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A Handful of "Moderate" Democrats to Gut EFCA?

Solidarity America

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The handwriting was on the wall a few weeks ago when Solidarity America reported that President Obama's new labor secretary, Hilda Solis, delivered the graduation speech at the National Labor College and didn't even mention the Employee Free Choice Act (EFCA).

Now, a handful of so-called moderate Democrats have broken ranks with the rest of their party in Congress and decided that they need to remove the "card-check" organizing from the bill. If that is done, they would presumably vote for the bill that will make it somewhat easier for workers to organize unions in America.

The moderates apparently have swallowed the line of Corporate America that workers will be deprived of their God-given right to vote on whether to have a union in their workplace (and by the way earn as much as 30 percent more in wages and benefits and pensions than their non-union counterparts).

Sly devils that they are, the lobbyists for the biggest companies and even some smaller ones, marching in lock step through the halls of Congress, have convinced lawmakers that EFCA's card-check language would deprive workers of the democratic right to vote on whether to have a union.

Of course, this presumes that 1) employers really care about their workers' rights in any sphere of American life and that 2) the act of voting, in itself, is a sign that democracy is alive and well in the land.

There's ample evidence that neither is true. Americans who fight to pay the lowest

wage possible and provide no benefits and who fight even the promise of health care for all certainly do not care about those who work for them. And, we've seen evidence through history that voting for a supreme leader is not necessarily a sign that democracy is alive and well in the country where the voting takes place for, often, there is only one candidate - and that's who you get.

So it is with union elections in the workplace. The boss has access to the workers for eight or 10 hours a day and is free to propagandize, cajole, coerce, and threaten all of the workers to convince them to vote against the union. Occasionally, they find it necessary to fire a few of the leaders, but there's little or no penalty to pay when they do so. They consider any fine (which is usually small) a cost of doing business. The union has to talk to the workers outside the workplace, which is difficult, at best.

Eventually, there is a workplace vote, usually conducted by the National Labor Relations Board, but as election observers note in some one-party countries, the election is "tainted." That's to say the least.

The card-check provision in EFCA would provide an option - an alternative to a workplace vote - that, if 50 percent plus one of the workers sign union cards, the union is recognized and the collective bargaining process must begin.

That's the provision that would be removed by the moderate Democrats (who are holding what is essentially a Republican position on EFCA) and it thus removes what is the most important part of the bill. Still in the bill would be the requirement that the two sides reach an agreement on a first contract or an arbitrator steps in and sets the terms.

Republicans don't like that provision either, but eliminating card-check organizing is likely the key provision of their attack on the bill. They'll work on minimizing the effects of the rest of the bill at some future time, as they always do.

According to a report in the *New York Times* this week, the GOP seems to have won the biggest battle in the EFCA fight, bolstered by the wavering Democrats in the middle.

So far, they've won the first round on the stimulus money, most of it having gone to the country's giant corporations (which they haven't shared with local communities to the extent that was intended), they are winning on defeating any semblance of single-payer universal health care (substituting a so-called public option plan), and, now, they are ready to surgically remove the heart of EFCA.

The piles of money spread around the halls of Congress and the revolving door between the houses of Congress and Corporate America are paying off again. The very people who are expected to vote on laws to benefit the people are the ones who jump ship and show up on the corporate payrolls in the next cycle.

Or, the corporate executive is the next one representing his or her district in the House or state in the U.S. Senate. With a virtual merry-go-round of representatives, congressional staff, and corporate executives, the people are usually left, without tickets, to watch the thing go around and around.

The way things are, democracy has little to do with anything. The ruling class pays the

money, politicians do their bidding, and the people become bystanders. That's why it's so shocking to hear from the right wing politicians and pundits that they are very concerned about the "democratic rights" of workers.

And, let us be clear about legislation like EFCA. If it were passed as it was proposed, American **workers** would be the beneficiaries - that would be more than 120 million men and women. Labor law such as this is not just a benefit to unionized workers, but a benefit to all workers.

To Corporate America, the prospect of better pay and benefits for the 88 percent of workers who are not members of a union is like viewing a coming tidal wave from the shore. It spells disaster, tragedy, and personal failure. So, they fight it, as if to the death.

The struggle between capital and labor continues in the Land of the Free. The disparity in wealth between the top 5 percent and the rest of us continues to plague our economy and the repair job - stimulus - has not touched the people and their communities. The unemployment rate is about 10 percent.

One of the remedies is to empower workers. The presence of unions in just one-third of America's workplaces would raise the standards of all workers. That is the one thing that would provide true economic recovery and spread the wealth more evenly. But that is the essence of the struggle, and the benefits of a free society won't be enjoyed by the majority until there is equality in both politics and the economy.

There won't be much equality in America's economic or political life until there is equality on the job. Without unionization, that will not happen. And that's why defeat of the key provision of EFCA is such a tragedy for American workers.


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BlackCommentator.com Columnist, John Funciello, is a labor organizer and former union organizer. His union work started when he became a local president of The Newspaper Guild in the early 1970s. He was a reporter for 14 years for newspapers in New York State. In addition to labor work, he is organizing family farmers as they struggle to stay on the land under enormous pressure from factory food producers and land developers. Click [here](#) to contact Mr. Funciello.

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