ever since the founding of the republic and its constitutional compromise on the question of slavery.

Borrowing historian Thomas Holt’s tripartite categorization, I identify three analytically distinct but temporally overlapping periods in the development of a racialized American political economy: *feudal* or *pre-Fordist*, *Fordist*, and *post-Fordist*.⁴³ What is key about the highly unequal racial and economic regimes in each period is that they were and are *politically constructed*.⁴⁴ Citizenship laws, for example, have defined the eligibility of racialized groups to make claims on political and market institutions, while state regulations governing employment relations, for another example, have proscribed the rights and freedoms of workers across race.⁴⁵

The feudal/pre-Fordist period. Our modern conception of race took root in the feudal/pre-Fordist racial and economic order.⁴⁶ Defined at first largely by a Southern agricultural plantation system based on African slave labor, and in the post-Emancipation period by Jim Crow sharecropper labor, the economic regime in this period is the clearest example of the political construction of a racialized market economy. This order, in which “racial and labor regimes were mutually dependent,”⁴⁷ linked ascrip-

tive notions of race to feudal labor relations inside a hierarchy of civic status that was maintained by the state.⁴⁸

The Fordist period. Emerging first in the American north with industrialization, the Fordist economic regime radically reorganized production and labor, the meaning and dynamics of race, and the possibilities for political mobilization. Named for the production process made most famous by Henry Ford’s automobile factories in Detroit, the mass production- and consumption-based economy socially dislocated industrial workers, but it was also underwritten by “Progressive” state policies—like health and safety regulations, worker’s compensation rules, zoning laws, and the Federal Reserve system. The shock of the Great Depression combined with the social and economic effects of World War II to provide the political opportunity for New Deal and subsequent reforms promoting workers’ rights, social security, and an “exceptional” American welfare state.⁴⁹ In addition, the post-war “labor accord” created a private welfare state for advantaged labor insiders. Members of the large industrial unions conceded labor peace and stability, and rising productivity, in exchange for relatively high wages, employer-based benefits and insurance plans, and declining economic inequality.⁵⁰ Yet the vast social protections won in this Fordist era were racially exclusive, a legacy of the racial subordination from the pre-Fordist order.⁵¹ Race and gender exclusions institutionalized ascriptive inequalities in social policy and citizenship laws, undermining the vitality of the American social welfare system and the success of redistributive policies.⁵²

Most importantly for the American labor movement, the cornerstone of New Deal era reform—the NLRA—was itself racially exclusive.⁵³ Though its occupational exclusions for domestic and agricultural workers (something it shared with other New Deal social policies) were race-neutral on their face, they excluded the vast majority of black workers at the bottom of the Fordist (and pre-Fordist) orders who were disproportionately employed in those sectors. These exclusions, the product of compromise between the Southern and Northern wings of the Democratic Party, had long-term consequences for the subsequent development of the American labor movement.⁵⁴ The 1947 Taft-Hartley Act left these racialized occupational exclusions in place, and severely limited the power and growth of organized labor across the South just as the labor movement began seriously threatening the feudal/pre-Fordist and Fordist racial and economic orders in those states under Jim Crow.⁵⁵

Again, the racially-exclusive legacy of New Deal social policies and the severe curtailment of labor power embodied in Taft-Hartley were the effects of politically-constructed racialized markets. And the uneven geographic development of the American labor movement can be directly traced to these markets.

The post-Fordist/post-civil rights period. The economic regime in this period, in which we find ourselves today, is marked by the triumphant end to *de jure* racial exclusion and discrimination brought by the civil rights movement, but also by mass deindustrialization and a shift to a service-based economy with job growth at the high and low ends of the labor market, high levels of job insecurity and volatility, and mass consumption driven by consumer debt as a result of stagnant wages.⁵⁶ This new order is best symbolized by the emergence of Wal-Mart as the nation's largest single private employer. Centering on the mass retail of cheap consumer items produced abroad, and with roots in the low-wage and anti-union economy of the South, Wal-Mart has been characterized by historian Nelson Lichtenstein as the "template for twenty-first century global capitalism."⁵⁷

While the "Wal-Mart economy" has adversely affected workers, especially industrial workers, of all races, it has had a particularly adverse impact on workers of color. The Fordist regime, centered on manufacturing industries whose workers were heavily organized by the comparatively racially inclusive Congress of Industrial Organizations (CIO), offered stable employment, decent working conditions, and a path to the middle class for many workers of color, especially African Americans. But the new post-Fordist regime has blocked this path to the middle class.

During the postwar period, the dominant approach to eradicating race and class inequalities involved programs to make poor people and people of color "more employable" in the existing manufacturing economy.⁵⁸ These programs focused on increasing human capital through education and skill development, and the creation of a legal tool in Title VII of the 1964 Civil Rights Act that outlawed racism in employment and in labor unions. Enforced by the newly created Equal Employment Opportunity Commission (EEOC)—notably independent from the National Labor Relations Board and the Department of Labor—anti-discrimination policies led advocates to assume that African Americans and other racially marginalized workers would be finally integrated into unions and manufacturing industries.⁵⁹ Unfortunately, as Josh Sides writes of the policies associated with the War on Poverty, the problem with this approach was not that it "failed to eradicate poverty and unemployment among the black population, but that it failed to recognize the new, as well as the old, causes" of those conditions.⁶⁰ The "tragic irony of postwar African American history," he continues, was that the "decline in industrial employment began just as the civil rights movement was finally making headway in America's largest industries."⁶¹

Fragmented Counter-Movements

The racial and economic orders associated with each of the three periods discussed above shaped the possibilities

and constraints for social groups mobilizing to seek protection and redistribution against the unique modes of exploitation and inequality produced by each regime.⁶² For the American labor movement, race was the fundamental source of division and fragmentation among workers throughout the first two regimes and well into the third.⁶³ No single factor is more important for understanding the relative weakness of the U.S. labor movement. While the pre-Fordist and Fordist racial/economic orders produced other exclusionary divides—ones along lines of skill level, gender, and geography—the racial divide, tied explicitly to civic status and economic position, was the central one. And while white workers arguably had little power to affect the "boundary-drawing strategies" of the state and of capital in creating racially-segmented labor markets, they were nevertheless complicit in "constructing exclusionary class identities" based on whiteness.⁶⁴ This took the form, for example, of explicit racial exclusions from craft unions in the American Federation of Labor during the pre-Fordist and Fordist regimes.

The political implications of these racial exclusions of workers of color from the labor movement have been far-reaching for both organized labor and American political development more broadly. As W.E.B. Du Bois wrote in *Black Reconstruction* (1935), discussing the failure of a racially united labor movement during and immediately after Reconstruction:

It was not until after the period which this book treats that white labor in the South began to realize that they had lost a great opportunity, that when they united to disfranchise the black laborer they had cut the voting power of the labor class in two . . . They realized that it was not simply the Negro who had been disfranchised in 1876, it was the white laborer as well . . . The South, after the war, presented the greatest opportunity for a real national labor movement which the nation ever saw or is likely to see for many decades. Yet the labor movement, with but few exceptions, never realized the situation. It never had the intelligence or knowledge, as a whole, to see in black slavery and Reconstruction, the kernel and meaning of the labor movement in the United States.⁶⁵

In a later section of the book, DuBois spelled out more explicitly the political implications of this lost opportunity: "The result is that the South in the main is ranged against liberalism. No liberal movement in the United States or in the world has been able to make advance among Southerners."⁶⁶

After the failure of Reconstruction, many hoped that the emergence of the twentieth-century civil rights movement and the Second Reconstruction it promised would solve both the labor and the race problem in American political development.⁶⁷ But race continued to divide the labor movement, while class continued to divide the black countermovement. As a consequence, demands aimed at the economic transformation of the low-wage racialized labor market were overshadowed by other integrationist demands centered on education and political rights, the

achievement of which were the major victories of the civil rights movement.⁶⁸ As historian Alan Draper notes, labor movement leaders who supported the civil rights movement did so in large part because “they expected the civil rights movement to resolve the southern political problem for labor. Blacks would do the political work that southern workers the unions had failed to organize in the 1930s and 1940s should have done. Black enfranchisement, then, would initiate the realignment of southern politics the labor leaders desired.”⁶⁹ But this hopeful expectation never came to pass, and civil rights gains failed to translate into labor organizational strength or political empowerment in the South.

Blue-State Exceptionalism

Because of this history, organized labor is strongest in the “blue” coastal and Midwestern states, and weakest in the old Confederate states where the plantation-centered racial and economic order of the pre-Fordist era was deeply rooted. In “blue islands” of labor strength like California, New York, and Illinois, labor has recently been reconfiguring regional labor markets, seeking to re-embed state-economy relations at the local, regional and state level through living wage ordinances and minimum wage increases, labor peace and “right-to-organize” provisions, and equitable development agreements.⁷⁰

The starting point for such local innovation was the first municipal living-wage ordinance, passed in Baltimore in 1994.⁷¹ Fifteen years later, there are more than 140 such ordinances in place.⁷² There has been a similar exponential increase in state minimum-wage laws, as labor and community coalitions responded to the national government’s failure to increase the federal minimum wage for over ten years (from 1997 to 2007). In 1998, there were seven states with a minimum wage higher than the federal minimum wage; by 2008, there were twenty-seven. In 2006 alone, seventeen states passed laws increasing their minimum wage.⁷³

A second, and more consequential, example of local labor innovation is the expansion of union recognition and bargaining rights at the municipal and state level.⁷⁴ The racially-specific occupational exclusions of domestic and agricultural workers in the original NLRA, combined with the exclusion of independent contractors encoded in Taft-Hartley, left millions of low-wage workers unable to mobilize effectively for social protection.⁷⁵ But public and service sector unions searching for ways to grow have won extensions of workers’ rights to the home-care, child-care, and nursing-home workers.⁷⁶ Relying on their political strength in blue states, and using a range of political mechanisms—including ballot initiatives, legislation and gubernatorial executive orders—labor has incorporated these workers into a decentralized labor law regime at the local and state levels, often by creating new “employers of record”

for these groups of workers in the form of new state agencies, agencies that then recognize unions as the workers’ bargaining agents.⁷⁷ As a result, hundreds of thousands of mostly low-wage and in particular women workers of color have been organized into the labor movement.⁷⁸

A third innovation at the local level has been the equitable development or community benefits agreement (CBA). CBAs are legally binding agreements, usually struck between a private developer and a coalition of community organizations, labor unions, and environmental and other advocacy groups, under which community members pledge support for a development project in return for tangible benefits, such as living-wage jobs, local hiring agreements, green building practices, funds for parks, affordable housing, and child care.⁷⁹ Since the very first CBA, negotiated in 1997 over the Hollywood & Highland development in Los Angeles, there are now more than twenty CBAs in effect across the country.⁸⁰ These agreements often are accompanied by “right to organize” provisions: local, firm-specific, mutually agreed-upon rules for union organizing. Also called “labor peace” agreements, “neutrality” agreements, or “card-check”/“majority sign-up” procedures—depending on their specifics—these agreements make it easier for workers employed in the development to choose to unionize. Often negotiated separately from community benefits agreements, but simultaneously with them, these agreements set restrictions on the kind of conduct in which employers and unions can engage during a specified length of time while workers decide whether they want to organize or not. These agreements are a major tactical innovation employed by labor, and they have had great effect over the past fifteen years.⁸¹ Although there is no centralized database of them, by my rough estimate there have been at least a thousand or so of these agreements put in place since the early 1990s.⁸² They have become the primary method used to organize workers into unions today: Of the 400,000 or so private sector workers organized in 2008, only 70,000 were organized through what unions consider to be the broken NLRB election process.⁸³

Conclusion

The economic implications of these innovations are straightforward. Thousands of workers of color in largely urban, racialized, low-wage labor markets have gained increased social protections and improved wages and working conditions through unionization and local labor market regulations. But, to borrow the words of one enthusiastic camp of scholars studying these efforts, could these local innovations really “be the start of something big”? Will unions be able to overcome the historical racial fragmentation of the workforce and advance a progressive labor agenda, or will race continue to divide organized labor?⁸⁴

The answers to these political questions are unclear. These efforts may indeed in time generate something big. But optimistic scholars of the contemporary labor movement have spent over a decade promising the revitalization of unions in American society, especially when organized labor appears to be acting more like a social movement than a traditional interest group.⁸⁵ Such predictions severely underestimate the crucial role that race has played, and continues to play, in constraining labor's union and political organizing.

By increasing their membership in blue states, especially with workers of color and women, service-sector unions in particular are contributing to the medium- to long-term conditions for labor renewal by increasing the numbers of potential or likely Democratic Party voters. Yet these successes also perpetuate the uneven geographic development of the American labor movement. They may advance the goals of racial and economic equity in Blue America, but until and unless similar inroads are made in Southern right-to-work states with low union density, labor's goal of becoming a national political movement will remain unrealized.⁸⁶ These innovations demonstrate that in select geographic locations the labor movement can be successful, even absent the national labor-law reform that most scholars of American labor and unions support. But their ultimate significance depends on how well and how fast unions can extend their successes to the national level, and how well they are able to address the racialized component of the post-Fordist economic order.

On the question of scalability, there are serious limits, as many scholars have noted.⁸⁷ Living-wage ordinances, local union-recognition and bargaining agreements, and right-to-organize provisions cannot be scaled up to the national level, because they would ultimately run afoul of the federal preemption doctrine of current labor law.⁸⁸ The Employee Free Choice Act (EFCA) seeks to reform federal labor law to facilitate such efforts. But the EFCA is not a current legislative priority of the Obama's administration. Indeed, the election to the Senate of Republican Scott Brown to replace the late Edward Kennedy from Massachusetts all but guarantees that labor and its allies will be unable to overcome a Republican filibuster on the EFCA for the foreseeable future.⁸⁹ As a result, in the short term, organized labor will remain a geographically-concentrated and weak political force supporting the Obama Administration's agenda. This weakness will surely last through the end of Obama's first term, and, should he be reelected, likely well into his second.

Absent national labor law reform, organized labor can try to diffuse its local innovations horizontally. But exactly where these efforts are diffused has political implications: they can either reinforce the existing geographical concentration of labor strength in blue states, or they can open up political possibilities by recruiting new union members in purple and red states. There is evidence of

some diffusion into swing and conservative states—Arizona, Washington, Wisconsin, Pennsylvania, Georgia and Colorado—but this diffusion is not yet fast enough to translate into an exponential increase in labor's political strength in those states in the next two election cycles.⁹⁰

On the question of the racialized contemporary economic order, insofar as low-wage labor markets are still highly segregated by race and gender,⁹¹ the ability to transform low-wage jobs and ultimately the entire unequal racial and economic order will depend on labor's ability to tackle the race- and gender-specific mechanisms of exploitation, not just the mechanism of class.⁹² Contrary to more pessimistic predictions,⁹³ the labor movement has recently posted some impressive successes in directly incorporating racial and gender concerns into its organizing strategies. During the 1990s, for example, the hotel workers' union in Las Vegas grew from roughly 18,000 members to over 60,000, as a result of a smart strategy to organize more than ninety percent of the hotels on the Vegas "Strip".⁹⁴ Organizing the more than sixty percent of workers of color in the casino industry in a red right-to-work state has had dramatic political consequences: while George W. Bush won Nevada's electoral votes in 2004, Barack Obama took the state in 2008. Further examples of organized labor's success at addressing questions of race and gender include the recent successful unionization of 4,000 African-American security officers in Los Angeles, 5,000 predominantly Latino janitors in Houston, Texas, and 5,000 black and Latino workers at the largest pork processing plant in the world, located in the least unionized state in the U.S., North Carolina.

These examples represent a significant shift in union strategy reflecting organized labor's commitment to transforming racial and economic inequality.⁹⁵ The future of the American labor movement will hinge on this commitment more than it will on any other strategy debated by scholars of organized labor, from national labor law reform to social movement unionism.⁹⁶ The future of the Democratic Party and the success of the Obama Administration depend on it as well.

Notes

- 1 Greenstone 1969; Dark 1999; Gottschalk 2000; Francia 2006.
- 2 According to the Center for Responsive Politics, the "labor sector" spent more than \$150 million during the 2008 election cycle, although business spending was more than double that amount. See Mayer 2009.
- 3 Andy Stern, President of SEIU, visited the White House twenty-two times during the first six months of 2009, more than any other visitor. See Zeleny 2009.
- 4 *American Recovery and Reinvestment Act*, Public Law 111-5, codified at *U.S. Code* 26 (2009).
- 5 Beckel 2010.

- 6 Greenhouse 2010.
- 7 Preston and Greenhouse 2009; Fine and Tichenor, 2009.
- 8 The 1932 critical election sparked a political realignment that permanently incorporated the labor movement as a core constituency of the twentieth-century Democratic Party, so much so that J. David Greenstone proclaimed organized labor as the “national electoral organization of the national Democratic Party.” See Greenstone 1969, xiii.
- 9 As Larry Jacobs and Desmond King argue, in accounting for the administration’s mixed record of success on its agenda analysts must acknowledge the imbalances in *organized* forces that pressure Congress and the White House on a range of issues. See Jacobs and King 2010.
- 10 Skocpol 2003.
- 11 Fantasia and Voss 2004; Levi 2003; Milkman 2006; Sweeney 1996.
- 12 Levi 2003; Thelen 2001; Wallerstein and Western 2000.
- 13 Bureau of Labor Statistics 2010.
- 14 Bradley et al. 2003; Esping-Andersen 1990; Korpi 1983; Wallerstein 1989.
- 15 Western 1997; Wallerstein 1999.
- 16 Wolfinger and Rosenstone 1980; Rosenstone and Hansen 1993; Berinsky 2002; Jacobs and Skocpol 2005; Bartels 2008; Schlozman and Burch 2009; Winters and Page 2009.
- 17 Levi 2003.
- 18 Winters and Page 2009; Lindblom 1977.
- 19 Hattam 1993; Olson 1965; Robertson 2000.
- 20 Bronfenbrenner and Warren 2007.
- 21 Bronfenbrenner 2005.
- 22 Freeman 2007; Frymer 2008; Hattam 1993; Levi 2003; Lichtenstein 2002.
- 23 Dark 1999; Farhang and Katznelson 2005; Freeman 2007; Frymer 2008; Hattam 1993; Jacoby 1991; Levi 2003; Lichtenstein 2002; Roediger 1991. See Fine 2005 for a more optimistic account.
- 24 *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937).
- 25 Farhang and Katznelson 2005; Dark 1999.
- 26 Freeman and Medoff 1984. Freeman strongly defended this finding twenty years later, in a reassessment of the 1984 book. See Freeman 2007.
- 27 U.S. Commission on the Future of Worker-Management Relations (“Dunlop Commission”) 1994.
- 28 U.S. Commission on the Future of Worker-Management Relations 1994.
- 29 Bronfenbrenner 2009.
- 30 Jacoby 1991; Hattam 1993.
- 31 Fraser and Gerstle 1989; Fantasia and Voss 2004; Clawson and Clawson 1999; Piven and Cloward 1997.
- 32 Lichtenstein 2002.
- 33 Farhang and Katznelson 2005.
- 34 Jacobs and King 2009.
- 35 Gross 1995. Compare the remedies available to the NLRB to those of its sister workplace agency, the EEOC. The EEOC, although also relatively weak, at least has the ability to impose punitive damages on companies for violating employment law. See, generally, Frymer 2008.
- 36 See also Western and Rosenfield 2009 for a recent iteration of the norms/social contract argument.
- 37 Weiler 1990.
- 38 Gross 1995.
- 39 Lowndes, Novkov, and Warren 2008.
- 40 King and Smith 2005; Dawson and Cohen 2002; McClain et al. 2009. See Jacobs and Soss 2010 for an argument about making political economy the center of American politics research.
- 41 King and Smith 2005, 75.
- 42 Block 2003, 6. This explains why there is intense political contestation over the Obama-supported Employee Free Choice Act. Thus far, business interests have successfully mobilized it off of the national agenda.
- 43 I borrow Thomas Holt’s conceptualization of these racial-economic regimes. This conceptualization overlaps with Katherine V.W. Stone’s similar typology of artisanal, industrial and digital production, and Loic Wacquant’s four “peculiar institutions”. See Holt 2000, Stone 2004, and Wacquant 2001. I include Jacobs and King’s “finance capitalism” as constitutive of the third regime; see Jacobs and King 2010.
- 44 See King and Pearce (forthcoming) for an overview of contentious politics and markets.
- 45 Smith 1997; Nakano Glenn 2002; Orren 1991.
- 46 “Race” as the defining ascriptive characteristic of a social, political and economic hierarchy of inequality did not take root immediately, as Barbara Fields reminds us. See Fields 1982 and 1990.
- 47 Holt 2000: 37.
- 48 Reed 2002; see also Orren 1991 and Glenn 2002. Orren argues that the United States had a feudal labor-relations system until organized labor transformed it with New Deal labor reforms.
- 49 Orren 1991, 1995; Lichtenstein 2002; Amenta 1998; Hacker & Pierson 2002; Lieberman 1998; Skocpol 1995.
- 50 Gottschalk 2000; Lichtenstein 2002; Stone 2004.
- 51 Lieberman 1998, 2008; Brown 1999; Williams 2003; Katznelson 2005; King and Smith 2005; Frymer 2008.
- 52 Smith 1997; Lichtenstein 2002. For example, Robert Lieberman shows how “race and class were mutually constitutive in the making and growth of the

- American welfare state,” while Suzanne Mettler argues that New Deal social welfare policies codified race and gender hierarchies, thus producing “divided and unequal citizens.” See Lieberman 1998, 26, and Mettler 1998.
- 53 Frymer 2008.
 - 54 Farhang and Katznelson 2005; Frymer 2008.
 - 55 See Farhang and Katznelson 2005 for an extended discussion.
 - 56 Sassen 1998; Cohen 1999; Reed 1999; Wright and Dwyer 2003; King and Rueda 2008; Stone 2004; Lichtenstein 2006.
 - 57 Lichtenstein 2006 and 2009.
 - 58 O'Connor 2000.
 - 59 Frymer 2008.
 - 60 Sides 2003, 179.
 - 61 Sides 2003, 183.
 - 62 Jacobs and King 2010.
 - 63 Gould 1977; Hill 1985; Zieger 2007.
 - 64 Silver 2003, 24; Roediger 1991.
 - 65 DuBois 1935, 353.
 - 66 Du Bois 1935, 704.
 - 67 Marable 2007.
 - 68 Goluboff 2007.
 - 69 Draper 1994, 14.
 - 70 Milkman 2006; Orr 2007; Turner and Cornfield 2007; Wells 2002; Luce 2004; Fine 2005; Dean and Reynolds 2009; Pastor, Benner, and Matsuoka 2009; Parks and Warren 2009; Schragger 2009.
 - 71 Luce 2004; Fine 2005; Swarts 2008.
 - 72 Luce 2004; Swarts 2008.
 - 73 Six states approved their minimum wage increases through ballot referenda; the rest were the result of legislative action. Caplan 2006; Fitzpatrick 2007.
 - 74 Wells 2002.
 - 75 Farhang and Katznelson 2005; Frymer 2008.
 - 76 Farhang and Katznelson 2005; Frymer 2008.
 - 77 See P. Smith 2006 and 2008.
 - 78 Recent examples include 74,000 home care workers organized in Los Angeles in 1999; 49,000 family child care providers who won recognition through gubernatorial executive order in Illinois in 2005; and 40,000 child care providers who won recognition in Michigan in 2006. See Cleeland 1999; Amber 2005; Hobbs 2006.
 - 79 Examples in the international context are codes of conduct, which aim to improve working conditions for sweatshop workers in the global apparel industry. See Seidman 2007. See also Bartley 2007; Sachs 2007; Schragger 2009.
 - 80 Parks and Warren 2009.
 - 81 Sachs 2007; Eaton and Kriesky 2001; Brudney 2005.
 - 82 Based on data collected on these agreements from unions involved in the “Changing Climate for Union Organizing at the Turn of the Millennium” research project (2006–2009), jointly conducted with Kate Bronfenbrenner.
 - 83 Amber 2009.
 - 84 Pastor et al. 2009.
 - 85 Clawson 2003; Fantasia and Voss 2004; Freeman and Rogers 1999; Levi 2003; Milkman 2006; Sweeney 1996.
 - 86 There is evidence of similar kinds of local successes in red states such as Texas, North Carolina, and Florida, which will have significant political ramifications within several election cycles if they can be replicated.
 - 87 Sachs 2007, Schragger 2009.
 - 88 Some of the provisions of community benefits agreements were in fact scaled up and included in the Recovery Act—such as local-hiring, prevailing-wage, and right-to-organize language.
 - 89 This does not include the handful of Senate Democrats who also oppose EFCA.
 - 90 See the map of the Partnership for Working Families, the national labor organization primarily responsible for such diffusion efforts: www.communitybenefits.org.
 - 91 McCall 2001; Pager, Bonikowski, and Western 2009.
 - 92 Massey 2007.
 - 93 Dark 1999; Farhang and Katznelson 2005; Freeman 2007; Frymer 2008; Hattam 1993; Jacoby 1991; Levi 2003; Lichtenstein 2002; Roediger 1991.
 - 94 Meyerson 2009.
 - 95 Helfand 2006; Greenhouse 2006; Greenhouse 2008.
 - 96 Freeman and Rogers 1999; Clawson and Clawson 1999; Lichtenstein 2002; Clawson 2003; Levi 2003; Fantasia and Voss 2004; Francia 2006; Milkman 2006; Freeman 2007.

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