

THE STRENGTHS AND WEAKNESSES OF COMPULSORY UNIONISM

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I

INTRODUCTION

The idea that compulsory unionism might not be in the interest of either unions or employees first came to my attention in 1947, in a conversation with my employer, the president of the Pulp and Paper Mill Workers Union. John P. Burke, who had been president of the union since 1917, had a strong Socialist background, with a deep commitment to the labor movement. He was a remarkable man in many ways: intelligent, well informed, hard working, shrewd, and charming, with a very modest life style. He had that now rare notion that a union officer's income should be related to that of the members and not to the salaries of corporate officers with whom he bargained. He was also a consummate politician, in the best sense of the term.

He was concerned about the failure of international representatives and local officers to maintain close and regular relations with the union membership and their preference for talking with management, on or off the job, rather than listening to member complaints and problems. As a result, problems festered, and either developed in ways that were difficult to handle, or contributed to a diminution of member commitment to the organization. At the end of the conversation he said, "The union shop is going to destroy our union. The union shop makes it unnecessary for our staff and local officers to keep in touch with employees. The staff and the officers don't hear complaints, they don't learn what is going on at the plant or the shop. They can't do their jobs properly. Besides, with the union shop, we are leaning on the employers to do our work for us, and this weakens our position."

However, when I asked if the union ought to bargain the union shop provision out of some agreements, he said reluctantly, "I'm afraid the time is not ripe for such a change, and right now we need all the revenue we can get."

Over the years since that conversation, I have become convinced that the union shop is indeed the disaster that John Burke believed it would be.

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Unfortunately, the right-to-work movement is a major obstacle to achievement of voluntary unionism in northern industrial states. The movement has successfully, perhaps unintentionally, identified the advocacy of voluntary unionism with antiunionism and thus buttressed the position of union leaders who argue that compulsory unionism is essential to survival.

Before I go on, definitions are needed of terms related to union security.¹ The two extremes, both now illegal, are the open shop in which employees are fired for joining unions and the closed shop in which only persons who are already members of the union may be hired. The permitted forms include:

Union Shop: the employer is free to hire anyone he wishes, but each employee must join the union thirty days (or some other brief time) after hiring.

Modified Union Shop: present members must remain members, new employees must become members, but present employees who are not members are not required to join.

Maintenance of Membership: employees who are members must remain members, sometimes with an option of withdrawing during the two weeks or so preceding the expiration of the contract.

Voluntary Unionism: employees may become members at any time and may withdraw at any time, often with some kind of advance notice.

Agency Shop: an oddball divergence which is identical with the union shop except that each employee has the dubious right to avoid all the duties and privileges of union membership *except* the obligation to pay dues or a "service fee" equal to dues.

When I use the term compulsory unionism here, it is normally meant to include the union shop, the modified union shop, and the agency shop. The agency shop is mainly a characteristic of public sector employment, which is peripheral to the paper. Also ignored here are the hilarious discussions which are taking place concerning what part of union activities are not to be regarded as "services" and therefore should not be included in the calculation of the agency fee.² From my perspective, the compulsion of the agency shop is even worse than that of the union shop, because it assumes no participation in union activity by the fee payer.

1. See DOHERTY, INDUSTRIAL AND LABOR RELATIONS TERMS: GLOSSARY 31 (ILR Bulletin Number 44, New York School of Industrial and Labor Relations, Cornell University 1979). Note, however, that the author equates "open shop" with voluntary unionism, a widespread but misleading definition. Union hierarchs have found this confusion useful in their defense of compulsory unionism.

2. *Id.* at 2.

II

THE EFFECT OF COMPULSORY UNIONISM

In the thirties and before, the case for the union shop was unassailable. Almost all employers in manufacturing industries (and many others) in the United States were and had been for a long time opposed to the organization of their employees. In some industries workers succeeded in organizing on the basis of their ability to control labor supply under favorable market conditions. The building trades had achieved the closed shop in some locations. Unions were well established on the railroads and other places, but not always with union security.³ The dominant attitude of employers was hostility toward unionization of their employees.

The authors of the National Labor Relations Act were clear about compulsory unionism. They believed it was necessary in the setting of the thirties, but they recognized it as a form of coercion. After writing in section 7 that:

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection,⁴

the authors wrote the following language in section 8(a):

It shall be an unfair labor practice for an employer—

- (1) to interfere with, restrain, or coerce employees in the rights guaranteed in section 7;
- (2) to dominate or interfere with the formation or administration of any labor organization . . .
- (3) by discrimination in regard to hire or tenure of employment or condition of employment to encourage or discourage membership in any labor organization.⁵

But this language is then followed by a proviso:

Provided, that nothing in this Act, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization . . . to require as a condition of employment membership therein . . . if such labor organization is the representative of the employees as provided in section 9(2), in

3. The railroad unions did not achieve the union shop until 1951, secured from Congress in an amendment to the Railway Labor Act. W. LEISERSON, *AMERICAN TRADE UNION DEMOCRACY* 71 (1959).

4. National Labor Relations Act, § 7, 29 U.S.C. § 157 (1976).

5. *Id.* § 8(a), 29 U.S.C. § 158(a) (1976).

the appropriate collective bargaining unit covered by such agreement.⁶

These provisions were modified in 1947 by the Taft-Hartley amendments. Section 7 was enlarged by adding "and shall also have the right to refrain from any or all of such activities," along with the exception of union security allowed in section 8(a)(3).⁷ What we are considering now, therefore, is whether that arrangement is still desirable today, or whether the circumstances are sufficiently different to make it desirable to remove the proviso.

It has now been almost fifty years since the National Labor Relations Act was adopted. What has happened in labor relations in the United States since that time? In the thirties, the price of survival for a union was aggressive organizing and a requirement that all employees in the bargaining unit be union members. This provision guaranteed the unions needed revenue, and more importantly, made it impossible or difficult for the employer to destroy the union's majority. Without the union shop the employer might try to win away those employees whose loyalty was flagging or uncertain, or might hire persons who would oppose the union, thus whittling away the union majority. The union would be fighting constantly for survival. Against this background, the union shop was an essential protection for the union.

During the last forty years there has been a dramatic change in the relationship of the employer and his employees' union. Most employers who were organized between 1935 and 1955 came to the conclusion that a mutual accommodation process with the union was better than hostility. The change is apparent in the altered internal structure of the company, as well as at the bargaining table.⁸ Almost without exception, employers have moved from hostility to cooperation or collaboration and sometimes to collusion.⁹

Once the union shop is granted by the employer and embodied in the collective bargaining agreement, the union's revenue is assured without any further effort on the part of union staff and officers. When the checkoff is added, as it is almost universally, the transfer of funds is accomplished with no effort on the part of the union. The irksome and time-consuming task of collecting dues is eliminated. At the same time, that useful conversation between union staff and employee/member is greatly diminished. The Steelworkers do not even have the checkoff revenue go to the locals, but directly to national headquarters, which then remits the proper portion to the locals.

Furthermore, during the transition from hostility to adaptation and adjustment to the union, employers came to the realization that it was

6. *Id.* § 8(a)(3), 29 U.S.C. § 158(a)(3) (1976).

7. Act of June 23, 1947, ch. 120, § 101, 1 Stat. 140 (codified at 29 U.S.C. § 157 (1976)).

8. See R. LESTER, *AS UNIONS MATURE* 41-42 (1958).

9. See W. SERRIN, *THE COMPANY AND THE UNION* 289-306 (1973).

rewarding to "deal with" union officers and staff, in the interest of stability at the work place. This change occurred partly because the employer decided that the antagonism of the earlier period was dysfunctional, and partly because most union leadership turned out to be equally eager to "get along." A new bureaucracy arose within the company under the direction of a vice president for industrial relations. Administration of the agreement tended to become centralized with diminishing attention to the attitudes and wishes of the rank-and-file membership and substantial advantages to the union leadership.¹⁰

This revolution in the employer-union relationship might have suggested that the coercion of the union shop was no longer necessary, at least in the large segments of American industry in which the union was accepted and valued for its ability to stabilize employee-management relations. But union officers and staff had concluded that retention of the union shop was very much in their institutional and personal interests. The regular flow of income, the relief from the burden of persuading employees to join the union and keeping them persuaded were irresistible attractions. It is hard to see how union leaders could be persuaded to follow any other view (although there are exceptions). Life was simpler with the union shop. Troublemakers had much more difficulty making trouble, the burden of signing up employees was gone, and it was much easier to increase the amount of dues and per capita tax. Discontent, especially in multiplant units, could usually be ignored.

As a result of these developments, the relationship between union members and leaders, the very life of the union in the earlier period, was seriously eroded. Officers and stewards no longer bothered to educate new employees on reasons for joining the union. This was not the employer's responsibility. Inevitably, the role of the steward declined, and his status in the union diminished. It became increasingly difficult to get competent persons to serve as stewards. The lines of communication up and down the union structure became less important and sometimes dried up, except when the parties were engaged in negotiations, and there was the possibility of a strike. But contacts before a strike were not substitutes for daily expressions of satisfaction and dissatisfaction to the steward from employees who have the right to leave the union if they feel sufficiently frustrated.¹¹

The employers welcomed the change. Much to their pleasure and surprise, the union leadership turned out to be "responsible"¹² as long as they

10. See Brooks, *The Case for Decentralized Collective Bargaining* in LABOR, READINGS ON MAJOR ISSUES 426-42 (R. Lester ed. 1965).

11. See G. BROOKS, THE SOURCES OF VITALITY IN THE AMERICAN LABOR MOVEMENT (ILR Bulletin 41, New York School of Industrial and Labor Relations, Cornell University 1960).

12. The word "responsible," oddly, has become the antonym of "responsive," in the sense of aggressive representation of the membership.

had total union security.¹³ Employers therefore gladly took the inexpensive job of collecting dues from every employee, viewing the weakened tie between the leader and member as an added advantage. They gladly accepted full responsibility for telling new employees why they should join the union, getting them to sign the checkoff authorization and delivering a monthly check to the union leadership. They policed the arrangement with great care, permitting only those deviations which were required by law.

We have thus come full circle. Compulsory unionism begins as a device for protecting the union and its members against an antiunion employer. It ends as a device by which the employer protects the union against reluctant or critical members. The erosion of the vitality of the union at the work place is an inevitable consequence.

It is impossible to overstate the effect of compulsory unionism on the internal life of the union, and almost equally impossible to get union leaders to acknowledge publicly the nature and extent of the effect. In their position, I am sure I would feel the same way. I have been told "off the record" by union leaders that "when you don't have the union shop, you have to spend five times as much time servicing the contract."

The most important aspects of the change are more subtle. They involved a pervasive change in the relationship between employees and union leaders. In contrast with the enthusiasm for unions of an earlier day, the idea is widespread that most "members" do not have to do anything for the union except pay their dues, and a Pulp Worker local officer told us during a training program that it "never occurred (to her) that the local should get people to join or pay dues. All that is done in the (management) office." Far from resenting or bewailing this attitude, more and more union leaders welcome and rationalize it. "The members don't care, anyway—all they want is more wages and benefits." Even in good times, this situation is destructive of unionism—in bad times, it is disastrous.

Union leaders (except for those in right-to-work states) seem to have lost the capacity for maintaining active, committed members. They increasingly take it for granted that the union shop will be achieved in the first contract and do not have the resources or imagination to inspire commitment to a union ideology. They just keep trying for compulsory unionism, and failing that, they often lose interest in the employees involved.¹⁴

But of all the evils of compulsory unionism, by far the worst effect is the change in the relationship among employers, union, and employees. The institutional interests of the union are certainly legitimate, but achieving them through the employer sets the whole concept of unionism on its head.

13. This is another interesting use of words, identifying the "security" of the union with the compulsion upon the members to pay dues.

14. At companies like General Electric, this is not the case. The union has lived with voluntary unionism (with the checkoff) for a long time.

A UAW staff man at a pension meeting said that "our trouble in the UAW is that we have had a 'breakdown of communications' with our members. The fact is that all of the employees' contacts are with the company. Even on the things which the union is responsible for, like pensions, the company takes over all the employee contacts. We've got to find some way to 'build in' a union contact. This is going to be hard to do with the union shop and the checkoff."

In some situations, there is no contact with the union. For example, many thousands of young men and women go to work each year for food chains which have contracts with the United Food and Commercial Workers (UFCW). In many cases no one from the union even talks with them. Why bother? Nothing is ever said to them about the advantages of unionism; nor are they even given a copy of the contract. But both their dues and initiation fee are meticulously deducted from their paychecks by the company. Many of them are employed for relatively short periods, thus fattening the initiation fee deductions. What could be more carefully calculated to install a distaste for unions? Surely such an arrangement makes organizing young workers increasingly difficult. This example is ironic since the UFCW has made a strong case for the advantages of unionism in retail chains.

III

ARGUMENTS FOR COMPULSORY UNIONISM

Numerous arguments are made in support of compulsory unionism:

First, that in the presence of adamant employer antiunionism, compulsory unionism is essential to survival. This position, as I have suggested, is unassailable. In certain circumstances, therefore, a union shop should be allowed, or perhaps mandated. This is the only argument for compulsory unionism which seems to me to have any merit.

Second, that unions cannot survive without the union shop or a comparable arrangement. The logic is that when an individual's contribution makes no perceptible difference to the group as a whole, he will not make that contribution without coercion.¹⁵ It is hard to take this argument seriously. What inevitably comes to my mind is the assertion that "bees can't fly," or the position taken by the established church to enforce "tithing." If it is the Church that provides entrance to heaven, then surely everyone ought to share the burden of maintaining the Church.

But other evidence is at hand. Unions (in spite of their cries of pain) have certainly "survived" at General Electric, Union Carbide and other voluntary union companies. In some industries (paper, for example) they have also done very well in right-to-work states. There is, in fact, no reason to think that a union cannot maintain a high level of voluntary membership with a Taft-Hartley checkoff arrangement. It has been widely observed that

15. See M. OLSON, JR., *THE LOGIC OF COLLECTIVE ACTION* (1965).

employees tend not to think about the cost of something which is automatically deducted from the paycheck. On the other hand, the prospect of compulsory high dues and initiation fees is used effectively by "union busters" to defeat organizing campaigns.

Third, that employees who share in the "benefits" of union representation should not be "free riders." This is by far the most widely used rationalization for the union shop. After all, the argument goes, the union as "exclusive representative" is legally obligated to represent all the employees in the "unit," so they should all share the cost. This ritualistic recital is usually delivered in a manner which suggests that exclusive representation is a burden on the union, but I have yet to meet a union leader who seriously wants it eliminated.

It is odd to see how much credence is given to this palpably absurd argument. Its plausibility rests upon the indisputable fact that unions have made enormous contributions to the welfare of all workers, on both economic and noneconomic matters. But to conclude from this clear fact that all employees benefit from all negotiations and all union activity is sheer nonsense. There are skilled workers in manufacturing who would clearly be better off without the union, blacks and women who are clearly being shortchanged, and unemployed workers who would be working if the union had bargained different union settlements, or different work rules. I say this without criticism of unions; I will not even mention corrupt unions.

I assume no one would seriously argue that the interests of the leaders are always identical, or even consistent with, the goals of the members and that leaders always represent the members. Unfortunately, the two sets of interests are often widely divergent. Consider, for example, the matter of Taft-Hartley pensions. The members want high and reliable benefits. The leaders want large funds, from which the benefits may be a relatively small portion of the contributions and earnings. I offer this example not only because it is sometimes associated with flagrant corruption, but also because dealing with it through the democratic process is so difficult.

Numerous other examples of misrepresentation or failure to represent can be mustered. I do not know the statistics—whether the losers are one percent, ten percent or some other portion of the total. But it is clear that not all workers benefit from every settlement, and it seems reasonable that they and they alone ought to have the right to object by not supporting formally the organization which they believe has done them ill. Giving them this right appears to be the only remaining way in which many workers could get some attention for their complaints. Surely it is a better way than to try to review or reprocess the internal procedures of unions and their relations with management in the courts.

The ideal way to correct failure of representation is through the democratic process of each union. I am not suggesting a substitute for the protection of organized dissent through internal democratic processes. I subscribe faithfully to every statement of the Association for Union Democ-

racy. But the odds are heavily weighed in favor of the incumbent officers. And it is bitter indeed to dissidents that while fighting against corruption (for example) they must continue to finance the very practices they are trying to correct. Achieving union democracy would be enormously difficult even if free choice for workers had been more carefully safeguarded. The one thing that would give internal democracy a major thrust would be for the leaders to be faced with the prospect of substantial losses of dues-payers. A change would have to be made, and unions would accommodate accordingly. Difficult, yes—and no doubt painful—but not impossible. Voluntary unionism is not an alternative to union democracy, but a support for it.

Fourth, it is argued that workers are stingy and will not pay their share even when they know the union has helped them. This statement is certainly true, but there is no evidence, as mentioned above, that honest, competent unions cannot cope. There are ways, and the right-to-work states provide invaluable experience. Of course, voluntary unionism might make raising dues and per capita tax, and increasing officer and staff salaries, more difficult than under compulsory unionism.

Fifth, some argue that a union which does not have “union security” is forced to be much more aggressive with management than it would otherwise be. (Aggressiveness is assumed to be undesirable, even by nonmanagement people.) Without compulsory unionism the union leader has a “sense of insecurity”; he has to “put on a show” to persuade reluctant employees to become and remain members. Could there possibly be (for the membership) any more eloquent argument against compulsory unionism?

IV

OTHER RESTRICTIONS ON FREE CHOICE

The need to deal with the consequences of compulsory unionism would be far less urgent if we had not already taken away so many other choices from employees. Working together or separately, employers, union leaders, and federal law have systematically “stabilized” employer-employee relations by:

- treating plants which become part of multiplant bargaining as immune to rival union petitions or decertification petitions;
- lengthening the term during which agreements are a bar to rival union petitions or decertifications;
- preventing the creation of small units;
- almost eliminating craft unit elections;
- permitting unions to collect fines against union members through the courts; and
- virtually eliminating rival unionism.

My irreverent views include the opinion that rival unionism is a good thing for unions and for workers, despite the universal conviction among

union officers and paid staff that rival unionism is to be avoided at any cost. Let us not forget that the rival unionism of the thirties and forties was accompanied by prodigious feats of organizing and imaginative collective bargaining, contrasted with the gloomy record since the merger of the AFL and the CIO.

A case can be made for some of these restrictions individually, but collectively they lay a heavy burden on employees who are seeking means to organize their discontent.¹⁶

V

WHEN COMPULSORY UNIONISM IS NEEDED

As I discussed earlier, the union shop or some other form of compulsory unionism was a necessity in the thirties. Employer antiunionism is still a fact in the United States, and where it exists, there is still a strong case for permitting compulsory unionism.

The devices by which some employers seeks to remain unorganized, widely known as "union busting," have become so brutally antiunion that the resulting union-employer antagonism may be even more severe and longer-lasting than in earlier years. It would be too much of a burden upon a newly-certified union to have to cope with that antagonism without a union shop. I suggest a "Pharoah Plan," under which a compulsory union provision would be permitted in all new bargaining relationships for seven years, after which it would be automatically cancelled.¹⁷ Assuming three-year agreements, this would cover three negotiations, the third of which would anticipate the cancellation of the union shop during the following year. My assumption is that relationships which do not "mature" in seven years are very rare. It might be desirable to make exceptions for employers who agree to a consent election and have a spotless record of fair conduct during an organizing campaign.

Unfair labor practices, especially those involving employer coercion, may also require compulsory union membership. The NLRB should be authorized in such cases to permit, or perhaps require (although I go that far reluctantly) a union shop. In both cases, the purpose is solely to protect the essential rights of the union and the employees. The union shop was created to prevent an antiunion employer from discouraging union membership.

16. The same subject is discussed more fully in Brooks, *Stability Versus Employee Free Choice*, 61 CORNELL L. REV. 344-67 (1976).

17. Something similar to this is being done in the Canadian provinces of Quebec, Manitoba and British Columbia. In a first agreement, some form of union shop or agency shop is mandatory, subject to renegotiation for the next contract. But in effect this is even harsher on reluctant employees than existing U.S. arrangements. It is almost as bad as the mandated agency shop for employees of New York State.

VI

EFFECTS OF ELIMINATING COMPULSORY UNIONISM

The elimination of compulsory unionism should have the following effects:

- At the outset, some decline in membership and revenues, probably slight and temporary. There would be ample notice of the change, so that hardly any union could not and would not respond promptly and effectively.
- A deceleration of the rate of increase in dues (and in some initiation fees).
- A deceleration of the rate of increase (and perhaps in some cases a decrease) in salaries and perquisites for officers and staff.
- Much more attention to the employees (members) and their complaints.
- A vastly increased role for stewards and other on-site union representatives, who would be relied upon to persuade reluctant employees.
- A much busier and perhaps less pleasant life for the union staff and the company industrial relations staff.
- A diminishing role for the employer in the internal life of the union.
- Greater attendance at more interesting union meetings. (They can be interesting!)
- A union organization much more likely to develop competent organizers from inside the ranks.
- As a result of all the above, a much greater attractiveness of unions to unorganized employees.
- More success, therefore, at organizing the unorganized.
- A disappearance of the so-called “paper unions,” which condition their deals on the granting of a union shop.
- In the long run, more democratic unions.

Whether these changes are desirable or undesirable depends upon where one sits. The only people who would like all of them are the employees in the bargaining unit.

I believe that the changes I recommend have long been desirable, but that they are now urgent. For many years, there has been a steady annual increase in wages and benefits, which lent credence to the widespread, cynical belief that “all they want is more.” Talking to and hearing from members seemed unimportant. That era may be coming to an end. If so, a regular flow of communications, up and down, will be essential to deal with new problems. Eliminating compulsory unionism would greatly speed that process. In difficult times, which may be near, we will need many union members who belong because they want to, and will remain loyal members even if the cupboard is bare.

RESPONSES

EILEEN SILVERSTEIN*

I think Professor Brooks has made a number of fundamental mistakes, and it's difficult to decide which ones to focus on at this point. I don't mean to be insulting by saying that; it's just that his proposal is so wide-ranging, it implicates so many aspects of our labor laws and of our labor relations that one does not know where to start.

The first thing that struck me, however, on reading Professor Brooks' paper is that he's presuming a labor relations environment that appears to bear no relationship to the labor relations environment that was previously discussed here, or to the one I observe. It's a labor relations environment in which he says there are stable, mature collective bargaining relationships in significant numbers of industries. However, as all of my students who are looking for jobs in the labor field tell me, union busting is the single growth industry. That's the place where there are labor law jobs. The renewed vigor of the antiunion activity has to be taken into account when you talk about compulsory unionism.

Similarly, consider those so-called mature, stable cooperative collective bargaining relationships; one thinks, for example, of General Motors and the United Auto Workers (UAW). Well, there appear to be hints, if one could believe them, among the management at General Motors, that this is a good economy in which to turn around and try to diminish the power of the UAW, if not get rid of the UAW altogether. Now, that does not sound like the kind of environment in which Professor Brooks is operating or in which his theory can operate. It seems to me that unions are facing an extraordinary threat at this point, not only because of the employers' tendency to try to hold on to the management prerogatives which they have traditionally maintained, but because we now have increasingly regressive judicial decisions. What courts are saying to the employer is, "Go ahead; limit as much as you choose the degree to which employees and their union representatives participate in decisions about production, in decisions about capital investment," and the variety of matters discussed during the prior panel. It seems to me that if management is cooperating with unions, as Professor Brooks suggests, then that cooperation, that partnership, does not include the significant aspects of long-term employment relationships that concern the employees. It appears that if unions are in as defensive a position as I think they are, then Professor Brooks' entire argument fails.

Even if we assume for the moment that my view of the labor relations world is wrong, it still seems that there is an independent reason for reject-

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ing the concept of voluntary unionism, at this time. It has to do with the concept of union strength. It's all very well and good to say that what we need is a dialogue between union members and their officials, and what we need is a sense on the part of the union officials that the union members needs are being met at a particular plant, within a particular industry, in a particular geographic area. I'm not quite sure what Professor Brooks is referring to, but it seems to me that the single most important component for union strength right now is increasing organization. And what is necessary to increase organization in order to increase the union strength in bargaining with any particular employer is money. You cannot increase organization without money. The fact is self-evident.

What is apparently not evident to Professor Brooks is that in the present economy we do not have a working class that perceives of itself as a working class. We don't have a working class consciousness which would impel the members of the United Auto Workers (UAW) to retain their union membership voluntarily. UAW members may not retain their membership precisely because they may fail to recognize that the UAW needs their dues not only to bargain with International Harvester or General Motors (G.M.) but to go out and to organize elsewhere; to organize the new G.M. plant down in Oklahoma or to organize another industry that G.M. has decided to invest in. It does not appear to me that an awareness of this long-term self-interest exists among the majority of workers who are unionized. In the absence of a long-term recognition of where the interest is in terms of generalized union strength and an increased strength on the part of the unions, it doesn't seem to me conceivable to talk about voluntary unionism at this point.

If you accept the notion that the unions are supposed to serve not only a job-related function, but are also supposed to reach out into the economy generally, out into the polity and act as a political force, as a force for progressive social change when dealing with minorities, women and the handicapped, then you must recognize that unions need resources for that as well. Some union members may not see it as in their long-term self-interests to contribute to that activity. Where are the unions supposed to find the resources to generate the kind of strength and the kind of organizing that I'm talking about?

On another point, Professor Brooks is right; there is a malaise. There is not sufficient interaction between union officials and union members. Therefore, union members do not feel that they are getting enough out of the union. Why the answer to that problem is the abolition of compulsory unionism is something that Professor Brooks has not explained. He speculated on some benefits of this solution, but it seems to me that the panels that we are going to have tomorrow that will address the problems of plant closings and capital mobility are going to address the real solution to the problem. And that is that the union decisions in collective bargaining must

become more relevant to the real short-term interests of workers in this economy at this time.

Perhaps what's necessary is the use of the union pension funds to try to bring employers to recognize that their interests are somewhat different from workers' interests, and that the unions are forces to be reckoned with. Maybe another and more creative approach would be to expand the concept of membership in the union. What's happening to all these laid off workers, or to these individuals who are going to work in nonunionized firms, or who are being transferred into nonbargaining unit work? In what way are they being used by the unions as the core for organizing in those nonunion firms, in those bargaining units that have not been unionized? It does not appear to me that most unions follow their members once the members have left the bargaining unit. That might be a fairly successful way for some unions to deal with the problem of malaise. It might be a creative way to continue a dialogue between union officials and union members. I think the suggested plan for some kind of seven-year temporary, compulsory unionism aggravates the problem rather than curing it. I want to leave something for the other commentators to deal with, and I hope I haven't preempted it all.

IDA CASTRO*

I don't think that Professor Silverstein preempted all of the possible arguments, and I hope to prove that. In order to react to Professor Brooks' presentation on compulsory unionism, one must ask first, what is the real problem that he is attempting to address under the rubric of compulsory unionism. It seems to me that the issues at hand are as follows. First is the ever-increasing failure of the union leadership to maintain close and regular contact with its members. Second is the abandonment of the aggressive organizing drives of the thirties, for which there seems to be a lot of nostalgia. Third is the closer relationship between management and the membership resulting from management's assumption of many tasks that previously were the exclusive responsibility of the unions. Fourth is the control or suppression of organized dissidents and unrest amongst the rank-and-file.

Professor Brooks believes that the elimination of compulsory unionism, union shop or union security, whichever term you would like to use, would resolve all of the above problems by forcing unions actually to deal with the members it organizes. Although I may agree with some of the points he makes in his paper, I submit to you that if, in fact, the problem we are discussing is the failure of union leadership to unionize its organized membership and maintain them as an integral part of a union movement by focusing on union security clauses, we may be treating a mere symptom and not the cause of the problem.

The key word in my previous statement is movement. Professor Brooks reminisces about a movement, the labor movement, that existed in the 1930's, which paved the way for the great C.I.O movement, the N.L.R.A., Social Security, and other social changes. The main distinction between that period and the one that we face now is not necessarily the fact that we now have union shops and then we didn't, but rather the attitude and purpose of organizing workers as expressed by the actions of the leadership and the rank-and-file. In the 1930's, workers shared many problems, such as low wages, miserable working conditions, slave-like treatment, long work weeks and a sense of powerlessness that transcended age, race and gender. The organizing drives focused on all these problems, creating a basis of unity, a feeling of belonging to a working class, and the belief that through organization and unity, positive changes would be brought about. And they were.

These changes were not limited to bread-and-butter issues. The changes addressed both economic and social needs. It is common knowledge that many leaders of the labor movement were at odds politically with the government and the powers that be. The fact that many of them were

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socialists and communists had a great deal of impact on their style and purpose. Our government used these labels effectively to help bring about the change in this movement. I say used the labels effectively because I don't believe that the real issue was whether or not they were communists. Instead the real issue was the creation of a worker's movement, a movement not interested in overthrowing this government, but based on the realization that the workers had the power and ability to influence the decisions which affect the majority of people in this nation.

Now, what does this have to do with the price of eggs? Simple. This vision of the American labor movement did not prevail, as we all know. Instead the labor movement of the United States, unique among the labor movements throughout the world, has primarily concentrated on bread-and-butter issues. This is why the union leadership has lost touch with members. The use of union shops may facilitate the continuation of this attitude, but it is far from being the cause. If unions did not see their whole function as providing satisfactory economic packages, they would not have permitted the convenience of union shops and dues check-offs to alienate them from their membership. They would have clearly understood that this would be counterproductive. If unions had continued to see themselves as part of a workers' movement, interested in influencing the economic, social and political conditions of this nation, they would have been forced to continue building and developing that movement, something that cannot be accomplished without direct contact, involvement, and education of the membership.

I do not pretend to say that unions have not affected the social, political and economic conditions of their members. What they have failed to do is to continue to build a movement. Using broader examples, we have seen many instances when the AFL-CIO policies have not reflected the consensus of the majority of the union members of this nation, and sometimes not even the near majority. More to the point, sometimes we can't even tell whether they relate at all to the interests of this nation's union members.

Thus it seems to me that in order to resolve the problem of lack of membership participation in union activities, it is not enough to say that compulsory unionism is the cause of leadership laziness, or unresponsiveness. I would submit to you that the real cause is our collective vision of the purpose of the union, and the vision of the role of the labor movement itself. It is that vision that we must start to question.

The elimination of union shops may force unions to react to particular problems, such as membership sign-up and dues collection. This reaction may indeed have the ripple effects that Professor Brooks mentions; i.e., (1) more attention to the members' complaints; (2) an increased role for stewards; (3) a diminishing role for the employer in the internal life of the union; and (4) a much busier, perhaps a less pleasant life, for the union staff (assuming that they have a pleasant life now; not everybody is like Hoffa, and look where he wound up.)

Although Professor Brooks views the problem of union busting rather lightly, the elimination of union shops would make life easier for the growing numbers of companies that are hiring professional and sophisticated union busters. If this argument seems permeated with paranoia, it may be useful to remind you that just because you are paranoid, does not mean that you are not being followed. Currently, and in spite of the assistance of union shops, there are proportionately more decertifications won than union representation elections in the N.L.R.B.¹ This factor alone would make me question Professor Brooks' premise that the source of the problem is the existence of union shops or that the solution is, in fact, the elimination of this long-fought-for protection.

Unions are very well aware that they must maintain their organized membership in addition to maintaining their effort to organize the unorganized. They are also aware, at least the members, if not their leadership, that voluntary unionism does not necessarily lead to better servicing, greater union democracy, nor greater strength when facing the employer. These last factors often have little or no relation with the existence of a union shop, an agency shop, or a voluntary shop.

As a member of a union that has gone through voluntary shops and is now dealing with an agency shop, I can tell you that the voluntary shops served as fertile ground for the administration's fostering of lack of cooperation and antiunion sentiment amongst my colleagues. I can also tell you that it never forced the leadership of my union to provide better service, nor did it cause the leaders to seek greater involvement of the rank-and-file. With the arrival of agency shop, matters did not improve, but then again, they didn't deteriorate. Why? Well, there are many reasons why these things happen. Probably, foremost is the fact that my colleagues are faculty members and do not view themselves as workers. I personally view myself as a worker. I have to work for a living, and that, I think, qualifies me as a worker. But, at any rate, the nature of the vision that my colleagues have of themselves and the nature of the leadership of my union are probably what has created this laissez-faire type of situation. The problem then is not whether or not a union shop is present, or absent; the real issue is how to create, develop, and nurture the movement and thus increase the involvement of the membership.

I can agree with Professor Brooks' conclusion that the elimination of the union shop may result in a decline of membership at the outset. The premise, however, that such decline would be slight and temporary, and that ample notice would suffice to enable the union to respond effectively, is questionable. One cannot ignore the current mood of the citizens of this nation, nor the current economic conditions. It is conceivable that after a massive decline in membership, combined with greater unemployment, loss

1. See generally Henember & Sandver, *Union Growth Through the Election Process*, 20 INDUSTRIAL RELATIONS 109-15 (1981).

of benefits, and so forth, there may be the possibility of a rise of some sort of new movement. I do not fear using the word revolution or radical change; maybe that's what will come about. But it is doubtful that the labor leadership and the current structure of the labor movement in this country are capable of effectively responding to these factors. Unless the unions' purpose and organizational roles are thoroughly analyzed and major changes are undertaken, the premise that the elimination of union shops will generate and develop competent organizers from the ranks, promote greater attendance and more interesting union meetings, and create more democratic union, is somewhat far-fetched.

I do not believe that the focus of Mr. Brooks' remarks, despite the true and significant problems which he responsibly addressed, is adequate at this time. A growing number of American labor leaders, some of whom you listened to in the previous panel, have proposed and are currently attempting to analyze and consider alternative directions for the labor movement in the United States, within the framework of the political and socioeconomic conditions we face. It is only with a clear redefinition of the purpose of our labor movement that we will achieve the creation of a democratic workers' movement, a movement that both will promote rank-and-file leadership and participation in the issues that affect their daily lives, and resist the usurpation of this responsibility by the corporations, the government, or the union leadership itself.

IRWIN BLUESTEIN*

Whether or not I have been preempted, I intend to be heard. I have listened to Professor Brooks on two occasions and found him entertaining and interesting on both. He was right on the first occasion. He is wrong today.

The first time I heard Professor Brooks was in the early 1960's at Cornell. He had just come there from the Pulp and Paper Mill Workers, and he breathed into academia the fresh air of his real world experience. On that occasion, he spoke on the subject of collective bargaining and I vividly recall him telling his audience that it was very important to an effective collective bargaining relationship that union officials develop good drinking relationships with their management counterparts so that when the sometimes cumbersome machinery of collective bargaining faltered, the union official could hoist a few with the fellow across the table and resolve the problems of the day. I thought he was right. I thought he had given good advice.

After reading Professor Brooks' paper and listening to his remarks today, I am forced to the conclusion that the kind of relationship which he encouraged in the early 1960's would now, in his view, be collusive and detrimental to the interests of the workers. It may on some occasions be, but I think generally it is not. I cannot help but think, notwithstanding what Professor Brooks has said about the source of his ideas, that he came to this view far above Cayuga's waters. It seems unlikely to me that he developed this view in the trenches of day-to-day labor relations.

I have spent most of the years since then in those trenches, and they afford a perspective very different from that gained from Ithaca's ivory towers. I do perceive a golden age of cooperation in labor relations, as Professor Brooks apparently does. I agree with those who have spoken earlier this afternoon that unions are operating in difficult and perilous times. Whether this era of hostility began with the defeat of the labor reform bill in the late 1970's, or whether it began at some other time, I don't know. Certainly, antiunionism has been given new respectability by our President, who showed the nation and the world how to bust a union in the PATCO situation. Union busting is now very acceptable. It can be talked about in polite conversation.

I see an era today in which union-busting is on the rise and in which unions are subjected to a variety of pressures that are in many ways greater than those they experienced in the 1930's. Professor Brooks indicated in his paper that the argument for the union shop is unassailable in times of great

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hostility. I think that we are living through such times and that the argument is, therefore, presently unassailable. In addition to the pressures from the union busters, the Reaganites, and others, very serious economic pressures are experienced everyday. "Givebacks," as we have heard this afternoon, is the key word in today's collective bargaining, and it is very hard to win the hearts and minds of workers through givebacks.

Notwithstanding the pressures from outside, I think unions are internally more responsive today to the desires of their membership than they have been in past years. If they were not so disposed, the development of the law in the area of the duty of fair representation would act as a sufficient prod to assure such responsiveness. I know of many unions that expend enormous amounts of time, money and energy in communicating with their memberships and in processing their grievances. There are unions with which I am familiar which process every member grievance through to arbitration without regard to whether they are meritorious or not. I believe that this is something Professor Brooks would approve of. Unfortunately, however, that type of representation costs money and takes time, resources that could perhaps better be used in other ways, such as in organizational activities. Furthermore, under the Landrum-Griffin Act opportunities for participation in union affairs are assured. In short, I do not see inside unions a lack of membership communication or democracy that would necessitate that which Professor Brooks proposes. On the other hand, I do see very serious external problems. Under the circumstances, the protection of the union shop is as important now as it ever has been, and perhaps more important.

Having said that, I would like to turn to a number of specific points that Professor Brooks has raised. I would like to say first that a mechanism already exists for workers who desire to rid themselves of the union shop. The Labor Management Relations Act provides for a union shop deauthorization election. Such an election may be held at any time during the life of a collective bargaining agreement, without regard to the usual contract bar defenses. If workers are truly interested in ridding themselves of a union shop, then they can do so without any change in the law.

In this regard, I would like to relate to you an interesting experience which I had recently. A union that I represent went through a union shop deauthorization, and was in fact deauthorized. Subsequently, however, the workers in the shop became more insistent on a greater level of representation by the union, and the union, as matter of law, was required to continue to represent the workers. Indeed, one of the former members had the gall to insist on running for union office. A nonmember of the union wanted to run for union office. Another former member insisted on the union's processing a nonmeritorious grievance, and objected to any service fee being charged by the union for its efforts. That shop embodied the ultimate nightmare—an entire shop of free riders. Needless to say, these postdeauthorization problems are presently working their way into litigation.

Professor Brooks is not all wrong, however. Contact between union officials, business agents, shop stewards and the membership they serve is certainly desirable and should be fostered. Such contact, however, can be fostered without doing away with the union shop. One way to promote further contact, and I am not recommending it—but it certainly is less drastic than the approach that Professor Brooks has taken—is to eliminate the check-off. The obligation to maintain union membership would still exist, but in lieu of the check-off, the business agents and shop stewards would have to go out and collect dues. That, of course, presents a whole host of problems mechanical and otherwise. Business agents and shop stewards would certainly have more contact with their members, but they would also be spending much of their time as dues collectors, rather than servicing the contract, organizing and the like.

Another way to foster contact—and I have seen this done in a number of unions which I have represented over the years—is to provide for certain benefits to be paid directly from the union, or its health and welfare fund, rather than from the employer. Many locals of one international union with which I have worked provide for a vacation benefit to be paid out of the union's health and welfare fund. Instead of paying a vacation check, the employer contributes a percentage of employee earnings to the fund and the fund pays the vacation check. That brings the worker into the union office to pick up the check. Another union with which I have worked resisted for many years the idea of providing Blue Cross, Blue Shield and major medical benefits. Instead, cash allowances for various medical expenses were paid out of the union's health and welfare fund. Again, a worker would come in, show a receipted bill, and get a check. Thus, the worker not only had an opportunity to speak with union officials and other union members, but the worker got a real sense of what the union was doing for him or her. Ultimately, however, the union had to abandon this approach when, for organizing purposes, it became essential that it could put on its flyers that its agreements provided for Blue Cross, Blue Shield and major medical benefits. There were also economic problems that caused the union to abandon this approach. Workers could not afford to pay a medical bill in the first instance and bring in a receipted bill later.

The point is, however, that there are other ways of fostering contact, and those ways should be explored, rather than taking the very drastic step that Professor Brooks proposes, even if you accept his premise that something is needed to foster better communication between unions and their members and encourage greater efforts on the part of unions to win and rewin the hearts and minds of their members. I think that Professor Brooks' Pharoah Plan, in particular, assumes a static view of things that simply does not exist. A mature collective bargaining relationship may exist between a union and an employer, but things change. A new company president may come in, or a new personnel director. Hostility may develop where it did not exist before. A company may merge with another company. Things are

more dynamic than Professor Brooks assumes, and the union shop once given up is very difficult to get back.

By way of conclusion, I would like to underscore the view that we are in a period every bit as hostile as the 1930's, and in many ways more so, and that the argument for the union shop is every bit as strong now as it was then. Indeed, for the reasons discussed above, and others, it is stronger.

GEORGE W. BROOKS

I apparently implied too high expectations from voluntary unionism. It is not a panacea, and certainly not a substitute for the "movement" for which Professor Castro hopes. I share that hope. Voluntary unionism is both more consistent with such a movement than compulsory unionism and more supportive of it. Voluntary unionism will stimulate criticism, dissidence, and experimentation.

I erred if I implied that union-management relations are currently trouble-free. On the contrary, I meant to express my revulsion at union busting and urge that compulsory unionism be expanded to deal with it. But union busting is not universal. Employers range from those who genuinely prefer to have their unions, despite problems arising from the union-management relationship, through various gradations of attitude and behavior, to the employers who make every effort and use extreme measures to keep unions out of their establishments.

For the most part, employers who have developed mature relations with unions are making no attempt to get rid of the union, and are not engaging in antiunionism in organized plants. (Some companies openly discourage membership in unorganized plants, while concurrently dealing with the union amicably in organized plants.) In plants where there is no antiunionism, compulsory unionism has become dysfunctional for the "movement."

I am disappointed that none of the panel members suggested limiting compulsory unionism even in the worst cases of union behavior—corruption, intolerance of legitimate criticism, and so on. It is almost as though they believe that all the bad things are done by employers—never by unions.

More serious is the apparent assumption that the unions cannot get along without more money. All three of the panelists suggest that the reduction in income which might occur with voluntary unionism would have disastrous effects. The union leadership might agree, but will the members? Examinations of union financial reports provides little support for the contention that any of the unions' current problems flow from a lack of funds. It is difficult to ascertain the details of union expenditures for organizing, negotiating, and so on. If the information were available, the cry for more money would probably be unpersuasive to a worker earning \$5 an hour and paying \$12 a month in dues, while the officers of the national union are receiving compensation approaching \$100,000 a year. The disillusionment and dissatisfaction of such workers is of infinitely greater significance to the future of the trade union movement than another million dollars in the treasury.

Professor Silverstein equated union power and influence with the amount of money that flows into the treasury. Because "working class consciousness" is low, and there is an absence of long term interest by the members, more money is needed. However, a change in membership attitudes cannot be purchased, and is less likely to be achieved with compulsory

unionism than with voluntary unionism. The effect of compulsory unionism on bargaining power has been a subject of much discussion, mainly inconclusive. Robert Swidinsky recently wrote an article, "Bargaining Power Under Compulsory Unionism,"¹ in which he concludes that compulsory unionism has not had a significant effect on wage settlements.

The panelists seem to address too much attention to the behavior of the members, and not enough to the behavior of the leaders. It is in the behavior of the leaders that I think the change must be made. I do not agree with Professor Castro that the advocacy of voluntary unionism is a further threat to unions. On the contrary, it would force union leaders to take a new approach. Voluntary unionism does, by general consent, lead to more servicing by the leadership. This may be regarded as a disadvantage by the leadership, but not by the members. I agree that the leadership would have to pay more attention to minorities (skilled workers, blacks, women) in their organizations. They would have to endure more dissidence, hear more criticism, and probably have to work harder and longer for lower salaries and perquisites. But the trade union movement in this country is, and always has been, full of people who are willing to make that kind of adjustment. Without it, the "movement" will not occur.

It was also proposed in the comments that one might retain compulsory unionism, but guarantee more attention to the members through other devices. Suggestions included eliminating the checkoff, and making benefit payments through the union office rather than through the employer. None of the suggestions would deal in a significant way with the problem of compulsory unionism. It would still be clear that the price of not paying dues would be discharge by the employer.

Mr. Bluestein refers to deauthorization elections, saying that "no further changes in the law are required, even if one accepts the premise that the union shop is not a good thing." There are several things wrong with this argument. First, we are talking about free individual choice, not about a vote of the majority. Voluntary unionism is the right of any worker to join or withdraw from the union at any time, regardless of the majority's opinions. Furthermore, the deauthorization process is not available to large numbers of workers who happen to be part of multiplant units. Finally, the leadership will be so enraged by the attempt at deauthorization, that the dissatisfied workers might as well go all the way by changing their bargaining representative or even decertifying; to be represented by a union which has been "deauthorized" might be a very unhappy state of affairs.

1. 21 INDUSTRIAL RELATIONS 62-72 (1982).

DISCUSSION

IDA CASTRO: I would just like to clarify one point. I hope that nobody here thought that I was equating money with strength in my presentation. On the contrary, it seemed to me that in your paper, you were implying that point by almost asserting that the withdrawal of dues money, itself, would force the leadership to change. The example of the UAW's skilled workers falls flat on its face based on that premise. Assume the skilled workers have consistently gotten screwed because they make up a small percentage of the union. Then, why on earth would the UAW risk the withdrawal of eighty percent of its membership for the dues of the remaining twenty percent? It makes no sense whatsoever.

GEORGE BROOKS: Oh, yes it does! During the period between the filing and the Board's dismissal of the I.S.S.T. Petition, the UAW made substantial concessions to the skilled workers, including the right to veto the contract. In other words, when they have to, the union will be able to sell concessions to the unskilled workers as well. The unskilled workers know they need the skilled workers.

EILEEN SILVERSTEIN: That's not responsive to Professor Castro's point because what the UAW was concerned about was the loss of the skilled workers as members of the bargaining unit. What we are talking about here is compulsory unionism. Regardless of whether we have compulsory unionism or not, exclusivity still requires that the bargaining unit will be represented in its entirety. That was what Professor Castro was directing her point at.

AUDIENCE COMMENT: My name is Bill Van Felix. I'm a member of District 65 of the UAW. I am in the education local and originally organized the shop that I am working in today. I say shop, but it's really a school: Technical Career Institute. I also have a labor history that goes back to the thirties. I am not happy with the police or fire protection I get. I am not happy with the mail service. Can I tell Uncle Sam, "I will not pay taxes; come and bargain with me and if you offer me a good enough deal, then maybe I'll pay taxes?"

GEORGE BROOKS: We agree on more things than we disagree on. There are some locals with voluntary unionism and some with compulsory unionism where the members are very active. I know of construction unions where it would not make the slightest difference whether you had it or not. But, there are large unions in which it would help, and I don't know a union that couldn't make out with it. How do you explain how we not only survived but developed fine locals at General Electric?

AUDIENCE COMMENT: My name is Robert Schaffer. I am the secretary of the United Staff Association, the union which represents the 1500 clerical workers at N.Y.U. I think the panel presentations are relevant to us because,

while we represent 1500 workers, we do not have a union or closed shop. We're a young union, three years old, and we have not been able to win that. We currently have about 680 members, about half of the eligible workers in our union. I do agree in some sense with Mr. Brooks. We have to work harder because we don't have a union shop. It means that we do have to pay more attention to our steward structure. We have to get out on the streets in the mornings before people come to work, leafletting, and trying to talk to people. It's a very spread-out place, it's not a plant gate where you see everybody. I stand by subways three or four times a month and I see maybe 100 out of the 1500 people.

On the other hand, there's another result of the open shop. New York University encourages turnover, encourages people to stay only a short time, and one of the reasons they're able to do this is because there is not a union shop. This keeps the union weaker than it might otherwise be. It's not easy to provide the socialization which is the primary goal of a union, in a work force that has a thirty-five percent annual turnover. We think that if we had a union shop we could cut that turnover and thereby increase the commitment and participation by increasing the kind of sense of belonging, and membership. Your proposal for a seven-year union shop in the initial years is valid. We could certainly use it, but N.Y.U. has certainly not offered it to us.

AUDIENCE COMMENT: My name is Staughton Lynd. I'm going to make a comment rather than ask a question, although I'd also be interested in the view of the panelists. About ten years ago my wife and I interviewed thirty or forty people who had been active in organizing the C.I.O. in the midwest. Many of them were or had been communists or socialists. As a group they would have been particularly sensitive to Professor Castro's thesis that the witch-hunt following World War II rather than the structural changes in the union movement accounted for the movement's loss of militancy and its change of spirit. Not one of those persons, as best I can recall, suggested that compulsory unionism in itself had anything to do with the change in the spirit and the character of the movement. But if there was one thesis that we had not anticipated in doing these interviews, but that emerged from a very large number of comments of the people with whom we spoke, it was that the day the dues checkoff came in was the day our movement lost its spirit. On that basis, if I had to vote among the various positions that have been offered this afternoon, I'd go for the Bluestein thesis. Maybe you can have compulsory unionism, but not have compulsory dues collection. Maybe that would be a middle way which would accomplish some of the objectives that all the panelists have in mind.

IRWIN BLUESTEIN: I was just suggesting a proposal that was a lesser of evils. Please don't accuse me of advocating it.

AUDIENCE COMMENT: My name is Herman Benson. I'd like to ask Professor Brooks how he proposes to achieve his goal? This is very critical in judging

the proposal. One way to achieve it would be to pass a law and say that compulsory unionism is illegal. However, you have to consider what the consequences of that would be. The other way would be to call on the unions to voluntarily adopt this philosophy. That seems to fall into the field of utopia. So, how do you propose to achieve your goal?

GEORGE BROOKS: Well, I agree with you. The second way is impossible. No matter how convinced union leaders were that this might theoretically be a good idea, no union hierarchy that I've ever seen, would ever voluntarily go along with this. So the alternative is to remove coercion from the law. The law specifically permits one form of coercion, it prohibits all others. It tells an employer that he can't do this, this, or this. But he can fire a person for not belonging to the union. Just eliminate that coercion; eliminate the last piece of coercion.

