Traversing the Desolate Terrain: Creative Experimentation within Union Strategy

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Traversing the Desolate Terrain:
Creative Experimentation within
Union Strategy

By Johnnie Kallas
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Chapter One: The Development of Social Movement Unionism and Alternatives to the NLRB System

Introduction

Disarray swells the ranks of the American labor movement, at least according to the media and general public. While organized labor continues to suffer drastic declines in private sector unionization rates, unions have developed several organizing strategies that provide American workers with some hope. From community organizing to alliances with environmental groups—a phenomenon unheard of three decades ago—the labor movement has begun to transform into a social movement that no longer lags behind progressive politics. Unions have experimented with a variety of strategies to halt significant membership decline. Some labor leaders and experts believe that unions need to allocate more resources to innovative organizing strategies, while others argue that unions need to return to a servicing model that focuses on maintaining existing contracts to prevent the complete destruction of the labor movement.

In this paper, I intend to confront major issues regarding contemporary union strategy and the rejection of the National Labor Relations Board (NLRB) process that has governed labor relations since 1935. I will discuss the role that strategic research and corporate campaigns play within both organizing drives and contract negotiations. Strategic corporate research, an element of social movement unionism that has received minimal attention in academic literature, is used by unions to identify major sources of leverage against a company and integrate these pressure points into a larger corporate campaign. Corporate campaigns define a set of tactics used to pressure key decision-makers at multiple levels and develop leverage beyond traditional strategies, such as the strike. The importance placed on such campaigns has extended over the
past decade as a result of failures related to organizing through the NLRB process, yet many unions still place insufficient resources into these aggressive strategies.

I argue that strategic research and corporate campaigns enhance union strategy in three ways. First, strategic research unveils key decision-makers that often remain obscured through complex corporate structures. Second, strategic research and multifaceted campaign tactics allow unions to escalate pressure on key decision-makers beyond the workplace. Third, strategic campaigns enable unions to remain one step ahead of employers and force management on the defensive. No blueprint exists for strategic campaigns, which allows researchers and campaigners to devise creative tactics that management cannot predict. Strategic research and corporate campaigns are fundamental components of union strategy to match corporate power and revitalize the American labor movement.

In this chapter, I will argue that American unions have adopted more strategic tactics as a result of specific developments within political economy and labor law. While strategic research and corporate campaigns are not a magic pill to cure all problems, they serve as a central mechanism to achieve unionization outside of the failed NLRB structure. The NLRB consists of the state-created structures formed in 1935 that institutionalized American labor relations. After briefly describing the origins of the American labor movement, I analyze the institutionalization of labor law at the national level and the development of a Fordist political economy. I then discuss the crisis of Fordism and how the rise of neoliberalism makes the labor law system ineffective for unions today. I analyze the labor law system to show why unions need to look for alternatives to the NLRB to maintain strong density levels. Finally, I conclude
the chapter with an analysis of developments in union strategy and show how strategic research and corporate campaigns have become essential organizing and bargaining tactics.

**Historical Development**

Many scholars argue in the name of “American exceptionalism” that the American labor movement never developed much institutional power and failed to foster a strong socialist tradition like its European counterparts. Historian Mike Davis argues persuasively that the U.S. did develop a militant labor movement in the late-nineteenth and early-twentieth centuries, but American workers were continually divided along racial and ethnic lines, which remained less prevalent in European countries. Waves of immigration in the late-nineteen and early twentieth-century, combined with rural-urban African American migration, created ethnic and racial identities that American labor organizations constantly had to overcome to forge a class-based movement. While these ethnic and racial divides persisted, unions built on grassroots discontent and made enormous organizing gains during the Great Depression. The militancy and grassroots nature of these organizing drives stemmed in part from the lack of federal labor laws and general repression of workers’ rights by companies and the state.

*The Development of Fordism and the Institutionalization of Labor Law*

The American labor movement underwent significant change in the 1920s and 1930s as a result of transformations in political economy and the creation of a national labor law system. Similar to other industrialized countries, the United States began to develop a Fordist political

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economy that emphasized increased productivity and the standardization of industry. Henry Ford’s management over his automobile company inspired the naming of the Fordist system. Ford was responsible for two innovations--the assembly line and the five dollar day--that define a Fordist political economy. The assembly line describes the relative monotony of the labor process of Fordist manufacturing shops, in which workers repeat a single task and management often imposes Taylorist policies to extract greater value and profit. The five dollar day allows for the mass consumption that accompanies the mass production developed by assembly line labor. Fordism requires high levels of consumer demand to purchase manufactured goods, which Ford developed through high wages.

Fordism also necessitates a labor-management accord that avoids class conflict through a tripartite relationship among the state, corporations, and unions. While the United States did not develop an elaborate corporatist labor relations system evident in countries such as Sweden and the United Kingdom, the introduction of national labor law in 1935 developed a federal system governing class relations. As Katherine Stone explains, “[i]ndeed, for most of the twentieth century, the law and the institutions governing work in America have been based on the assumption that workers were employed in stable jobs by corporations that valued long-term attachment between the corporation and the worker.” The dependency of capital for a stable labor force necessitated a system like the NLRB. However, as explained later, this system began to falter once capital no longer desired tight internal labor markets.

Fordism created a labor relations system based on compromise and tradeoffs that both employees and management accepted. Workers--especially those employed in industrialized

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industries such as steel, coal, and automobiles—received benefits such as job security, higher wages, and grievance procedures under a Fordist economy. All of these benefits derived from high levels of unionization in these industries. Unionization also benefited management by providing for stable labor force who consumed the products they produced. In exchange for material benefits, workers and unions gave up significant control over the assembly line labor process.


While the Braverman-Burawoy debate remains unsolved and is beyond the scope of this paper, it is sufficient to say that, while some workers developed agency in the Fordist manufacturing plant, employers often traded material benefits for ultimate control over the labor process.

The labor movement exerted enough pressure on the national government during the Great Depression to force the passage of the National Labor Relations Act—also called the Wagner Act—in 1935. The Wagner Act created the NLRB and a national system of institutions governing labor relations. The development of national labor law empowered workers to organize into unions by creating procedures for organizing drives and collective bargaining


negotiations. NLRB organizing drives involve several processes. First, nonunion employees who desire greater workplace protection contact a union. Organizers then gauge employee support to discern whether the union has majority backing. A union can petition for an NLRB election with support from at least thirty percent of the potential bargaining unit. If majority support is present, the union may inform management and request that the employer recognize the union as the legitimate bargaining agents of the workforce. Management generally decides to refuse recognition and opts for an NLRB-regulated election. While the NLRB legally protects the rights of workers to express views and support unionization, management maintains an inherent advantage through easy access to the workforce to promote an antiunion ideology.

NLRB elections share many similarities with political elections, as votes are cast in private and both union and management lobby to persuade workers.\footnote{James J. Brudney, “Neutrality Agreements and Card Check Recognition: Prospects for Changing Labor Relations Paradigms,” \textit{American Constitution Society} (February 2007): 12-13.} The union needs to receive 50\% plus one to win the election. Problems associated with this NLRB election process receive attention later in this chapter.

While unionization rates soared in the decade following the Wagner Act, a newly elected Republican Congress of 1946 overrode President Harry Truman’s veto and passed new labor law legislation that continues to reverberate to the present day. The Taft-Harley Act of 1947 amended and weakened some of the more progressive union rights evident in the Wagner Act by introducing new procedures into labor law. Among a variety of amendments, Taft-Hartley prevented the use of secondary boycotts or wildcat strikes, purged Communists from unions and the NLRB, and enabled the development of Right-to-Work laws. For this paper, the most essential component of Taft-Hartley regards the limitations the act places on certain union
organizing strategies, namely secondary boycotts and strikes. Taft-Hartley continues to force unions to rely on and work within the NLRB structure by placing severe limitations on other organizing tactics, such as pressuring employers into union recognition through consumer boycotts. While the effects of Taft-Hartley were not felt right away--as unions continued to maintain high density rates throughout the 1950s and into the 1960s--the Act began to significantly hurt unionization during the onslaught of neoliberalism beginning in the late-1970s.

_The Rise of Neoliberalism and the Ineffectiveness of the NLRB_

Beginning in the late-1970s, dramatic transformations in political economy strongly influenced the development of American labor relations. The economic stagnation of the 1970s--deemed the failure of Keynesianism and Fordism--led to the formation of an economic ideology centered around privatization and flexibility. Neoliberal ideology equated democratization with marketization and led to a significantly reduced role of state welfare programs. British Prime Minister Margaret Thatcher and American President Ronald Reagan developed institutionalized neoliberal policies on the political level. For his part, Reagan contributed significantly to the decline of American unionism when he invoked aspects of Taft-Hartley to fire striking air traffic controllers in 1981. Reagan’s actions sent a cue to employers throughout the nation to take a more activist approach towards labor relations. The structural changes brought about by neoliberalism and globalization--including capital flight and the development of complex corporate structures--also severely weakened American unions, most of which remained completely unprepared for rapid structural change.
Transformations in corporate structure and managerial practices, strongly related to neoliberalism and globalization, contributed significantly to the decline of union density. Corporate emphasis on flexible employment, instead of stable internal labor markets, led management to de-unionize and reorganize workplaces. Neoliberal ideology undermined and actively denied the role of unions as partners to manage labor unrest and maintain labor market stability. Despite evidence provided by numerous studies showing that “union victory in an NLRB representation election has no effect on establishment survival,” employers increasingly value flexibility and complete control over their workforce, even if material realities remain the same regardless of union presence. Corporations eliminated unions through tactics such as outsourcing and took advantage of a growing antiunion establishment in Washington, as the NLRB no longer protected workers’ rights to the same extent as during the immediate post-war era.

The NLRB has failed to adapt to contemporary political and economic realities. Prominent labor law scholar Julius Getman argues that the NLRB creates imbalances with regard to access, coverage, and delay. Employers effectively prevent union organizers from accessing workplaces and discussing issues related to unionization with employees. During an organizing drive, management often meets with employees to discuss the benefits and costs of unionization, obviously emphasizing the latter. While Getman argues against the perceived negative effects of employer intimidation on unionization success, the imbalance evident with regard to access clearly shows how such intimidation potentially plays a key role in dissuading workers against

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forming a union. Labor organizers inherently maintain less access to workplaces than managers.\textsuperscript{8}

Another problem with the NLRB system relates to coverage and the shrinking definition of what constitutes an employee. Emphasis on employer flexibility has led to an increase in temporary work and the redefinition of employees into “independent contractors.” Not only does temporary work--or the common practice of shorter and more frequent work shifts--inhibit unionization, such temporary workers and independent contracts are barred from NLRB coverage.\textsuperscript{9} In addition, the more narrowed definition of an employee has transformed nurses and other similar occupations from workers into supervisors, thus barring them from union eligibility. The complete restructuring of the term “employee” forces unions to work outside the NLRB process when attempting to organize such workers.

Assuming a union succeeds through the NLRB process, an election victory does not automatically yield a contract. Even when workers vote to organize, a union needs to bargain with management over contract provisions.\textsuperscript{10} During this lag period, the company does not recognize the union. While federal labor law maintains procedures that supposedly lead to quick contract negotiation after a union’s election victory, these mechanisms often go unenforced and require the union to engage in a costly contract campaign to force the employer to agree to a fair contract. The failure of the NLRB to adapt to changing circumstances, such as the rise of neoliberalism, unbalanced access to workers between employers and union representatives, and

\textsuperscript{8} Getman, \textit{Restoring the Power of Unions}, 183.
\textsuperscript{9} Getman, \textit{Restoring the Power of Unions}, 184-5.
\textsuperscript{10} Getman, \textit{Restoring the Power of Unions}, 110, 199.
limited mechanisms to force contract negotiation, force unions to adopt innovative organizing strategies to combat increased employer aggressiveness.

Development of Union Strategy

Union strategy has developed as a response to changes in political economy, corporate structure, and labor law. Labor academic Tom Juravich explores how the political economy of different eras influenced organizing strategy. At American Woolen in Lawrence, Massachusetts, workers organized by the radical International Workers of the World (IWW) engaged in the famous Lawrence textile strike of 1912. The IWW determined that a strike was the most fitting form of resistance, evident in the use of strikes to halt production and solve labor disputes during the time period as a result of no institutional involvement in labor relations by the state.11

Union strategy evolved as a result of corporate and institutional transformations. For example, the United Autoworkers (UAW) selectively struck General Motors (GM) at its Flint, Michigan plant in 1937. Unlike American Woolen, GM operated multiple national plants, which allowed the union to engage in a selective strike. The UAW utilized corporate research and analyzed pressure points to determine which plant to strike. The union’s strategy developed within the context of hundreds of militant organizing drives in the wake of the 1935 Wagner Act’s recognition of the right to organize.12

After the institutionalization of labor law in 1935, unions began to develop a mutually beneficial relationship with capital and the state to mediate labor relations. While strikes and


organizing drives remained commonplace in some instances, the era between 1935 and 1975 heralded labor-management cooperation. Union strategy focused on organizing and maintaining contracts through the NLRB system. Unions also recognized the development of corporate structure, which strongly influenced strategic decision-making. Established industrial firms like United Steel maintained numerous national and international plants and developed a more comprehensive corporate structure than American Woolen in 1912 or GM in 1937. Unions recognized that selective strikes work less effectively in these more expansive industries, and instead responded to developments in corporate structure and labor law through pattern bargaining. For example, the United Steelworkers (USW) bargained with employers in every firm within an industry, thereby organizing entire industries instead of single plants. Many employers also desired this pattern bargaining and thereby helped organize for unions--although this phenomenon was more common in Western European countries. The development of the NLRB enabled such expansive pattern bargaining. Corporate profitability and management emphasis on stability, rather than flexibility, also led to high unionization rates.

The rise of neoliberalism and the ineffectiveness of the NLRB rapidly debilitated organized labor and required a new approach to unionism. Unions were slow to respond to these transformations, as most labor leaders still emphasized an outdated servicing model that relied on the NLRB and labor law to maintain union strength. John Sweeney ascended to the presidency of the AFL-CIO in 1995 on a platform that emphasized organizing, organizing, and more organizing. Sweeney led the Service Employees International Union (SEIU) through a tremendous growth phase between 1981 and 1995, and sought to expand the successful emphasis

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on organizing throughout the entire labor movement. Some unions, especially more progressive grassroots unions in the service sector, shifted to a strategy that allocated more resources to organizing during the 1980s, with a realization that a strictly servicing model would lead to the rapid destruction of the labor movement. The emphasis was placed on unionizing new workers through the existing NLRB structure, as many labor leaders believed at the time that the failures of unions to organize--instead of the ineffectiveness of the NLRB process--remained at fault for organized labor’s downfall.

Organizing through existing federal structures proved difficult. Faced with intense employer opposition to unionization and the structural effects associated with globalization, the NLRB system no longer provided unions with enough institutional support to organizing and bargaining efforts. Without a change in labor law, the outdated NLRB system forced unions to adapt and work outside of existing federal institutions. For example, the Hotel Employees and Restaurant Employees (HERE\(^4\)) completely abandoned the NLRB process and relied solely on card check recognition by the late-1990s.\(^5\) Card check substitutes for the NLRB process and occurs when a majority of workers in a firm check authorization cards affirming a desire for union representation. An employer needs to agree to bypass the NLRB process described earlier and recognize a union based on card check.\(^6\) Unions often develop corporate campaigns to obtain neutrality agreements between an employer and a union, which sometimes leads to card check recognition and a quick first contract.

\(^{14}\) HERE has since merged with UNITE to form UNITE HERE.


\(^{16}\) Brudney, 12-13.
The term social movement unionism encompasses the new emphasis on organizing through alternatives to the NLRB system. This social movement unionism differs with business unionism, in which unions allocate most resources to servicing current union members instead of organizing new workers. The social movement approach contains two different models, both of which remain necessary for unions to reclaim power. The worker-centered approach--which has received the most attention in academic literature--refers to an increased dedication to grassroots empowerment of both union and nonunion members to take matters into their own hands. This approach calls for more union democracy and militancy. The other model--often referred to as the leverage-based approach--emphasizes strategic research to develop multifaceted campaigns that pressure employers beyond the workplace. In contrast to the worker-centered model, the leverage-based approach highlights the importance of paid union staff to discover points of leverage and develop a campaign against a company. While elements of these two models remain necessary to develop union power and comprehensive corporate campaigns, obvious tensions--such as the importance of union democracy--exist. My research will focus on the leverage-based component to social movement unionism, but I plan to problematize these tensions throughout the paper.

Strategic Research and Corporate Campaigns

Two struggles in the 1960s and 1970s laid the foundation for developments in union strategy that centered around strategic research and corporate campaigns. While most labor academics consider the Amalgamated Clothing and Textile Workers Union (ACTWU) late-1970s

successful organizing drive against J.P. Stevens as the first corporate campaign, the César Chávez-led Farmworkers’ movement implemented many strategic tactics that forced grape growers to the bargaining table. The United Farmworkers (UFW) approached the Great Delano Grape Strike of the late-1960s in many similar ways as contemporary unions that operate under the guise of social movement unionism approach organizing drives today. Because agricultural workers receive no protection under the NLRB, the UFW could only bring about unionization through creative pressure tactics. While the UFW was forced to work outside of the system, many progressive unions today elect to work outside of the NLRB structure and therefore rely on campaigns that pressure the target employer.

The UFW developed a two-tier approach that focused on maintaining solidarity amongst a largely immigrant workforce and created strategic tactics that pressured grape growers on a national scale. On the front lines, the UFW associated the struggle with a variety of symbols in Mexican culture that the farmworkers connected with. The use of vigils, community centers, and a three-hundred mile march from Delano to Sacramento maintained solidarity and supported workers throughout the strike.\(^\text{18}\) From a strategic standpoint, the UFW relied extensively on creative and confrontational pressure tactics. This emphasis on experimentation and innovation remained essential for the movement.\(^\text{19}\) For example, the UFW developed a consumer boycott throughout the United States by sending inexperienced organizers--most of whom had never left California--to cities throughout the country to pressure major distribution centers and chain


grocery stores from selling California grapes.\textsuperscript{20} Through creativity and experimentation, the boycott succeeded and played a large role in forcing grape growers to recognize the UFW as the farmworkers’ formal bargaining representative.

ACTWU staffer Ray Rogers developed the first widely-recognized corporate campaign, which sought to pressure key J.P. Stevens’ board members into accepting unionization. Rogers connected Stevens’ board members with other prominent organizations and pressured the target firm indirectly through these associations. For example, Rogers connected several board members with key positions in Manufacturers Hanover Trust Company and enlisted the support of other unions to threaten to withdraw pension funds from Hanover. After Rogers made several other associations between the Stevens’ board and other key financial institutions, the company finally conceded to union demands in 1980.\textsuperscript{21} He showed that, by pressuring key decision-makers, unions can force companies to the bargaining table. However, Rogers’ tactics have not represented a universal cure for organized labor.

The UFW boycott and Rogers’ corporate campaign show that union strategy needs to focus on developing strategic campaigns that leverage companies on multiple fronts. The transnational nature of many firms necessitates the development of multifaceted corporate campaigns that rely on strategic research to identify sources of leverage. Strategic research and corporate campaigns remain the only ways to combat transnational corporations because unions need to unveil key decision-makers and pressure these firms beyond the site of the workplace. While comprehensive corporate campaigns have achieved success in several instances, the


enormous amount of resources and time required make many labor leaders skeptical of the value of corporate campaigns, especially since many of these campaigns have failed.

The potential costs of undertaking a comprehensive campaign appear obvious, but data show that strategic tactics associated with multifaceted campaigns play an extremely large role in union success rate. Prominent labor organizing academics Kate Bronfenbrenner and Robert Hickey show through regression analysis that union strategy matters. Bronfenbrenner and Hickey make a list of ten strategic campaign tactics, and present data which shows that the presence of five or more of these tactics significantly improves a union’s chances at winning an NLRB election. The authors’ analysis focuses only on NLRB elections. Based on this data, the authors conclude that union strategy is the single most important determinant of election outcome. Many labor leaders, organizers, and scholars who have lived through and studied the decline of American unionism may--and perhaps rightfully so--dispute Bronfenbrenner and Hickey’s claims. However, there remains little doubt that union strategy represents an extremely important determinant in election outcome. As the authors state, “unions cannot wait--for labor law reform, for a more favorable economic climate, or more favorable political environment--before they begin to utilize this more comprehensive, multifaceted, and intensive strategy in all of their organizing efforts, inside and outside the NLRB process.”


23 Bronfenbrenner and Hickey, “Changing to Organize,” 55.
Conclusion

Unions need to adapt to dramatic transformations within political economy, corporate structure, and labor law. Strategic research and corporate campaigns play large roles in the revitalization process. Neoliberalism continues to operate as both a practical reality and ideological agenda. Corporate structure has become more complicated as more firms expand internationally. Corporate ownership and other key decision-making actors no longer remain very clear as companies diversify. Moreover, corporations continue to invest in anti-union consulting firms that further widens the resource discrepancy between unions and management. The failure of the NLRB to adapt to the changing political and economic contexts force unions to develop innovative methods of exerting pressure on companies to organize more workers. If union strategy fails to respond to these diverse changes through more sophisticated organizing approaches, worker power will undoubtedly continue to falter.
Chapter Two: Analysis of Organizing Win Rates and Implications

Over the past three decades, several unions have adopted innovative and creative strategies in an effort to revitalize the labor movement and organize more workers. While a few unions have experienced growth in membership, the overall unionization rate--especially in the private sector--continues to spiral downwards. In this chapter, I will explore statistics on both NLRB election activity and card check procedures. I also analyze determinants of organizing success and union renewal, as innovative tactics related to strategic research and corporate campaigns often play large roles in these efforts. Despite aggressive anti-union strategies and a hostile economic context, union strategy plays an extremely large role in determining organizing success rates. Finally, I will analyze the necessity of top-down organizing processes--such as strategic research and corporate campaigns--in conjunction with the grassroots mobilization tactics often attributed to social movement unionism. Numerous progressive service sector unions have adopted more aggressive campaign strategies, but not all adhere to the bottom-up model that many activists and scholars advocate and associate with social movement unionism.

Organizing within the NLRB

The National Labor Relations Act created institutions that serve to regulate organizing drives and collective bargaining. As shown in the last chapter, while unions successfully pursued organizing through the NLRB system for several decades after its formation in 1935, employers began to exploit weaknesses in the system to combat organizing drives and decertify existing unions. The NLRB has failed to advance the right to organize within the context of globalization
and corporate emphasis on flexibility. While the majority of unions still utilize the NLRB in some capacity, many unions now opt to work outside of federal institution to organize workers.

As Figure 2.1 indicates, unions organized through the NLRB process to varying extents between 1940 and 1999. NLRB elections increased rapidly in the early-1940s and early-1950s and maintained a general upwards pace through the mid-1970s, before decreasing significantly in the early-1980s. The number of NLRB elections split in half between 1980 and 1985. Employers pursued aggressive action against organized labor, especially after Reagan fired the air traffic controllers in 1981, and unions were forced to allocate many resources to defending against decertification campaigns. NLRB election rates stabilized after 1985 through 1999.

![Figure 2.1 Number of NLRB Certification Elections 1940-1998](image)

Despite significant declines in the quantity of NLRB elections, union victory rate did not change significantly during the 1980s. Figure 2.2 shows that union win rates have declined

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steadily since a wartime high of around 85% and reached below 50% by the mid-1970s. If anything, win rates have increased since the mid-1970s, and hovered around 50% by 1999. A major factor adding to the ineffectiveness of the NLRB under neoliberalism relates to first contract rates. Labor law expert James Brudney cites two quantitative analyses from the 1980s and 1990s that show that successful first contract negotiation occurs in approximately 60% of all union NLRB victories. Combine this figure with the sub-50% win rate to begin with, and less than one-third of workers attempting to form a union through the NLRB actually became unionized in the 1990s.

Figure 2.2 Union Win Rates in NLRB Election 1940-1999


Recent data indicates that organizing through the NLRB has significantly faded over the past decade. Statistics on NLRB representation petitions and elections are readily available on the agency’s website.

![Figure 2.3 NLRB Petitions and Elections held between Fiscal Years 2004 and 2013.](image)

These statistics show a general decrease in the amount of petitions filed and elections held between 2004 and 2013. Nearly 1,000 less elections were held in fiscal year 2013 than in 2004. The statistics also indicate a slight increase in NLRB election win rate over the past decade. Many unions have abandoned the NLRB process and now rely more heavily on card

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check, and/or unions no longer organize as much as they did a decade ago. While the possibility that unions now organize even less than they did a decade ago requires more research and presents a frightening prospect, it appears safe to conclude that at least some unions now organize more heavily outside of the NLRB.

Quantitative research shows that—even within organizing campaigns operating through the outdated NLRB system—union strategy plays a significant role in determining success rates. Bronfenbrenner has released several quantitative studies that prove the importance of union tactics. In one study of 261 NLRB election campaigns from 1986-1987, she shows that variation in union tactics is the single most important determinant in election outcome.\textsuperscript{28} A study released in 2004 by Bronfenbrenner and Hickey further supports the importance of union strategy. This analysis controlled for election background, bargaining unit demographics, company characteristics, and employer opposition. The most remarkable analysis pits employer strategies against union strategies. When the employer uses five to nine tactics and the union only uses five or fewer tactics, union win rate stands at 35%. Conversely, when the employer uses five to nine tactics and the union uses more than five organizing tactics, the win rate jumps to 93%.\textsuperscript{29} The number of these “comprehensive organizing tactics”\textsuperscript{30} utilized by unions obviously acts as a


\textsuperscript{29} Bronfenbrenner and Hickey, “Changing to Organize,” 39.

\textsuperscript{30} Bronfenbrenner and Hickey identify and use ten tactics that they argue “are critical to union organizing success in the current environment: 1) adequate and appropriate staff and financial resources, 2) strategic targeting, 3) active and representative rank-and-file organizing committees, 4) active participation of member volunteer organizers, 5) person-to-person contact inside and outside the workplace, 6) benchmarks and assessments to monitor union support and set thresholds for moving ahead with the campaign, 7) issues which resonate in the workplace and in the community 8) creative, escalating internal pressure tactics involving members in the workplace, 9) creative, escalating external pressure tactics involving members outside the workplace, locally, nationally, and/or internationally, 10) building for the first contract during the organizing campaign.”
large determinant of organizing success rate. While some scholars may argue that these results
deemphasize changes in the global economy and fail to explain why unions are not adopting
these strategies on a widespread level, few can argue that unions remain helpless to reverse
declines in membership rates.

**Card Check Organizing**

Unfortunately, data on card check organizing success remain very limited. Several
progressive service sector unions use card check as their major, and in some cases only, method
to organize workers. Card check occurs when a union enters a workplace and gets a majority of
workers to sign cards--generally in a public group setting--indicating preference for joining the
union. This method substitutes for an NLRB secret-ballot election, which is more prone to
employer intimidation. Organizing through card check often, but not always, involves a
neutrality agreement, which is an agreement signed by the union and management stating that
the employer will remain neutral if the union gives something in return, such as a promise not to
develop a corporate campaign.

Neutrality agreements allow unions and employers to regulate organizing drives outside
of the restrictions posed by the NLRB. Most neutrality agreements arise out of union reliance on
employer neutrality during an organizing drive and management’s desire to restrict aggressive
union tactics. As Brudney writes, “the self-regulated regime under neutrality and card check is
predicated on a pre-commitment to restraint: both labor and management agree not to injure the
reputation of their opposite number.”31 In a study by scholars Adrienne Eaton and Jill Kriesky,

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almost all neutrality agreements guaranteed employer commitment to neutrality and union access to employees at work. Around eighty percent restricted aggressive union behavior. Finally, about two-thirds included card check provisions, which enabled an organizing drive that avoided the NLRB election process.\textsuperscript{32} As discussed in the next paragraph, the card check provision represents a major determinant of union success rate. Neutrality agreements have come under attack over the past couple of decades, but still remain an essential organizing tool for many unions. The Supreme Court heard arguments for a case that could have decided the fate of neutrality agreements--which would have had far-reaching consequences for modern organizing--but decided to drop the case in December 2013.\textsuperscript{33}

Research on non-NLRB organizing drives remains minimal, but several studies show that card check provides a more effective way to organize workers than the NLRB. Unlike NLRB records, no government agency keeps track of every card check organizing campaign. Some interest groups, such as the AFL-CIO’s \textit{Work in Progress} reports and the Center for Employee Rights, have maintained records for these campaigns, but these records are incomplete. The first and most comprehensive study of card check organizing was released in 2001 by Eaton and Kriesky, who quantitatively analyzed 118 card check agreements. Major findings include that card check reduced legal and illegal management tactics and enabled unions to obtain employee lists.\textsuperscript{34} A large majority of cases also required certification by a neutral third party, which helps

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\item Brudney, “Neutrality Agreements and Card Check Recognition,” 13.
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substitute for the lack of regulatory oversight over card check campaigns. Most important for this paper, Eaton and Kriesky discovered that win rates of card check agreement with neutrality approach 80%, which is significantly greater than NLRB victory rates. They also discovered that neutrality-only agreements without card check provisions produced the same win rates as NLRB elections. Card check provisions need to accompany neutrality agreements to produce higher win rates, which further exposes the weaknesses associated with the NLRB election process. One of the most important statistics concerned first contract negotiation rates. Successful negotiation of first contracts occurred in nearly 100% of the cases studied. As Martin Jay Levitt’s classic Confessions of a Union Buster shows and data from earlier in this chapter indicate, the NLRB process fails to force employers to negotiate a contract, even after a successful organizing campaign. Card check virtually ensures contract negotiation.

Unions obviously benefit from card check arrangements, but employer motivations for entering such agreements appear more complicated. Multiple studies argue that basic economic rationality leads many employers to agree to card check arrangements. Employers sometimes believe that costs incurred through collective bargaining are offset by the benefits gained. Such benefits include “advantages in marketing products or services to unionized firms... assistance from unions in lobbying for favorable legislative or regulatory outcomes... promote a more cooperative stance by unions.” For example, the recently dropped Supreme Court case involved UNITE HERE and a Florida casino, in which the neutrality agreement included a

35 Eaton and Kriesky, “Union Organizing under Neutrality and Card Check Agreements,” 52.
36 Eaton and Kriesky, “Union Organizing under Neutrality and Card Check Agreements,” 57.
provision that the union would spend $100,000 to politically lobby on behalf of the casino in exchange for neutrality and card check procedures.39

Employers also use neutrality agreements and card check campaigns to regulate union behavior. The threat of corporate campaigns plays a large role in an employer’s cost-benefit analysis to enter into a neutrality agreement. Eaton and Kriesky explain that “card check agreements that limited union attacks on employers produced significantly fewer union victories than those that did not curtail use of this tactic.”40 Based on these statistics and common logic, employers will obviously want to limit aggressive union strategy as part of a card check and/or neutrality arrangement. While nearly eighty percent of neutrality agreements include restrictions on aggressive strategy, unions benefit from keeping these tactics on the table.

Eaton and Kriesky argue in a more recent article that “corporate campaigns are not a frequently used strategy to secure neutrality and/or card check” and “no more than a handful of the agreements we have studied involved corporate campaigns.”41 They cite that unions use the threat of work stoppage as the major source of leverage when struggling for neutrality and/or card check arrangements. While corporate campaigns may not provide the foundation for achieving neutrality—likely because most unions do not actively utilize corporate campaigns—either the threat of aggressive union tactics or actual use of these tactics remain a major driving force behind an employer’s decision to accept and negotiate the terms of neutrality.

39 Barnes, “Supreme Court Drops Case.”

40 Eaton and Kriesky, Union Organizing under Neutrality and Card Check Agreements, 53.

Congress came somewhat close to institutionalizing card check through the Employee Free Choice Act (EFCA) in 2007 and 2009, but the legislation failed to receive a supermajority in the Senate. EFCA would have benefitted unions in three ways. First, EFCA would enable union recognition through card check and eliminate the process of intimidation prevalent in NLRB secret-ballot elections. Second, if union and management fail to agree to a first contract within ninety days, a neutral arbitrator would ensure the formation of a fair contract. Third, employers would face fees for intimidation of workers attempting to invoke union rights.42 Scholar Bruce Nissen uses a case study approach to determine the potential effectiveness of EFCA for an organizing drive at a Florida nursing home that suffered defeat as a result of union-busting tactics. Nissen argues that EFCA provisions would have definitely helped nursing home workers form a union through card check provisions, but also shows that employers could challenge worker signatures and take the organizing drive through the lengthy NLRB process. Furthermore, employers may justify the financial consequences of antiunion activity to prevent unionization.43 EFCA undoubtedly promotes a more friendly organizing environment, but the legislation would not sole every problem associated with union-employer relations.

Which Unions Implement Comprehensive Organizing Strategies?

Despite quantitative analyses proving the importance of comprehensive organizing strategies, few unions consistently implement the tactics described earlier by Bronfenbrenner and Hickey. Those unions that utilize these tactics tend to operate outside of the NLRB structure and


rely on neutrality agreements and card check to organize more workers. Bronfenbrenner and Hickey show that only UNITE, HERE,44 and SEIU averaged four or more comprehensive organizing tactics during a campaign during the period under study. Many older, industrial unions--such as the Steelworkers and the Teamsters--averaged two or fewer comprehensive tactics during organizing campaigns.45 This analysis indicates that most of the unions utilizing comprehensive tactics organize within the service sector, while more traditional unions in the manufacturing and transportation sectors have failed to adopt more strategic tactics. The data is over a decade old, but little evidence suggests that progressive service sector unions have abandoned these strategies or that more traditional unions have greatly expanded use of these tactics.

The same unions that implement comprehensive organizing strategies appear most likely to develop corporate campaigns. In a briefing book to the U.S. Chamber of Commerce, academic Jarol Manheim documents analyzed fifty-seven corporate campaigns between 2000 and 2005. Twenty-eight of the campaigns listed involved UNITE, HERE, UNITE HERE or SEIU.46 Other organizing-focused service sector unions (UFCW and CWA) and progressive public sector unions (AFSCME) made up a large component of the remaining campaigns on the list. The USW and Teamsters also appear on the list multiple times, but service sector unions undoubtedly undertake a large majority of corporate campaigns in the twenty-first century. While Manheim’s list does not follow a precise quantitative methodology, he lists campaigns in

44 UNITE and HERE have since merged to form UNITE HERE.
45 Bronfenbrenner and Hickey, “Changing to Organize,” 42-44.
which “companies are targeted without respect to their size, location, industry or prominence”\textsuperscript{47} and there is little reason to suspect that he favors listing certain corporate campaigns over others.

The two largest practitioners of corporate campaigns--UNITE HERE and SEIU--are arguably the two unions most associated with social movement unionism. These unions also remain at the center of debates surrounding the most appropriate and effective way to organize workers.

\textbf{Top-Down and Bottom-Up Approaches to Unionism}

The debate on union democracy and its relationship to union renewal has generated a significant amount of scholarly attention over the past couple of decades. These debates relate strongly to the perceived importance of strategic research and corporate campaigns within union strategy. The thrust of social movement unionism came from activists and academics who argued that the decline of the labor movement resulted from bureaucratization and an emphasis on servicing existing members, rather than organizing new recruits. The return of unions to their social movement roots--namely through grassroots empowerment of both union and nonunion workers and a shift to an organizing model--is seen as the cure to decades of decline. While many case studies show the importance of a greater bottom-up approach to unionism, union staff play a large role in devising and implementing comprehensive organizing strategies. Top-down tactics support grassroots renewal. Many unions require a certain amount of centralization--distinct from the bureaucratization of business unionism--to place more resources into organizing and developing more strategic tactics. In this context, centralization implies efficient organizational structure change to bring about more effective organizing models, while

\textsuperscript{47} Manheim, \textit{Trends in Union Corporate Campaigns}, 27.
bureaucratization implies stagnation. Social movement unionism requires a combination of top-down and bottom-up processes.

Several qualitative and quantitative studies argue that union staff and national unions more effectively bring about a shift to social movement unionism tactics than enhanced union democracy. Obvious support for this argument relates to the fact that existing members have less to gain in the short-run from reallocating resources from servicing to organizing. How can scholars expect the rank-and-file to instigate progressive change when their immediate material interests align more with business unionism? In Robert Hickey, Sarosh Kuruvilla, and Tashlin Lakhani’s analysis of of thirty-two case studies of organizing campaigns in the U.S. and U.K., they start from the foundation that “decades of research... suggest that most voluntary organizations have a core of activists and a large number of free-riders. Empirical studies also show that member activism in unions remains weak at best.”48 Hickey et. al’s findings suggest that while bottom-up processes were sometimes a major contributor to organizing success, “union member activism is neither consistently necessary nor consistently sufficient for union renewal.”49 Conversely, the role of paid union staff remained essential in all successful case studies.

Andrew Martin’s quantitative study of seventy union locals between 1990 and 2001 shows that professional staff have more freedom to divert resources to organizing because they remain insulated from the rank-and-file. In this argument, union staff--as opposed to elected leaders or the rank-and-file--represent the most activist element of unions, which supports the


49 Hickey et al., “No Panacea for Success,” 60.
theory that top-down processes enable a shift towards implementing social movement unionism practices. Martin also shows that “the total union disbursements controlled by the elected officials has a strong positive effect on organizing success outside the NLRB.” Martin’s study suggests that professional staff plays a large role within NLRB campaigns, and elected leaders play an especially large role in non-NLRB campaigns. In conclusion, union leaders and staff often shift resources to organizing and strategic tactics.

National unions sometimes play a large role in revitalizing union organizing by forcing local unions to shift resources from business to social movement unionism practices. Voss and Sherman’s analysis of fourteen locals in three different national unions found that “transformation took place most often in locals where a crisis opened the door to greater intervention by change-oriented national leaders.” Bottom-up pressures were not responsible for initiating change in the transformation of any of these fourteen locals. Martin’s study also shows that greater influence of national unions led to the adoption of social movement tactics at the local level. While this evidence suggests that increased centralization and greater involvement of union staff leads to a shift of resources to organizing and other social movement practices, such analysis relies on the foundation that union leaders are both progressive and risk-taking actors.

The distinction between the bureaucratization of business unionism and the centralization of social unionism relates to the distribution of resources to servicing or organizing models. Top-


52 Voss, “Democratic Dilemmas,” 376.
down processes may fail unions in which leaders still adhere to business unionism practices. Furthermore, many tactics associated with social movement unionism—such as aggressive corporate campaigns—could potentially ruin a union economically or politically. A corporate campaign represents a costly endeavor—especially if an employer files a successful law suit against the union—that often proves unfeasible for a local union. Support from the national union is generally required to enable locals to pursue strategic organizing tactics. Corporate campaigns have also resulted in political crises within unions between national leaders and militant locals.53 54

Some unions have reigned in noncomplying locals through a trusteeship, which enables national staff to replace local leaders. A report by longtime organizer Steve Early states that the SEIU placed forty locals—14% of its affiliates—into trusteeships between 1996 and 2004.55 The use of trusteeships may force a local union to devote more resources towards organizing, but often these tactics shade centralization into bureaucratization. If a national union places a local in a trusteeship because of perceived militancy, aggressive organizing, or a desire to assert centralized control, the union acts against the grassroots empowerment associated with social movement unionism.

The evidence presented in the last few paragraphs support the argument that paid union staff and tactics that extend beyond the workplace remain essential for shifting resources to organizing and winning campaigns. While successful organizing requires union staff, this

54 See Hormel or International Paper strikes.
argument does not ignore the importance of rank-and-file mobilization. Organizing drives and contract campaigns quickly become irrelevant without solidarity and activism amongst the workers directly involved. In the contemporary economic climate with modern corporate structure, bottom-up activism needs to coincide with top-down processes. Union staff need to effectively pressure key decision-makers beyond the workplace, as decision-makers often remain far removed from the employer directly involved in the organizing struggle. UNITE HERE’s model—which most scholars consider worker-centered, but also involves a large amount of union staff researching and campaigning—effectively combines rank-and-file activism with corporate campaigns. This model will receive more in-depth attention in chapter four. Unions need to utilize and intersect both top-down and bottom-up processes to organize successfully in the twenty-first century.

Conclusion

The NLRB process no longer provides effective mechanisms for organizing workers in the contemporary era. Many unions have recognized the ineffectiveness of the NLRB and now implement more strategic tactics to organize workers through card check recognition. Brudney remarks that “the AFL-CIO reported that its affiliates organized nearly three million workers from 1998 to 2003, less than one-fifth of these newly organized employees were added through NLRB elections.”\(^56\) While many of these new workers consisted of public sector employees organized through processes outside of the NLRB or card check, unions undoubtedly rely less on institutionalized structures to organize workers. The rapid rise of card check has coincided with

a heightened interest and application in leverage-based tactics that enable alternative forms of union organization. The next chapter will focus on strategic research and corporate campaigns as mechanisms to facilitate neutrality agreements and card check arrangements. These leverage-based tactics are necessary to organize workers and reverse union decline.
Chapter Three: Moving Beyond the Workplace--Strategic Research and Corporate Campaigns

Introduction

The rise of neoliberalism, the ineffectiveness of the NLRB, and transformations within corporate structure weaken traditional approaches to organizing. Unions need to undertake strategic research to uncover decision-makers concealed behind intricate corporate structures. The development of corporate campaigns intends to leverage companies from a variety angles beyond the shop floor. Strikes no longer remain effective as a potential source of leverage or tactic to pressure management in the twenty-first century. Unions need to devise innovative and creative tactics that target employers on multiple levels.

In this chapter, I will analyze the various theoretical approaches to strategic research and corporate campaigns that both academics and unions advance. I will then problematize these innovative union strategies through four case studies. The theoretical approaches differ in some ways, but all emphasize the need to unveil key corporate decision-makers, escalate pressure on management beyond the workplace, and develop a creative and multifaceted campaign that places the employer on the defensive. Most important, there exists no correct way to “do” corporate campaigns. As the case studies show, these campaigns largely depend on specific contexts, and researchers engage in creative and experimental thinking to pressure employers through unpredictable means. Strategic research is an “art form”\(^\text{57}\) in many ways, as researchers do not adhere to a blueprint and are forced to think creatively in a variety of contexts.

\(^{57}\) Chris Howell, private discussion with author in Oberlin, Ohio, March 2014.
Theoretical Approaches

Very few academics, and even fewer unions, have produced literature concentrated on strategic research corporate campaigns. Most labor academics focus on the grassroots activism and coalition-building aspects of social movement unionism. Few analyze the other component of social movement unionism, which concerns leverage-based tactics like corporate campaigns. A few unions, most prominently the SEIU, have released pamphlets explaining union-specific approaches to corporate research. However, unions face the threat of legal action when publicizing information related to corporate campaigns, which has limited the amount of material made public about such research.

The most contemporary material on approaches to corporate campaigns build on analyses of past case studies. These theoretical approaches do not represent an effort to broadly theorize on different modes of strategy that unions could use to achieve certain ends. Rather, the models that follow were created directly out of an analysis of campaigns that already occurred and tactics that succeeded versus those that failed. Labor academic Tom Juravich developed a comprehensive model to strategic campaigning from studying campaigns such as the UFW and Ray Rogers’ victories to understand which tactics work in practice. Juravich’s model remains very broad in the sense that he incorporates just about every tactic that unions have used during an organizing or bargaining campaign. Similarly, the SEIU developed a manual on contract campaigns from direct experiences.
Central Components

Unions abide by general guidelines when undertaking strategic research and corporate campaign. First, unions need to utilize and intersect bottom-up and top-down organizing tactics. Second, unions need to implement strategic tactics that pressure the firm from both a financial and reputation standpoint. Third, employers combat and regulate corporate campaigns through lawsuits, which forces unions to cautiously escalate campaigns. While unions devise campaigns largely based on the specific context they face, these guidelines apply in virtually all cases.

As stated in chapter two, unions need to combine and intersect “bottom-up” and “top-down” approaches into both organizing and contract campaigns. Bottom-up tactics involve maintaining worker solidarity and providing workers with more control over the decision-making process. The top-down, or union staff, element intends to pressure the employer beyond the workplace. Bottom-up and top-down strategies are not necessarily isolated during the campaign. For example, researchers often rely on workers to provide information about a company’s products that is not published anywhere. The bottom-up and top-down processes often intersect to produce a two-tier struggle that enhances the probability of success for any campaign.

Corporate campaigns generally utilize two broad types of tactics--financial and reputation--that pressure firms in essential and distinct ways. Financial tactics aim to directly disrupt the business operations of the targeted firm. Campaigners use these tactics in the hope of costing the firm enough money to pressure decision-makers into accepting a neutrality agreement and/or card check provisions. Strategies that affect the financial status of the firm are the most widely used tactics in corporate campaigns, but sometimes these tactics fail to effectively
pressure companies. Campaigners cannot assume that a target firm’s decision-makers will respond to union tactics through a rational choice lens. Many firms accept steep financial costs to maintain flexibility and a sense of control over operations. Tactics that expose illicit or morally questionable activity by the target firm—referred to here as reputation tactics—add to the multifaceted nature of a comprehensive campaign. An ideal tactic both weakens the firm financially and exposes negative aspects of the firm’s reputation.

The use of aggressive tactics entails certain costs, which presents unions with obstacles to implementing leverage-based campaigns. Just as organizing campaigns must abide by NLRB regulations, corporate campaigns face certain constraints. Limitations on corporate campaigns are not institutionalized through a regulatory body like the NLRB. The major obstacle unions face when implementing corporate campaigns concerns the threat of legal action. Employers love to sue, especially because they possess more financial resources than unions. Lawsuits represent the primary means through which employers combat strategic campaigns. Companies often accuse unions engaging in corporate campaigns with fraud, claiming that specific researchers published false statements that damages the firm’s reputation. Any court case costs money and shifts the attention of organizers and researchers away from the campaign, but unions face especially substantial damages if found liable of illegal tactics. Legal threats serve to regulate corporate campaigns. As a result, unions take a very careful approach when developing aggressive tactics.
Juravich’s Model

Juravich has produced the most comprehensive work on strategic corporate research in his article “Beating Global Capital: A Framework and Method for Union Strategic Corporate Research and Campaigns.” He argues that developments in corporate structure have forced transformations in union strategy throughout the twentieth century, and unions need to continue adapting to dynamic circumstances. He explains the process of strategic research and how this research is transformed into a campaign. Strategic campaigns need to target key decision-makers and utilize external relationships to pressure corporate actors.

Juravich systematically explains how a strategic researcher identifies key leverage points and develops a comprehensive campaign. Campaigners need to first research the specific industry and corporate structure of the firm at hand. As seen in figure 3.1, Juravich identifies twenty-four major research areas grouped into three categories. The first category--Command & Control--focuses on the firm’s key decision-makers. Major decision-makers go beyond management, and often include shareholders, lenders, and the parent company if the firm at hand is a subsidiary. The second category--Operational--concerns the firm’s supply and production chain. For example, if the targeted firm operates in the retail business, researchers need to discover the origin of the firm’s goods, the distributors and transporters that supply the firm with these goods, and information about consumers. Operations also include details about the workplace and employees. Information about company production and supply networks are often very difficult to find online, which makes workers the best source for such information.58 The third category--Outside Stakeholders--focuses on external groups that influence or maintain...

an interest in the targeted firm’s activities. Stakeholders include environmental or community
groups that may object to the nature of the firm’s business. Stakeholders also include regulatory
agencies, such as OSHA, that enforce certain laws related to the firm’s activity.

Union researchers need to collect adequate information on a firm in an organized fashion
before undertaking a campaign. Researchers often emphasize information-gathering in certain

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assessing-union-capacity/.
areas depending on the specific firm at hand. For example, a campaign against a private equity firm requires a greater emphasis on the command & control and outside stakeholders--specifically the regulatory box--than the operational components. Conversely, a union needs to heavily research the operational attributes of a retailer, such as Walmart, to understand supply and consumer chains. The form’s specific industry largely dictates the focal pressure points of the campaign, but researchers should analyze every component of a company to fully understand its structure and operations. For example, even though a private equity firm may not appear to maintain any connections with a local community, researchers need to understand any potential relationship between the firm and key community actors. The fact that a private equity firm--despite making millions of dollars--has no connections with the communities in which it invests in exposes the completely selfish nature of the firm. The union could then potentially organize community resistance that further escalates the corporate campaign.

After uncovering information about the control, operational, and stakeholder connections of a firm, researchers transform the analysis into a coordinated campaign. Juravich argues that researchers should conceptualize the vast amount of original findings in a way that exploits the firm’s weaknesses. He identifies four key groupings--Profit Center, Growth Plan, Decision-Makers, and Key Relationships--that researchers need to understand using the information already uncovered. These groupings help identify a firm’s pressure points and integrate all of the prior research into a more coordinated game-plan. A profit center indicates a firm’s most valuable geographic location or particular product. For example, imagine a union trying to organize a specific distribution center of a large retailer. If research indicates that the targeted distribution center does not represent an extremely valuable profit center for the firm, the union
may decide to organize a campaign against a more profitable section of the company to pressure decision-makers into accepting unionization at the original target site. A growth plan often proves even more significant than a profit center because the former indicates the financial direction of the company. For example, if a union targets a publicly-traded investment company’s whose 10-K indicates that real estate investments more than tripled in the past three years, the union needs to focus on these investments instead of other stagnant assets, even if the latter make up a larger portion of the firm’s total portfolio.

Key decision-makers obviously maintain control over both profit centers and growth plans. Researchers need to recognize that major decision-makers are not always so obvious to locate. For example, the CEO or Board of the targeted company logically appear as ultimate decision-makers, but if the firm is a subsidiary of a parent company, then the officials of the targeted company possess minimal amounts of power. Finally, key relations between the firm and other groups often present sources of leverage. A retailer likely develops relationships with specific brands and distributors. Regulatory agencies often maintain oversight over firms in certain industries. Unions need to exploit these relationships to pressure the company from multiple angles.

SEIU Approach

Several unions have developed campaign manuals, though most labor leaders hesitate to publish such pamphlets because of legal threats. The SEIU published a contract campaign manual in 1998 that shares many similarities with Juravich’s analysis, but places different levels

\[\text{Juravich, “Beating Global Capital,” 32.}\]

\[\text{Juravich, “Beating Global Capital,” 35.}\]
of emphasis on certain strategies. The SEIU argues that tactical decisions remain very case-specific. There exists no tactic or approach that succeeds in every campaign. This approach further highlights the need for creativity and experimentation within campaigns. Regardless of the campaign, researchers should choose tactics that resonate with the workers involved in the organizing or contract dispute. The SEIU emphasizes the importance of escalation, which they define as implementing tactics one step at a time to gradually increase worker confidence against management. The SEIU clearly recognizes the managerial hostility that employees face and the psychological effects that employer threats cause workers, which gradual escalation intends to mitigate.

The SEIU also emphasizes the importance of workplace activities and job actions to a greater extent than Juravich. While the SEIU understands the need to exert pressure against the firm from areas outside of the workplace, without active involvement and solidarity on part of the workers--especially if the organizing or contract dispute evolves into a strike or a lockout--those external pressure points lose relevance. The SEIU emphasizes intersecting the staff-driven aspects of the campaign--strategic research and pressure beyond the workplace--with worker-centered approaches that advance grassroots mobilization.

The SEIU identifies three goals for every tactic--cost the employer money, build solidarity among workers or between members and potential allies, and make daily life difficult for management. Like Juravich, the SEIU focuses on pressuring the company in financially vulnerable locations, but the union also recognizes the importance of psychological and


reputation tactics against management. For example, a union needs to research and develop a strategic campaign far in advance of contract negotiations because pressure tactics often require an extensive amount of organization. In addition, “when management sees that you are preparing to apply pressure it becomes less likely that you will have to use those tactics, while failure to prepare invites management to test the union’s strength.”\textsuperscript{64} Employers loathe corporate campaigns and want to avoid financial and/or reputation attacks on their firm. The completion of research in advance often forces management to accept worker demands, rather than engaging in a costly and public battle against the union.

**Successful Corporate Campaigns**

In this section, I will analyze the United Steelworkers (USW) victory at Ravenswood and the SEIU’s Justice for Janitors (J for J) victory in Los Angeles to understand the essential role strategic research plays in both organizing and contract campaigns. These case studies deal with two completely different situations--a contract campaign in a manufacturing industry and an organizing drive in the service sector--which further shows that strategic research and corporate campaigns remain valuable components of union strategy in a variety of contexts. After being locked out as a result of failed contract negotiations in 1990, the USW undertook an international multifaceted campaign against Ravenswood Aluminum Company (RAC) that eventually resulted in a new union contract in 1992. The national J for J campaign reached Los Angeles in 1988, and janitors successfully struck, organized, and signed a union contract in 1990. The struggle continued throughout the 1990s and janitors eventually won another contract after a successful

\textsuperscript{64} SEIU, *Contract Campaign Manual*, 3-2.
strike in 2000. Both of these case studies highlight the need for strategic research to unveil key decision-makers and the development of more aggressive tactics beyond the workplace to organize workers and maintain contracts.

United Steelworkers at Ravenswood (1990-1992)

The United Steelworkers (USW) developed a two-tier campaign against Ravenswood Aluminum Company (RAC) in Ravenswood, West Virginia that intersected rank-and-file action with a multifaceted corporate campaign. RAC locked workers out on October 31st, 1990 after USW Local 5668 and the company failed to agree on a new contract. The union maintained solidarity in Ravenswood by financing the creation of an Assistance Center, which handled much of the $300,000 worth of funds from the International Strike Defense Fund and other donations from supportive unions and progressive groups. The Assistance Center redistributed money to locked-out members on a need basis. For example, some members still received coverage from an old healthcare plan from the previous company that owned the plant. Instead of redistributing money to these members, the Assistance Center saved more funds to provide for those desperately in need of healthcare, which prevented many members from crossing the line and returning to work out of necessity. In fact, only seventeen of the seventeen-hundred workers crossed the picket line more than six months into the lockout.65

The strength and solidarity present in Ravenswood enabled the USW to develop a multifaceted campaign that financially disrupted RAC. The union developed an end-users campaign that influenced RAC customers against buying aluminum from the firm. Workers and

65 Juravich and Bronfenbrenner, Ravenswood, 40-42.
researchers discovered that RAC sold aluminum to Coca-Cola, Budweiser, Chrysler, and Ford. The union sent locked-out workers to a unionized brewery in St. Paul, Minnesota, to interact with brewery workers and distribute thousands of fliers throughout the twin cities to pressure the brewery into terminating its relationship with RAC. The union eventually persuaded a number of major beverage and auto companies to halt business with RAC, which resulted in more than a $200 million revenue loss for the firm between 1989 and 1991.

The USW pursued action through state and national regulatory bodies that further pressured RAC into terminating the lockout and accepting worker demands. The union relied on state-level environmental agencies, OSHA, and the NLRB to threaten large amounts of regulatory fees. The USW pursued an alliance with environmental groups once the union discovered RCA’s poor environmental record, which led to a lawsuit before the state government. Workers informed the union that RAC failed to comply with some OSHA regulations, which led union staff to demand an inspection of the site. The inspection culminated in a major fine and heightened public outrage towards RAC. The USW also pursued a case through the NLRB that attempted to classify the work stoppage as an illegal lockout, which would provide workers with unemployment compensation and a guaranteed return to work once the conflict ended. This NLRB case threatened to cost RAC more than one-hundred million dollars in back pay, which further pressured the company to negotiate an end to the lockout.

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66 Juravich and Bronfenbrenner, Ravenswood, 82-83.


68 Juravich and Bronfenbrenner, Ravenswood, 155.
The most important and ambitious aspect of the USW’s multifaceted campaign concerned RAC’s key decision-makers. While the union received vital information from workers with regard to RAC’s poor environmental and safety record, workers assumed that local CEO Emmett Boyle controlled all decision-making power. Union researchers discovered that Boyle remained relatively powerless within RAC’s complex structure, and traced control over the company to fugitive international finance trader Marc Rich. The USW needed to pressure Rich directly to achieve victory in Ravenswood. Rich wanted to evade the public spotlight if he desired to maintain his secret financial trades and eventually return to the United States to see his family.69

The USW sent a delegation of Steelworkers over to Switzerland, where Rich resided, to increase the media spotlight on the American fugitive. The USW also created an “international picket line.. around the Rich operation”70 by aligning with trade unionists in Eastern Europe, which prevented him from completing lucrative financial deals. These financial and reputation pressures on Rich eventually led to the end of the lockout and a new contract in Ravenswood.


Strategic research and the development of a multifaceted campaign remained crucial components of the J for J drive in Los Angeles, which targeted janitorial employers and building owners throughout the city and operated outside of the NLRB election process. The SEIU allocated multiple researchers to the campaign, including one full-time researcher based in L.A.

69 Juravich and Bronfenbrenner, Ravenswood, 111-113

70 Mallory and Schroeder, “How the USW Hit Marc Rich Where it Hurts.”
that functioned “exclusively as an information-gatherer and utilizer.” Strategic research pulled the levers to discover and pressure ultimate decision-makers. As one organizer stated, the SEIU constructed “a war against the employers and the business owners, waged on all fronts [without] leaving any stone unturned.” Because the building owners subcontracted the janitorial employer duties, the union needed to campaign against owners as the major decision-makers. Both Ravenswood and J for J show that direct employers—especially in a globalized economy—often obscure the actual decision-makers behind the firm. Many organizing drives target contractors or other subsidiaries that remain subordinate to larger, but more invisible, corporate actors. Complexities in corporate structure brought about by neoliberalism and its emphasis on labor flexibility impels unions to engage in strategic research to identify key decision-makers and effectively pressure the firm beyond the workplace.

The SEIU pressured janitorial employers and business owners through a variety of mechanisms that intended to increase financial costs and affect the firms’ growth plans. Despite working outside of the NLRB process, the union pursued many legal tactics that pressured the employers in a variety of ways. SEIU Local 399 filed unfair labor practice claims with the NLRB and health and safety violations through other governmental agencies. These legal pressures increased employer costs and threatened additional fines if the cases were decided in the workers’ favor. The SEIU also took advantage of local community allies to directly affect


employers’ major growth plans. During the campaign, a massive building boom occurred throughout downtown L.A., but construction required the approval of the Community Redevelopment Authority (CRA). The SEIU had several allies—including the head of the L.A. Country Federation of Labor—on CRA’s board. Because of this leverage, “the SEIU was able to ensure that no downtown office tower built after 1987 opened up without a unionized cleaning crew.”

The SEIU forced building owners to contract out to unionized janitorial companies to expand downtown.

The SEIU also developed tactics that damaged the target employers’ reputation and led to increased political and community awareness to the plight of exploited janitors. These tactics necessitated active involvement of rank-and-file workers, which served to intersect the top-down and bottom-up approaches utilized by the union. Researchers identified key decision-makers within the targeted firms and devised strategies to publicly embarrass these individuals. For example, organizers and janitors constantly traveled to and performed street theater at elite country clubs and upscale restaurants where employers dined.

The most public and transformational aspect of the campaign involved demonstrations at Century City—the workplace of many striking janitors. The police violently repressed peaceful protests at Century City, which helped the public image of striking janitors. The SEIU utilized political alliances to persuade Mayor Tom Bradley into pressuring employers at Century City to accept union contracts, which Bradley did after witnessing the brutal treatment of protestors during the demonstrations.

74 Milkman, L.A. Story, 158.
Reputation attacks proved just as vital as financial threats to forcing employers to accept neutrality and recognize unionization.

The SEIU continued strategic research after the victory in 1990, which enabled the union to respond swiftly and creatively to employer attempts to de-unionize the janitors. The J for J campaign did not end in 1990 with the birth of the first contract. L.A. janitors struck in 2000 for a better contract and the SEIU supported the strike with the same intensive research tactics used in 1990. Researchers knew that Real Estate Investment Trusts (REITs) and pension funds owned choice properties in L.A. and throughout the nation. SEIU leaders decided to target real estate owners in multiple cities to escalate pressure. For example, “if the local on strike in L.A. against ABM, say, sent one picket to a building cleaned by ABM in New York, the New York janitors wouldn’t clean the building.” SEIU targeted owners because they held ultimate decision-making power over the subcontractors involved in the union contract negotiations. The wages of low-salaried janitors in L.A. meant less to REITs than the subcontractors, which explains why the SEIU wanted to pressure subcontractors through national companies. As SEIU President Andy Stern stated, “large numbers of the owners were much more interested in settling--and settling quickly--than the contractors.”

The SEIU had an even easier time with buildings owned by pension plans. At the time, the two largest pension funds in the United States were CalPERS and CalSTRS, which held the pensions of California public employees and teachers. The SEIU represented more public

77 ABM is a Real Estate Investment Company.


79 Meyerson, “A Clean Sweep.”
employees than any other union in California during this time period. The union used its power
to force contractors in pension plan-owned buildings to accept janitor demands.\textsuperscript{80} Strategic
research and the appliance of pressure beyond the workplace helped end the 2000 strike in three
weeks, as employers accepted union demands that gave janitors a twenty-six percent pay raise.\textsuperscript{81}

\textbf{Failed Campaigns}

In this section, I will analyze the Allied Industrial Workers (AIW) Local 837-United
Paperworkers’ International Union (UPIU) Local 7837 defeat at the A.E. Staley Company and
the Communication Workers of America (CWA) failure to organize Los Angeles port truckers.
Like the last section, these two campaigns highlight a contract struggle in a manufacturing sector
and an organizing effort in the service sector. At Staley, union members developed problems
with the company soon after the multinational agribusiness Tate & Lyle acquired a 90% stake in
the company in 1988. Workers developed an in-plant campaign before being locked-out, which
forced the union to adopt an array of tactics to pressure Staley from multiple angles. In Los
Angeles, immigrant port truckers--classified mostly as independent contractors-- attempted to
form a union in the mid-1990s with help from the CWA. The CWA had no prior experience in
the trucking industry and faced the daunting task of organizing contractors, who are technically
not able to form a union under American labor law. The CWA developed several creative tactics,
but failed to gain a comprehensive understanding of the trucking industry, which doomed the
organizing drive.

\textsuperscript{80} Meyerson, “A Clean Sweep.”

\textsuperscript{81} Carter Wright, “A Clean Sweep: Justice for Janitors,” \textit{Multinational Monitor} Vol. 22, No. 1 & 2 (Jan/Feb
Like many unionized manufacturing firms in the late-twentieth century, Staley pursued an aggressive strategy to de-unionize its facility in Decatur, Illinois. Once negotiations broke down near the expiration of the existing contract in 1992, Local 837 in workers relied on a work-to-rule strategy to pressure the company into offering a better deal. For nine months leading up to the lockout on June 27, 1993, workers at Staley slowed production, strictly adhered to every sort of regulation governing the labor process, and refused to communicate with supervisors. By the time of the lockout, workers had successfully cut production in half.\footnote{Lance Selfa, Carole Ramsden and Paul D’Amato, “Locked-Out Staley Workers Speak Out: Lessons from the War Zone,” January 19, 1996, \url{http://socialistworker.org/2004-2/500Supp/500S_19960119_Staley.shtml}.} Even though the work-to-rule strategy failed to create a fair contract, Local 837 members greatly supported the tactic because it empowered each individual on the assembly line and adhered to the grassroots unionism that the local desired.

After the lockout began, Local 837 pursued a mix of bottom-up and top-down strategies to combat Staley. The union relied on militant rank-and-file members—dubbed “road warriors”—to travel throughout the country and raise funds. Between late-1992 and 1995, “the local raised over $3.5 million from unions and sympathetic individuals, much of it through the Road Warriors.”\footnote{Steven K. Ashby and C.J. Hawking, \textit{Staley: The Fight for a New American Labor Movement} (Urbana: University of Illinois Press, 2009, 94.)} Local 837 relied on rank-and-file workers more so than any other union in U.S. history to travel the country and create solidarity groups, which helped generate significant financial support. Union staffers developed several corporate campaigns to pressure Staley. Local 837 sought the help of Ray Rogers, who devised the first widely recognized corporate

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campaign at J.P. Stevens in the late-1970s and frequently consulted with unions in the 1980s and 1990s. Rogers identified State Farm as the primary corporate campaign target, with Domino Sugar and Miller Brewing Company as secondary targets. After success at Miller, the union also decided to take on Pepsi, which purchased thirty percent of Staley’s overall sale of high-fructose corn syrup.\(^{84}\)

The corporate campaigns developed unevenly, lacked sufficient organizational direction, and sometimes alienated the local membership. Members originally embraced Rogers’ choice of targeting State Farm, but quickly questioned the relevance of the insurance company to Staley. Rogers discovered that State Farm was the largest stockholder and bondholder of Archer Daniels Midland (ADM), a Decatur-based multibillion agribusiness multinational. Despite an appearance as competitors, ADM represented Tate & Lyle’s biggest stockholder, with 7.4% of shares.\(^{85}\) Furthermore, State Farm held a significant amount of bonds and stock in Caterpillar, whose union members were also involved in a labor dispute.\(^{86}\) The State Farm connection allowed Local 837 and the UAW to combine forces.

While Rogers effectively untangled the complex corporate relationships and key decision-makers behind Staley, he overstated the importance of State Farm. Rogers refused to focus resources on the Domino Sugar and Miller campaigns because of his stubbornness on State Farm and his belief in the importance of key financial decision-makers. Financial decision-makers represent a great source of leverage, but State Farm controlled only 7.2% of stock in a corporation that owned 7.4% of Tate & Lyle. The connection was not prominent enough to

\(^{84}\) Ashby and Hawking, *Staley*, 247.

\(^{85}\) Ashby and Hawking, *Staley*, 113.

warrant solely focusing on State Farm instead of pursuing a multifaceted campaign that targeted several key firms. Furthermore, locked-out workers began to question the State Farm campaign, which produced no immediate results. The rank-and-file could not understand the complex connection between Staley and State Farm, and wanted to focus resources on other boycott strategies that made more sense.87

After the failed State Farm endeavor, the union transferred resources to a Miller campaign that proved successful. Several staff members argued that the union should focus on direct customers of Staley to hurt the company financially. Miller, which accounted for 11% of Staley’s income,88 also resonated well with union members. Miller succumbed to pressure from an end-users campaign by locked-out Ravenswood workers just a couple years earlier, which provided the union with precedent for the campaign. Road warriors mobilized solidarity groups in Chicago and Wisconsin to publicly protest against Miller. The union successfully pressured Miller at distribution centers in several major cities and received support from the Teamsters, as truck drivers were responsible for transporting Miller’s goods. After eight months, Miller terminated its relationship with Staley.89

Local 837, which by this point had become Local 7837 of UPIU, escalated pressure against Staley by developing a campaign against PepsiCo, another large customer. Union members and officials were convinced that, if adequate pressure forced PepsiCo to terminate its contract at the end of the year with Staley, the locked-out workers would return to their jobs under a fairer contract. The union targeted three major PepsiCo subsidiaries--Kentucky Fried

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87 Selfa et al., “Lessons from the War Zone.”

88 Ashby and Hawking, *Staley*, 118.

89 Ashby and Hawking, *Staley*, 122-123.
Chicken, Taco Bell, and Pizza Hut—and had solidarity committees and student groups leaflet local franchises in seventy American cities.\textsuperscript{90}

While Local 7837 continued to escalate pressure against Pepsi, international leaders decided to cut losses and regain control over the campaign. Local 7837 planned an escalated militant tactic to rally and engage in civil disobedience at Pepsi headquarters in Purchase, New York. Just prior to the event, leaders at UPIU refused to support the action and cut off all support from both the international and the AFL-CIO.\textsuperscript{91} Many union defeats of the time period—such as those involving Hormel employees and Maine paper workers—resulted largely from a severe disconnect between the international and local unions. International staffers often want to reign in control over local members once a struggle becomes too radicalized or costly. UPIU leaders supposedly feared a lawsuit resulting from the protest action at Pepsi and used this reasoning to scale back the campaign. The union conceded defeat, and locked-out workers could not proceed without top-down support.

The failure to force management to agree on a new contract for the locked-out workers resulted from a variety of factors, including union strategy. Many labor leaders and academics at the time argued that, despite the defeat, the Staley conflict injected new life into the American labor movement. CWA vice president Jane Pierce stated that the Staley struggle became “a rank-and-file fight that really... did have the potential of revitalizing the union movement.”\textsuperscript{92} Potential is the key word in this quote, and while the Staley battle did involve a large amount of bottom-up empowerment, some activists believed that the rank-and-file lost power as the struggle

\textsuperscript{90} Ashby and Hawking, \textit{Staley}, 249.

\textsuperscript{91} Ashby and Hawking, \textit{Staley}, 266-267.

\textsuperscript{92} Ashby and Hawking, \textit{Staley}, 94.
progressed. Rank-and-file leader Art Dhermy argued that “I think we fell off after we got locked out. The only things that really involved a majority of our people were a few of the rallies. We needed... to keep the membership mobilized... it took us too long to refocus on the next step that we had to take.”

The road warriors and solidarity committees developed through direct rank-and-file action, but some union members believed that most locked-out workers--who lacked the activism of a few politicized members--felt disempowered once the lockout began.

The major problems with union strategy during the lockout concerned the relative ineffectiveness of the corporate campaigns. Once the lockout began, the union heavily relied on Rogers, who had significant experience in developing corporate campaigns on both the winning and losing sides. Rogers emphasized the importance of pressuring State Farm, but did so at the expense of developing a more multifaceted campaign to pressure Staley from multiple angles. The union eventually pursued other targets--successfully against Miller and unsuccessfully against Pepsi--but these campaigns followed one another instead of occurring simultaneously. Campaign strategy should have centered more directly on how to influence the multinational agribusiness--beyond the State Farm campaign--instead of only focusing on Staley’s customer relationships.

The union would have benefitted from a separate team of researchers that solely focused on corporate campaigning. While unions did not devote as much resources to research and campaigning as they do now--although many organizations still lack these essential staff members--a group of union researchers would have been more accountable to the membership and more prepared to wage a war against Staley. The research team could have developed an

93 Sefia et al., “Lessons from the War Zone.”

94 For an example of victory, see J.P. Stevens. For an example of defeat, see Hormel or United Paper.
understanding of Staley’s key decision-makers and customers before the failed contract negotiations even began, thereby enabling the creation of a multifaceted campaign to pressure Tate & Lyle from multiple targets at once, instead of proceeding slowly. The solidarity committees raised a tremendous amount of money for locked out workers between 1992 and 1995, which could have funded more multifaceted campaign tactics.

*CWA and Port Truckers (1996)*

A largely Latino port truckers force in mid-1990s Los Angeles faced several obstacles to unionization unique to neoliberalism. The Teamsters had successfully organized a large portion of the trucking industry prior to the 1980s, but deregulation has reduced union presence in the field. A large obstacle to reclaiming union power—and the greatest challenge in the case study at hand—concerned the relabeling of truckers as independent contractors. Most truckers were technically self-employed and hired by the more than two-hundred trucking firms at the port. The expansive rise of contracting as a form of employment to enhance employer flexibility significantly weakens the prospects of unionization.

Despite these obstacles, thousands of Latino truckers at the port of Los Angeles-Long Beach organized a campaign for union recognition in the mid-1990s. The impetus for organizing came from the bottom-up, and the truckers sought the help of a union for strategic assistance on how to overcome the independent contractor obstacle to collective action. Being bypassed by the Teamsters and other unions, the L.A. port truckers contacted the CWA, a progressive service sector union with no experience in the trucking industry. While the CWA approached the campaign very enthusiastically and developed several innovative tactics, the union failed to

95 As stated in chapter one, independent contractors are ineligible for unionization under the NLRB.
develop an effective top-down campaign to successfully advance the self-organized port truckers’ struggle.\(^96\)

The L.A. port truckers campaign differed from traditional organizing drives because the CWA was not forced to convince workers of the benefits of unionization. The truckers came to CWA Local 9400—which primarily represented telephone workers—as a disciplined and self-organized group. As a CWA official stated, “We didn’t have to organize them, they already were organized.”\(^97\) The truckers’ solidarity enabled the union to solely focus on strategies to overcome the independent contractor obstacle and pressure employers. Local 9400 began by pursuing the NLRB route to resolve issues pertaining to the independent contractor status. However, the NLRB approach went nowhere and the union had to devise more innovative strategies to reclassify contractors as employees.

After the port truckers decided to go on strike in 1996, the CWA developed an approach to organize both traditional employees and independent contractors. The union first attempted to organize the dozen or so port trucking companies that employed workers instead of contracting out to independent truckers. The more ambitious and innovative plan to organize the large majority of truckers who operated as independent contractors involved the creation of a separate trucking firm to employ unionized labor. The CWA communicated with former insurance agent Donald Allen, who “proposed establishing a new firm, the Transport Maritime Association (TMA), which would hire the truckers as conventional employees and then recognize CWA Local 9400 as their union.”\(^98\) The ingenious fairy-tale like plan overcame the independent

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\(^96\) Milkman, *L.A. Story*, 177.

\(^97\) Milkman, *L.A. Story*, 179.

\(^98\) Milkman, *L.A. Story*, 181.
contractor issue and employer resistance. Allen and Local 9300 convinced nearly five thousand contractors to sell their trucks and work for TMA. However, the trucking companies—backed by the immense financial power of shipping firms—successfully prevailed against the work stoppage that ensued when contractors joined TMA. The CWA also overestimated Allen’s ability to finance such a large scale operation, and the TMA experiment dissolved and forced truckers to return to contracting as the organizing effort was defeated.99

The CWA suffered from a limited understanding of the trucking industry and a lack of strategic research during the organizing campaign. The union had virtually no experience in trucking and did not understand the industry’s structure and complexities. While the CWA allocated resources towards strategic tactics for the organizing drive, the union did not possess the research capabilities of the SEIU, and failed to develop an adequate understanding of the industry prior to the 1996 strike. The union underestimated the extent of opposition from both trucking and shipping firms during the campaign. Furthermore, CWA officials did not complete a thorough background check of Allen’s financial situation. This failure proved most fatal of all, as the innovative scheme faltered under financial difficulties that the CWA should have foreseen.100

The CWA’s unsuccessful drive to organize a very solidaristic group of immigrant port truckers questions whether unions can succeed in unchartered territories. While the Teamsters were best positioned to develop a successful organizing drive, the specific union involved does not inherently dictate the outcome of a campaign. The CWA needed to complete more research

99 Frederick Rose and Jim Carlton, “Businessman is Making Waves at Harbor,” Orange County Register, May 8, 1996.

100 Milkman, L.A. Story, 183-184.
and gather background information to adequately understand the trucking industry nearly as well as the Teamsters. The development of such an understanding would have entailed greater costs, but remained feasible. The CWA could have also developed other pressure tactics against trucking employers and the shipping associations that financed them. Instead of devoting resources into a failed NLRB or placing the fate of the entire campaign into a single idea, the union could have pursued a multifaceted strategy to pressure key decision-makers from various angles. A comprehensive strategy could have supported the development of both the NLRB legal cases and Allen’s plan by forcing the trucking companies to mount defenses on multiple fronts. For example, government agencies heavily regulate shipping centers and transportation, and L.A. regulatory bodies likely contained at least some pro-labor officials or offered some sort of leverage to exploit against trucking firms. While such speculation is much easier said than done, and the CWA likely researched multiple possible strategies, the union placed too many resources into a single tactic.

Conclusion: Importance of Strategic Research and Corporate Campaigns

Both the theoretical approaches to strategic research and the case studies of successful and unsuccessful union campaigns show that unions need to undertake strategic research to develop successful organizing drives and win contract negotiations. Research is an essential prerequisite for any campaign because unions need to unveil the key decision-makers hidden behind complex corporate structures. Traditional union strategies that emphasize organizing workers against a visible employer no longer remain adequate in an era of neoliberal capitalism.

101 Ideally, the Teamsters or some other progressive organization knowledgable of the port trucking industry could have aided the CWA, but such union collaboration seems very rare.
Employers have adopted sophisticated and hostile antiunion mechanisms and unions no longer maintain effective recourse through the NLRB. Unions need to develop leverage-based tactics that identify hidden decision-makers and pressure firms beyond the workplace.

The case studies presented in this section further highlight the importance of strategic research and corporate campaigns. Both the USW victory at Ravenswood and the SEIU success in L.A. relied on strategic research to unveil absolute decision-makers. The USW and SEIU then successfully campaigned against these previously obscured decision-makers through effective tactics that utilized rank-and-file members and key external relationships. The failed Staley and port trucker campaigns also involved large amounts of research and corporate campaigns, but the research proved inadequate and the campaigns proceeded unevenly. At Staley, the AIW-UPIU at first relied too heavily on the State Farm campaign and then narrowed their targets to Staley customers, instead of an array of influential decision-makers. In the port truckers’ case, the CWA never developed an adequate understanding of the trucking industry and placed too many resources into the TMA experiment. Both of these campaigns lacked a multifaceted strategy to pressure key decision-makers from multiple angles. Effective campaigns force employers to defend on multiple fronts at once, as proven by both Ravenswood and J for J. The next chapter focuses on two contemporary organizing drives that further illuminate the significance of strategic research and corporate campaigns.
Chapter Four: Case Studies of Contemporary Organizing Strategy

Methodology Note

The research developed in this chapter resulted from an internship, several interviews, and various news sources that have covered these campaigns. In its original form, this chapter focuses on two case studies of contemporary organizing drives that utilized strategic research and corporate campaigns. For my first case study, I interned with a union during January 2014 in New York City and helped complete research in support of an ongoing organizing drive. At the union’s request, I am unable to disclose research about my first case study beyond the eyes of my Honors’ advisors. This case study supports several of the findings I derive from my other case study and research already presented in this paper.

My second case study is the much publicized UAW defeat at the Volkswagen (VW) plant down in Chattanooga, Tennessee. The UAW attempted to make history by organizing a foreign owned automobile plant in the viscously anti-union South. Despite winning a neutrality agreement from VW, the UAW narrowly lost the NLRB election held between February 19-21, 2014. For the UAW case, I rely mostly on extensive periodical coverage and two discussions with a UAW researcher. The researcher did not work extensively on the campaign, but was in Chattanooga completing analysis for the two weeks leading up to the NLRB election. He provided me with some behind-the-scenes analysis that received little attention in the press.

Introduction

These case studies support the argument that strategic research and corporate campaigns are necessary components of union strategy to combat neoliberal capital. Traditional organizing
tactics at the workplace no longer effectively pressure management. Strategic research is a prerequisite to figure out how to successfully organize workers by unveiling key decision-makers and pressuring employers from sources beyond the shop floor. Unions need to direct strategic research towards developing multifaceted campaigns that pressure key decision-makers from a variety of angles. These campaigns generally require a large amount of creative experimentation. Even if the campaign succeeds, unions rarely know exactly which tactic forced the company to the bargaining table. While these campaigns present numerous difficulties, not all are extremely costly, and most remain necessary to achieve victory.

**UAW-VW in Chattanooga**

*Background*

Neoliberalism has also extended to the manufacturing sector, as employers favor flexibility over the employment rigidities common under the Fordist era. Southern states continue to attract foreign investment by promising low corporate taxes and a nonunion workforce. Foreign-owned firms develop the flexible labor markets that they desire. For example, many--possibly a majority--employees at the Nissan plant in Smyrna, Tennessee are independent contractors employed by staffing agencies that do not work directly for Nissan. The contractor label allows Nissan to bypass benefits given to traditional employees--such as retirement benefits and long term disability.¹⁰² Many workers--and even some conservative politicians--dislike Nissan’s contracting policy and the poor conditions it creates for employees. However, many of these same workers vigorously oppose unionization, largely because they

believe that unions cause capital flight.\textsuperscript{103} Nissan--like VW in Chattanooga--provides numerous jobs and has enabled the city to grow. A mediocre job is better than no job, and the nonunion appeal of many Southern states attracts foreign investment and job growth in areas that would otherwise suffer from chronic unemployment. Southern workers desire improvement, but many share the belief that unions drive capital away. To organize in the South, the UAW needs to adapt to this hostile structural and ideological terrain.

The UAW implemented strategic research and corporate campaigns to develop and support the VW organizing drive. Suffering drastic declines in union density, UAW leaders determined that they need to organize Southern transnationals or face inevitable disaster. The UAW focused attention on the VW plant because the union researched sources of leverage that enabled neutrality. However, the UAW’s organizing drive in Chattanooga became a highly publicized event and resulted in defeat for the union in a NLRB election held between February 19th-21st, 2014. Unions and scholars often criticize NLRB elections for failing to prevent managerial intimidation at the polling booth. In this case, politicized conservative groups substituted for a hostile management to persuade workers to vote against the union, and the UAW failed to prevent or respond to this intimidation.

\textit{Union Strategy I: Strategic Research and the Corporate Campaign}

The UAW needs to focus on organizing foreign-owned automobile companies, part suppliers, or non-automobile workers. The UAW has suffered dramatic density loss over the past three decades, declining from 1.5 million members in 1979 to under 400,000 today. UAW

\textsuperscript{103} DePillis, “This is What a Job in the U.S.’ New Manufacturing Industry Looks Like.”
President Bob King has focused his presidency on developing corporate research to determine the direction of union strategy. King actually led numerous drives in the 1990s and early-2000s to organize casino workers, graduate students, public sector employees, and other non-automobile members.\(^\text{104}\) The UAW has also shifted some resources towards organizing part suppliers, but many obstacles exist. Part suppliers no longer operate in big centralized plants. Unions face obvious additional challenges organizing small supplier shops in a piecemeal fashion where small gains are difficult to achieve. Furthermore, the foreign transplants oppose supplier unionization, which adds yet another barrier to organizing decentralized parts shops.\(^\text{105}\)

Strategic research revealed the importance of organizing foreign-owned automobile companies in the South to maintain union power. King came into his presidency pledging to organize at least one foreign-owned automobile manufacturer in the South. While he stated in March 2013 that the UAW needs to continue to diversify—especially in untraditional areas—the union has undoubtedly devoted a tremendous amount of resources to organizing Southern transnationals. The UAW has developed major organizing drives at the VW plant in Chattanooga, Tennessee, a Nissan plant in Canton, Mississippi, and a Mercedes plant in Vance, Alabama.

The UAW escalated the organizing campaign at VW because research indicated an enhanced likelihood of success compared to other transnationals. Unlike other German

\(^{104}\) Bernie Woodall, Nick Carey, and Paul Lienert, “UAW's King Juggles Diversification, Southern Strategy,” \textit{Reuters}, March 15, 2013, \url{http://www.reuters.com/article/2013/03/05/autos-uaw-king-idUSL1N0BX00020130305}.

\(^{105}\) UAW Researcher, phone interview with author, February 21, 2014.
automobile firms--such as Mercedes and BMW--workers control sixty percent of VW. ¹⁰⁶

Researchers also understood that VW operates a German-style works council at its plants throughout the globe. VW has shown interest in developing a works council in Chattanooga, which would enable workers to maintain a greater voice on issues--such as productivity and safety measures--generally delegated solely to management. VW officials and labor experts interpreted that American labor law requires a union to represent workers at a firm that wants to implement a works councils, as an independent works council is equated with an illegal company union. ¹⁰⁷

The UAW developed a corporate campaign to pressure VW-Chattanooga by allying with the prominent German union IG Metall, which represents VW workers in Germany. IG Metall chairman Berthold Huber also serves as deputy chairman on VW’s German supervisory board. ¹⁰⁸

The UAW took advantage of IG Metall’s influence over VW through German co-determination laws and successfully leveraged American managers at the plant in Chattanooga to accept neutrality. Like most American managers, supervisors at the Chattanooga plant have no desire to accept unionization. The UAW bypassed these managers by forming alliances with those that hold ultimate decision-making power over VW’s actions in Chattanooga.

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¹⁰⁶ Mercedes and BMW have fifty percent employee representation through German co-determination laws. VW remains distinct from German automobile firms because since the end of WWII, the company’s home base (the German state of Lower Saxony) has maintained twenty percent of voting rights in the company. A center-left government in Lower Saxony--which is in power today--means more worker representation in VW.


The UAW successfully used relations with IG Metall and VW’s history of promoting works councils to bring about a neutrality agreement, but the union failed to capture card check provisions. After achieving neutrality with VW, the role of corporate campaigns appears limited because of the favorable relations developed between the UAW and VW. Despite a seemingly positive relationship between the UAW and VW, the firm was not as aggressively pro-union as many center-right commentators claimed. VW had a chance to recognize the UAW in September 2013 through card check procedures. The union claimed to have a majority of signatures within the 1,600 employee plant, but VW desired a secret ballot election to determine unionization. Eaton and Kriesky’s research on neutrality and card check organizing shows that neutrality agreements with card check provisions greatly enhances union win rates, but neutrality agreements without card check does not significantly change election outcome. The UAW could have escalated pressure tactics on the company to accept card check, but decided against mounting such a campaign.

Union Strategy II: Conservative Opposition and Failure to Respond

Politicized conservative groups substituted for the lack of a hostile management to wage a vicious anti-union campaign in the two weeks leading up to the NLRB election. UAW officials remained very confident that they would win a certification election, and devised a twenty-page agreement with VW on January 27, 2014, that outlined an agreement on union and management actions leading up to the February 12-14th election.109 The UAW underestimated the extent of

conservative political influence that occurred just prior to the election in February.\footnote{UAW Researcher, 2/21/14.} For example, the Grover Norquist-led Americans for Tax Reform organization constructed billboards throughout Chattanooga linking the UAW to topics as varied as the downfall of Detroit, President Barack Obama, and abortion rights.\footnote{Greenhouse, “Union Drive Doesn’t Bother Management.”} Both Senator Bob Corker and Tennessee Governor Bill Haslam made constant public appearances impelling workers to vote against the UAW. The biggest threat came from Tennessee State Senator Bo Watson, who remarked that a UAW victory would likely prevent the state legislature from approving future subsidies to VW. Numerous Republicans built on fears of capital flight by arguing that the loss of state subsidies would lead VW to begin new operations in Mexico, thereby costing Tennessee jobs.\footnote{Greenhouse, “Union Drive Doesn’t Bother Management.”}

Despite signing a neutrality agreement, union supporters inside the plant argued that low-level supervisors and salaried employees ineligible for unionization actively opposed the organizing drive in February. Pro-UAW worker Wayne Cliett stated that “The salaried people from Pilot Hall [the prestigious research and development center at the plant] stood out front every day this past week with [anti-UAW] shirts on, and I truly believe they swayed the votes their way.”\footnote{Mike Elk, “After Historical UAW Defeat at Tennessee Volkswagen Plant, Theories Abound,” \textit{In These Times}, February 15, 2014, http://inthesetimes.com/working/entry/16300/after_uaw_defeat_at_volkswagen_in_tennessee_theories_abound.} The neutrality agreement forbade VW management from intimidating workers, but low-level supervisors appeared to ignore these directives. The UAW failed to publicly confront VW about apparent intimidation tactics. Furthermore, the neutrality agreement
constrained the union in several ways.\textsuperscript{114} The UAW agreed not to utilize aggressive strategies against VW during the lead-up to the election.

The coordinated and swift actions of well-funded conservative actors and the relatively obscured intimidation tactics by low-level supervisors and salaried employees--combined with the UAW’s failure to effectively respond--played a large role in the union’s narrow defeat in the NLRB election. In a phone interview, a UAW researcher stated that the union underestimated the extent and importance of direct conservative political influence in the days leading up to the election. In hindsight, the researcher stated that the UAW could have tried to pressure VW to respond more aggressively to this political influence, but the union lacked the time or coordination to do so.\textsuperscript{115} He also argued that the public nature of the campaign did not affect the UAW’s strategy. The union focused its efforts directly on the workers inside the plant and believed that external influences only develop a limited extent of influence.\textsuperscript{116} In such a narrow defeat for the UAW, one can only assume that external political influences played a large role in the election’s outcome.

\textit{Implications}

The UAW needed a near-perfect organizing strategy to win an NLRB election in the South. Critics of the UAW’s strategy in Chattanooga need to recognize “the political and economic vortex of neoliberalism, financialization, and globalization, [which means] there’s no

\textsuperscript{114} Elk, “After Historic UAW Defeat at Tennessee Volkswagen Plant, Theories Abound.”

\textsuperscript{115} UAW Researcher, 2/21/14.

\textsuperscript{116} UAW Researcher, 2/21/14.
stopping creative destruction in the auto industry.”¹¹⁷ The UAW also had to overcome fears that unionization leads to capital flight. The fact that VW received 83,000 applicants for 2,500 jobs upon opening in 2011 shows how much Tennessee workers value employment opportunities.¹¹⁸ While the UAW assuaged some fears related to capital flight through VW’s neutrality, the union’s strategy remained flawed in three interconnected ways. First, the UAW failed to pressure VW into accepting card check procedures as part of the neutrality agreement. Second, the UAW appeared to halt strategic research after the neutrality agreement and was unprepared to deal with external actors during the election process. Third, the UAW agreed to curtail aggressive campaign strategies to promote a cooperative environment with VW.

The union’s failure to organize through card check and eventual reliance on an NLRB certification election obviously hurt the chances of unionization. The problems associated with NLRB elections are well-documented and received attention in chapters one and two of this paper. In this case, political influence replaced employer intimidation as a major determinant of election outcome. The UAW allegedly collected a majority of signatures for card check recognition in September 2013, but failed to pressure VW into accepting union recognition at the time. The UAW researcher stated that an election represents more of a unifying process, which explains why the union did not aggressively seek card check recognition.¹¹⁹ This argument appears weak, and likely something occurred behind-the-scenes that explains why the union bypassed card check procedures.


¹¹⁸ Aschoff, “Tennessee Car Sick Blues.”

¹¹⁹ UAW Researcher, 2/21/14.
The UAW failed to escalate strategic research and develop potential campaign tactics to foster a more balanced election environment. While conceding that the union remained unprepared for such a rapid vicious assault from conservative actors that undoubtedly influenced the campaign, the UAW researcher held firm to the belief that “what matters most is what happens inside the plant.”

The UAW constantly focused on persuading a group of undecided workers to vote in favor of unionization, as these workers would decide the inevitably close election. However, in the twenty-first century, organizing drives are no longer entirely about the workers inside the plant. The UAW proved this point by developing an alliance with a powerful German union to lay the foundation for unionization in Chattanooga. This process involved limited activity by workers inside the plant. Of course, the workers themselves still matter and determine the elections, but external factors—whether it consist of employer-sponsored intimidation or conservative political influence—directly affect ideology and election results. Top-down and bottom-up processes need to intersect throughout the entire organizing drive and continue after the election to solidify unionism in the twenty-first century. The UAW lacked continuous strategic research and failed to implement aggressive top-down tactics to combat hostile antiunion forces in the two weeks leading up to the election.

Many alternative media outlets have criticized the UAW for failing to develop a more aggressive and grassroots organizing struggle. UAW President King has advocated a more moderate and cooperative approach to organizing transnationals. The VW campaign shows that the UAW believes that developing relationships with corporate decision-makers and achieving neutrality remain essential prerequisites of successful organizing. The union’s approach contains

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120 UAW Researcher, 2/21/14.
many top-down components, as leaders and organizers relied on relationships with key allies and
corporate actors to lay the foundation for unionization. However, a reliance on top-down
approaches in the campaign does not indicate that the UAW has completely abandoned militancy.
Rank-and-file aggression simply did not exist in this situation. The conservatism of the South--
especially white male southerners, who represent a large component of VW-Chattanooga's work
force--prevents the UAW from adhering to the same worker-centered philosophy advocated by
many grassroots activists to organize in such a hostile context. The UAW needed to play an
active role by laying the foundation for unionism through top-down approaches while
encouraging class-consciousness within the plant. The UAW’s failure resulted not from the
union’s inability to foster militancy, but rather from scaling back more aggressive top-down
campaign tactics. UAW leaders placed too much hope in VW’s neutrality. Hindsight is twenty-
twenty, but the union could have escalated pressure on VW to accept card check, prevented
intimidation from low-level supervisors, and more forcefully combated external political
influences.

Conclusion: Important Lessons

The UAW’s failed organizing drive at VW-Chattanooga reinforces many contemporary
trends in American trade unionism. First, the UAW case study further exposes the weaknesses
inherent to the NLRB election process. Political intimidation was prevalent in the weeks leading
up to the election, which likely played a role in the outcome. Intimidation within NLRB
elections emphasizes the importance of card check as an organizing tool. The UAW had an
opportunity to push for card check recognition, but failed to pressure VW to bypass the institutionalized election system.

Second, this case study also highlights that neutrality agreements produce a dilemma for unions. Many unions emphasize the importance of obtaining employer neutrality through such agreements. However, studies mentioned earlier in this paper show that neutrality agreements without card check provisions do not substantially alter union win rates. Furthermore, neutrality agreements generally limit union strategy by regulating the use of aggressive tactics. While the neutrality agreement with VW restricted the use of corporate campaign tactics, the UAW should have continued developing strategic research to prepare for the relentless political campaign that infiltrated Chattanooga in the weeks leading up to the election. Neutrality agreements remain an essential component to union strategy, but these agreements do not come without costs.

**Conclusion: The Necessity of Creative and Innovative Campaigns**

The organizing drive in Chattanooga underscores the importance of strategic research in contemporary organizing campaigns. UAW researchers unveiled key decision-makers and developed a campaign to form an alliance with the powerful IG Metall to exert pressure on important VW leaders. Targeted analysis enabled researchers to determine which companies to campaign against. While deficiencies--such as the failure to organize through card check--in union strategy may account for part of UAW’s defeat, corporate campaigns do not represent a magic bullet for the labor movement. The UAW needed to develop a political campaign to combat the aggressive conservative operation in Chattanooga just prior to and through the NLRB election. Nevertheless, this campaign proves the necessity of strategic research to understand
complex industries and unveil concealed decision-makers. Strategic research uncovers the need for creative corporate campaigns that pressure firms beyond the site of the workplace.
Conclusion: Obstacles to and Opportunities for a New Type of Unionism

Overview

In this paper, I have attempted to show that strategic research and corporate campaigns are essential components of an effective union strategy. I have argued that research and strategic campaigns are important for three major reasons. First, strategic research reveals decision-makers who often remain obscured through complex corporate structures. Key decision-makers frequently operate far away from the workplace and workers themselves sometimes do not know who the central decision-makers are within a firm. Unions rely on researchers to unveil concealed corporate actors. Second, corporate campaigns need to develop tactics that pressure key decision-makers beyond the workplace. Leverage-based tactics at the site of production—such as strikes—rarely remain adequate to bring management to the negotiating table in the twenty-first century. Unions need to leverage employers on multiple levels. Third, strategic campaigns enable unions to stay one step ahead of management and force key decision-makers on the defensive. Campaigns have no blueprint and face few regulations, which allow unions to develop innovative strategies that companies fail to foresee. While a financial power imbalance exists between unions and corporations, researchers and campaigners can defeat managers through creativity and innovative ideas. Unions need to research and develop creative tactics that target ultimate decision-makers, or they will continue to lose ground as a result of changing structures brought about by neoliberal globalization.

Strategic research unveils key decision-makers who often remain hidden behind complex corporate structures. The unwavering desire to enhance workplace flexibility has led employers to develop obscured ownership structures. Furthermore, the rapid development of
financialization under neoliberalism has led to the creation of many private equity firms that hold a controlling stake in many companies. The Ravenswood campaign, Justice for Janitors, and the UAW’s recent struggles prove the necessity of strategic research to uncover key decision-makers. At Ravenswood, workers had no idea that the key actors pulling decision-making strings lived across the Atlantic Ocean in Switzerland. The USW uncovered RAC’s obscured corporate structure, which enabled the union to escalate pressure on the real decision-makers. In the J for J campaign, SEIU’s research team discovered that building owners maintained as much decision-making power as janitorial employers. Escalated tactics that interfered with building owner’s growth plans in downtown L.A. enabled the union to achieve victory. Conversely, the CWA’s unfamiliarity with the trucking industry created major obstacles to the success of the 1996 port truckers’ strike. The CWA failed to understand the industry, which ultimately doomed the port truckers’ campaign.

Strategic corporate campaigns develop multiple pressure tactics that leverage employers beyond the workplace. All of the campaigns--both successes and failures--studied in this paper attempted to pressure employers beyond the site of production. The unions involved in these case studies combined workplace activities with campaigns that targeted a vast array of company interests that appeared irrelevant to the ongoing labor dispute. Successful campaigns pressured multiple decision-makers from a variety of angles. Both the USW at Ravenswood and the SEIU in L.A. devised strategies that weakened the financial status and reputation of major actors involved. In contrast, the AIU and UPIU at A.E. Staley failed to develop a strategic campaign that targeted multiple key decision-makers at the same time. The union put too many resources into campaigning against Staley customers on an individualized basis. Similarly, the CWA
developed an innovative tactic during the port truckers’ campaign, but placed the fate of the entire campaign into a single strategy. The CWA’s failure to construct a multifaceted campaign—which largely resulted from the union’s limited understanding of the trucking industry--played a large role in the port truckers’ defeat.

Strategic campaigns place the union a step ahead of management and enable researchers and campaigners to overcome financial imbalances through creativity and innovative tactics. Many union researcher believe that they can defeat any company one-on-one because managers respond quite slowly to innovative union tactics, which change with every campaign. The lack of a blueprint and regulations governing corporate campaigns enable unions to confront management on a creative and ideological terrain, rather than engaging in a purely financial and institutionalized struggle. The development of a strategic campaign represents an art form that forces unions to think creatively and devise strategies that take management completely by surprise. The USW’s success at Ravenswood and the SEIU’s victory in the L.A. J for J campaign both illustrate the importance of innovative and creative strategies. On the other hand, the UAW’s failure to stay one step ahead of management arguably played a role in the union’s defeat in the NLRB election. The UAW achieved neutrality with VW, but they failed to pressure VW to adhere to the neutrality agreement and lacked an effective response to the coordinated and targeted conservative campaign immediately prior to the election.

**Broad Implications**

I have explained why unions need strategic research and corporate campaigns to maintain relevance in the twenty-first century. I have also shown that the financial costs of undertaking such a campaign--if done correctly--do not appear as high as many scholars and unionists claim.
However, the development of a unionism based on strategic research and corporate campaigns face tremendous obstacles that need to be considered and problematized. No institutional arrangements govern corporate campaigns. Unions cannot automatically extend campaign victories to other parts of the same sector. For example, a union may invest five years and develop sophisticated campaign tactics into an organizing drive that, if successful, unionizes one-hundred or so workers. The arduous struggle and eventual victory is extremely admirable and potentially life-fulfilling, but organizing one-hundred workers over five years of time and resources does not represent a replicable form of unionism. And this scenario assumes victory, which is far from guaranteed.

Unions find it difficult to make progress on such a localized case-by-case and time-consuming basis. As stated before, researchers believe that they can defeat any employer one-on-one, but cannot assume that such victories will occur rapidly. Some organizing victories set a precedent for the rest of an industry. For example, successful organizing at a hospital that has implemented a new model of employment relations may lead to easier organization of other hospitals that have adopted the same model. Such a form of unionism still maintains significant discrepancies from the industry-wide bargaining common of the Fordist era, where employers often organized for unions.

Strategic research and corporate campaigns do not appear to address the systemic problems facing American organized labor. Unions cannot expect to make significant progress by organizing a single employer at a time in a globalized and rapidly transforming economy. Many industrial relations scholars believe that unless a type of economy develops in which
employers favor unionization, unions require state interference to support organizing drives.\textsuperscript{121} Unions need the state to construct an institutional arrangement that supports harmonious labor relations within a specific political economy. Regulation theorists argue that institutions are needed to stabilize capitalism--an inherently unstable and crisis-ridden system.\textsuperscript{122} In the current context of capital hostility towards a relatively weak labor movement, only the state can develop institutions to regulate capitalism. Unions no longer maintain enough power to develop bargaining institutions without state involvement.

These institutions match to a particular type of economic growth and succeed at stabilizing capitalism for a few decades. For example, the Wagner Act constructed an institutional arrangement governing labor relations that remained very applicable to the Fordist regime of accumulation. Regulation theory assumes that the state will reform or erect new institutions to adapt to changing regimes of accumulation, or else face an eventual crisis. Once Fordism collapsed and transitioned to neoliberalism, the state failed to develop a new type of labor relations system, and the NLRB became increasingly unable to meet its original goal of fostering union organizing. The 2008 recession--the crisis that was supposed to encourage state regulation--did not bring about significant transformations in American industrial relations, partially because American workers did not struggle to nearly the same extent as during the Great Depression.

\textsuperscript{121} Howell, private discussion with author in Oberlin, Ohio, April 2014.

Inherently weak labor unions need state support to maintain power in a capitalist economy. In France, unions only represented 7.8% of workers as of 2010, but collective bargaining agreements cover over 90% percent of French employees. The French state provides this coverage extension. The Employee Free Choice Act represents a potential example of state support of organizing rights. EFCA would have institutionalized card check and helped adapt the original goals of the NLRB to modern economic realities. Congress eventually defeated EFCA multiple times. The obvious problem for American unions is that state support remains virtually nonexistent in the twenty-first century. With a weak labor movement and lack of state support, how do workers develop power?

Industrial relations experts who believe that inherently weak labor organizations need state support may argue that unions need to tie themselves to the state through a political party. For example, unions forged ties with Social-Democratic parties in both Sweden and Britain, where corporatist institutions developed most prominently under Fordism. American Unions have had a long--albeit inconsistent and sometimes contentious--relationship with the Democratic party. Many scholars and activists today believe that the Democratic party remains indistinguishable from the Republican party in terms of support for corporate interests. Organized labor no longer maintains the political clout they once possessed through higher density rates. Furthermore, if Democrats--at least on the national scene--rarely support organized labor’s agenda, then unions should not waste resources on political lobbying when organizing and research departments remain underfunded. Unless unions form a social movement pact with a variety of other progressive organizations--such as environmental and

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immigrant rights groups—to pressure the Democrats from the left, unions cannot rely on the state to extend support for structural labor relations reform.

Strategic research and corporate campaigns serve as essential components of union strategy because they are necessary components of achieving long-lasting grassroots power. If the state cannot extend protections to an already weak labor movement, then unions need to help foster counter-hegemonic grassroots struggle. An emphasis on grassroots power does not indicate that union staff play no role. A mixture of top-down and bottom-up processes is required to foster true grassroots empowerment. Any movement that seeks to gain more relative power at the expense of transnational corporate interests requires strategy and organization. Strategic research and corporate campaigns neutralize some of the unbalanced resource discrepancies between labor and capital. Strategic tactics enhance the strength of collective action by enabling workers’ organizations to pressure transnational corporations beyond a localized site of a labor dispute or community struggle. Antiglobalization movements—including labor activists that emphasize a grassroots unionism—have developed localized struggles and solutions to an increasingly transnational opposition. These decentralized struggles empower exploited individuals, but only widen the power discrepancy between global neoliberal actors and decentralized resistance groups. Strategic campaigns that leverage exploiters beyond the localized site of struggle need to accompany grassroots movements.

In conclusion, strategic research and corporate campaigns emphasize the importance of ideas and creativity when confronting neoliberal capital. These campaigns enable unions to compete against employers on nonmaterial grounds where financial resources play a less significant role. The unregulated nature of strategic campaigns also provides a source of
empowerment for unions. Unions should continue to experiment with creative strategies that leverage employers beyond the workplace. As the campaigns in this paper show, experimentation may possibly lead to a new form of unionism that confronts employers on an innovative and strategic level. Researchers and campaigners need to exist in continuous creative response to whatever is present.
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I have adhered to the Honor Code in this assignment.

- Johnnie Kallas