

Dave Zirin: Has Anyone Done Less With More Than Michael Jordan?



Make Organizing a Civil Right

Richard D. Kahlenberg and Moshe Z. Marvit February 13, 2013 | This article appeared in the March 4, 2013 edition of *The Nation*.

Like

104

Tweet

54

0



TEXT SIZE



SUBSCRIBE

As Americans think about how to revitalize the labor movement, they need look no further than the most stirring passages in President Obama's recent inaugural address. On the one hand, Obama spoke of the need to revitalize the American dream, so that even "a little girl born into the bleakest poverty" can participate in an economic prosperity that rests "upon the broad shoulders of a rising middle class." On the other hand, he reminded Americans of our continuing struggle to promote equal rights and stamp out discrimination, forged through "Seneca Falls and Selma and Stonewall."

About the Author

Moshe Z. Marvit

Moshe Z. Marvit, a Century fellow and labor and civil rights attorney, is the author, with Richard D. Kahlenberg, of...

Richard D. Kahlenberg

Richard D. Kahlenberg is the author of *All Together Now: Creating Middle-Class Schools Through Public School Choice* (...)

Also by the Author

The Voucher Wars (Politics)

Richard D. Kahlenberg

A Better Third Way (Parties, The Left, Politics)

It's time for a liberal philosophy focusing on social justice and inequality.

Richard D. Kahlenberg and Ruy Teixeira

Labor unions need to tie these two threads together, pointing out that America won't rebuild a strong middle class without organized labor, and that discrimination against workers who are trying to form a union is rampant.

Under the National Labor Relations Act of 1935 (NLRA), it's technically illegal to dismiss workers for exercising their right to band together to pursue better wages and a voice in the workplace. But the penalties are so weak that employers routinely violate the law. Bosses see it as economically efficient to kill organizing drives by firing key leaders and scaring everyone else. They see paying the small penalties for breaking the law as a cost of doing business.

That's why we must extend the Civil Rights Act, which now bars discrimination based on race, sex, religion and national origin, to ban discrimination against individuals who are trying to form a union. Doing so would provide much tougher penalties than exist under the NLRA. The Civil Rights Act allows for a jury trial, the chance for compensatory and punitive damages, and the opportunity to engage in legal discovery. As a result, employers fear discrimination suits.

Protecting workers who are trying to form a union under the Civil Rights Act would also take the issue out of the obscure confines of labor-law reform, which is incorrectly seen as special interest legislation and has gone down to defeat even with Democratic Party majorities in both houses of Congress under Presidents Lyndon Johnson, Jimmy Carter, Bill Clinton and Barack Obama.

Connecting worker rights to the struggles of Seneca Falls, Selma and Stonewall would give the issue a new frame, which would appeal to the Democratic Party's rising constituencies of women, African-Americans, Latinos and young people. As labor lawyer Thomas Geoghegan has noted, "If we only thought of the [NLRA] as a civil rights law instead of a labor law, then maybe liberals would wake up and do something."

While legislation to advance worker rights is unlikely to receive favorable consideration from John Boehner's Congress no matter what it's called, labor can begin to use the language and tactics of civil rights in its organizing efforts. In a drive to organize a Nissan Motor plant in Canton, Mississippi, for example, the United Auto Workers has

been arguing that “worker rights is the civil rights battle of the twenty-first century.” Such campaigns can help plant the seed for federal legislation the next time a progressive Congress and president have a shot at revitalizing labor. The stakes are immense. As Columbia historian Eric Foner has noted, without a strong labor movement, “there is no real hope for progressive social change in this country.”

Also in This Forum

JOSH EIDELSON: ["How Can Labor Be Saved?"](#)

KATE BRONFENBRENNER: ["Unions: Put Organizing First"](#)

SURESH NAIDU AND DORIAN T. WARREN: ["What Labor Can Learn From the Obama Campaign"](#)

LARRY COHEN: ["Build a Democracy Movement"](#)

BHAIRAVI DESAI: ["Become a Movement of All Workers"](#)

MARIA ELENA DURAZO: ["Time for Labor to Mobilize Immigrants"](#)

KAREN GJ LEWIS: ["Fight for the Whole Society"](#)

Richard D. Kahlenberg and Moshe Z. Marvit February 13, 2013 | This article appeared in the March 4, 2013 edition of *The Nation*.

Like 104

Tweet 54

0



TEXT SIZE - +

SUBSCRIBE

Web Letter (0) | Write a Letter | Single Page

More from TheNation.com

- ▶ Corporate Welfare at its Worst
- ▶ Bush's Iran/Argentina Terror Frame-Up
- ▶ The 9/11 Disappeareds
- ▶ The Wrong Kind of Green

From Around the Web

- ▶ Michelle Obama's mixed race heritage proved by DNA. (Ancestry.com)
- ▶ Incredibly Humanlike New Species of Blond Monkey Discovered in Congo (Vice)
- ▶ Woman framed for illegal parking gets justice with viral video (The Daily Dot)
- ▶ Why Women Hated the First Female Secretary of State (Makers)

Recommended by

Ad Policy

Like

0

Add New Comment

Before commenting, please read our [Community Guidelines](#).



Type your comment here.

Real-time updating is **paused**. (Resume)

Showing 0 comments

Sort by newest first