

By Ruth Milkman

DIVIDED WE STAND

THE DEPARTURE OF FOUR OF THE NATION'S LARGEST UNIONS FROM THE AMERICAN Federation of Labor—Congress of Industrial Organizations (AFL-CIO) has provoked a great deal of hand wringing. Many fear that the acrimony between the federation and the Change to Win (CTW) coalition that is now home to the newly disaffiliated unions (as well as a few others), will only hasten the labor movement's demise. Yet, the 2005 schism in the house of labor, the most dramatic such break since the CIO split off from the AFL 70 years ago, instead

could spark a much needed resurgence within both camps. As the anti-union law firm Jackson Lewis LLP predicted just after the AFL-CIO's 50th anniversary convention in Chicago last summer, "The most likely results of the current rift will be an increase in union organizing activity and more aggressive bargaining during contract negotiations by both the AFL-CIO and the Change to Win Coalition."¹

One might discount this statement as little more than a savvy law firm's effort to capitalize on current events, but the notion that competition between the two union groupings will lead them both to perform more effectively in the future is compelling in its own right. As many commentators have noted, that's exactly what happened in the two decades when the

CIO was an independent entity: this was the period of the greatest union growth in U.S. history, for the AFL and CIO alike. In terms of membership, the CIO was always dwarfed by the AFL, but both sets of unions grew and prospered during the era of their mutual rivalry. Indeed, U.S. union density peaked precisely at the point when the AFL and CIO reunited, in 1955—and it has been declining ever since.

The CIO's split from the AFL began with a fistfight, when John L. Lewis assaulted Carpenters union president William L. Hutcheson after a verbal dispute on the floor of the 1935 AFL convention. Although there was no physical violence at the 2005 convention, in many other respects Andy Stern, who heads the Service Employees International Union (SEIU), and

who led the dissident movement that gave birth to CTW, has stepped into Lewis' proverbial shoes. As labor's self-appointed bad boy, Stern has often challenged the authority of the old guard with deliberately provocative statements that have won the attention of the media as well as the wider public. More importantly, Stern's SEIU is a model of dynamic unionism; it has tripled in size since 1980, and no other union has been more effective in organizing the unorganized in recent years.

There are many points of contrast between the 1935 and 2005 splits, to be sure. For one thing, the SEIU and the three other CTW unions that left the AFL-CIO last summer did so of their own accord, against the wishes of the federation's leadership, whereas 70 years ago the AFL forcibly expelled the CIO unions.² And the nation's political climate today could not be more different than it was in 1935! Yet there are also striking parallels between the two schisms. Both came at times of profound crisis for labor: although few Americans realize it, union density in the United States is at just the same level today that it was in 1935 (13 percent). Both divorces were nasty ones, marked by venomous rhetoric and ugly behavior on all sides. In both cases, the dissenters were high-level union insiders (both Lewis and Stern were longtime union presidents, after all, not "outside agitators") who launched energetic efforts to win over other union chieftains, as well as the federation's top leadership, to their point of view. In both cases, they met with stiff resistance from defenders of the status quo. And crucially, both splits involved profound strategic disagreements on how organized labor should respond to radically changed economic conditions, as well as structural divisions in labor's ranks.

Those strategic disagreements and structural divisions have been obscured from view amid the flurry of media interest in labor's travails that immediately preceded the disaffiliations. There was the Oedipal drama of Stern's aggressive challenge to his erstwhile mentor, AFL-CIO President John Sweeney, whom Stern had succeeded in the SEIU presidency a decade ago. And many observers were riveted by the rancorous public dispute over how much union money should be devoted to politics and how much to organizing. These issues, however, were not at the heart of the split. The Sweeney-Stern conflict was as much a consequence as a cause of labor's civil war, and the spat over spending—ultimately a matter of emphasis, not an insurmountable dichotomy—could have been easily resolved if other difficulties had not been in the way. To understand the schism, one needs to look back to an earlier phase, when the SEIU first launched its critique of the AFL-CIO. The rift began with a set of strategic proposals rooted in an analysis of labor's crisis published in these pages in 2003 by Stephen Lerner, who heads the SEIU's Building Service Division.³ Stern is the SEIU leader most associated with these ideas in the public arena, but Lerner was their intellectual author.

Lerner's intervention sparked an extraordinary debate that diffused throughout the labor movement over the next two years, culminating in the mid-2005 split. That debate—documented publicly at the time on the SEIU-sponsored "Unite to Win" website as well as on the AFL-CIO's own site—has been nearly obliterated from public memory amid the mutual recriminations that have attracted so much attention since, but it is at the root of the schism.

Lerner's analysis was predicated on the observation that the era that began with John

Sweeney's ascendancy to the AFL-CIO presidency in 1995, which led to such high hopes for union revitalization, had not achieved the degree of change that organized labor needed. Rather than continuing to blame union decline and disarray on the hostility of employers and of the political establishment, Lerner argued, it was time for the AFL-CIO to take a long hard look in the mirror.

When it took power in 1995, Sweeney's administration had advocated many of the same ideas later embraced by CTW—organizing the unorganized, adopting a more aggressive and strategic approach to organizing, and demanding more from labor's political allies in exchange for union money. The SEIU—the union Sweeney had headed before he became AFL-CIO President—played a leading role in the early years of the “New Voice” regime. Sweeney appointed so many SEIU staffers to key positions in the AFL-CIO at the time that some insiders quipped that it should be renamed the AFL-SEIU. So what went wrong? How did the SEIU become the federation's leading critic?

Lerner's contention was that the AFL-CIO's own organizational structure was a critical obstacle to implementing Sweeney's otherwise laudable program. Because the Federation is so decentralized, with each affiliated union enjoying enormous autonomy to set its own policies and spend its own funds, Sweeney lacked the power to enforce his repeated pleas for all the AFL-CIO affiliates to follow the SEIU example and pour a third of their financial resources into organizing. In fact, only a handful of unions devoted significant funds to new organizing, and most of them are now part of CTW. Lerner argued persuasively that the AFL-CIO needed to adopt a far more centralized structure, one in which the affiliates would be truly account-

able to the leadership. His model was the SEIU's own recent internal organizational restructuring over the previous decade, which had greatly reduced the autonomy of local unions and concentrated power in the hands of the International leadership.

Lerner's other key proposal was for a new division of labor among the AFL-CIO affiliates. Traditional jurisdictional boundaries have long since dissolved, he noted, to the point that too many unions have become “general unions,” with members in a wide variety of industries and occupations. In some industries (airlines being the preeminent example) as many as a dozen separate organizations represent workers, so that labor's power is dispersed. Yet, with corporate restructuring and globalization, employer power has become increasingly concentrated. The resulting organizational mismatch, Lerner argued, has crippled union capacity.

In what would prove to be a deal breaker, Lerner argued that the AFL-CIO should coordinate a series of mergers among its affiliates (then numbering over 60, including many with minuscule memberships) to establish a dozen or so large unions, each of which would specialize in a single economic sector. Each mega-union could then focus its strategic and financial resources on its assigned sector, allowing it to develop far greater expertise than would otherwise be feasible, thus increasing the prospects that it might organize enough of the workforce to “take wages out of competition,” and provide more effective representation of its members.

Like the push for greater centralization, this one-union-per-industry proposal was rooted in the SEIU's own internal reorganization. Starting in the late 1990s, SEIU had merged many of its locals into larger, single-

industry units grouped into three large divisions specializing in building services, health care, and the public sector. In the past, many SEIU locals had had members scattered across these sectors, but after the reorganization that was no longer the case. The result has been an impressive increase in both organizational efficiency and union clout, so that even as the hostility of both employers and the Bush administration toward labor continues to escalate, the SEIU has managed to maintain its own growth trajectory, setting the standard for the wider labor movement in strategic acumen and “best practice” organizing.

Lerner’s diagnosis of the AFL-CIOs organizational problems was—and to my mind, still is—compelling, but in retrospect it is obvious that he underestimated the organizational and political obstacles that would need to be overcome in order to extend the logic of SEIU’s own internal restructuring to the AFL-CIO as a whole. It is a truism that organizational change is never easy, and that is especially the case in a decentralized, consensus-based structure like the federation, which is also full of powerful players whose own vested interests, at least in the short run, are best served by the status quo. Thus, it was relatively easy for its national leadership to transform the SEIU’s organizational structure (mainly by means of trusteeships); but reproducing this restructuring process in the context of the AFL-CIO as a whole was a far more formidable task, precisely because of its decentralized structure and the highly constrained powers of the federation’s top leadership.

Some of Lerner’s most vociferous critics objected to the proposals for union mergers and organizational centralization in the name of internal union democracy, arguing that the al-

ready precarious voice of rank-and-file members would be further marginalized if union autonomy were reduced and smaller unions merged into larger ones. This is a valid concern that, all progressives would surely agree, deserves serious attention. Yet, it often took on a disingenuous flavor in the course of the 2004-05 debate, when it was articulated by union officials whose previous commitment to rank-and-file democracy was at best limited, but whose own positions of power were now threatened by the proposed restructuring. One pundit suggested that the labor movement needed something similar to the House of Lords (in this case, with golden parachute-like salaries included) to neutralize the self-interested opposition of the *ancien regime*.

The battle was joined during the summer of 2003. Soon after, the “New Unity Partnership” (NUP) surfaced, led by the SEIU with a program predicated largely on Lerner’s arguments. The NUP included two longtime SEIU allies, the Union of Needletrades, Industrial and Textile Employees (UNITE), and the Hotel and Restaurant Employees union (HERE), which merged in the summer of 2004 into UNITE HERE. SEIU, UNITE, and HERE shared a reputation for creative organizing approaches focused on low-wage workers, many of them foreign-born. And, as the press was fond of pointing out, all three were headed by Ivy League-educated Presidents—not the traditional profile of U.S. labor leaders. These unions, in short, seemed to embody New Labor’s most forward looking, sophisticated side. Joining them in the NUP were the Carpenters and Laborers unions, which had a far more conservative (and at times corruption ridden) image. Yet, they were among the few unions that had made serious efforts to orga-

nize the unorganized in the 1990s, and indeed the Carpenters left the AFL-CIO in 2001 over some of the same issues that would spark the defection of SEIU, UFCW, and UNITE HERE four years later.

NUP's goal was to persuade enough additional unions to support its program so that it could implement the organizational changes Lerner advocated within the AFL-CIO as a whole. But this effort encountered strenuous opposition from the start, especially from the former CIO unions, concentrated in the manufacturing sector, which had been struggling for decades with the consequences of globalization and deindustrialization, and which proved unable to effectively counter the power of ever more footloose capital. They had a very differ-

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ent agenda from that of unions like SEIU, HERE (though not UNITE), as well as the Carpenters and Laborers, all of which represented workers in nonmobile industries. Not coincidentally,

these NUP unions were also former AFL affiliates, organized on an occupational basis, which, as Dorothy Sue Cobble has argued, made them better suited to the "postindustrial" economy than the former CIO affiliates.⁴

The old CIO unions were also disadvantaged by their longstanding entanglement with the New Deal era regulatory systems alongside which they first emerged—above all, the National Labor Relations Board (NLRB), as well as other forms of industrial and labor regulation. As those systems have been attacked and in effect dismantled over the past three decades, the former AFL unions, organizations that long antedated the New Deal, have returned to their historic roots. They were able to draw on an older strategic repertoire that has become an

important resource under current conditions of neoliberal devolution. Thus, while the old CIO unions continue to press for labor law reform, SEIU and HERE instead have chosen to avoid the NLRB entirely in many of their campaigns, falling back on tactics that win union recognition by exerting direct pressure on employers. In the construction industry, with its unstable and shifting workplaces—the jurisdiction of the Carpenters and Laborers—the NLRB system had never functioned very well, and so these unions too use pre-New Deal organizing tactics. In short, the former AFL unions enjoy a comparative advantage in today's environment, which in so many ways resembles the pre-New Deal era to which they trace their his-

torical roots.

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dress the plight of low-wage workers, many of them disadvantaged by race and/or immigrant status. By contrast, many other unions—especially the old CIO unions and the more elite building trades unions that remain in the AFL-CIO—represent highly paid labor aristocrats who evoke far less popular sympathy (and in some cases, just the opposite). In an intermediate position are the large public sector unions like the American Federation of Teachers (AFT) and the American Federation of State, County, and Municipal Employees (AFSCME), located in the one sector where deunionization has been limited.

The CTW could not win the support of these public sector unions for its program. That was a mortal blow to its prospects of taking over the AFL-CIO. One factor here—which often surfaced in the dispute about funding for politics versus organizing—was the reality that public sector unions are far more dependent on political clout for their survival than many of the CTW unions. Moreover, these unions do not need as many resources for organizing as their private sector counterparts do, since public sector employer opposition to unionization is relatively flaccid. Of course, the SEIU itself also has a substantial public sector membership, and is deeply involved in the political realm (it gave more funds to Kerry's presidential campaign than any other union, and routinely deploys local political influence to leverage its organizing campaigns), so that these differences cannot fully explain the loyalty of the public sector unions to the status quo.

The NUP first attracted national publicity during the 2004 presidential primaries, when the SEIU threw its support to Howard Dean. This was anathema to the industrial unions, which initially supported Richard Gephardt, a

longtime labor ally and advocate of the protectionist trade policies to which that sector of organized labor was deeply devoted. But the embryonic divide within labor's ranks was muted during the rest of the presidential campaign season, as the factions patched up their differences in a united effort to elect Kerry, albeit to no avail. Union members did vote heavily Democratic, but by 2004 their numbers had diminished to the point that even a highly effective labor political mobilization could no longer shape the final outcome. For the NUPsters, this was only further proof that labor's crisis had reached the point where drastic action was necessary.

The NUP formally dissolved itself in early 2005, but almost immediately afterward a new coalition that called itself "Unite To Win" appeared, with a program virtually identical to NUP's. (A few months later, Unite To Win itself morphed into the current CTW alliance.) Apart from the new name, the main change in early 2005 was that the Teamsters—another former AFL union, headed by James Hoffa, Jr.—had joined the dissidents. Unite to Win now adopted the Teamster demand that a substantial portion of the "per capita" dues that affiliated unions pay into the AFL-CIO treasury be "rebated" and earmarked for new organizing. At this point the split seemed to pivot around how much money should be devoted to politics and how much to organizing. But the problem was less agreeing on a figure—on this, compromise would have been possible—as agreeing on the urgency of putting organizing first.

Meanwhile, rumors spread of a campaign to unseat AFL-CIO President Sweeney. Among the factors driving the Teamsters into the dissidents' open arms was their lingering bitter-

ness over the fact that Sweeney's heir apparent, Richard Trumka, had been a key supporter of Ron Carey, whom Hoffa had succeeded as Teamsters president after Carey was found guilty of financial improprieties. Like SEIU, the Teamsters was among the largest unions in the AFL-CIO, in part because it had always been active on the organizing front. Yet it was the most general of general unions, and in this respect both a ripe target for Lerner's critique and an unlikely ally for SEIU.

By now, however, the SEIU was engaged in an all-out effort to expand its coalition of unions to the point that it could plausibly win control of the AFL-CIO's presidency and program. Given the reticence of the public sector unions, SEIU could not be too particular about whom it built alliances with. As one of the largest unions in the Federation, the Teamsters' support represented a giant step toward putting together a majority coalition. Similarly, the UFCW, another very large union, joined the dissidents during this period. It was a far more traditional and less organizing-oriented union than the others in the NUP/Unite to Win/CTW grouping. This was the union whose abysmal leadership—since then replaced with new blood—had bungled the massive supermarket strike and lockout in southern California the previous winter. But the UFCW had built a relationship with SEIU in the context of their joint interest in building a public relations campaign targeting Wal-Mart, and the new UFCW leadership had expressed interest in making serious internal changes as well, along the lines modeled by SEIU.

Unite to Win made substantial headway in the spring of 2005. By the time of the July AFL-CIO convention, in a desperate effort to hold

the Federation together, Sweeney's team had moved to adopt many planks in the dissenters' platform. Union mergers orchestrated from the top, and control of the federation's presidency,

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both remained beyond the pale. But the Sweeney forces did embrace the idea of multi-union, industry-focused, coordinated organizing campaigns, and offered to rebate a substantial share of per capita dues to the affiliates to free up more funds for organizing, if not to the extent that Hoffa and the Teamsters had demanded. Still, the Unite to Win group continued its oppositional activities, and publicly called for the 70-year-old Sweeney to step aside. His continuing refusal to do so probably made the split inevitable. When the crunch came in the summer of 2005, the dissidents were still far short of the 50 percent-plus-one votes that they needed in order to take control at the convention, but perhaps some sort of deal could have been struck if the presidency had been an open question.

But the CTW was not all that willing to make compromises. Stern's comments in an interview with the *Los Angeles Times* in May are revealing: "People would like to make a political deal. Maybe we could put \$3 million more here, maybe John Sweeney could be president for X number of years and someone could succeed him. ... For us, the deal has to be: Are

we going to change our members' lives? Can we be relevant, strong enough and successful enough in the 21st century, and if not, do I get John Sweeney for two years and then John Wilhelm? Its much more about, do we have a way to win?"⁵

Two months later, the SEIU and Teamsters, followed by UFCW and later by UNITE HERE, disaffiliated. Together, they took about 4.5 million members out of the AFL-CIO, which had 13 million members before the split, as well as some \$30 million in funding. Although the AFL-CIO remains the larger of the two bodies, it no longer represents a majority of the nation's union members, given that other large unions like the Carpenters (also part of CTW) and the National Education Association—the nation's largest union—are also not affiliated with it. (The Laborers and the United Farm Workers are part of both CTW and the AFL-CIO, at this writing.)

Unable to implement their plans for the AFL-CIO as a whole, CTW hopes to jump-start a labor revival through the more limited partnership its seven affiliates comprise. But this coalition of the willing must now face internal contradictions of its own. For example, it is difficult to imagine the Teamsters abandoning the general union model in favor of Lerner's one-union-per-industry idea. And without control over the federation as a whole, the original idea of reorganizing the entire U.S. labor movement into a few large unions with clear jurisdictional boundaries is also problematic. But the CTW is aggressively positioning itself as an alternative to the "pale, male, and stale" AFL-CIO, committed to strategic partnerships designed to foster new organizing in key sectors like re-

tail, hospitality, health care, transportation, and construction. It also communicates a sense of

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urgency about addressing labor's crisis, and a passion for change that is absent from the AFL-CIO leadership's repeated calls for unity among unions for its own sake. For Stern, there is a strong moral imperative here. "If not us, the five most important private-sector unions; if not us, unions that have changed; if not us, unions that are willing to work together, then who? Who is going to do this for us?" he asked at the CTW's founding meeting in June. "And if not now, at this time of incredible desperation for American workers, when everything we have is at stake, then when?"⁶

To be sure, since the midsummer split, some serious problems have developed. For example, although in their July 25 departure statement the SEIU and the Teamsters indicated that they planned to continue participating in local Central Labor Councils and state Labor

Federations, the AFL-CIO leadership responded by asserting unilateral control over these bodies, which are political powerhouses in many parts of the nation. One hopes that the subsequent attempts to craft a compromise will lead to a solution eventually, but in the

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meantime mudslinging is the order of the day on both sides. The split also provoked a much-anticipated outbreak of raiding and inter-union competition, although a pact announced in

September between SEIU and AFSCME is a hopeful sign that the two sides will not consume valuable resources in fighting each other in this way.

Those alarmed by the continuing acrimony and disunity that the split itself reflects should be reminded that this is hardly the first time that large unions have left the AFL-CIO. The UAW departed some decades ago over the Vietnam War, and formed a short-lived alliance with the Teamsters at the time; more recently, in 2001, the Carpenters disaffiliated. None of these departures had much impact on the federation's effectiveness. It is true that labor's 2005 schism is the largest and most dramatic such event since 1935. But that too is a hopeful sign, since, in previous eras, competition has tended to stimulate labor movement growth, as each faction strives to prove its superiority, thus sparking new organizing and activism on multiple fronts. Should that dynamic emerge once again, the 2005 split in labor's ranks could turn out to be a real blessing rather than the curse that many seem to fear. ■

Notes

1. "The Split in Organized Labor: What Does It Mean for Employers?" Jackson Lewis LLP Legal Update, 27 July 2005, <http://www.jacksonlewis.com/legalupdates/article.cfm?aid=821>. See also Michael Bologna, "Split in AFL-CIO Said Likely to Generate Additional Organizing Drives, Union Activism," *Daily Labor Report*, July 28, 2005, pp. AA2-AA4.

2. In the fall of 1936, the AFL first suspended and then expelled the CIO unions. The CIO had been founded the previous year as a committee of industrial union advocates within the AFL. For details, see Robert H. Zieger, *The CIO: 1935-1955* (Chapel Hill: University of North Carolina Press, 1995).

3. Stephen Lerner, "An Immodest Proposal: A New Architecture for the House of Labor," *New Labor Forum* 12, no. 2 (2003): 9-30.

4. See Dorothy Sue Cobble, "Organizing the Postindustrial Work Force: Lessons from the History of Waitress Unionism," *Industrial and Labor Relations Review* 44 (1991): 419-36.

5. Nancy Cleeland, "Q&A: Head of Big Service-Workers Union Weighs Separation from AFL-CIO," *Los Angeles Times*, May 28, 2005, pp. C1-C2.

6. "Highlights from the Change to Win Coalition Founding Meeting, June 15, 2005," video available at http://www.changetowin.org/index.asp?Type=B_BASIC&SEC={D78E365A-C7E8-4FC6-9C53-11C65986BEE5}.