

K (3:00)

Framing strikes as a “right” to be granted instead of a “freedom” cements state power over the working class and destroys class solidarity.

Dimick 19

Matthew Dimick, Professor @ University at Buffalo School of Law, 12-13-2019, "Labor Rights Will Not Save the Labor Movement," Jacobin,
<https://jacobinmag.com/2019/12/labor-rights-movement-freedom-nlra-nlrb-mass-picketing> //MLT

Everyone agrees that labor law is broken. Under the auspices of the National Labor Relations Act (NLRA) — which was passed in 1935 at the height of the New Deal and laid the foundation for our current regime of collective bargaining — union membership rates have declined to existentially low levels. Though the weaknesses in labor law have been glaringly apparent for some time, and intermittent attempts have been made to reform it, discussion about labor law reform is now reaching a critical mass. **Labor law reform has been central to the campaign promises** of both Bernie Sanders and Elizabeth Warren. There is much in common between the Sanders and Warren plans, though the level of detail in the Warren plan burnishes her reputation as a technocrat. **Liberal think tanks have jumped on board.** Left-leaning publications have also directed their attention to labor law reform. **What unites most of these proposals is the idea of strengthening labor rights.** I wrote an essay recently in Catalyst arguing that **this approach is wrong.** The labor movement **should be wary of labor rights and instead seek to expand labor freedoms.** A **right is** some **legally enforceable** claim, **backed through the coercive** machinery of the **state** (fines, injunctions, imprisonment, etc.), that one legal subject has **against another because of some interference caused or threatened by that other.** A freedom, in contrast, is the absence of a legally enforceable duty to refrain from some action. **A “right to strike,” for example, means that workers are protected from any interference an employer might take against an employee for engaging in a strike.** During a strike, **hiring permanent replacement workers counts as the most obvious form of interference,** and indeed such replacements have had a devastating impact on the effectiveness of strikes. A fully recognized right to strike would prohibit the hiring of permanent replacements and legally compel employers to discharge their replacements when striking workers decide to call off the strike and return to work. **All well and good, except that this rights approach overlooks the most important reason employers get away with hiring permanent replacements: labor law effectively bans mass picketing,** the picketing of large numbers of workers near the struck business. Before mass picketing was banned, it was the most potent weapon in labor’s arsenal in the 1940s, and its repeated use established an “unofficial norm” against hiring permanent replacements, a norm that lasted until employers started defying it in the 1980s. Elimination of the ban on mass picketing would give workers a labor freedom rather than a labor right. **With the labor freedom, it is workers themselves, through mass picketing, who enforce their strike power; with the labor right, it is the state, through the ban on permanent replacements, that does the enforcement.** One might ask, “What’s the difference, if workers win the strike in the end?” Part of the answer comes from asking yourself, **“Which of the two will build stronger and longer-term working-class solidarity?”** The other part of the answer is that in numerous other cases, the effect of labor rights has been far more insidious. **Labor rights, unfortunately, have been frequently used by judges, politicians, and bureaucrats as reasons for prohibiting or eliminating protection for strikes** and other forms of collective activity. One example of this is the NLRA’s ban on organization and recognition picketing. Labor law prohibits any picketing (or even threats of picketing) “where an

object thereof is forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees.” This provision exists not because of some cynical, ideologically motivated, anti-union impulse. Rather, it exists because the NLRA already provides workers with a “fair” and “neutral” administrative method for choosing a bargaining representative and establishing a bargaining relationship: the National Labor Relations Board’s election procedure. In practice, however, these provisions virtually compel workers to make use of the board’s election procedure, which is characterized by legal-bureaucratic delay and employer intimidation.

The plan’s presumption that worker-power comes as a result of granting rights is misguided – it isolates economic power in legal relations when, in reality, class subordination overdetermines the ability to exercise a legal right to strike.

Sciaraffa, 99

[Stefan, analyst @ Akin, Gump, Strauss, Hauer & Feld, L.L.P.: “CRITICAL LEGAL STUDIES: A Marxist Rejoinder,” Legal Theory, 5 (1999), 201–219.

<https://www.cambridge.org/core/services/aop-cambridge-core/content/view/4D5DFFCD65766F3F5A915D92434C0F7F/S1352325299052040a.pdf/div-class-title-critical-legal-studies-div.pdf//AD>

I must lay some initial groundwork before I can show that production relations and legal terms are conceptually distinguishable. First, ownership and other production relations should be conceived as bundles of rights. For example, the laborer’s ownership of his or her own labor power corresponds to the bundle of rights that might include the following: the right to temporarily alienate one’s ownership of one’s labor power; the right to work; the right to bargain collectively; and the right to wildcat-strike. Second, a bundle of powers that roughly match these rights should be enumerated. That is, a laborer might have the power to alienate his or her own labor, to work for another, to bargain collectively, and to wildcat-strike. **Rights and powers are distinct** in that **the existence of one does not presuppose the existence of the other.** Rather, **only the possession of a legitimate power entails the presence of a right** and only the possession of an effective right entails the possession of a power. For example, though it might be illegal for a worker to wildcat-strike, it is still possible that wildcat strikes will occur. Thus, a worker might have the power to wildcat-strike though he or she does not have the right. **Conversely, a worker working in an unorganized labor market might have the right to strike but not the power.** Cohen argues that to speak of production relations, such as the ownership of the means of production or the ownership of one’s labor power, is not to speak of legal rights, but rather it is to speak of underlying powers that match those rights.⁴⁶ To illustrate this distinction, Cohen discusses the changing legal and economic situation of the feudal serf at the dawn of capitalism.⁴⁷ Under feudalism, the serf did not legally own or have power over his labor. Rather, at one time, the feudal lord legally owned the serf’s labor and controlled the only means of livelihood available to the serf, namely the manor. This relationship fundamentally changed with the rise of factories in the cities. Though the serf still did not legally own his labor, the opportunities for work elsewhere than the manor gave the serf a power over his labor that he did not previously possess. And in fact, many serfs exercised this newly found power in violation of their feudal obligations. For Cohen, the relations of production are essentially constituted by effective control over forces of production. In the present example, the relation of production is constituted by the serf’s power, or effective control, over his own labor and not the legal ratification of that power. Thus, Cohen demonstrates the conceptual distinction between law and the relations of production. An argument for the explanatory primacy of these relations can be fashioned that builds upon the conceptual distinction of the relations of production as non legally understood. Ultimately, the law changed and workers obtained legal ownership over their labor power. In functionalist terms, **this legal change occurred because it stabilized the nascent capitalist relations of production** (the power of the former serf over his labor and the capitalist over his means of production). In response to Cohen’s defense of the conceptual and explanatory primacy of the relations of production, Robert Gordon fairly wonders what is the point.⁴⁸ One response is that such a defense shields Marxist analysis of law from allegations of circularity. This is true. However, Cohen’s defense is not necessary in light of the defense against circularity described above. Gordon suggests that the only possible value of Cohen’s defense is “to vindicat[e] a wholly abstract commitment to ‘materialist’ world views.” However, as we shall see, Cohen’s defense does not even serve this value. As discussed earlier, historical materialism comprises two strands. The first holds that the level of the productive forces determines the economic structure (i.e., the set of relations of production). The second holds that the relations of production determine the superstructure,

which includes the law. When Marx speaks of material properties, he is not distinguishing between material and mental properties. Rather, he is distinguishing between material and social properties.⁴⁹ Material properties are roughly coterminous with the forces of production. Therefore, an attempt to vindicate a materialist world view would be a defense of the primacy of the productive forces vis-à-vis the relations of production. Neither Cohen's defense nor Klare's critique addresses the primacy of the productive forces. Rather, Cohen defends against charges that the relations of production are not primary vis-à-vis the superstructure. Thus, the significance of Cohen's defense, if there is any at all, must lie elsewhere. In my view, Cohen's defense is important for reasons closely related to the view shared by both CLS writers and Marxists that social analysis should be conducted with an eye toward implementing social change. In consideration of this shared view, it is especially important to CLS writers and Marxists that the engine of social change be correctly identified. By taking the position that the relations of production (conceived in terms of effective control rather than legal ownership) determine change in the law, Cohen leaves little room for law to then effect change in the relations of production. Thus, if Cohen is right, it would be futile to attempt to bring about change in society via change in the law. Conversely, if Cohen is wrong, there may be some room to effect change in the relations of production by effecting change in the law with the caveat, expressed above, that class interest may place some constraints on bringing about change in this matter.

Of course, whether Cohen is right depends upon whether explanations similar to that offered above with respect to the serf's legal emancipation from the manor can be empirically borne out with respect to all relations of production. This is unlikely. However, it would still be important if some, but not all, relations of production could be so explained. With respect to those relations of production that are primarily relations of effective control, it would be less likely that change in law would lead to social change. With respect to those relations of production that are primarily legal relations, change in law would be a more promising, though not definite, route to such change.

Our critique independently outweighs the case - neoliberalism causes extinction and massive social inequalities – the affs single issue legalistic solution is the exact kind of politics neoliberalism wants us to engage in so the root cause goes unquestioned.

Farbod 15

(Faramarz Farbod, PhD Candidate @ Rutgers, Prof @ Moravian College, Monthly Review, <http://mrzine.monthlyreview.org/2015/farbod020615.html>, 6-2)

Global capitalism is the 800-pound gorilla. The twin ecological and economic crises, militarism, the rise of the surveillance state, and a dysfunctional political system can all be traced to its normal operations. We need a transformative politics from below that can challenge the fundamentals of capitalism instead of today's politics that is content to treat its symptoms. The problems we face are linked to each other and to the way a capitalist society operates. We must ^{make an effort to} understand its real character. The fundamental question of our time is whether we can go beyond a system that is ravaging the Earth and secure a future with dignity for life and respect for the planet. ^{What has capitalism done to us lately?} The best science tells us that this is a do-or-die moment. We are now in the midst of the 6th mass extinction in the planetary history with 150 to 200 species going extinct every day, a pace 1,000 times greater than the 'natural' extinction rate.¹ The Earth has been warming rapidly since the 1970s with the 10 warmest years on record all occurring since 1998.² The planet has already warmed by 0.85 degree Celsius since the industrial revolution 150 years ago. An increase of 2° Celsius is the limit of what the planet can take before major catastrophic consequences. Limiting global warming to 2°C requires reducing global emissions by 6% per year. However, global carbon emissions from fossil fuels increased by about 1.5 times between 1990 and 2008.³ Capitalism has also led to explosive social inequalities. The global economic landscape is littered with rising concentration of wealth, debt, distress, and immiseration caused by the austerity-pushing elites. Take the US. The richest 20 persons have as much wealth as the bottom 150 million.⁴ Since 1973, the hourly wages of workers have lagged behind worker productivity rates by more than 800%.⁵ It now takes the average family 47 years to make what a hedge fund manager makes in one hour.⁶ Just about a quarter of children under the age of 5 live in poverty.⁷ A majority of public school students are low-income.⁸ 85% of workers feel stress on the job.⁹ Soon the only thing left of the American Dream will be a culture of hustling to survive. Take the global society. The world's billionaires control \$7 trillion, a sum 77 times the debt owed by Greece to the European banks.¹⁰ The richest 80 possess more than the combined wealth of the bottom 50% of the global population (3.5 billion people).¹¹ By 2016 the richest 1% will own a greater share of the global wealth than the rest of us combined.¹² ^{The top 200 global corporations wield twice the economic power of the bottom 80% of the global population.}¹³ Instead of a global society capitalism

is creating a global apartheid. What's the nature of the beast? Firstly, the "egotistical calculation" of commerce wins the day every time. Capital seeks maximum profitability as a matter of first priority. Evermore "accumulation of capital" is the system's bill of health; it is slowdowns or reversals that usher in crises and set off panic. Cancer-like hunger for endless growth is in the system's DNA and is what has set it on a tragic collision course with Nature, a finite category. Secondly, capitalism treats human labor as a cost; it therefore opposes labor capturing a fair share of the total economic value that it creates. Since labor stands for the majority and capital for a tiny minority, it follows that classism and class warfare are built into its DNA, which explains why the "middle class" is shrinking and its gains are never secure. Thirdly, private interests determine massive investments and make key decisions at the point of production guided by maximization of profits. That's why in the US the truck freight replaced the railroad freight, chemicals were used extensively in agriculture, public transport was gutted in favor of private cars, and big cars replaced small ones. What should political action aim for today? The political class has no good ideas about how to address the crises. One may even wonder whether it has a serious understanding of the system, or at least of ways to ameliorate its consequences. The range of solutions offered tends to be of a technical, legislative, or regulatory nature, promising at best temporary management of the deepening crises. The trajectory of the system, at any rate, precludes a return to its post-WWII regulatory phase. It's left to us as a society to think about what the real character of the system is, where we are going, and how we are going to deal with the trajectory of the system -- and act accordingly. The critical task ahead is to build a transformative politics capable of steering the system away from its destructive path. Given the system's DNA, such a politics from below must include efforts to challenge the system's fundamentals, namely, its private mode of decision-making about investments and about what and how to produce. Furthermore, it behooves us to heed the late environmentalist Barry Commoner's insistence on the efficacy of a strategy of prevention over a failed one of control or capture of pollutants. At a lecture in 1991, Commoner remarked: "Environmental pollution is an incurable disease; it can only be prevented"; and he proceeded to refer to "a law," namely: "If you don't put a pollutant in the environment it won't be there." What is nearly certain now is that without democratic control of wealth and social governance of the means of production, we will all be condemned to the labor of Sisyphus. Only we won't have to suffer for all eternity, as the degradation of life-enhancing natural and social systems will soon reach a point of no return.

The alternative is to affirm the model of the Communist Party – only party organizing can provide effective accountability mechanisms to correct chauvinist tendencies, educate and mobilize marginalized communities, and connect local struggles to a movement for global liberation.

Escalante, Philosophy @ UOregon, 18

[Alyson, M.A., is a Marxist-Leninist, Materialist Feminist and Anti-Imperialist activist. "PARTY ORGANIZING IN THE 21ST CENTURY" September 21st, 2018
<https://theforcenews.org/2018/09/21/party-organizing-in-the-21st-century/>] rVs

I would argue that within the base building movement, there is a move towards party organizing, but this trend has not always been explicitly theorized or forwarded within the movement. My goal in this essay is to argue that base building and dual power strategy can be best forwarded through party organizing, and that party organizing can allow this emerging movement to solidify into a powerful revolutionary socialist tendency in the United States. One of the crucial insights of the base building movement is that the current state of the left in the United States is one in which revolution is not currently possible. There exists very little popular support for socialist politics. A century of anticommunist propaganda has been extremely effective in convincing even the most oppressed and marginalized that communism has nothing to offer them. The base building emphasis on dual power responds directly to this insight. By building institutions which can meet people's needs, we are able to concretely demonstrate that communists can offer the oppressed relief from

the horrific conditions of capitalism. Base building strategy recognizes that actually doing the work to serve the people does infinitely more to create a socialist base of popular support than electing democratic socialist candidates or holding endless political education classes can ever hope to do. Dual power is about proving that we have something to offer the oppressed. The question, of course, remains: once we have built a base of popular support, what do we do next? If it turns out that establishing socialist institutions to meet people's needs does in fact create sympathy towards the cause of communism, how can we mobilize that base? Put simply: in order to mobilize the base which base builders hope to create, we need to have already done the work of building a communist party. It is not enough to simply meet peoples needs. Rather, we must build the institutions of dual power in the name of communism. We must refuse covert front organizing and instead have a public face as a communist party. When we build tenants unions, serve the people programs, and other dual power projects, we must make it clear that we are organizing as communists, unified around a party, and are not content simply with establishing endless dual power organizations. We must be clear that our strategy is revolutionary and in order to make this clear we must adopt party organizing. By "party organizing" I mean an organizational strategy which adopts the party model. Such organizing focuses on building a party whose membership is formally unified around a party line determined by democratic centralist decision making. The party model creates internal methods for holding party members accountable, unifying party member action around democratically determined goals, and for educating party members in communist theory and praxis. A communist organization utilizing the party model works to build dual power institutions while simultaneously educating the communities they hope to serve. Organizations which adopt the party model focus on propagandizing around the need for revolutionary socialism. They function as the forefront of political organizing, empowering local communities to theorize their liberation through communist theory while organizing communities to literally fight for their liberation. A party is not simply a group of individuals doing work together, but is a formal organization unified in its fight against capitalism. Party organizing has much to offer the base building movement. By working in a unified party, base builders can ensure that local struggles are tied to and informed by a unified national and international strategy. While the most horrific manifestations of capitalism take on particular and unique form at the local level, we need to remember that our struggle is against a material base which functions not only at the national but at the international level. The formal structures provided by a democratic centralist party model allow individual locals to have a voice in open debate, but also allow for a unified strategy to emerge from democratic consensus. Furthermore, party organizing allows for local organizations and individual organizers to be held accountable for their actions. It allows criticism to function not as one independent group criticizing another independent group, but rather as comrades with a formal organizational unity working together to sharpen each others strategies and to help correct chauvinist ideas and actions. In the context of the socialist movement within the United States, such accountability is crucial. As a movement which operates within a settler colonial society, imperialist and colonial ideal frequently infect leftist organizing. Creating formal unity and party procedure for dealing with and correcting these ideas allows us to address these consistent problems within American socialist organizing. Having a formal party which unifies the various dual power projects being undertaken at the local level also allows for base builders to not simply meet peoples needs, but to pull them into the membership of the party as organizers themselves. The party model creates a means for sustained growth to occur by unifying organizers in a manner that allows for skills, strategies, and ideas to be shared with newer organizers. It also allows community members who have been served by dual power projects to take an active role in organizing by becoming party members and participating in the continued growth of base building strategy. It ensures that there are formal processes for educating communities in communist theory and praxis, and also enables them to act and organize in

accordance with their own local conditions. We also must recognize that the current state of the base building movement precludes the possibility of such a national unified party in the present moment. Since base building strategy is being undertaken in a number of already established organizations, it is not likely that base builders would abandon these organizations in favor of founding a unified party. Additionally, it would not be strategic to immediately undertake such complete unification because it would mean abandoning the organizational contexts in which concrete gains are already being made and in which growth is currently occurring. What is important for base builders to focus on in the current moment is building dual power on a local level alongside building a national movement. This means aspiring towards the possibility of a unified party, while pursuing continued local growth. The movement within the Marxist Center network towards some form of unification is positive step in the right direction. The independent party emphasis within the Refoundation caucus should also be recognized as a positive approach. It is important for base builders to continue to explore the possibility of unification, and to maintain unification through a party model as a long term goal. In the meantime, individual base building organizations ought to adopt party models for their local organizing. Local organizations ought to be building dual power alongside recruitment into their organizations, education of community members in communist theory and praxis, and the establishment of armed and militant party cadres capable of defending dual power institutions from state terror. Dual power institutions must be unified openly and transparently around these organizations in order for them to operate as more than “red charities.” Serving the people means meeting their material needs while also educating and propagandizing. It means radicalizing, recruiting, and organizing. The party model remains the most useful method for achieving these ends. The use of the party model by local organizations allows base builders to gain popular support, and most importantly, to mobilize their base of popular support towards revolutionary ends, not simply towards the construction of a parallel economy which exists as an end in and of itself. It is my hope that we will see future unification of the various local base building organizations into a national party, but in the meantime we must push for party organizing at the local level. If local organizations adopt party organizing, it ought to become clear that a unified national party will have to be the long term goal of the base building movement. Many of the already existing organizations within the base building movement already operate according to these principles. I do not mean to suggest otherwise. Rather, my hope is to suggest that we ought to be explicit about the need for party organizing and emphasize the relationship between dual power and the party model. Doing so will make it clear that the base building movement is not pursuing a cooperative economy alongside capitalism, but is pursuing a revolutionary socialist strategy capable of fighting capitalism. The long term details of base building and dual power organizing will arise organically in response to the conditions the movement finds itself operating within. I hope that I have put forward a useful contribution to the discussion about base building organizing, and have demonstrated the need for party organizing in order to ensure that the base building tendency maintains a revolutionary orientation. The finer details of revolutionary strategy will be worked out over time and are not a good subject for public discussion. I strongly believe party organizing offers the best path for ensuring that such strategy will succeed. My goal here is not to dictate the only possible path forward but to open a conversation about how the base building movement will organize as it transitions from a loose network of individual organizations into a unified socialist tendency. These discussions and debates will be crucial to ensuring that this rapidly growing movement can succeed.

FW—The role of the ballot is to resist neoliberal ideology – filter negative arguments through an epistemological dismantling of neoliberalism.

HAY & ROSAMUND, PhDs, 2002 (Colin and Ben, Journal of European Public Policy Volume 9, Issue 2, 2002 p. 3-5)

The implicit supposition which seems to underlie much of the sceptical or second-wave literature seeking to expose the ‘myth’ or ‘delusion’ of globalisation, is that a rigorous empirical exercise in demystification will be sufficient to reverse the tide of ill-informed public policy made in the name of globalisation. Sadly, this has not proved to be the case. For however convinced we might be by the empirical armoury mustered against the hyperglobalisation thesis by the sceptics, their rigorous empiricism leads them to fail adequately to consider the way in which globalisation comes to inform public policy-making. It is here, we suggest, that the discourse of globalisation — and the discursive construction of the imperatives it is seen to conjure along with attendant

fatalism about the possibilities for meaningful political agency — must enter the analysis. For, as the most cursory reflection on the issue of structure and agency reveals, it is the ideas actors hold about the context in which they find themselves rather than the context itself which informs the way in which they behave (Hay 1999a, forthcoming a). This is no less true of policy makers and governments. Whether the globalisation thesis is 'true' or not may matter far less than whether it is deemed to be true (or, quite possibly, just useful) by those employing it. Consequently, if the aim of the sceptics is to discredit the political appeal to dubious economic imperatives associated with globalisation, then they might well benefit from asking themselves why and under what conditions politicians and public officials invoke external economic constraints in the first place. It is to this task that we direct our attentions in this paper. Yet at the outset a certain word of caution is perhaps required. For, even if we accept the potential causal role that ideas about globalisation might play in the structuration of political and economic outcomes, we may be in danger of narrowing the discursive field of our attentions at the outset. The ideas policy makers use to legitimate and/or to rationalise their behaviour should not simply be seen as more or less accurate reflections of the context they perceive (based on more or less complete information). Nor should discourses be understood as necessarily and exclusively 'strategic' (i.e. as relating to situations in which an actor's employment of a discourse correlates directly to particular material interests). Discourse matters in at least two respects. The way in which actors behave is not merely a reflection of the degree of accuracy and completeness of the information they possess; it is also a reflection of their normative orientation towards their environment and potential future scenarios. Thus the constraints and/or opportunities which globalisation is held to imply might be understood (or misunderstood) in very similar ways in different (national) contexts. Yet such understanding are likely to provoke divergent responses from political actors with different normative orientations and diverse institutional contexts. Put simply, though actors may share a common understanding of the process of globalisation, they may respond very differently to its perceived challenges and threats depending on whether one regards the future it promises in a positive or negative light — witness the still ongoing debate within the governing SPD in Germany between supporters of Schröder and Lafontaine (see Lafontaine 1998; Lafontaine and Müller 1998; Schröder 1998; and for a commentary Jeffery and Handl 1999), or that in France between Bourdieu, Forrester and anti-globalisation groups like ATTAC on the one hand and social liberals within the Parti Socialiste on the other (see Bourdieu 1998; Boudieu and Wacquant 1999; Forrester 1999; and for a commentary Bouvet and Michel 1999; Meunier 2000). Within the European Commission, there is evidence to suggest that common understandings of globalisation can be quite consistent with distinct conceptions of the capacity to exercise meaningful agency as actors take up quite different 'subject positions' in relation to globalisation (Rosamond, 1999; 2000b). It is important, then, at the outset that we consider the potential causal role of ideas about globalisation in the structuration of political and economic outcomes.³ Our central argument is, we think, likely to prove controversial. It is simply stated, though its implications are more complex. Essentially, we suggest, policy makers acting on the basis of assumptions consistent with the hyperglobalization thesis may well serve in so doing, to bring about outcomes consistent with that thesis, irrespective of its veracity and, indeed, irrespective of its perceived veracity. This provocative suggestion with, if warranted, important implications, clearly requires some justification (see also Hay 1999b; Rosamond 1999, 2000b, 2000c). Globalisation has become a key referent of contemporary political discourse and, increasingly, a lens through which policy-makers view the context in which they find themselves. If we can assume that political actors have no more privileged vantage point from which to understand their environment than anyone else and — as most commentators would surely concede — that one of the principal discourses through which that environment now comes to be understood is that of globalisation, then the content of such ideas is likely to affect significantly political dynamics.

Case

Unions are racist, the aff increases the power of unions which increases occurrence of union-related discrimination.

Watson 21 Watson, Travis, and Travis Watson is the creator of ADOSConstruction.org and chair of the Boston Employment Commission (BEC). Appointed by former Boston mayor and current US Department of Labor Secretary Martin J. Walsh. "Union Construction's

Racial Equity and Inclusion Charade (SSIR).” *The Racism of Labor Union Construction and Boston's 'White Way'*, 2021, ssir.org/articles/entry/union_constructions_racial_equity_and_inclusion_charade

Union construction jobs are not just good jobs, they are great jobs. They have a relatively low entry barrier and offer world-class training, great pay, and benefits that allow members to retire with dignity. However, **what’s often overlooked is union construction’s racism, and that those great jobs, particularly leadership positions, are designed to remain filled by white men.**

Thanks to construction workers, activists, and journalists, there are countless documented examples of the widespread racism that Black people face in interactions with construction unions. **From being called racist names to being administered tests designed to ensure their failure, a gamut of discriminatory practices make it difficult for Black workers to enter, remain, and grow in the industry.**

In order to create a more diverse and inclusive industry, and to avoid the same mistakes in the future, we first need to learn from this shameful past. Referencing historical examples—primarily found in researchers David A. Goldberg and Trevor Griffey’s *Black Power at Work: Community Control, Affirmative Action, and the Construction Industry*—I describe the six strategies that have made **the process of joining a construction union[can be] as frustrating as possible for Black people.** **So frustrating and exhausting[for black people], in fact, that many Black people would rather give up trying, or not try at all. And, when a particular strategy fails to dissuade Black applicants, white union members resort to intimidation and erecting other barriers for entry, such as devising a racially biased entrance exam that projects racism as a kind of failure onto Black people. Other times it’s openly calling Black workers the “N-word” and explicitly telling them that they aren’t welcome into a construction union.** I then turn to the case study of union construction in the Boston area to examine how racism manifests today.

The aff recognition of an unconditional right to strike undermines any chance of solvency.

Garneau 19 [Marianne Garneau is a labor educator and organizer with the historic IWW, Industrial Workers of the World. She’s the publisher of the website Organizing.Work. “Why Don’t Strikes Achieve More?” Organizing Work. May 1, 2019.

<https://organizing.work/2019/05/why-dont-strikes-achieve-more/>] HW Alex Lee

Under this legal framework, strikes are a blunted tactic, quite intentionally so. They do accomplish something – in each of the three cases described above, workers would almost certainly have got a worse deal had they not struck. There are also strikes that yield apparently better deals, such as the contract bargained by Unite Here with Marriott hotels – arguably in part because contracts at seven different bargaining units expired simultaneously, allowing almost 8,000 workers to strike at once. But **strikes don’t change the big-picture balance of power between employers and workers.** Most of the time, strikes are like a fistfight in which one side gets a bloody nose, the other gets a black eye, and each walks away saying “You shoulda seen

the other guy." At best, a win looks like giving the other side two wounds while you only suffer one. Where do we go from here? Strikes can nonetheless be powerful, of course: it remains the case that withholding production is the greatest tool workers have. Strikes are most effective when they contain an element of surprise, when the employer does not see them coming, or when they skirt the framework described above. Quickie strikes and sit-downs can resolve a problem before things even escalate to appealing to the labor relations infrastructure (grievances, lawyers, arbitration). Fairly spontaneous, mass strikes do frighten and intimidate employers and tilt things in workers' favor. It's important for us on the left to maintain our ability to accurately analyze and assess strikes and their resolutions. If you were to look at union press releases following strikes, you would never know they were incorporating two-tiers or other losses. Unions tend to minimize the damage, so as not to demoralize workers or shake their faith in the union. However, if we keep calling losses (or pyrrhic victories) wins, we may lose the ability to discern wins and losses, and the difference. And we will lose sight of what makes a strike effective.

Thumpers to collective bargaining – employers use legal intimidation tactics that strikes can't solve

Lafer and Loustauanau 20 – Gordon Lafer and Lola Loustauanau, [Gordon Lafer is a political economist and is a Professor at the University of Oregon's Labor Education and Research Center. He has written widely on issues of labor and employment policy, and is author of *The Job Training Charade* (Cornell University Press, 2002). Lola Loustauanau is an assistant research fellow at the Labor Education and Research Center, University of Oregon, Eugene.] 7-23-2020, "Fear at work: An inside account of how employers threaten, intimidate, and harass workers to stop them from exercising their right to collective bargaining," Economic Policy Institute, <https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/>

What this report finds: Most American workers want a union in their workplace but very few have it, because the right to organize—supposedly guaranteed by federal law—has been effectively cancelled out by a combination of legal and illegal employer intimidation tactics. This report focuses on the legal tactics—heavy-handed tactics that would be illegal in any election for public office but are regularly deployed by employers under the broken National Labor Relations Board's union election system. Under this system, employees in workplace elections have no right to free speech or a free press, are threatened with losing their jobs if they vote to establish a union, and can be forced to hear one-sided propaganda with no right to ask questions or hear from opposing viewpoints. Employers—including many respectable, name-brand companies—collectively spend \$340 million per year on "union avoidance" consultants who teach them how to exploit these weakness of federal labor law to effectively scare workers out of exercising their legal right to collective bargaining.

Inside accounts of unionization drives at a tire manufacturing plant in Georgia and at a pay TV services company in Texas illustrate what those campaigns look like in real life. **Below are some of the common employer tactics that often turn overwhelming support for unions at the outset of a**

campaign into a “no” vote just weeks later. All of these are legal under current law:

Forcing employees to attend daily anti-union meetings where pro-union workers have no right to present alternative views and can be fired on the spot if they ask a question.

Plastering the workplace with anti-union posters, banners, and looping video ads—and denying pro-union employees access to any of these media.

Instructing managers to tell employees that there’s a good chance they will lose their jobs if they vote to unionize.

Having supervisors hold multiple one-on-one talks with each of their employees, stressing why it would be bad for them to vote in a union.

Having managers tell employees that pro-union workers are “the enemy within.”

Telling supervisors to grill subordinates about their views on unionization, effectively destroying the principle of a secret ballot.