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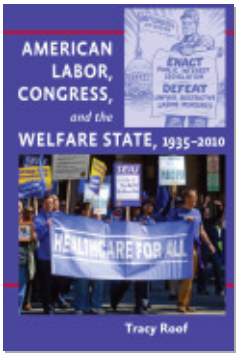
Conclusion



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Conclusion

Organized labor entered the postwar period with an ambitious policy agenda to ensure workers' security. However, labor leaders encountered numerous obstacles in the legislative process that forced them to scale back their demands and settle for incremental policy advances. While organized labor has not been able to mold this patchwork of policies into a comprehensive welfare state, labor, as part of a larger labor-liberal coalition, has contributed to a gradual transformation of the political system in pursuit of its agenda. Although labor's political influence is widely believed to have declined steadily from a highpoint either in the 1940s or the 1960s through the present, organized labor was not as politically powerful in the past, or as weak today, as is widely assumed because labor's political influence has always been shaped by the larger political and institutional context. As a result, organized labor has been able to sustain political influence, even as its power in the economy and society ebbed. In fact, with the election of Obama and sizable Democratic majorities in the House and Senate in 2008, labor was arguably in the strongest political position it had been in since the Great Society years. This chapter briefly looks at the limits on labor's

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political influence in the past, its accomplishments in the first years of the Obama administration, and its prospects for the future.

The Missing Opportunity

Many labor activists and scholars see the potential for labor to have built a more social democratic politics in the early postwar period, but this period was not a *missed* opportunity as much as a *missing* opportunity.[1] At the peak of its power in the workforce in the 1940s and 1950s, it was hard for the labor movement to translate its strength in numbers into commensurate power in the political system. The structure of the legislative process, the disenfranchisement of African Americans, malapportioned congressional districts, regional alignments in the party system, and the failure of labor organizing in the South all interacted to restrict labor's political influence at a critical juncture in the development of both the labor movement and the welfare state coming out of the New Deal. Labor has been criticized for clamping down on worker militancy, for failing to take on segregation, and for abandoning the idea of a third party in the 1940s—all of which might have transformed American politics.[2] But worker militancy produced a powerful conservative backlash in the public and Congress, labor faced a great deal of racism not only in society but within its own ranks, and, given the limited strength of liberal Democrats in the early postwar period, there is little reason to believe a third party could have effectively controlled the government. Instead, the labor-liberal coalition committed to realigning the political system by pushing for civil rights, working through the Democratic Party, and reforming the legislative process to make it more hospitable to liberal policies.

As this process proceeded unevenly, labor faced a changing constellation of institutional constraints on its policy agenda in Congress. One-party rule in the South, seniority, and the House Committee system, including the powerful Rules Committee, empowered the conservative coalition of Southern Democrats and Republicans to stop or weaken policies advocated by labor from the late 1930s through the 1960s. Although in decline, the conservative coalition remained a force on the House floor in the 1970s and, to a lesser degree, into the 1990s on some issues. Only sizable liberal congressional majorities, such as those produced by the 1964 election, could overwhelm conservative obstruction. But even in the Great Society years there were limits on what could be achieved. The period from the 1930s through the 1960s, viewed by most schol-

ars to be the heyday of liberalism, corresponded with the period of the greatest strength of the conservative coalition in Congress, which limited liberals' policy accomplishments. After the passage of civil rights legislation, the reapportionment of congressional districts, and congressional reform, the Senate emerged as the major obstacle to labor's agenda. The filibuster and equal state representation made liberal supermajorities necessary for labor's most ambitious policy goals, but these were difficult to build given the uneven regional distribution of labor's strength. However, labor's influence has not been limited to policy advocacy, as it has also played a role in shaping contemporary politics.

By the late New Deal period, it was clear that old institutions could not accommodate new social forces, which resulted in a series of evolving conflicts that influenced political development over the next seventy years. Legislative institutions, the party system, and the organized constituencies supporting it including labor collided in what Orren and Skowronek term "multiple-orders-in-action" or "intercurrence," which ultimately produced a reordering of the party system and the legislative process.[3] During the 1930s and 1940s, organized labor became more fully mobilized in the political system, largely through the Democratic Party. This resulted in conflict within the party between agrarian, conservative Southern and urban, liberal interests that spilled into conflicts over the institutions of the legislative process that privileged the former. These conflicts also encouraged conservative Democrats to ally with Republicans to pass public policies restricting labor that helped confine it geographically, placing boundaries on labor's ability to further transform the political system. Yet, as the labor-liberal wing of the party gained ground within these boundaries, it managed to reform a number of institutions in the legislative process, acting either alone or in coalition with other interests that desired change. The labor-liberal coalition continued to push the realignment of the Democratic Party, in part through the mobilization of new social forces such as African Americans in the South. As the parties became more cohesive and polarized, the reformed institutions of the legislative process were used in new ways. The majority party came to dominate the House, while the use of the reformed filibuster skyrocketed. These changes in the operation of the legislative process, in turn, fed greater partisanship and polarization.[4] The labor-liberal coalition's legislative agenda has faced continued inertia and incrementalism under this new political configuration, leading to more calls for reform.

Despite the many changes in the political system in the postwar period, the limits on welfare state development across the areas of labor law reform,

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full-employment planning, workers' income security, and national health care have endured. Labor law reform has repeatedly been defeated by Senate filibusters, even though labor had majority support in both the House and the Senate. In both the 1940s and the 1970s, Congress passed largely symbolic full-employment legislation that neither committed the government to full employment nor created the policy-making infrastructure necessary to achieve it. The Employment Act of 1946 was watered down in the House Committee system, and thirty years later the Humphrey-Hawkins Act was watered down to survive a filibuster threat. The minimum wage, which applied to only a fifth of the workforce when it was passed in 1937 in order to overcome the resistance of Southern conservatives, has gradually been expanded to cover almost all workers. Labor also overcame conservative resistance to increasing the minimum wage in repeated battles over the past seventy years—in House and conference committees and against veto and filibuster threats—but its value has often lagged considerably behind inflation. The unemployment compensation system is another area in which Congress has resorted to short-term, emergency fixes because of conservatives' commitment to preserving a role for the states. A consensus approach to national health care that could attract a viable legislative coalition eluded reformers from the 1940s through the 1970s, and by the 1990s the filibuster made that consensus even harder to reach. The nature of the legislative process demands compromise, and this has repeatedly forced labor to scale back its ambitions. Health care policy is a good illustration.

Organized labor has been committed to universal health coverage throughout the postwar period, but it has supported a range of proposals to reach this goal. When national health insurance failed in the 1940s, labor decided to pursue universal health care incrementally by targeting the elderly in the Medicare program, which finally passed in 1965. In contrast, when labor held out for its ideal position, it often got nothing, as it did in the 1970s when it continued to support a single-payer health care system when a compromise based on private insurance might have been more achievable. By the 1990s, most labor strategists came to realize that building the supermajority consensus necessary to accomplish such far-reaching reform as a single-payer health care system was politically unrealistic, and most segments of the labor movement agreed to support reforms building on the system of employer-sponsored health insurance. This strategy, of course, ultimately succeeded in the Obama administration.

Was labor fighting an uphill battle trying to pass policies like universal health care or full employment that the public—and even many union members—did

not support with their votes? Congressional historian Julian Zelizer notes that labor and its liberal allies operated under the assumption that "unfair institutional protections" allowed a small contingency of conservatives to block progressive policies that most Americans supported. But he questions whether the public really was supportive of the liberals' agenda.[5] It is hard to prove either way. Americans elected conservative majorities to Congress during this period, but they also elected presidents who ran on liberal agendas, such as Truman, Kennedy, and Johnson. Different local and national party identities, the various ways the electorate is configured into different constituencies for the purposes of electing House members, senators, and the president, and the role of the individual candidates themselves all make it very difficult to read the policy mandate behind electoral returns.

As labor leaders repeatedly emphasized to party leaders, the lack of party responsibility also made it difficult to turn out union members in elections and to build a larger liberal coalition. It was hard for Democrats to cultivate a progressive image outside the South when racist, conservative Southern Democrats were so prominent and powerful in Congress. Moreover, both parties ran on policy agendas that they could rarely deliver once in office because of the power of legislative minorities to obstruct majority rule. As Alan Ware argues, one of the main ways a party generates a loyal electorate is by implementing public policies favored by a group of voters. Yet this requires the party to control the policy-making process, which is unusual in the United States because of the dispersion of power across political institutions.[6] The broken promises, watered-down programs, legislative gridlock, and congressional wrangling that have been the norm in the postwar period feed public cynicism toward the parties, politicians, and the government. Steinmo argues that the cynicism produced by a dysfunctional political system has contributed to Americans' skepticism toward government solutions to national problems.[7] It has also likely had an impact on election returns. Certainly many potential voters have not bothered to participate at all. But labor has never given up.

Progress on Labor's Agenda in the Obama Administration

The resilience of the labor-liberal coalition was evident in the election of Barack Obama and large Democratic majorities in Congress. Although various scholars have argued that the labor-liberal coalition either declined or dissolved in the late 1940s, the late 1960s, or the 1980s, its constituent elements—organized

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labor, minorities, and middle- and upper-class liberals—remain the base of the Democratic Party and helped return control of the House, the Senate, and the presidency to the Democrats for the first time in sixteen years.[8] The major splits in the coalition were gradually smoothed over as Vietnam receded and women and minorities gained ground among unionized workers. As noted in Chapter 4, labor and New Left groups, including environmentalists and consumer protection advocates, often worked together in the legislative arena, despite occasional differences. Today these groups cooperate very closely in electoral politics and increasingly share a similar agenda that revolves around the expansion of the role of government.[9]

The major change in the past few decades is that the labor-liberal coalition no longer contends with Southern conservatives for control of the Democratic Party. Obama managed to carry Florida, North Carolina, and Virginia, all states with substantial in-migration from other regions, but the Southern percentage of the Democratic congressional caucuses hovered around all-time lows, and most congressional gains came in the North and West.[10] In the non-Southern states, Obama had a 14% advantage over John McCain, the third-highest margin in history following the landslides for Johnson in 1964 and Roosevelt in 1936.[11] The Democrats picked up substantial majorities in the House and briefly held sixty seats in the Senate. It took roughly five decades, but labor's goal of reorienting the Democratic Party away from Southern conservatism to its more liberal, urban wing was largely achieved, and the realigned Party finally won control of the government. The question was whether this long-term political strategy would finally pay off.

As has been true under every Democratic president in the postwar period, the fragmented American political system and its protections for the minority posed formidable challenges to organized labor in reaching its policy goals during the Obama administration. The early years of the Great Society, the most productive legislative period since the New Deal, demonstrated what labor could and could not accomplish when the conservative coalition was destabilized but still influential. The first years of the Obama administration offer a similar test of the boundaries on labor's power in a political system that has changed considerably since the 1960s. Liberals may be more influential in the party, but the larger Democratic majorities were made possible only by the election of a number of Democrats from moderate districts and conservative states. These Democrats would be especially problematic in the Senate, where 60 votes has become the de facto requirement for controversial legislation. A

2009 AFL-CIO convention resolution on political action warned, "On issue after issue, whether it's the Employee Free Choice Act or health care reform, tough choices must often be made to build a winning coalition."[12] Labor would still have to make painful compromises.

The opening days of the Obama administration reflected consistencies with past patterns in the legislative areas this study has highlighted. The federal government became intricately involved in management of certain areas of the economy in its efforts to restore the soundness of the financial system and the American auto industry. However, the sort of full-employment economic planning considered, but not adopted, during the 1940s and 1970s was still largely off the table. Instead, like previous administrations, the Obama administration pushed targeted government spending and tax incentives in the stimulus package to temporarily protect and generate jobs.

The stimulus bill also followed past patterns in extending emergency unemployment benefits. Though it included temporary federal incentives to the states to expand unemployment insurance coverage for additional workers like part-time employees, the plan made no effort to nationalize a patchwork system that excludes many categories of workers and varies considerably in terms of benefits and eligibility from state to state. Once again, Southerners led the charge against efforts to expand the program.[13] Although many more heavily industrialized states already covered the new categories of workers addressed in the stimulus bill, most Southern states did not. Several Southern governors—from Alabama, Louisiana, Mississippi, South Carolina, and Texas—made national headlines in refusing stimulus money for expanding unemployment compensation, arguing it would lead to higher taxes on employers in the future. South Carolina's governor, Mark Sanford, went further by threatening to reject almost a third of the stimulus funds available to his state. Texas's governor, Rick Perry, even suggested Texans might become so fed up with the growing federal government that they would want the state to secede. Southern conservatives remained the most vocal critics of the labor-liberal agenda. After the passage of the stimulus bill, the focus shifted to health care reform, which consumed Washington for the next thirteen months.

The passage of the health care bill is perhaps the best illustration of the limits and possibilities for labor's achievements in the legislative process. As with full employment and unemployment insurance, the labor movement had considerably scaled back its proposals from the 1940s. Although the AFL-CIO continued to support the goal of a single-payer system, it committed to working for

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a comprehensive, universal plan based on existing, employer-provided, private insurance.[14] However, it did support the creation of a "public option" that would provide a government-run insurance program to compete with private insurers. The AFL-CIO, many of the affiliates, the SEIU, and Health Care for America Now, a coalition of labor and community groups, led the effort to mobilize support for reform, spending millions on advertising, organizing local events, coordinating letter-writing and call-in campaigns to Congress, and commissioning polls to convince wavering lawmakers that health care reform was popular.[15] When conservative activists overwhelmed the town hall meetings representatives held in their districts over the August 2009 recess, unions dispatched their members to show support for reform. The SEIU alone dedicated four hundred full-time staffers to health care mobilization, which they modeled on their efforts in presidential elections.[16]

In the final months of 2009, Congress took its first votes ever on a program significantly expanding health coverage to the working-age population. In November, the House narrowly passed (220–215) a bill strongly supported by most of the labor movement with only one Republican vote. It included a public option, tax subsidies for low- and middle-income families to buy coverage, and a tax on upper-income earners to raise necessary revenue. But despite intense labor and liberal pressure on the Senate leadership to produce a comparable bill, Majority Leader Harry Reid (NV) could not secure the 60 votes for a plan containing the public option. The bill the Senate passed in December also provided less generous tax subsidies for the purchase of insurance and included a tax on high-cost employer-provided "Cadillac plans" that was staunchly opposed by many unions. The bill passed on a purely party-line vote with the support of all sixty Democrats, including disappointed liberals who hoped the final bill would be pulled toward the House measure. Various measures were added to entice moderate Democrats, such as special Medicaid provisions for Nebraska and Louisiana that became known as the "Cornhusker kick-back" and the "Louisiana purchase." Uninterested in compromise and shut out of the negotiations by this point, Republican leaders were relentless in their criticism of both the bill and the process. The bickering, wheeling, and dealing corresponded with an erosion of support for the plan in public opinion polls and a steeper increase in opposition.[17]

With the outcome on health care reform still far from certain, labor set its sights on the House-Senate negotiations. Congressional leaders and the administration decided not to utilize a formal conference committee, which would

have posed additional procedural hurdles, choosing instead to work behind closed doors to reconcile the significant differences between the House and Senate bills. Labor drew a line in the sand over the tax on high-cost plans, while abortion emerged as a major sticking point for socially conservative House Democrats. At this point, President Obama got personally involved and brought congressional and labor leaders to the White House in January to work out a compromise on the benefits tax that exempted plans negotiated through collective bargaining until 2018 and raised the cost threshold, reducing the number of plans subject to the tax. Republicans assailed the deal as another reward for special interests. Despite the tense environment, negotiations were moving forward to craft a bill that could hold a House majority and still sustain the support of all sixty Democrats in the Senate. Right at the brink of victory, the whole reform effort was suddenly thrown into jeopardy when Republican Scott Brown was elected to fill the recently deceased Ted Kennedy's seat in late January. The race was not on liberals' radar screen until the final days, and while labor made a last-minute effort to elect the Democratic candidate, it was too late.[18] The administration, congressional Democrats, and labor leaders were taken aback. The administration contemplated a scaled-back bill.[19]

In early February, the new AFL-CIO president, Richard Trumka, called on Democrats to use the special budget reconciliation procedure, which would preclude a filibuster, to get a final version of the bill passed.[20] As the dust settled on the new fifty-nine-seat majority in the Senate, the reconciliation route gained support. Negotiations finally produced a compromise between the House and Senate that phased in the benefits tax for everyone, not just union members, and eliminated many of the other special provisions that had been included to secure 60 votes, as well as the public option. It also moved in the direction of the House bill, providing more generous tax subsidies for the purchase of insurance and stiffer penalties on employers who did not offer insurance. But only certain measures could be handled through reconciliation, which presented a procedural challenge. In order to get a comprehensive bill, House Democrats first had to vote for the extremely unpopular Senate bill, sending it to Obama to sign into law, and take the leap of faith that the feckless Senate would pass a package of "fixes" through the reconciliation procedure that would amend the original Senate bill. Nervous House Democrats hesitated, and Speaker Nancy Pelosi (CA) was not sure she could deliver the votes.[21] This was the final stage in a sixty-year quest for universal health care, and despite misgivings, most of the labor movement came on board, urging Democrats to support the compromise and the

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strategy.[22] With labor leaders working for votes down to the last minute, the House passed the bill. Action moved back to the Senate, which needed to pass the compromise reconciliation package. Although Republicans tried to throw the effort off track with a series of amendments, the bill ultimately passed 56–43. Three Democrats, Senators Mark Pryor and Blanche Lincoln of Arkansas and Ben Nelson of Nebraska, voted against it. Without the reconciliation procedure that allowed the bill to pass with a simple majority, the biggest expansion of social policy since Medicare would not have been possible.

As with health care, it appeared that some version of labor law reform finally had a chance of passing before the Democrats lost their Senate supermajority. The Employee Free Choice Act, which passed the House but was filibustered in the 110th Congress (2006–7), still appeared to have substantial support in the House with 231 cosponsors. But support fell off in the Senate, dropping from forty-six cosponsors in 2007 to forty in 2009 when the legislation actually had a chance of being signed into law. Business groups ran ads targeted at vulnerable senators and House members, typically in areas with low levels of unionization, arguing that the bill would deny workers their rights to choose union representation in elections and undermine recovery from the recession. In contrast to 2007, Bill Nelson (D-FL) was the only senator from the South who signed on. The lone Republican supporter, Senator Specter, also backed away from his position under the threat of a conservative primary challenger, but after he became a Democrat, he became more eager to embrace labor. While several moderate Democrats went to great pains to avoid taking a public stand on the issue, Blanche Lincoln, up for a tough reelection fight in 2010, stated she could not support the bill in its current form. If a bill was going to pass, labor, as always, would have to make concessions.

Senator Tom Harkin (D-IA) took the lead in trying to negotiate a compromise with labor that might attract 60 votes. Harkin suggested he was close to an agreement in July, but Kennedy, the sponsor of the legislation, was too sick to travel to take the vote, so moderate senators were not brought into the negotiations.[23] Labor would likely have to give up the two most controversial provisions, the "card check" procedure and mandatory arbitration when employers and unions were unable to reach a first contract in a reasonable period of time.[24] A compromise was widely expected to focus on accelerated elections, so employers would have less of a chance to wear down employees' support for unionization, and stiffer penalties for labor law violators. No Republican ever indicated a willingness to support a compromise measure, so with the loss of

Kennedy's seat, the issue was put on hold. We will never know if the Senate could have reached a viable compromise if the Democrats had held on to their supermajority through the 2010 elections. The best approximation of labor's support in the 111th Senate on a pure labor issue was a cloture vote to end a filibuster against the nomination to the NLRB of Craig Becker, an attorney for the SEIU and the AFL-CIO, whom Republicans consider to be too close to labor. The vote of 52–33 was taken in February 2010 in the midst of a blizzard that virtually shut down Washington, with a handful of likely pro-labor votes absent because of the storm. Two of the Democrats who voted against the final health care bill, Lincoln and Nelson, also voted against cloture. But a handful of Democrats from states with low unionization rates cast a tough vote in support of labor. Once again, labor had majority but not supermajority support.

On issues like labor law reform, party discipline can only go so far in delivering the support of members of Congress from states with low rates of unionization. Frustrated unions tried to send a message to Senator Lincoln by encouraging a challenger, Bill Halter, to take her on in the 2010 Democratic primary and spending millions on his campaign. He narrowly lost, and while many observers viewed the loss as a major defeat for labor, it did serve notice that labor was willing to challenge Democrats who stray from their positions.[25] But the reason Lincoln voted against labor was because of her vulnerability in the general election in a conservative state. Union money cannot compensate for the weakness of the liberal coalition in a state like Arkansas, where only 4.2% of the workforce is unionized.[26] In challenging moderate Democrats in primaries in conservative states, unions risk the election of Republicans in the general election—a long-standing conundrum for labor.

Labor activist and writer Kim Moody cites "the gutting of the Employee Free Choice Act" and "the utter destruction of meaningful health care reform" as examples of labor's "waning power."[27] But both issues reflect the challenges labor has faced in the political system throughout the postwar period, particularly since the rise of the filibuster beginning in the 1960s. That labor had as much impact as it did on the bills is a testament to its enduring political influence. A number of Democrats from conservative states with small union memberships forced moderation of the health care bill and pulled their support for card check. Labor's regional concentration was a major factor, but the impact of labor's weakness in the South and agrarian Plains states is exaggerated by the filibuster and equal state representation in the Senate, which give these states disproportionate weight in the political system. The effect of these legislative

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institutions is most evident in the contrast of labor's experience in the Senate with its experience in the House. While there are also a number of moderate Democrats in the House who often vote against labor's position, because the body is governed by majority rule, Democratic majorities have often passed legislation favored by labor, especially after congressional reform and the rise of party unity in recent decades. Labor's power has hardly waned in the House, and compared with much of the postwar period, it has grown.

As has happened with every other Democratic president, liberals blamed Obama for failing to lead when their priorities inevitably met resistance in the legislative process. Obama faced criticism from liberals and some quarters of the labor movement for not standing firm. But others pointed to political reality. As the seasoned chief lobbyist of the AFL-CIO, Bill Samuel, argued, "it's total partisan warfare" and "if you don't have 60 senators who feel exactly as you do, it's pretty hard to insist on getting your way," so whether Obama "draws a line or not, he doesn't have the votes for the things that he might want that we agree with."[28] Given everything it took to get the health care bill passed, it is hard to imagine that Obama or labor could have gotten much more, and they could have gotten a lot less.

Unable to deliver on labor law reform in Congress, Obama took a number of executive actions. Upon taking office he issued several executive orders reversing Bush administration labor policies. Although liberals criticized Obama for some of his choices for his economic team, labor advocates were placed in important positions in the Labor Department and began to ramp up enforcement of health and safety laws and labor standards, which was backed up with larger budget requests and a commitment to using the procurement process to punish violators of labor and other federal laws.[29] In the most significant overture to labor, Obama made a recess appointment of Becker and another labor lawyer to the NLRB, which was crippled for more than two years with three of its five seats empty because of partisan stalemate in the Senate. This could have a substantial pro-labor impact on the enforcement of the NLRA in the absence of labor law reform.[30]

Prospects for the Future

This book has not given much attention to unions' electoral mobilization, in part because it has been covered thoroughly elsewhere, but it is an important source of support for the Democrats that ensures labor's influence within the

party.[31] Labor provides votes, money, and ground troops.[32] But labor has never been able to dictate electoral outcomes, even at the peak of union membership. As Al Barkan, the director of the AFL-CIO's Committee on Political Education, noted in the mid-sixties, "We are always conscious of the fact that we are a minority, but we are a minority which can provide the winning margin when there is not a real tide in the other direction."[33] This has hardly changed.

National electoral outcomes determine labor's influence over public policy, but they are often dictated by the larger political environment including the state of the economy, international affairs, and the attractiveness of individual candidates. Thus labor helped maximize the vote for Lyndon Johnson and Democratic congressional candidates in 1964, but Kennedy's assassination, the strong economy, and the Republicans' nomination of conservative Barry Goldwater gave him the advantage. Four years later, Vietnam and social unrest created an inhospitable political environment for Democrats that could not be overcome by labor's efforts. In 2008, Obama and Democratic congressional candidates benefited from labor mobilization in swing states, but the state of the economy, growing opposition to the Iraq War, and the unpopularity of President Bush influenced the outcome in many races. Largely because of voters' continuing dissatisfaction with the economy, especially the high unemployment rate, and frustration with Washington, the 2010 elections returned control of the House to the Republicans as this book was completed. Despite considerable spending and mobilization on the part of unions, voters from union households declined from 22% to 17% of the electorate.[34] Although union activity likely helped preserve a number of Democratic Senate seats, unions simply could not counteract the disaffection among their members and other potential Democratic voters or match the intensity of conservatives in many races. This will make it that much harder for labor to get favorable public policies passed through Congress.

But over the longer term there are some promising trends that may benefit Democrats, and as long as labor sustains its influence in the national Democratic Party, anything that contributes to Democratic electoral victories will help organized labor. In the absence of organizing breakthroughs, labor's political future will be determined by the size and strength of the broader labor-liberal coalition. Just as African Americans were viewed by labor in the 1940s and 1950s as an electoral ally that could broaden the Democrats' base, Latinos are a growing segment of the electorate who are trending Democratic. The coalition of labor, African Americans, and Latinos that has helped make Cali-

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fornia a Democratic stronghold might one day be possible in Southwestern states like Nevada where growing service-sector unions and Latinos are an important part of the Democratic base.[35] As a 2009 AFL-CIO convention resolution laying out future political strategy noted, the labor movement has been "in the vanguard of constructing an electoral coalition of union members, African Americans and Hispanics" for the past fifty years, and demographic trends are "increasing the strength of this coalition."[36] As a result, a number of right-to-work states have moved into play, and the federation resolved that the labor movement should focus its organizing efforts and political mobilization on the states where this coalition was most likely to grow. In fact, making inroads into these areas is necessary to sustain the current power balance because union strongholds in the Northeast and industrial Midwest will lose representation after the 2010 census. Immigration reform giving citizenship status to at least some illegal immigrants currently in the country, which most of the labor movement now supports, would assist this effort, but prospects for such reform are dim in the Senate.

Labor may benefit from these trends, but the preceding chapters suggest the limits on what labor can realistically expect to accomplish through the policy process. Supermajorities are rare in American politics, and the major policy issues on labor's agenda require them. Liberals and labor leaders would like to reform the filibuster to allow for majority rule, which could have a substantial impact on the policy process. The majority's rising frustration with Senate obstruction and the inability to get virtually anything done in a highly partisan environment have led to new calls for reform in Congress.[37] These calls may grow louder as more and more groups see their policy priorities, from addressing climate change to immigration reform, stymied by the filibuster. Rising pressure may one day lead to reform. But procedural hurdles, the close partisan balance of recent decades, and senators' desire to maintain their own individual power complicate the prospects for changing the cloture threshold. However, the majority may increasingly resort to procedures like reconciliation to circumvent the 60 vote requirement when possible.

Given the difficulty of achieving labor's policy goals, reversing the decline in union membership is central to unions' ability to create a more equitable society. Collective bargaining remains an important tool for improving workers' standard of living. Because American workers' security is so dependent on employer-provided benefits, the decline of unions that has occurred across most advanced, industrialized countries has had greater consequences in the

United States.[38] The statistics on union growth are not encouraging. After years of consistent decline, union membership went up slightly in 2007 and 2008. But the recession reversed that trend, and union membership again fell to 12.3% of the workforce and just 7.2% in the private sector.[39] In 2009 the number of government employees outnumbered private-sector workers in unions for the first time.

There are formidable obstacles to unionization. Global and regional economic competition and the rise of large, multinational corporations have posed new challenges to labor unions. Employers wage sophisticated antiunion drives and often resort to illegal tactics, which is why the labor movement has placed so much emphasis on labor law reform. An estimated 25–30% of employers targeted by organizing drives have fired workers for prounion activity.[40] Yet given that EFCA is unlikely to pass in the foreseeable future, the fate of the labor movement depends on the ability and commitment of unions to work through —or around—NLRB procedures. There are successful models for organizing. The SEIU, one of the most aggressive organizers, has built its membership in a number of cities including Houston with its Justice for Janitors campaign, which has focused on building supportive local coalitions of religious, community, and political leaders.[41] Various unions have also waged elaborate "corporate campaigns" in which employers are often pressured by negative publicity, investigations, litigation, and corporate shareholder activism to remain neutral in organizing drives or to allow union recognition through card check. The most effective drives require substantial human and financial resources, and there is a shortage of expertise in the labor movement.[42] Yet Kate Bronfenbrenner and Robert Hickey argue there is significant room for improvement, even within the hostile economic and legal climate unions confront.[43]

Labor's future remains uncertain. Every national effort to invigorate union organizing, from the election of insurgent candidate John Sweeney to the presidency of the AFL-CIO in 1995 to the creation of the rival Change to Win Federation a decade later, has failed to produce sustained growth. If private-sector unionization rates continue to fall over the long term, organized labor may lose its leverage in a number of states where it is still quite influential today. If so, an important voice for American workers will be lost. But so far labor has managed to sustain influence in the Democratic Party and a broader labor-liberal coalition. For the foreseeable future, organized labor is likely to remain an important advocate for expanding the limited American welfare state, within the substantial constraints of the American legislative process.

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