

Presidential Labor Regimes: Democrats from Roosevelt to Clinton

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Introduction

Much has been made of the AFL-CIO's *Labor '96* political campaign. Not since the CIO's "People Campaign" in 1944 has the relationship between labor relations at the shopfloor and executive political power been more central to the political education provided to millions of rank-and-file voters. The re-election of Bill Clinton then provides students of collective bargaining with an opportunity to assess what union workers have likely won by following Samuel Gompers's famous nonpartisan warning that labor should "reward its friends" (*American Federationist* 1908).

The objective of this article is to define what kind of "labor regimes" Democratic Presidents have constructed in the Post-World War II era. By labor regime I mean the politically derived principles, norms, rules and power constellations that condition the effectiveness of American unions to confront capital (Kettler and Meja 1990). Regimes are formed within a context of contested claims between governmental actors and industrial relation combatants for state bequeathed resources and advantages. While legal and regulatory codification of labor issues are typical products of state behavior, labor regimes also condition and contribute to the development of industrial constituencies. In other words, the relative strength of business or labor organizations to influence national industrial relations policy is as much an outcome of *state preferences* as institutional clout. In this analysis the construction of an industrial relations' record is based upon worker and union specific directives, actions and policies promulgated from the White House.

While there are diverse ways to measure presidential performance, I limited my focus to how industrial relations have been affected by a president's *assertive* impact on policy

development. By *assertive* behavior I refer to steps initiated or strongly endorsed by a president to influence the domestic policy process. My attention to active presidential leadership in shaping industrial relations policy is informed by Paul Light's claim (1983) that "Presidents choose to act"(63). Using the above framework as a guide, I have chosen to principally examine the following actions: presidential lobbying, executive orders, legislative sponsorships, use of emergency powers and the hegemonic use of legally sanctioned state coercion.

Now, the choice to include certain multiple factors of analysis necessarily means excluding others. For example, organized labor's national political strategies have influenced the substance of presidential and congressional behavior. But this work does not scrutinize organized labor's political actions. To be sure, such an undertaking would better illustrate why presidents did certain presidential things. However, it would ultimately be more a study of labor's political behavior and less a description of a presidential labor regime. Let me briefly explain a few other partial omissions.

While a president's policy interests are obviously promoted in executive branch and quasi-governmental leadership, this work did not assess political appointments. I chose not to prioritize executive branch appointees because most presidential scholars consider the appointment record of presidents to be a "reflective" level of performance. Cabinet and other executive appointments signal the president's policy direction and interest in coalition building. As many scholars have noted, the selection of a presidential team turns out principally to be a mechanism for developing and implementing policy (Mackenzie 1981; Riddlesperger and King, 1986). While important in their own right, executive appointments usually do not diverge from the direction of other relevant presidential actions.

Finally, Congress as an independent political actor was not closely examined. Undoubtedly the radically changing makeup, partisanship and behavior of Congress from for example 1932 to 1944 effected what was politically possible. Taylor Dark has referred to these changing political possibilities as characteristic of a period's "political order" (1994, 762). A president's ability to succeed with Congress is undoubtedly related to the degree of partisan control they can depend on. There are times, however, when partisan control is not sufficient to fulfilling a president's agenda. After all Roosevelt signed-off on significant social legislation supported by Progressive, urban Republicans and racist southern New Deal Democrats. The point is that factions within the parties and cross-party policy blocks have always operated to produce legislative records. Now, the following assessment of Democratic president's labor records will briefly note congressional realities, yet once we have accepted Congress' substantial influence over and shared responsibility for policy making the role of presidential leadership remains paramount to creating a labor regime.

Further explaining any president's legislative influence was the exceptional circumstances under which he governed. Roosevelt during the Depression and Second World War, Reagan after economic stagflation and hostages taken in Tehran and George W. Bush and 9-11 terror are some classic examples of conditions endowing presidents with leadership capacity. Thus, while Congress is a major variable in its own right and can be seen as establishing a realm of political possibility, it is the use or nonuse of power by the Chief Executive that crystallizes federal political activity.

Focusing on presidential behavior also allows us to examine those areas of opportunities independent of congressional restraint. To use or not use previously granted emergency powers or to request new ones, initiate or forgo executive orders, sponsor or fail to sponsor legislation,

appoint labor friendly officials or corporate representatives and mount or forego the “bully pulpit,” are all examples of actions that can be traced exclusively to the office of the President. In Richard Neustadt’s terms, it is not the actual outcome of a particular action, but the President’s “impact on the [policy] outcome” which is the best measure of his power (1980, 4). While presidential decision-making is undoubtedly complicated by a myriad of influences, the choice is still the President’s. What presidents do with that moment of decision is paramount, because as Clinton Rossiter claims, the Presidency “unites power, drama, and prestige as does no other office in the world” (1956, 26).

My examination of executive action is principally descriptive and makes no attempt to judge the efficiency or righteousness of any particular outcomes. Secondary material on the presidents and state level industrial relations behavior, along with the labor issue agenda tracked by *Congressional Quarterly* publications provided the primary empirical sources of presidential performance.

A brief comment about why I have chosen to focus only on Democratic Presidents. Although Republican Presidents have not been uniformly antagonistic to labor there is little disagreement among labor officials and scholars that on the national level the Democratic Party has been more responsive to the labor movement (Greenstone 1969; Form 1995). Consequently, it is appropriate to restrict my examination of “friendly” presidents to Democratic Party standard bearers.

Roosevelt and Union Recognition

In 1932, Franklin Delano Roosevelt sought the Presidency in a political environment favorable to reform, and while the AFL did not endorse him, workers generally favored the New York Democrat. Despite organized and unorganized labor

support; the New York Governor campaigned on a fiscal conservative platform. Frank Freidal reveals that during the campaign Roosevelt went so far as to criticize Hoover for his “high wage” economic policies “regardless of supply and demand” (1971, 2737). At a speech in Pittsburgh, Governor Roosevelt even rebuked Hoover’s deficit financing schemes. On balance he ignored labor and ran as a conservative interested in winning anti-Hoover Midwestern farm state votes.

In 1932 the Democratic Party Platform addressed no labor issues and never mentioned the word union. In fact, the platform pledged to reduce federal spending, produce a balanced budget and ironically, the “removal of government from all fields of private enterprise.” Roosevelt treated industrial workers as a safe constituency group within the party. To a large extent that “safe” group had made possible a political realignment in Washington. In 1932, partisan control of Congress was based primarily on an insurgency of progressive pro-labor Democrats. By 1936 Democrats, with overwhelming labor support out numbered Republicans in the House by a 322 to 103 margin. That margin widened in 1938 to 333-89. Thus, from 1932 to 1937, Franklin Delano Roosevelt governed with a veto proof Congress and labor was the Democratic Party’s most powerful constituent group. Nonetheless, despite a tremendous numerical partisan advantage in Congress and with strong working-class support, once elected, Roosevelt was hesitant to push any pro-union legislation.

Roosevelt actually opposed any legislation, which required employers to recognize and bargain with independent unions. Matthew Josephson points out that during the tumultuous labor unrest of 1933-1934, the “friend of the forgotten man” publicly stated, “The federal government cannot, of course undertake to compel

employees and employers to organize. It should be a voluntary organization” (1967, 310). Roosevelt, however, was not indifferent to political trends. Pressure for labor reform was mounting and a national policy was certain to emerge out of economic distress and a more urban progressive Congress.

Roosevelt then moved to temper the more authentic, radical antidotes to an ailing capitalism. In response to Senator Hugo Black’s “30-Hour Week” Bill, he endorsed a business-led and friendly National Industrial Recovery Act (NIRA). When progressive representatives inserted more protective labor provisions into the act, Roosevelt demanded that Congress strip them away. Roosevelt viewed pronoun legislation or policy as potentially a dangerous restriction on free-market exchange. Policy was viewed from this producerist perspective as an unwarranted restriction if it violated the constraints of a capitalist economy. His support then for government intervention in the economy was limited to what industrialists and financiers would tolerate.

The NIRA, however, also included Section 7(a) granting workers the right to organize into unions and to bargain collectively. While 7(a) proved to be an effective opening wedge against a national, corporate anti-union status quo, Roosevelt intended the act to legitimize company unions and proportional representation. As revealed in correspondence with Felix Frankfurter, Max Freedman (1967) recounts that Roosevelt’s early preference for the open shop was demonstrated during his intervention in a 1933 threatened coal strike. Frankfurter notes in a memorandum that, during a White House meeting with major coal operators and United Mine Worker (UMW) president John L. Lewis, the President appealed to the combatants to allow him to assure the public that “a man shall have the right to work without being a member of the union” (152).

In fact, from 1932 to 1935 company unions did grow faster than independent unions (69.3 percent of total union membership) and over 60 percent of the company unions in existence in late 1933 had been founded since the passage of the NIRA. The act did galvanize, within a year of its passage, the formation of approximately one million new independent union members. But as Bruce Kaufman (2000) has pointed out, in roughly the same period company unions also accounted for nearly a million new members. Proliferation of company unions reenergized a debate in Congress between a coalition of progressives Eastern Democrats and Midwest Republicans, and conservative Southerners over the need for genuine national labor law.

When in 1935 the Supreme Court found NIRA to be unconstitutional, New York Senator Robert Wagner quickly moved to fill the labor policy void. In 1934 he introduced a labor relations bill in the Senate Education and Labor Committee. Immediately, however, Roosevelt acted in a way to undermine the need for the bill. Historians like Kenneth Davis (1986) have noted that while Roosevelt regularly claimed to be seeking a “balance in our economic system, between the wage earner, the employer and the consumer,” he discouraged the “union build up” necessary to achieve such a balance (323). Even after Wagner amended his bill, Roosevelt still opposed it, insisting that proportional as well as majority representation be permitted. A deeply anguished Wagner then acquiesced to the President’s position and removed his bill from consideration promising to resubmit it in the next congressional term.

However in 1933 and 1934 the social disruption and near revolutionary passion unleashed in a number of deadly labor-capital disputes, created enormous congressional support for Wagner’s reintroduced labor dispute bill in 1935. Still, as biographer Ted Morgan reports (1985), the President did not endorse the measure until the bill was

passed by large numbers in the Senate (69-12) and expected to pass overwhelmingly in the House. Union organizing along with FDR's support for large work development programs and social welfare legislation had enormous positive impact on the lives of millions of workers. The New Deal created the economic means for organized labor to gain a secure footing in the culture.

The analysis offered here suggests that Franklin Roosevelt's approach to industrial relations provided labor with the organizational space and institutional legitimacy necessary to impact policy development. Industrial unionism was born and given legal standing during the New Deal. Union membership grew more rapidly during FDR's term in office than in any other comparable period. While never Roosevelt's intention, exclusive majority representation for millions of covered workers replaced a discredited open shop and company union movement. Unlike previous periods, for the first time a mechanism for collective bargaining was institutionalized into the on-going fabric of economic commerce.

Between 1932 and 1938, Roosevelt was faced with a rare historic moment. The needs of the nation and the potential radicalism of the country's working classes had aligned to demand, and to make possible, very similar policy responses. In addition, the desperation of suffering Americans offered Roosevelt a mandate to govern with unprecedented reach. Here was organized labor's ideal political moment; the most powerful Democratic President wielding power against conservative corporate forces. The results, however, while dramatic for organized labor were not transformative. Decaying material conditions and social attitudes did coalesce into a set of programs to address tenacious economic malformations, but FDR's use of presidential power also

corralled a burgeoning social movement into a state regulated economic relationship. From FDR forward, the federal government's role in labor relations would be dedicated to preserving order within the production process and to countering any serious signs of independent working-class politics. If the "ideal" economic and political conditions could produce only a minimalist pro-labor presidential regime, it is hard to imagine how any future Democratic leader could accomplish more.

Truman and Domestic Containment

In 1944 Franklin Delano Roosevelt won a fourth presidential term. The previous year the CIO had formed the country's first Political Action Committee (PAC) to re-elect Roosevelt and pro-labor Democrats. Consequently, with Roosevelt's death Vice President Harry Truman took office with organized labor expecting sizeable political dividends. But dancing precariously between a dependence upon labor's partisan electoral support and corporate demands for a de-inflationary wage policy, Truman sought compromise from the industrial relations community.

He convened a Washington, D.C. labor-management conference in '45 to establish new ground rules for post-war labor relations. The elites of the business and the labor community attended uttering high sounding principles of a shared national interest; but beneath the public pronouncements laid irreconcilable differences between labor and capital. On one hand, management wanted wage moderation, and on the other, CIO President Philip Murray was proposing a radical industrial power sharing (*The President's National Labor-Management Conference*, 1946). Not to Truman's surprise, his effort failed miserably.

Faced with sharply escalating labor anger, the President quickly displayed a nuanced regard for labor militancy by signing into law the Hobbs bill which tightened the boundaries of government sanctioned labor practices. Motivated by intensifying Teamster organizing, Hobbs made it a felony to obstruct the movement of goods and services in interstate commerce by means of extortion. Despite Truman's claim that the law would not in any way "interfere with the rights of unions in carrying out their legitimate objectives" the act extended the list of conventional actions that could be criminally defined as extortion and subsequently, used against labor organizers (*Congress and The Nation* 1965).

Despite Hobb's putative nature, Truman's resolve to suppress labor militancy is best illustrated by the way he used emergency powers to crush or restrain labor work stoppages. It was the new president's misfortune to be in the White House during the explosion of war-inspired inflation strikes that rocked corporate America in 1946. In the first post-war year over 4,000 strikes broke out costing business nearly 120 million lost work days. The administration response to labor-management disputes was to create a number of independent industry fact-finding boards charged with investigating the issues and making recommendations for a settlement. In most cases union leaders accepted the board's findings, while business executives regularly rejected the recommendations. With corporate defiance came escalating worker resistance. Truman's response was to reach for every legal and political means to break strikes and to prevent production stoppages in the early years of peace-time industrial conversion.

From his assumption of the Presidency until 1952, Truman cited the powers granted to his office under the 1916 Railway Seizure Act, the '26 Railway Labor Act

(RLA), the '43 Smith-Connally Act, the '47 Taft-Hartley Act and the “general welfare” clause of the Constitution to justify limiting the ability of workers to withhold their labor, and for seizing private property on at least 40 occasions. In a number of the more intransigent struggles, Truman declared that continued strikes against facilities under government administration were treasonous stoppages and threatened to put them down by calling out the army. In fact, in 1946 the President went before a special joint-session of Congress to demand among other things, emergency powers to criminalize strikes against the government.

Truman was confused and outraged by the action of labor leaders. The President wrote in his private papers, edited by Robert Ferrell (1980, 68), that “labor had gone off the beam,” and consequently, “began to grab all it could get by fair means or foul.” Historian David McCullough (1992) records that in a letter to his mother; Truman summed up his perspective on the post-war strike wave by noting that “labor had gone insane” (470).

The epidemic nature of the post-war strikes and charges of being “soft on Communism” produced a political backlash, and in 1947 Republicans took control over Congress. Republicans and sympathetic Democrats quickly took up legislation to curb the “drunken power of labor bosses” and Truman added to the anti-labor sentiment by making it clear that his policy to preserve peace-time industrial conversion was to take on “big labor” (Dubofsky 1994, 206). Led by New Jersey, Republican Fred Hartley in the House and Republican Robert Taft in the Senate, Congress passed by overwhelming majorities sweeping restrictions on labor militancy. According to Robert Zieger (1995), although Truman vetoed the bill, he privately admitted that Taft-Hartley was a good

change in industrial relations policy. Truman's personal wish-list was made very public when during his 1947 State of the Union Address he called on Congress to amend the Wagner Act to ban secondary boycotts, jurisdictional strikes, and work stoppages over contract interpretations (*Congress and the Nation* 1965; Dubofsky 1994).

Despite Truman's regular defiance of organized labor and his criticism of "bad unions" whose members acted like a "bunch of Russians," the CIO endorsed and actively campaigned for the President. Primarily because of labor's late but enormous effort on behalf of a President it had very little good to say about, Truman was re-elected.

Kennedy and Liberalism Restored

Between 1935 and 1945 union membership went from 3.6 to 14 million people. But during the Truman-Eisenhower years (1945-1960) union membership grew by less than 3 million. Therefore, when John F. Kennedy returned the junior party to the White House labor was eager for change and had a ripe agenda to push. Complicated by his meager time in office, Kennedy's political record is suggestive of a growing appreciation for organized labor.

Kennedy supported a congressional bill to firm up government welfare and pension laws positively effecting 30 million workers and submitted a plan to reorganize the NLRB in order to speed up the processing of unfair labor practice cases. The President also created an 11 member Missile Site labor Commission to develop procedures for settling disputes on the government's 22 missile bases. Under Kennedy the government's role in providing subsidized training programs for workers expanded. Training was provided under the Areas Redevelopment Act, the Public Welfare Law, the Manpower and Training Act and the Trade Expansion Act (*Congress and The Nation*

1965). Workers also saw their minimum wages increased and employees on government financed construction jobs were granted overtime pay for work in excess of 40 hours.

Finally, in 1962 Kennedy's achievements on behalf of organized labor were bolstered with his issuance of Executive Order 10988 granting federal employees the right to organize and bargain collectively (Zagoria 1972). The bargaining order was precedent setting, but not without important limitations. All federal employees were denied the right to strike and in the case of certain workers bargaining over wages, hours and fringe benefits remained the prerogative of Congress.

Kennedy's labor-management record was to a large extent driven by his method of directly and indirectly appealing to the parties involved in disputes. The President regularly consulted with labor leaders on policy and politics. But according to Kennedy's chief of staff, Theodore Sorensen (1965), the President's use of the bully pulpit was usually directed to his rank-and-file, union supporters. In summarizing Kennedy's actions in pressuring the AFL-CIO in 1961 to "recognize the desirability of maintaining stable prices," Sorensen concludes that "the jawbone method was directly applied most often to labor" (438).

In addition to wielding an uneven hand to suppress union bargaining demands, the President, like his party brethren was not adverse to using force to impose labor settlements or to break strikes. In fact, Sorensen records with obvious pride that Kennedy "did not hesitate to the use the injunction" against labor and was "convinced that the Executive Branch should possess a wider arsenal of tools" to put down national strikes (440). A looming railroad work stoppage gave the President an opportunity to add to his arsenal of labor peace.

In 1960 he appointed a railroad commission which recommended work rule changes eliminating 35,000 jobs. Operating railway unions opposed the recommendations and threatened to strike over their unilateral implementation. Kennedy then imposed a cooling off period under the RLA and requested from Congress an order to direct the Interstate Commerce Commission to establish mandatory work rules that would apply for the next two years. During this period strikes would be illegal. Railroad operators endorsed the President's action but the unions considered it "compulsory arbitration" and refused to agree. In response to union defiance Congress passed with bipartisan support the country's first compulsory arbitration bill in peacetime (*Congress and The Nation* 1965).

Tragically shortened, Kennedy's relationship with labor is perhaps best summed up in the 1959 comments he made to *Chicago Sun-Times* correspondent, Peter Lisagor about George Meany and Walter Reuther; "I wouldn't give them the time of day, but in politics you simply have to" (Martin 1983, 138).

Labor Within The Great Society

Under Lyndon Johnson (1963-68) labor unions and the Democratic Party prospered even though union membership as a percentage of the labor force was going down and the AFL-CIO suffered punishing legislative defeats. In 1964, according to William Form (1995), a record 69 percent of union members voted for the one-time southern New Dealer and the AFL-CIO called the 89th Congress, "the most outstanding Congress in the history of the nation" (*Congress and The Nation* 1969, 602).

Paradoxically, during a time when Congress said yes to everything the President requested, Johnson was unable to deliver on the most important issues specific to

organized labor. Despite a 93 percent success rate with Congress on issues the President took a position on, one Teamster lobbyist stated, “Congress did well by every segment of our society except labor...labor wound up with goose eggs” (603).

Despite his reputation in Congress, as a fierce antiunion partisan (Dugger 1982), President Johnson did attain modest labor achievements. In 1964 he signed amendments to the 1931 Davis-Bacon Act that extended the prevailing wage provisions to cover fringe benefits. Johnson endorsed a minimum wage bill for workers providing services to the federal government and signed a comprehensive minimum rate hike that also extended coverage under the Fair Labor Standards Act to 9.1 million workers. These gains along with the panoply of “Great Society” social welfare programs benefited the poor and working class. To be sure, as Kevin Boyle (1995) points out, most of Johnson’s policy initiatives converged with the objectives of the liberal wing of the AFL-CIO. But on two major union issues Johnson’s legislative wizardry fizzled out.

In 1965 labor’s top political priority was repeal of the Taft-Hartley provision (Section 14b) which allowed state’s to outlaw the union shop. Johnson spoke out for the repeal of 14(b) in his State of the Union message that year and subsequently, the House by a margin of 210-203 approved a bill (HR 77). But when the amending bill was sent to the Senate for consideration it was strangled by a filibuster lasting seven days. Finally, after a closure vote to cut off the filibuster failed to gain the required two-thirds support the bill was effectively withdrawn. Referring primarily to 14(b) repeal and a “common situs picketing” bill that never emerged out of committee, AFL-CIO President George Meany summed up the political scorecard by stating that the “Democratic party did not deliver on labor legislation” (*Congress and The Nation* 1969, 616).

Johnson's record on strikes and strikebreaking is mixed. Despite dragging on for 42 days and grounding 60 percent of commercial traffic, an airline strike in 1966 was allowed to persist to private settlement without presidential imposition. While Johnson did invoke the RLA, he opposed a Senate maneuver ordering the strikers back to work. However, two other disputes were short circuited by invoking the RLA. On both occasions Johnson's actions ended strikes by the Transport Workers Union against American Airlines and Pan American Airways. Finally, in 1967 the President asked for and received legislation stopping the first national railway strike in twenty years, and over the objections of the unions sent the dispute to a special arbitration panel for settlement.

The Vietnam War ended Johnson's tumultuous tenure in the White House. By 1968 his labor-liberal coalition and agenda were forsaken for practical political compromises. In retrospect the issue and value conflicts dividing the Democratic Party's working class, African-American and liberal-intellectual community ushered in more than a decade of Republican presidential politics. Not until 1976 did the Democrats recapture the executive branch and they did so by nominating a southern governor from a right-to-work state.

Good Government/No Action Democrat

In 1976, the AFL-CIO reluctantly endorsed Jimmy Carter as their bicentennial year candidate. Nonetheless, as noted labor historian David Brody (1980) contends labor waged a comprehensive campaign to return a Democrat to the White House and cautiously believed that electoral victories in November would generate a "resurgence of the kind of liberal legislation that marked the Kennedy-Johnson years" (244).

Assuming office with heavy Democratic congressional majorities, Carter had legislative room to maneuver. Despite considerable and highly public differences with the AFL-CIO over the content of a 1977 economic stimulus package, Carter did propose to Congress a \$31.2 billion plan of tax cuts, employment training and job creation (Dark 1994). The President also endorsed an extension of the Comprehensive Employment and Training Act, and agreed to support a 20 cent hourly raise in the minimum wage rate. Additionally, he endorsed legislation tightening corporate funding requirements for multi-employer pension plans covering eight million workers. However, the administration's most notable labor legislative achievement was passage of the Federal Mine Safety and Health, and Black Lung Benefits Acts (*Congress and The Nation* 1981).

Notwithstanding Carter's initial efforts to use the government's job creating machinery, his efforts to balance the budget and cut government spending produced a disastrous late-term anti-inflation program that sacrificed 1.8 million jobs. With inflation escalating in late 1978, Carter announced plans to use governmental taxing and contracting powers to punish businesses that violated a "voluntary" seven percent wage cap. According to Garry Fink (1994, 797), this "federal intrusion into private sector collective bargaining was patently unfair and of doubtful legality." The President's threats suggest that he was more concerned with soaring interest rates and shareholder value than he was with employment and wages. Even after signing the Full Employment and Balanced Growth Act in 1978, Carter's fiscal plans never seriously addressed job growth and double digit unemployment rates.

To further aggravate labor's sense that workplace issues were of secondary importance, the President also invoked the Taft-Hartley Act in an effort to crush a 1978

national coal strike. Far all these matters Carter was quickly erasing any residue good will labor was harboring, but his failure to utilize his political capital on behalf of common site picketing and labor law reform legislation earned him the outright enmity of union leaders. After pursuing amendments to the Taft-Hartley provision on secondary boycotts for 25 years the AFL's building trades believed they had the political means to pass an admittedly watered down bill (HR 4250). But from labor's perspective, Carter refused to seriously lobby his own majority party for the legislation and the bill came up short in the house by a 205-217 margin. The President performed better in helping Democrats and moderate Republicans in the House to pass a bill speeding up NLRB investigatory and judicatory machinery. But this time Senate opponents, lead by Orrin Hatch (R-Utah) maintained a five week filibuster against the bill, and six failed cloture votes after the legislation was sent to the Senate floor, it was remand back to the graveyard of committee reconsideration.

While functioning within a split coalition of liberal and conservative Democrats, Carter governed with the largest congressional majorities of any modern president since Franklin Roosevelt in 1940, with the exception of Johnson's 1964, 189 seat advantage (Menfee-Libey 1991). As Freedman and Medoff (1984) point out in their review of the failed labor law revisions, to the astonishment of many, the Democrats in Congress and the one in the White House could not muster the means to support labor law changes that even Eisenhower Republicans had once proposed..

Foreign affairs, a late term recession and other political misfortunes reduced Carter to a one term Democratic President and consequently, a Republican presidential party was revived. Organized labor would not see another Democrat in the White House

for another 12 years. But in 1992 a southern governor from a right-to-work state won the party's presidential nomination and went on to capture the presidency with the smallest percentage of the popular vote than any Democrat President since Woodrow Wilson.

“New Democrats” and the Clinton Center

President Clinton's overwhelming re-election in 1996 offers him additional opportunities to develop a labor regime. While it is premature to assess the full labor record of Bill Clinton, his first term and half performance is open to critique. Clinton is given high marks from labor for essentially defensive actions against right wing Republican efforts to dismantle the social safety net. Unfortunately, his opposition to the Penny (D.-Minn.)/Kasich (R.-Ohio) \$90 billion 1994 deficit reduction plan, shielded the fact that the President had proposed over \$37 billion of his own spending cuts (*Congressional Quarterly Almanac* 1994). On the other hand, he also offered an election year conversion endorsement for a long desired minimum wage increase. But on the downside he loaded the bill with \$20 million in tax breaks for small businesses (*Congressional Quarterly Weekly Reports* 1996a).

Clinton signaled at the dawn of the his administration that he desired a more hospitable relationship with organized labor when he signed into law the Family and Medical Leave Act during a Rose Garden ceremony. While the bill (HR 1) provided for only unpaid leave and exempted 95 percent of all employers, labor appreciated the groundbreaking nature of acts provisions (*Congressional Quarterly Almanac* 1994). The President also issued an Executive Order to prohibit the awarding of federal contracts worth more than \$100,000 to any employer who had permanently replaced striking workers. Labor had lobbied for legislation that would remove the odious restriction on

the legal right to strike placed by the Supreme Court in its 1938, *NLRB vs. Mackay Radio and Telegraph* decision. None, however, was forthcoming. Finally, in the summer before his re-election bid the President opposed a national “Right-To-Work” bill (*Congressional Quarterly Weekly Reports* 1996b) sponsored by Senator Lauch Faircloth (R.-NC).

Although the above measures represented long awaited changes, Clinton’s strongest defense of unionization was unquestionably his veto of the 1995 “Teamwork for Employees and Managers Act” (TEAM). Labor had made clear its unequivocal opposition to the bill, arguing that by amending Section 8 of the National Labor Relations Act it would legalize company unionism. Clinton’s message to Congress assertively declared that the bill would abolish protections that ensure independent and democratic representation in the workplace (*Congressional Quarterly Weekly Reports* 1996c).

Good as the Clinton’s general defense of unionization was, the President angered labor leaders early in his first term when he ferociously used the sizable “vantage points” of the presidency and his immense political capital to win House acceptance of the North American Free Trade Agreement (NAFTA). In direct defiance of powerful AFL-CIO opposition, according to George Bush’s lobbyist Nicholas Calios, Clinton not only “worked the Congress very hard” for passage of the act, but he criticized labor for its “muscle bound” lobbying tactics (*Congressional Quarterly Almanac* 1995, 172).

The President’s “Herculean” stance against organized labor was credited by GOP Minority leaders as being the turning point for winning over reluctant House members. Clinton’s ability to fashion a bi-partisan majority for NAFTA underscored the capacity

most presidents have to win legislation early in their administration. At a time when the President was winning 86 percent of the votes in which he took a position, he dramatically opposed organized labor. Given that typically presidents experience descending rates of legislative success with the passage of time, Clinton's early agenda and NAFTA horse-trading had implications for constructing a second term prolabor record.

Labor leaders then, should not have been surprised when immediately after being re-elected the President became the most outspoken proponent of renewing "fast-track" executive trade authority without binding international labor regulations. Clinton once again not only defied organized labor, but went so far as to warn delegates to the AFL-CIO Convention not to allow "fast track" to "trump all other" issues when it comes to supporting him or other pro-free trade members of Congress (*Daily Labor Report* 1997a, AA-1).

Finally, Clinton's White House has had a couple of opportunities to impact the course of work stoppages. During the President's first term Clinton used his influence with the CEO of American Airlines to persuade the company to accept binding interest arbitration to settle a nasty dispute with their suddenly militant unionized flight attendants (*Business Week* 1993). The arbitrator's subsequent ruling was considered favorable to the union. But the President later thought less of a planned walk-out by American's unionized pilots and imposed the emergency provision of the RLA to block action considered a severe threat to economic commerce.

Yet, Clinton found very little threat to the nation's "health and safety" in a three week summer national strike by the International Brotherhood of Teamsters against

United Parcel Service (UPS). Despite UPS' and most business organization's claim that the strike was having a "serious impact" on the economy, Clinton resisted requests that he invoke the Taft-Hartley Act (*Daily Labor Report* 1997b; Moberg 1997). But where the 1997 summer interruption of package shipments was allowed to run its course, in the fall Clinton once again took advantage of the more lenient standards of the RLA and averted a strike of Brotherhood of Maintenance of Way Employees at Amtrak. As is typical when "cooling-off" periods are imposed, the carrier applauded the move while the union criticized the President for "effectively coming to the aid of Amtrak management and putting our right to strike on hold" (*Labor Relations Week* 1997a, 893).

Clinton's labor record continues to evolve. With a Republican Congress churning out anti-union hearings and legislation, there will be additional opportunities for Clinton to fine-tune his labor regime. If past practice is any confident guide, the President is unlikely to diverge from his defensive approach to labor politics.

Conclusion

The historical comparison offered here suggests that at their best Democratic presidential labor regimes have provided labor with the organizational space and institutional legitimacy necessary to impact policy development. On balance, Democratic Presidents with the partial exception of Roosevelt, have been "regime stabilizers," unwilling or incapable of significantly modifying the industrial relations balance of power. It would appear then that the record from FRD to Clinton can best be defined as one of "recognition with containment." Minus real change in the political possibilities of creating a more independent labor agenda, past Democratic practice

suggests that every four years organized labor will be confronted with a choice between a cautious friend and a likely aggressive enemy.

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