

The New War on Unions

By Esther Kaplan

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The campaign exploded onto the scene in February: expensive, full-page ads in the *New York Times*, the *Wall Street Journal*, and the *Washington Post*. Radio ads on the major stations in Boston. Editorials in right-wing papers such as the *Washington Times*. A flashy new website. Altogether, according to the man behind it, a \$5 million-a-year public relations blitz. The target of this all-out assault: labor unions. The vehicle: an innocuous sounding organization called the Center for UnionFacts.

Smear tactics

Who is behind the Center, its founder, Richard Berman, won't say, except to note that he is already raised \$2.5 million from companies, trade organizations, and individuals. But Berman addressed a conference of the state Chambers of Commerce in January, where, according to one attendee, participants pledged millions of dollars in support. And Randel Johnson, a vice-president of the U.S. Chamber of Commerce, the pro-corporate lobby group, served as an advisor in creating the Center. (Sarah Longwell, spokesperson for the Center for Union Facts, did not return repeated phone calls.)

Berman himself is a well-known corporate attack dog, who has taken money from the alcohol, tobacco, and fast food industries to campaign against drunk driving laws, smoking bans, and the federal minimum wage. Because he can't advance these causes on the merits, his strategy is to smear his opponents, claiming that groups like Mothers Against Drunk Driving "use... intimidation tactics, and even threats of violence to push their radical agendas." His network of fake grass roots organizations, with populist sounding names like the Center for Consumer Freedom, typically channel millions of dollars directly back into his own lobbying firm, Berman & Co., and also violate the boundaries of nonprofit "charitable" work - a track record so shoddy that one ethics watchdog group has called for a full Congressional investigation.

In Berman's new attack on unions, says Mary Beth Maxwell, director of the pro-union group American Rights at Work, "you can see the old play book at work." One ad shows a padlocked factory gate with the caption "Brought to you by the "union ,leaders who helped bankrupt steel, auto, and airline companies" - as if these companies' business strategies had been dictated by union officials.

Warping the facts

A Center press release entitled, "Hypocritical Union Leaders Overpaid," claims that salaries of union officers rank with that of corporate CEOs. But according to Berman's slick website, UnionFacts.com, the president of Communications Workers of America (CWA) earned \$172,295 in 2005 - less than 2 percent the size of CEO salaries at companies with the most CWA members. The CEO of SBC, for example, earned \$15.7 million in 2004 and the CEO of Verizon, \$17.3 million.

The website boasts that it exposes unions' "dirty laundry," such as Unfair Labor Practice charges filed against unions. But it fails to mention that many charges were unsubstantiated. For example, the site lists only one charge filed against Local 1180 - and that charge was never substantiated. "These are the old arguments folks always put out when they're trying to discredit labor," says Maxwell. "It's just new packaging."

So why is this attack coming now, with the number of unionized workers in a steady downward slide and with the labor movement facing a national split? Lee Cokorinos, the author of several reports and books on right-wing politics, says that "even though there are tremendous problems within the labor movement, there are models out there setting the stage for a resurgence." These models include using card check in unionization drives, the introduction of legislation to force large companies to provide health care coverage, and corporate campaigns that unite labor unions and community groups in pressuring exploitative companies. "The Wal-Mart campaigns have really stunned them," Cokorinos says, "especially the victory in Maryland, forcing Wal-Mart to pay its share of health care costs. Wal-Mart is practically toxic now in terms of PR. And the right's think tanks are weighing in to counter this."

A broader attack

The Berman-led campaign is just one part of a broader assault on labor. Only about 100 union-busting consultants existed in the late 1960s, but some 2,000 such firms today constitute a \$1 billion-a-year industry. They draft anti-union literature, teach managers how to scare off union support, and run workshops with titles like "How to Stay Union Free." And they're hired by corporations to combat three out of every four union organizing drives. According to a study by John Logan, a professor at the London School of Economics, "by the 1990s, the consultants themselves, their anti-union ideology, and their vast armory of counter-organizing tactics had all become deeply ingrained in the fabric of labor-management relations, with disastrous consequences for unions." The message of these consultants is bolstered by pro-corporate advocacy organizations such as the Alliance for Worker Freedom, founded by conservative activist Grover Norquist, which seeks to increase the number of so-called "right to work" states, and rightwing think tanks, such as the National Legal and Policy Center, which produces a "Union Corruption Update" to feed antiunion stories to the news media.

In recent years, the assault on unions has come from inside the government as well. Bush stacked the National Labor Relations Board (NLRB), once a relatively neutral arbiter of labor-management disputes, with pro-business conservatives such as Robert Battista, an attorney who helped Detroit newspapers bust unions in the 1990s. The board has excluded entire classes of workers, such as graduate teaching assistants, from its protection. It has thrown obstacles in the path of temps seeking to unionize. It has used technicalities to declare strikes illegal, and much more.

Fred Feinstein, a professor at the University of Maryland who was general counsel to the NLRB under President Clinton, says that ever since the Reagan era, "the board has become increasingly enmeshed in the campaign against unions." During the Clinton years, the board "struggled" to restore the board's former role, but that ended with the election of George W. Bush. "We now have aboard whose decisions are contributing to union decline, decisions that appear at best indifferent to the enormous obstacles that workers face today when they try to organize," Feinstein says. "At every opportunity, this board tips the scale in one direction - toward management."

And the Bush Labor Department has made undermining unions - rather than protecting workers - its primary task. In 2003, Labor Secretary Elaine Chao instituted onerous new financial reporting requirements on labor unions, called LM-2's, which have produced data that Berman mined for UnionFacts.com. Earlier, Chao rescinded reporting requirements for anti-union consultants - leaving most of their union-busting campaigns free from federal scrutiny. Chao has added dozens of new staffers to audit union finances, while cutting back on staff for enforcement of occupational health and minimum wage. In March, a Chao public liaison sent out an email alert encouraging people to check out "a new

website" dedicated to providing information on labor unions and their expenditures." Yes, the U.S. Labor Department was promoting Berman's anti-union website, UnionFacts.com.

Whose message will win out?

The Center for Union Facts attack comes at a time when organized labor is on its heels, fighting off crippling policies in Washington while trying to organize workers in an increasingly mobile economy. But its effects may be countered by successful unionization drives.

The day Berman launched his attack ads in L.A., the local press was dominated by word of a new organizing drive among the city's lowest paid hotel workers. Stories in the *Los Angeles Times* and elsewhere captured the stresses faced by workers living hand-to-mouth without health coverage, such as Maria Morataya, whose daughter nearly lost her hand to an infection because her mother couldn't afford a doctor. The new L.A. mayor, a former labor organizer himself, is sympathetic to their cause. "The truth really does aid us in dealing with a sleazy campaign like Berman's," says Mary Beth Maxwell. "People want to improve their lives. They want to join unions for that reason. Allies are standing behind them. That's the best antidote to the lies in these ads."