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# GOP and Chamber of Commerce's War Over the Bulletin Board

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Earlier this month, thirty-six House Republicans filed an amicus court brief to support corporate America's war on workers' rights. They are embracing a suit filed by the Chamber of Commerce, the National Association of Manufacturers, the National Restaurant Association, and other business lobbies to block a new ruling by the National Labor Relations Board.

This ruling, by one of those out-of-control federal government agencies, could be devastating to the job-creating corporations that are the engine of the American economy. Just listen to those who should know:

"The National Labor Relations Board (NLRB) is causing great uncertainty among manufacturers at a time when our economy is struggling to recover," Jay Timmons, President and CEO of the National Association of Manufacturers, recently [warned](#).

"Just when we thought we had seen it all from the NLRB, it has reached a new low in its zeal to punish small business owners," [echoed](#) Karen Harned of the National Federation of Independent Business.

"It's unnecessary, needlessly provocative and will only serve to create division rather than cooperation between small business owners and their employees," [said](#) Farrell Quinlan, NFIB's Arizona state director.

"The National Labor Relations Board is making sure that unemployment remains high in America," [wrote](#) Diana Furchtgott-Roth of the Manhattan Institute, a business-sponsored conservative think tank.

"This is nothing more than labor regulation run amok," reiterated Robin Conrad of the U.S. Chamber of Commerce.

The conservative website GOPUSA, labeled it "another disgusting government intrusion into private business."

What is it that's got America's major business lobby groups and their friends so upset?

A poster. More specifically, a recent ruling by the NLRB saying that as of next January 31, employers must display an 11-by-17-inch poster (available at no cost from the NLRB) informing workers of their rights under the National Labor Relations Act. The placard tells workers about their right to join a union and their right not to join a union.

The poster explains that employees have the right to act together to improve wages and working conditions, to form, join and assist a union, to bargain collectively with their employer, and to refrain from any of these activities. It provides examples of unlawful employer and union conduct and instructs employees how to contact the NLRB with questions or complaints. It is simply a summary of a 76-year-old federal law.

From the reactions of the corporate cry babies, you'd think that the NLRB had commanded businesses to pass out copies of the *Communist Manifesto* during lunch breaks.

After the NLRB published the proposed rule in the Federal Register earlier this year, it received more than 7,000 public comments, most of them from business groups and employers objecting to the requirement to inform employees of their rights. But the corporate lobbyists and their political allies reserved their angriest objections for business publications and their own websites.

The NLRB ruling simply mandates employees to put the poster on a bulletin board where employees can see it. They could put it up right next to other notices they already have to post that *tell* workers what the current minimum wage is or what they should do if they are subject to unsafe working conditions.

Congress enacted the National Labor Relations Act -- often called the Wagner Act after its sponsor, Sen. Robert F. Wagner Sr. of New York -- in 1935, as part of the New Deal's social legislation, along with the 40-hour week, the minimum wage, and Social Security. Although it has been amended several times, its key components haven't changed. It gives workers the right to organize unions and collectively bargain with employers. The law created the National Labor Relations Board - a five-member body, appointed by the president with the approval of the Senate - to guarantee that employees and employers know their rights and responsibilities under the law.

When the law was first proposed, business groups vigorously opposed it.

Henry Harriman, President of the U.S. Chamber of Commerce, testified before Congress in 1935, "If enacted in its present form, it will have far-reaching, and in my opinion, a very disastrous effect upon the economic life of the country." Franklin S. Edmonds, general counsel for the Philadelphia Chamber of Commerce, told Congress that "Frankly, this bill impresses me as having been written by a man who had been reading Marx on Class War"

After the law was passed, corporate lobbyists continued to object, urging Congress to overturn it or at least limit the NLRB's budget and staff.

"The Wagner Act is a most vicious law," said Harry Bennett of the Ford Motor Company in 1941. "The NLRB is an exact replica of the so-called courts by which Communist, Nazi and Fascist partners purge the men who resist their tyrannies. It is a dictatorial concept imported from Europe."

Business groups achieved some of their goals in 1947 when the Republican Congress passed the anti-union Taft Hartley Act, which restricted workers' rights to conduct strikes, pickets and boycotts.

Even so, by the mid-1950s, more than one-third of America's workers were members of labor unions, giving employees a stronger voice in their workplaces and in politics. The union movement lifted a majority of Americans -- union members and non-union members alike -- into the middle class. Unions raised wages, expanded health insurance and paid vacations, and successfully pushed for safer workplaces. They joined forces with the civil rights movement, feminists, consumer groups, and environmentalists to mobilize for more protections against business abuses. Not surprisingly, from the late 1940s through the early 1970s, America became the world's first middle class country. As its economy prospered, the gap between the richest Americans and the rest narrowed significantly.

Labor's growing influence worried big business. "The status and power of business has been preempted since World War II by unions, government and academics," a business executive complained in meetings held in 1974 by the corporate-sponsored Conference Board. So, beginning in the 1970s, corporate America reorganized itself to attack the labor movement. They created new lobbying groups like the Business Roundtable, funded conservative foundations and think tanks that challenged unions' role in society, and poured significantly more resources into helping elect anti-union politicians.

For example, in the past few decades, corporations have spent billions on union-busting consultants to intimidate employees. According to Cornell University's Kate Bronfenbrenner, one-quarter of all employers violate the NLRA, illegally firing at least one employee during union-organizing campaigns. The lucky workers get reinstated years later after exhaustive court battles. Penalties for these violations are so minimal that most employers treat them as a minor cost of doing business. Employees who initially signed union cards are often long gone or too afraid to vote by the time the NLRB conducts an election.

Wal-Mart and other employers require workers to attend meetings on work time during which company managers give anti-union speeches, show anti-union films, and distribute anti-union literature. Unions have no equivalent rights of access to employees. To reach them, organizers must visit their homes or hold secret meetings. Under current NLRB regulations, any employer with a clever attorney can stall union elections, giving management time to scare the living daylights out of potential recruits.

The corporate assault on unions worked. Americans today have far fewer rights at work than employees in other democratic societies. Current federal laws are an impediment to union organizing rather than a protector of workers' rights. The rules are stacked against workers, making it extremely difficult for even the most talented organizers to win union elections.

Only 11.9 percent of American workers -- and only 6.9 percent of private sector employees -- are [union members](#).

This is by far the lowest level of unionization of any major democratic country.

Business leaders argue that employees' anti-union attitudes account for the decline in membership. But polls show that more almost half of non-managerial workers would join a union if they could. But they won't vote for a union, much less participate openly in a union-organizing drive, if they fear losing their jobs for doing so.

But even with such lopsided pro-management laws, big business isn't satisfied. America's employers would prefer to keep their workers' rights a well-guarded secret. Thus, the corporate outrage over the 11-inch by 17-inch poster.

Anyone who watches *Law and Order* knows that (thanks to the Supreme Court's Miranda decision in 1966) cops have to inform suspects of their rights to remain silent and to have an attorney represent them. The NLRB ruling doesn't even require employers to pro-actively tell workers' about their right to unionize. It simply requires them to put up a poster and give employees a chance to read it on their own.

But the brouhaha over the NLRB ruling is about more than business' objections to having to put a poster on a workplace bulletin board. It is really a symbol of a fundamental difference in the way Americans view their country, an ongoing battle that has been waged throughout American history.

"The rights and interests of the laboring man," said George F. Baer, a major business titan in late 1800s, "will be protected and cared for, not by the labor agitators, but by the Christian men to whom God in His infinite wisdom, has given control of the property interests of the country."

More than a century later, an executive at Montana Records Management, angered by the NLRB's bulletin board ruling, proclaimed that "If [employees] don't like the way I treat them, then go get another job. That is what capitalism is about." (Ironically, the company is in the business of shredding paper documents).

In contrast, the burgeoning Occupy Wall Street movement has injected a growing concern about the nation's widening inequality between the richest 1 percent and the rest of America. The U.S. Chamber of Commerce, the National Association of Manufacturers, the National Federation of Independent Business, and the other corporate lobby groups that speak for that 1 percent understand that unions are the strongest voice for the other 99 percent and the greatest force for more economic democracy and equality.

Unfortunately for the country's corporate cry babies, Americans don't give up all their rights when they go to work. Big business has good reason to worry that if workers know their rights, they might actually try to exercise them.

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