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Lessons of the Civil Rights Movement for Building a Worker Rights Movement

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LESSONS OF THE CIVIL RIGHTS MOVEMENT FOR BUILDING A WORKER RIGHTS MOVEMENT

Aldon Morris and Dan Clawson

In 1955, African Americans in the South faced seemingly impossible conditions, but a decade later, a mass movement had won impressive victories. If workers and unions hope to achieve fundamental changes, not just incremental advances, they should learn from the civil rights movement. The civil rights movement indicates that workers' rights can be won only if workers launch a mass movement, take risks, engage in direct action, demonstrate an ability to disrupt the normal functioning of society, and maintain that disruption until concessions are won. Political change, legal victories, cultural shifts, and media coverage followed from, and depended on, the success of mass action.

Learning from the Civil Rights Movement

Imagine a rational analyst in mid-1955 evaluating the situation for African Americans in the South. The “logical” conclusion would be that there was very little Black people themselves could do to change their oppressive conditions. Black people were relegated to the bottom of the economic order, and most were disenfranchised. White people dominated politics, the courts, and media. Segregation—in schools, bathrooms, waiting areas, water fountains—and other practices, created daily humiliations, flooding Black people with messages of inferiority. Even minor “transgressions” of the segregated order might be punished immediately and severely, leaving little space for resistance. Most Black people were unwilling to fight the system openly, and many de facto accepted the label of “inferior.” And yet, just a decade later, a mass movement had transformed America, both Black and White consciousness were forever altered, and landmark legal changes had passed Congress.

Some fifty years later, workers' rights are widely violated; workers face enormous difficulties if they attempt to organize unions and act collectively. The objective conditions are not nearly as grim as those faced by Black people in the South in 1955, but are daunting nonetheless. Labor laws permit practices, such as captive audience and one-on-one meetings (Bronfenbrenner and Juravich, 1994) that some day may be viewed as people today view the poll tax and Jim Crow ordinances. When those provisions of our labor law that are supposed

to protect workers are violated, the violators face minimal penalties (Bronfenbrenner, 1994; Bronfenbrenner *et al.*, 1998).

Not only are there similarities in the conditions faced by African Americans in the 1950s and workers in the 21st century but also in the arguments made against granting fair and equal treatment. Some of the most common arguments are different: African Americans then, far more than workers today, were said to be genetically inferior; workers today, far more than African Americans then, are told that failure to advance is their own fault, that (individual) workers could make it if they really tried. But the arguments made against the rights campaigns were very similar. Segregationists in the South insisted that African Americans already had fair and equal treatment—separate, but equal—and that African Americans in the South were happy with conditions as they were (King, 1995). Supposedly, only the presence of a third party—outside agitators—created discontent (Southern Manifesto, 1956). White racists also insisted that Black people would be well received if they went to the back door and asked for charity rather than if they went to the front door and demanded their rights (Bagwell, 1986). Similarly, some employers today claim that workers already have fair conditions that make it possible to advance, that workers are pleased with their current conditions, and that only the presence of a third party—a union—creates discontent. Workers are told that instead of organizing for their rights, management and not unions will protect their interests (Adams, 1999). Today, some employers—often backed by the courts—argue fiercely against worker and union rights using arguments that have eerie parallels to segregationist arguments of the 1950s. Unions and collective bargaining, we are told, infringe on individual employees' rights not to unionize. Employers, we are told, have a “free-speech” right to use even the most coercive of means—such as captive-audience meetings and “one-on one” supervisor–worker grilling—to make their views known.

Employer arguments against unions often parallel the segregationist arguments of the 1950s. Arguments for continued subordination of Black people in the 1950s did not rely solely on overt racism. Indeed, in the 1950s, influential thinkers on the right argued that employers had a right to discriminate (on the basis of race or any other criterion they chose) both in which workers they hired and in which customers they served. Barry Goldwater, the 1964 Republican candidate for president, wrote in 1960 (Goldwater, 1960: 33–4) that “the federal Constitution does *not* require the States to maintain racially mixed schools” and that for the federal courts to require this to happen “enthrones tyrants and dooms freedom” (Goldwater, 1960: 37). George Wallace, who literally stood in the schoolhouse door in an effort to prevent integration, and who vowed “Segregation today, segregation tomorrow, segregation forever,” was invited to appear at Harvard University and on *Face the Nation*, and won huge numbers of votes in the North, launching the most successful third-party candidacy of the period from 1916 to 1988 (Prisock, 2005). Both Goldwater and Ronald Reagan opposed the 1964 Civil Rights Act on grounds both of individual freedom and of states' rights (Cannon, 1991; Williams, 2003). Arguments for continued sub-

ordination of Black people did not simply rely on racism, just as today's anti-union arguments wear many disguises. Even the 1965 Voting Rights Act, designed to guarantee the right to vote for African Americans in the South, was initially opposed as unnecessary and premature, and passed only over opposition (Garrow, 1978; McDonald, 2003; Whalen and Whalen, 1985).

When a movement wins, even partially, it transforms laws, organizational structures, culture, and popular understanding. Positions on civil rights that had seemed utopian fifty years ago now appear beyond debate. Arguments and practices in support of racial segregation that had been widely accepted now appear to be reactionary and extremist. In looking back at the civil rights movement, it is important that we recognize how much has changed, and not assume that everyone saw—and opposed—injustices that now seem glaringly evident.

The campaign to build a workers' movement can learn a great deal from the civil rights movement. Obviously, no two movements face the same conditions or follow exactly the same trajectory, and there are different interpretations of the civil rights movement (Morris, 1984; Oberschall, 1973; Piven and Cloward, 1977) so that other analysts might draw very different lessons. We make no attempt to provide a history of the civil rights movement, but these are *some* of the lessons we draw from it, together with what we see as *some* of the potential implications for building a movement for workers' rights.

Our baseline premise is that workers' rights can be won only through a mass movement taking risks and engaging in direct action. In the last century, such mass movements were central to workers' advances in the 1930s, African Americans' victories in the 1960s, the gains of the Second-Wave women's movement, winning welfare rights, the anti-Vietnam War movement, and the freedom struggle in South Africa (Bernstein, 1970; Carson, 1981; Echols, 1989; Evans, 1979; Gamson, 1975; Gitlin, 1980; Morris, 1984; Payne, 1995; Piven and Cloward, 1977; Rosen, 2000; Von Holdt, 2003).

Power and Subordination

Civil Rights

The fundamental reason groups endure oppression is because they lack power. The civil rights movement succeeded, because it generated the power necessary to overthrow the Jim Crow regime. That power derived from the ability of the civil rights movement to create social disruption. The goal of non-violent direct action was to overthrow legally mandated racial segregation by creating such massive crises within the Jim Crow social order that the authorities of oppression had to yield to the demands of the movement before order could be restored. Disruption enabled Black leaders to demand change rather than to plead and beg for it. Disruption provided the movement with the sanctions that allowed it to realize its will even in the face of resistance. Without such disruption, the Jim Crow social system could not have been overthrown.

Worker Rights

An individual worker has little power. Workers gain their power through solidarity, and unions are workers' collective voice. The labor movement focuses so much attention on organizing to increase union density and with it, worker power. Currently, labor is trapped in a vicious circle: low union density makes it difficult to exert power, and lack of union power makes unions less attractive to workers than they might otherwise be. Existing unions are often willing to accept their subordination and rarely willing to strike, take other militant action, or support only those politicians who stand up for worker rights.¹ This route is safe and produces small victories but has little chance of achieving a major change. Workers and unions hold strategic positions that would make it possible to disrupt the system if people and organizations were willing to run risks and if effective campaigns could be mounted. On a small scale, this happens many times each year, but labor has not attempted to win the right to organize through a sustained program of disruption.

Attacks Can Help*Civil Rights*

After the Supreme Court's 1954 ruling in *Brown versus Board of Education*, at exactly the time that membership in the National Association for the Advancement of Colored People (NAACP) would otherwise have been expected to increase dramatically, White supremacists increased their attacks on the NAACP. Laws were passed barring NAACP members from teaching and state employment, and requiring the NAACP to turn over its membership lists (Bartley, 1969; Morris, 1984). The consequence of these repressive actions was to make it practically impossible for NAACP activists to operate. That meant they could not pursue an effective bureaucratic legal strategy. People seeking a mild and legalistic organization, and wishing to avoid radical action, were faced with the fact that even cautious actions inside the rules were severely repressed. Thus, people had to either accept continuing inequality or build a mass movement—that is, a social-change movement consisting of large numbers of people, organizers, and leaders who act collectively to realize their interests. The hallmark of mass movements is the use of unconventional strategies and tactics to create wide-scale social disruption that serves as political leverage. By this definition, the civil rights movement was clearly a mass movement; today's labor movement sometimes, but rarely, is.

Worker Rights

The Wagner Act of 1935 set rules and created enforcement mechanisms intended to guarantee fair play between employers and unions, and thereby to establish labor peace. A successful regulatory regime must channel activity

within accepted limits. To do so, it must provide both rewards for accepting the regime and penalties for violating its rules. This labor regime has broken down: employers are in effect rewarded for breaking the rules, because the legal penalties cost less than workers having a collective voice through a union, and workers/unions are penalized for playing inside the rules, because the system constrains worker actions without enforcing legal rights. Because the altered system provides workers and unions much less hope of winning within the rules, labor is in effect coerced to go outside the rules and to develop innovative movement approaches (Clawson, 2003; Friedman *et al.*, 1994; Lichtenstein, 2002a; Nissen, 1990; Robinson, 2002).

More and more unions are simply ignoring the National Labor Relations Board (NLRB) process, which unions believe impairs organizing and brings only “justice delayed and denied”; thus, there is the increasing use of card-check campaigns by unions in lieu of the NLRB representation elections (Eaton and Kriesky, 2001). Because the law is viewed as biased and fails to protect worker rights, unions are required to adopt extralegal, even radical tactics to organize, exactly as occurred in the Civil Rights movement.

Organization, Yes; Bureaucracy, No

Civil Rights

In 1955, the obvious organization to lead the civil rights movement was the NAACP. As a social-change organization, it had by far the largest membership; its central purpose was to expand Black people's rights, and its legal strategy had just won a huge victory. But over the next decade, the NAACP was not the driving force and not only because of the repression it faced. Its official leadership was predominantly made up of White people and, as such, different from most of the membership. Decision making was centralized, slow, and cumbersome. Procedures discouraged mass participation. For example, when the Montgomery bus boycott was being initiated, E.D. Nixon (incidentally a local union leader and local NAACP president) went to NAACP officials to explore the organization of the boycott through the NAACP, only to be told that the organization could not proceed without notifying the New York office and receiving its approval. There was no time to wait for that, so the leaders formed an ad hoc organization: the Montgomery Improvement Association (Morris, 1984).

Although the civil rights movement was not spearheaded through the established bureaucratic organization, neither was it simply spontaneous and unorganized. The typical form was an organization of organizations, formed specifically around a particular struggle (Morris, 1984). The creation of these movement centers involved organizing the organized. Black communities already had a number of organizations that worked to promote Black rights, but these organizations were mired in conflict and competition. During the movement, they came together. The movement supported a multiplicity of organizations; activity was not all unified underneath one umbrella. Relations

between the groups were not always harmonious, but the existence of alternative groups fostered and promoted a range of strategies (McAdam, 1982; Morris, 1984; Oberschall, 1973).

Worker Rights

Currently, there is no mass movement for worker rights. If such a movement developed, it is highly likely that it would do so outside the formal structure of existing union governance. It is most likely that a new organization, or set of organizations, would develop that would work closely with established unions and with other community organizations, drawing on their resources and coordinating activity with them. Jobs with Justice, a coalition of community groups supporting workers' rights, is an example of such an organization. Just as in the civil rights movement, it is an organization of organizations: its members are local unions or community groups (Early and Cohen, 1997).

Charisma, Leadership, and Media

Civil Rights

It is hard to imagine the civil rights movement without Martin Luther King. His speeches and bold actions captured people's imaginations and inspired action. Whenever he came to a town, any town, he drew a crowd, moved people, and left them eager to take part in the movement. King was generous with his time and was always willing to help the movement, even to raise funds for what were in some sense competing organizations. Although Dr King is certainly the most noteworthy charismatic leader, the movement created many others as well, some who are little known to history (Reverends C. T. Vivian, Fred Shuttlesworth, and T. J. Jemison, and Ms. Fannie Lou Hammer), and some with significant recognition (Malcom X and Stokely Carmichael) (Carson, 1981; Morris, 1984; Payne, 1995; Van Deburg, 1992).

Charisma is, in some sense, created by a movement; it is a relationship between a leader and a following. Leadership is crucial to social movements. Leaders devise the strategies and tactics of movements and supply them with vision and set their goals. They serve as the spokespersons and symbols of the movement. The civil rights movement exhibited such leadership. A major lesson of that movement is that no one leader, no matter how charismatic, can lead a movement. Leadership teams and cadres of leadership teams lead major movements. Found within such teams are individuals with contrasting talents and abilities who engage in a dynamic and creative decision-making process. Ideas, strategies, tactics, analyses, and assessments are hammered out in the context of leadership teams. Such leadership teams were embedded in Southern Christian Leadership Conference (SCLC), Student Nonviolent Coordinating Committee (SNCC), Congress of Racial Equality, NAACP and numerous community

organizations. These teams provided the dynamic vision and goals of that movement and guided its actions (Morris and Staggenborg, 2004).

Although the White students of Mississippi Summer, or the White ministers who marched at Selma, helped generate important publicity, the leadership of the movement was almost exclusively Black. Many of these leaders had been active for years, in ways that are now largely forgotten (Morris, 1984; Payne, 1995; Williams, 2003).

Media coverage is crucial for movement success. Charismatic leaders can be of great help in attracting media coverage, and this was certainly true regarding the role of Martin Luther King in the civil rights movement. One of King's lieutenants explained that King "gave the Black community an advantage [it] has never had—Namely, that any time King went to a community, immediately the focus of the nation was on that community" (quoted in Morris, 1984: 92).

It would be a mistake, however, to assume that charisma was the only factor that riveted media attention to the civil rights movement. It was the ability of the movement to generate bold confrontations between Black people and the segregationists that attracted media attention. Social disruption framed as struggles between good and evil, and between democracy and oppression attracted the media. Real human drama is hard to ignore, and leaders and grassroots people who are willing to confront oppressors in dramatic fashion generate it (Branch, 1988; Gitlin, 1980).

Nonviolent direct action by hundreds or thousands of people created confrontation. When it did so, racists often responded with violence. That violence, together with a mass movement, brought into view what had been hidden—the day-to-day discrimination of the Jim Crow system and the routine violence required to keep the system in place. As long as Black people were afraid to attempt to register to vote, the denial of voting rights was invisible to White people and Northerners. In fact, President Kennedy encouraged the civil rights movement to shift to a focus on registering people to vote, because he believed that to be nonconfrontational. In practice, as he and other White people learned, and as southern Black people had always known, the attempt to exercise voting rights led to massive violence and repression (Carson, 1981; Morris, 1984; Zinn, 1964).

Worker Rights

Today's U.S. labor movement has no leader as charismatic as Dr. King. The experience of the civil rights movement indicates that if charismatic leaders emerge, they are likely to do so in relationship to a developing movement. The person who does so will probably be someone relatively new to the scene—at the time of the Montgomery bus boycott, Reverend Martin Luther King was 25 years old and had been in town for six months—and will not necessarily be someone with experience as an organizer.

Civil rights leaders and activists directly experienced the conditions they were fighting; even a respected, educated Black minister had to live by Jim Crow

laws and practices. SNCC staff were paid \$10 a week and lived among the people they were trying to organize (Carson, 1981; Payne, 1995). Upper-level labor leaders are insulated from both economic deprivation and workplace subordination; to a lesser degree, that is true of most union staff and many local-level labor leaders. Labor leadership often does not reflect the racial and gender composition of the workers that the union represents or needs to organize, nor do union staff directly experience the day-to-day indignities and humiliations that characterize many workplaces. In organizing campaigns, continued funding for the organizing typically depends on approval from above rather than on support from below. Marshall Ganz (2000) has forcefully argued that the success of Chavez and the farm workers resulted in significant part from the fact that the leadership reflected the membership and had to rely on internally generated resources.

Labor's media relations are dramatically better than they were a decade ago, but labor's strategy relies primarily on press conferences and made-for-media events. Congressional hearings on worker rights indicate that even dramatic congressional testimony generates minimal press coverage. If the labor movement creates real human drama in struggles between workers and oppressive corporations, that is likely to be covered even by a corporate-owned media. A year of mass demonstrations and a couple of major confrontations would dramatically increase public awareness of employer suppression of workers' rights; workers themselves would change the way they regarded employer practices, just as many African Americans who had resigned themselves to segregation came to oppose it.

Material Conditions Impel Action

Civil Rights

African Americans in the South could not escape oppression. No matter how educated, successful, respectable, moral, or dignified, Black people had to suffer continuing second-class treatment and daily humiliations and to abide by the racial-caste etiquette system. Nothing a Black person could do would make that go away; they could not change their skin color, and no *personal* action could eliminate racism. People who avoided the movement nonetheless understood the anger; people who were trying to cope might at any point experience the indignity or slight that would impel them to action.

Worker Rights

Workers today have more possibility of escape than African Americans in 1955. Workers can open a small business, go to college, or just change jobs. But most of the time, for most workers, none of these are viable options. Over the last thirty years, workers' hours have increased far more than their real wages (De Graaf, 2003; Jacobs and Gerson, 2004; Levy, 1998; Schor, 1991).

Even workers who do not want to take action are likely to experience frequent indignities.

It is unlikely that “worker” status will soon be as dominant in people’s lives today as “Black” status was in the South in 1960, or, indeed, as it was during the 1930s (Bernstein, 1970). Indeed, exit polls indicate 38 percent of union members, 44 percent of voters making \$50,000 or less, and 35 percent of those voters who lost a job since the last election voted for George Bush for president in 2004, despite the fact that the labor movement endorsed John Kerry (Cable News Network, 2004). However, the extent to which people identify with a status depends to a considerable degree on how salient it is to them and on how much pride they feel in it. We see this in the 2004 election results: union members get more information about unions and class issues, and as a consequence, they were less likely to vote for George Bush. “For example, gun owners favored Bush by a 63–36% margin, but union members who own guns supported Kerry 55–43%, according to an AFL-CIO survey. Bush won among white men by 62–37% margin, but Kerry carried white men in unions by a 59–38% margin” (Dreier, 2004: 5). The current lack of worker identification makes it more difficult to build a movement, to be sure, but movement successes and attention would increase the extent to which people identified themselves as workers and to which they saw that identity as significant.

Infrastructure and Early Funding

Civil Rights

Given how the Black community was poor in resources—money, power, access to media—it would be easy to conclude that the civil rights movement could only succeed by enlisting powerful allies and by receiving funding from wealthy White organizations. A number of analysts have reached just this conclusion (McCarthy and Zald, 1977). It is true that outside groups provided significant resources: not only money but also personnel and media attention. But these resources came only *after* the movement had demonstrated its power (McAdam, 1982; Morris, 1984). The early civil rights movement drew almost exclusively on indigenous leaders, many of whom had been struggling around these issues for years. Funding came primarily by passing the hat at meetings and church gatherings, with ordinary people putting in as much as they could afford. Much of the early money that came from the North came from Black congregations and from NAACP chapters. Outside resources offered a welcome boost, but it was a boost to an already solid base (Morris, 1984).

Worker Rights

A crucial strength of the labor movement is that it is self-funding. The labor movement receives almost no money from foundations or wealthy donors; ordinary workers pay substantial dues. Some of that money already goes to

right-to-organize struggles, and labor has the capacity to direct far more to such an end. The funding is available, if and when the members and leadership choose to use it for this purpose.

The Church

Civil Rights

The Black church was one of the keys to the civil rights movement, and this was so for several reasons. A large fraction of the population regularly attended Sunday services and numerous other religiously based activities. Ministers had enormous authority and respect, and many were spellbinding speakers. The church spoke with moral authority, and it was difficult for White people to dismiss it or attack it as evil. Religion and the Bible were widely accepted by both the White and Black population, and provided numerous stories, parables, sayings, and examples that supported movement activities. Segregation meant that church activities brought together Black people, and only Black people; no White presence monitored discussions or activities. Churches had meeting spaces and other resources (phones, mimeograph machines, and overlapping networks of communication) that could be used by the movement. And, perhaps most important, the church was a Black-controlled institution, not directly answerable to a White-power structure. Ministers could only be fired by their congregations; teachers could be—and were—fired by White school boards. As respected institutions, churches could serve as a place to mobilize and became centers of movement activity; many of the participants were not actually members of the church (Kluger, 1976; Morris, 1984).

Worker Rights

No single institution provides a comparable source of strength for a movement for worker rights. Unions are some of the few institutions that are controlled by workers and that bring together only workers, without the need to compromise with business viewpoints or to be subject to employer scrutiny. Unions control meeting spaces and significant resources, and their leaders are not subject to business control. But in comparing unions in 2005 to African American churches in 1955, *far* fewer workers regularly attend union meetings; many people are union members not because of an individual commitment but rather because of a union security clause; the union has less moral standing; few union leaders are spellbinding speakers; and unions are much more subject to outside attack and dismissal. Churches are potential allies for a workers' rights movement, but most include employers as well as workers; few ministers are workers, and churches are themselves employers.

Actions Changed Culture

Civil Rights

Before the civil rights movement began, southern Whites were convinced of their moral rectitude; most argued that Black as well as White people preferred segregation. Northern Whites generally thought little about segregation and the systematic denial of Black rights. Ignorance about Africa and about Black history was pervasive not only among Whites but within the Black population as well (Du Bois, 1935; Van Deburg, 1992).

Associated with the civil rights movement was a more general change in the culture, above all for the Black population but for White people as well. By the late 1960s, many “Negroes” who had been socialized to despise Black culture were proclaiming that “Black is beautiful” and were adopting hairstyles and clothing to match (Van Deburg, 1992). Connections to Africa were strengthened, and people began the serious study of Black history, rediscovering slave narratives and a long list of Black accomplishments (Blassingame, 1977; Rawick, 1972; Starling, 1988).² By 1980, even an opponent of the 1964 Civil Rights Act such as Ronald Reagan declared his newfound commitment to equality (now used to oppose affirmative action).

The change in the culture was an important part of the civil rights movement, interacting with and aiding the development of the movement, but it is important to realize that the culture changed primarily in response to the strength of the movement. People developed a sense of pride and accomplishment through the successes of the movement. Interest in Black history developed because Black people were making history. White people suddenly discovered the inequity of segregation and came to embrace equality, because a strong Black movement would not go away. Of course this was an interactive process: learning the truth about Africa or Black history helped strengthen the resolve of participants in the movement. At least by the time of the “I have a dream” speech, most White people were convinced of the moral authority of the Black movement.

Worker Rights

In some ways, workers are low visibility, and unions are viewed negatively. Just as many “Negroes” tried to straighten their hair and lighten their skin, many workers admire business and seek to escape their status as “just” a worker. Class in America is often invisible unless it coincides with race or ethnicity; if there is “only” a class difference, people do not see or are not troubled by the inequality (Zweig, 2000).

Although workers have a fundamental human right to associate with each other and to elect representatives of their own choosing, employers in America regularly violate that right (Adams, 1999; Human Rights Watch, 2000;

Lichtenstein, 2002a,b). They openly declare their intention to be “union free”—much as George Wallace declared “Segregation today, segregation tomorrow, segregation forever.” Laws today permit employers to hold “captive-audience” meetings to intimidate workers and to have supervisors grill their employees “one-on-one”—much as Jim Crow laws imposed segregation. Antiunion employers and union-busting lawyers are accepted in polite company, even if they break the law to fire union activists—much as Klan vigilantes and White Citizens’ Council members were welcome in southern White society. Politicians, the media, and the public tolerate union busting—much as they earlier accepted segregation and subordination of Black people. Workers themselves often accept this situation or voluntarily quit, hoping to find a “better” employer, much as many Black people accepted Jim Crow and defended good White people. The hope is that a few years from now, people will look back at today’s suppression of worker rights with the same disbelief that we look back at segregation and the Ku Klux Klan. But to create a future world where firing a worker for union activity is viewed in the same way that we today view lynchings, workers and unions need to create a strong movement. What people view as normal and acceptable needs to change; as with the civil rights movement, moral appeals and cultural change will interact with the movements’ actions and victories (Fantasia, 1988).

Political Change Followed

Civil Rights

The civil rights movement led to two historic pieces of legislation, the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Both bills passed only after years of mass movement, demonstrations, and heroic sacrifice. Until that base had been laid, the movement did not focus much of its effort on conventional politics. The movement aided the passage of the two key acts not primarily through personal lobbying of swing legislators, but rather by launching fresh demonstrations. The March on Washington was planned to promote the passage of the Civil Rights Act, and the confrontation in Selma to spur the Voting Rights Act. The Kennedy administration did provide support, but it did so only reluctantly and because the movement put the Kennedys in a position where they had to respond one way or another: to intervene to support equal rights for all citizens, or to permit southern segregationists to flagrantly violate human rights (McAdam, 1982).

Worker Rights

For two decades, the labor movement has de facto decided not to push for major labor law reform, in part because any legislative effort was seen as likely to produce laws that would be *worse* than current ones—witness Rep. Norwood’s proposal in the 108th Congress to outlaw card-check recognition via the Secret

Ballot Protection Act.³ In 2004, the labor movement actively promoted the Employee Free Choice Act, enrolling thirty-six senators and two hundred and seven representatives as cosponsors. In the absence of a mass movement, however, there exists little public understanding of the worker's plight. The larger culture is hostile to unions and given that money dominates politics and *both* parties support business (Clawson, 2005), it seems impossible to win right-to-organize legislation through a normal congressional lobbying campaign. The civil rights movement experience suggests that labor needs to change the climate of opinion through grassroots campaigns that seize the public imagination and show the need for legal reform. Only after those have attained a certain momentum will there be a realistic possibility of winning significant legal change.

Court Decisions Never Stood Alone

Civil Rights

Regulatory and court decisions, including Supreme Court rulings, aided organizing activity. These decisions were *not* enforced by the government, however, except insofar as the movement forced the government's hand. It took the Freedom Rides to force the federal government to begin to enforce the ban on segregated interstate transportation (Carson, 1981; Zinn, 1964). At no time did southern segregationists respond to court decisions by saying, "we don't like it, but of course we will obey the law." The civil rights movement never treated legal decisions as accomplished fact but only as aids to organizing; many of the decisions came only because the movement had put the issue on the agenda and embarrassed some part of the government (Payne, 1995: 210–8).

Worker Rights

The group that builds a social movement and presses aggressively wins most of the court and regulatory rulings. For forty years, employers, not the labor movement, have had the initiative in court and regulatory decisions as in much else. In practice, employers have stretched the limits of the law and whittled away at workers' rights (Friedman *et al.*, 1994; Geoghegan, 1991; Gross, 1995; Weiler, 1983). If there has been a social movement around worker rights, it has been by employers to limit or abridge those rights. If labor wants better court and regulatory decisions, it needs a mass movement, not better lawyers.

Expect Failures

Civil Rights

We remember the successes, but the civil rights movement had plenty of setbacks; only in retrospect do we see that they were important learning

experiences and helped prepare the way for future successes. Thousands of people were arrested in Albany, Georgia in 1961, among them Martin Luther King. The Black community demonstrated an unparalleled willingness to sacrifice; it would be hard to imagine that a community could do much more. And yet, the White power structure managed to weather the storm without making changes. A defeatist could have argued that the strategy simply would not work. Instead, the movement learned and launched new campaigns. Perhaps the turning point and the most important victory in the entire civil rights movement was the confrontation in Birmingham. That movement owed a great deal to the lessons of Albany; it largely replicated Albany, with a few crucial differences (Carson, 1981; Morris, 1993).

Worker Rights

If and when the labor movement launches a serious mass movement around worker rights, there are bound to be failures. Only subsequent history determines whether an action turns out to have been a dead end or a precursor and learning experience (Weinbaum, 1997). Often, a new tactic initially fails, but the same basic approach works later if it is properly executed as part of a complete package. Labor needs to be concerned about repeating previous mistakes, but also runs the risk of giving up too early. One of the most notable labor victories of the past quarter century was the Los Angeles Justice for Janitors campaign. But in the first two years of that campaign, more than a million dollars were spent without enrolling a single dues-paying member. If the Service Employees International Union had pulled the plug at that point, the campaign would have been judged as an expensive failure (Fisk, Mitchell, and Erickson, 2000; Waldinger *et al.*, 1998).

Victory Takes Huge Sacrifices

Civil Rights

Crucial to the success of the civil rights movement was the fact that at key junctures, people always stepped up, volunteering to run serious risks and to make sacrifices that no one could reasonably have demanded of them. The leaders of the movement led by example, putting themselves in the front line. At certain historic confrontations, virtually the entire Black population of some locality supported the movement, and supported it not just passively or verbally but also in active participation and sacrifice, despite inconvenience, arrest, and physical danger. During the years of struggle, thousands and thousands of people made impressive sacrifices; many lost their jobs or were evicted from their homes or were brutally beaten, and some lost their lives (Branch, 1988; Morris, 1984).

Worker Rights

Unions' past contain many struggles that matched the civil rights movement in commitment and militancy. Even today, in certain organizing drives or strikes, workers show an amazing solidarity and willingness to bear costs or to run risks. But in the last two or three decades, there have been only a handful of organizing drives or strikes that could match the day-to-day heroism that permeated the civil rights movement. At no time have such struggles meshed together to create the sense of a mass movement with a dynamic and a future.

Unions will not be able to win worker rights without a mass movement, on a scale with the civil rights movement and demonstrating an equivalent level of commitment. Specific struggles indicate that many workers, staff, and allies would be prepared to engage in such a movement. Labor is currently at the mercy of employers, because it has lost the power to realize its interests. The only way to restore that power is through a dynamic social movement that generates widespread disruption and serves as the leverage by which labor demands can be made and realized. Labor is the only actor ideally situated to disrupt the economy at its core, and in so doing, create a massive crisis capable of generating a transformation of the exploitative relationship between labor and capital.

Unions do not have a good excuse for allowing employers to dominate them. Unlike southern Black people in the 1950s, labor has considerable resources and national organizational structures that can serve as the conduits of mass movements. But one of the lessons of the civil rights movements is that entrenched leaders are not likely to be risk takers nor are they likely to allow their people to utilize existing organizations for insurgent purposes. Many Black ministers and NAACP leaders refused to open their churches and chapters to the emerging civil rights movement. Yet in many of those instances, grassroots peoples and leaders wrested control from the incumbents and used "their" organizations and resources to launch and sustain the movement (McAdam, 1982; Moody, 1968; Morris, 1984; Payne, 1995). We believe that this same dynamic must unfold throughout unions if labor is to rise up and build a social movement capable of liberating workers.

Finally, a fundamental question faces workers today: do they have the courage to get up off their knees and confront powerful employers and corporations? A movement requires moral authority and enormous sacrifices by its participants if it is to succeed. In mass movements, people must be willing to go to jail, be beaten, and even to lose their lives in a noble and just collective effort designed to win their rights and restore their dignity. Although we do not know whether contemporary workers possess such courage, we do know that Jim Crow was overthrown because southern Black people did.

Afterward: Upjohn's Suppression of This Academic Work

This article has a curious history. It was supposed to appear in an American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)-

sponsored volume on worker rights, but the publisher refused to accept the article unless we changed the politics. We refused to do so, pulled the article, and are delighted that *WorkingUSA* provided an alternate (and in many ways superior) venue.

Here is what happened: In late 2001, Andy Levin called Dan to report that the AFL-CIO would be joining with Michigan State University to host a conference on worker rights, which would result in an edited volume similar to *Organizing to Win*, the product of a previous such conference. Andy said that he hoped such a volume would include an article, by a senior African American scholar, identifying lessons that a worker rights movement could learn from the civil rights movement. Dan suggested several names and said the best person would be Aldon Morris. Andy asked Dan to call Aldon and try to persuade him; Aldon said he was willing to write such an article *provided* that Dan coauthor it, because Aldon felt that he did not know enough about the current labor scene to write the article by himself.⁴ Note that Andy Levin and the AFL-CIO deserve credit for thinking of the idea and persuading us to do it. We (Morris and Clawson) prepared an article, which was delivered at the conference (held October 11–12, 2002, at Michigan State University).

As often with such edited volumes, there were various delays. Cornell University Press decided not to publish it, and the editors (Rich Block and Michelle Kaminski of Michigan State, Andy Levin and Sheldon Friedman of the AFL-CIO) decided to publish with the W.E. Upjohn Institute press, where Rich Block had published previous books. Immediately, the problems began as the publisher—not the editors—expressed concern that our article was “non-empirical.”⁵ In addition, we were told on November 12, 2004, “the publisher is concerned about statements that seem to stem from an ideological position.”

We revised the article and sent it back; on January 4, 2005, Rich Block sent us an edited version of our resubmission, informing us that he had modified our text “especially where a reader might perceive the language as overly harsh.” On January 11, we wrote back expressing concern about many of the proposed editorial changes, and indicating that “If we can’t reach a resolution we’ll withdraw our article, but we hope we can reach agreement.”

Consider three examples of our apparently “overly harsh” language and “ideological” positions:

1. We used the term “racist” to refer to those who defended segregation through the use of violence; the term “racist” was edited out, and the wording was changed to make it appear that only those in power defended segregation. In our response, we pointed out that “it was NOT only those in power who defended segregation—so did many poor whites, some of them probably union members.”
2. We referred to what took place in South Africa as a “freedom struggle”; Rich Block changed this to “resistance to apartheid.” Our response noted that “what took place in South Africa wasn’t just about resistance, it was about changing the system and winning freedom. The difference is fairly impor-

tant. If the labor movement thinks only of resisting one or another employer assault, it can't win a new system; if it doesn't have a larger vision (freedom or the equivalent) it won't motivate people. The proposed editorial change totally misses the point of our article in ways that we fear are too often characteristic of today's labor movement."

3. Rich Block made a number of changes substituting "nonviolent direct action" in places where we had said success for the labor movement would depend on "disruption." As we noted in our response, "Nonviolent direct action is one means—an important one, but not the only one—and a single symbolic instance of nonviolent direct action is not remotely the same as a mass movement of disruption. The labor movement in recent years has sometimes used an occasional carefully staged symbolic nonviolent direct action, but has been much less likely to use sustained massive disruption as part of a campaign for worker rights."

Over the spring of 2005, we had several additional exchanges with the editors. As we noted on April 23, "We are doing our best to be accommodating, but it is worth noting that all but one of the changes at issue are about political disagreements, and seek to force/coerce us to agree with the publisher's politics." We accepted some changes, proposed alternatives in some cases, and refused to make changes in others. By summer, we were at a standstill. The copyediting of all the other articles was complete, and the volume was ready to be typeset, with the sole exception of our article.

It became clear that our problem was *not* with the editors, who strongly supported inclusion of our article and thought our wording was reasonable, but rather with the publisher (Andy Levin was especially strong—when we ran into difficulties, he volunteered to go to Michigan and personally confront the W.E. Upjohn Institute staff.). The problem is not with the labor movement's heart but with its strength, its lack of an independent press, and—because of the AFL-CIO's weakness—its continual efforts to find an acceptable compromise. The editors proposed that the article be printed with a disclaimer, saying that the Upjohn Institute did not endorse these views. Rich Wyrwa, Manager of Publications and Marketing at the Upjohn Institute, wrote back that "Yes, we occasionally do print something that may not please the authority here at the Institute. But in these cases, authors have expressed findings based on sound research that passed peer review. Therefore, the authors met the generally accepted academic standards that we adhere to." We do not like to engage in self-promotion, but it is worth noting that both Aldon and Dan have published articles in the *American Sociological Review*, the top peer-reviewed sociology journal, that Aldon's book *The Origins of the Civil Rights Movement* won the American Sociological Association's prize as the best book of the year, and that Dan's *The Next Upsurge* was the focus of symposia in two leading journals.

We asked to communicate directly with Rich Wyrwa, who seemed to be the obstacle. Rich Wyrwa wrote us that only two problems remained. First, he and the press were unwilling to capitalize "Black." He agreed that the Chicago

Manual of Style permitted a capitalized form if the author “strongly demands” it; we told him we did so. We probably could have found ways to compromise this, using “African American,” but a second issue did not admit of resolution.

On August 4, 2005, Rich Wyrwa wrote us that “The second, substantive issue, deals with the wording used in the final paragraph. To us, this wording may appear inflammatory; it can be construed as encouraging law-breaking and even violence (even though we know that you are not encouraging such).” Here is the wording of that final paragraph:

Finally, a fundamental question faces workers today: do they have the courage to get up off their knees and confront powerful employers and corporations? A movement requires moral authority and enormous sacrifices by its participants if it is to succeed. In mass movements people must be willing to go to jail, be beaten, and even to lose their lives in a noble and just collective effort designed to win their rights and restore their dignity. Although we do not know whether contemporary workers possess such courage, we do know that Jim Crow was overthrown because southern Blacks did.

On August 5, Dan called Rich Wyrwa to talk about this, arguing that the Reverend Martin Luther King, Jr could endorse everything in the paragraph, and in fact engaged in those actions. Dan agreed that it *is* true that we are calling for breaking the law, that we are arguing—based on our reading of the history of the civil rights movement—that to win it is often necessary to break the law.

The conversation made it clear that the problem reached even higher, to Rich Wyrwa’s boss, Kevin Hollenbeck, Senior Economist and Director of Publications at the W.E. Upjohn Institute,⁶ who had suggested wording to “soften” the conclusion. Dan therefore called Kevin Hollenbeck, who reported that when he read the article, “I knew that my neck was on the line if that paragraph appeared and someone on my Board of Directors said, ‘The Upjohn Institute can’t be identified with advocating that point of view.’”⁷ He also reported that the final paragraph is “too incendiary for this very conservative traditional institute,” and that the problem is that “a reasonably objective intelligent reader, looking at that sentence, would conclude that the only way this [workers rights] is going to happen is if people go out and get beaten.” Dan agreed that yes, that is the message of the essay as a whole, and of that sentence in particular. Mr. Hollenbeck said, “You are saying it will take civil disobedience for workers to win. It’s the advocacy that is the problem.”

Dan responded, “Well, if the conclusion of our paper is that workers won’t win their rights unless they are willing to go to jail, to be beaten, and to risk their lives, it seems reasonable that we would then say: We think workers should win their rights, and to do so they should be prepared to take these actions.”

In the end, we were therefore faced with this problem: our final paragraph said that to win, workers would have to stop begging, to get up off their knees, to take risks and to bear burdens to win. But to get the article published in a W.E. Upjohn Institute volume, we would have to get down on our knees and would have to distort our argument. We refused to do so, approached

WorkingUSA, and are delighted that there is a press prepared to publish our (unaltered) argument.⁸

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Notes

1. For example, in the 1970s, the *lowest* number of workers on strike in any year was 965,000 in 1975. In no year since 1986 have *half* that many workers been on strike, even though the labor force today is more than 50 percent larger than it was in 1970. From 2001–2003 (the most recent data available), in no year did even *one-fifth* as many workers go on strike as during the low year of the 1970s (U.S. Census Bureau, 2005: Table 637).
2. For example, for books published in the period from 1876 to 1966, the University of Massachusetts Amherst library contains only two slave narratives, but it has twenty issued between 1968 and 1971.
3. *Work in Progress*, October 4, 2004; Nancy Cleland, *Los Angeles Times*, September 13, 2004; Madeline Baran, *New Standard*, July 25, 2004; *The Guild Reporter*, August 13, 2004.
4. The two of us were in graduate school together, have continued to connect at conventions and around the politics of sociology, and were arrested together in August 1985 at a Washington D.C. protest at the South African embassy.
5. The dictionary defines “empirical” as “relying on or derived from observation . . .” which our article certainly is, but some set of social “scientists” use the term empirical to mean “based on quantitative data sets.”
6. Based on the W.E. Upjohn Institute’s Internal Revenue Service Form 990 for 2003, Hollenbeck is the Institute’s fourth highest-paid employee (at \$131,800 plus \$15,816 in employee-benefit plans).
7. Because this was a phone conversation, Dan cannot be sure that the language is exact, but he was writing as Kevin Hollenbeck spoke, and he tried *very* hard to get down key remarks word for word.
8. After *WorkingUSA* had accepted the article, Sheldon Friedman called to report that he and Rich Block had received permission from the Upjohn Institute to try to mediate again. That is, Sheldon was *not* calling to report that the editors had won permission for the article to appear without Upjohn Institute’s political interference; in effect, we were being given another chance to compromise our principles. It is this sort of response that makes us glad that the article is appearing elsewhere, although we do regret abandoning Andy Levin, whose idea this article was and who always fought the hardest for us to be able to keep the article unaltered.

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