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RESEARCH ON
POVERTY DISCUSSION
PAPERS

TRADE UNIONISM AND SOCIAL JUSTICE

Jack Barbash

UNIVERSITY OF WISCONSIN - MADISON



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The research reported here was supported by funds granted to the Institute for Research on Poverty at the University of Wisconsin by the Office of Economic Opportunity pursuant to the provisions of the Economic Opportunity Act of 1964. The conclusions are the sole responsibility of the author.

February 1971

TRADE UNIONISM AND SOCIAL JUSTICE

The Case of the Negro Worker^{*}

I.

This is a study of the trade union response to the explosion of militancy accompanying the migration of the Negro worker from the urban ghetto to the industrial mainline. The unions are being pressed hard to augment their primary concern for the economic advantage of their constituency with a concern for the social justice interests of the Negro worker as a class. Bargaining for the terms of social justice seems to be evolving from confrontation toward negotiation. The limits within which the parties are able to move are defined by the structures of craft and industrial unions, the low wage condition of the Negro worker and the political necessities of civil rights activism. What we are witnessing, in short, is the attempt to achieve economic integration by storm in behalf of a class rather than through the more traditional method of gradual assimilation on the basis of individual merit.

II.

The larger context of the problem of social justice begins, as has been said, with low wages and hence with the characteristics of low wage industry and employees. Low wage industries are associated with a relatively low incidence of unionism. One measure which probably understates the difference indicates that in 1964 the median percentage of a selected group of low wage industries covered by a collective agree-

^{*} by Jack Barbash, Professor of Economics, University of Wisconsin. This research was supported by funds granted to the Institute for Research on Poverty, University of Wisconsin pursuant to the provisions of the Economic Opportunity Act of 1964.

ment was 46% compared to 62% for all of manufacturing.² The textile group of industries--e.g. synthetic textiles, cotton textiles and hosiery--are low wage industries with unionization characteristically under 25%, and laundry and dry cleaning, textile dyeing and finishing, candy, and wood household furniture between 25% and 50%. The non-durable manufacturing and service industries predominate among the under-unionized industries.

The evidence seems to suggest that it is not the lack of union organization that produces low wages but that it is the low wage condition which produces the lack of union organization. This is to say that the characteristics associated with (a) low wage industries, namely low profits, low productivity and high proportion of labor cost, small scale, long-run stagnation, highly competitive product markets, southern concentration; and (b) the characteristics associated with low wage workers, namely low education, low skill, intermittent unemployment, easy replaceability, make workers less responsive to union organization. The industry characteristics of low wage employment, as Ray Marshall has said about the South, are conducive "to greater employer resistance to unions and . . . relatively limited possibilities for producing higher wages."³

The characteristics of employees in low wage industries make internal cohesiveness without substantial external aid more difficult. Until the civil rights movement generated "a sense of kind" Negro workers found it exceedingly difficult to mount an effective union effort on their own power. They seemed to lack "the solidarity of other occupational communities with an ethnic and religious base."⁴

The communal spirit fostered by the church in the case of the Irish, by the socialist movement in the case of the Jews, by homeland sentiment in the case of the Scandinavians and pride of work in the case of the Welsh and Scotch miners provided a vital cementing influence for unionism. The European migrants accepted "the virtue of work, aspirations to education and upward economic and social

mobility, the solidity of the family and a sense of the past and of the future."⁵ Moreover, "these earlier European groups . . . were not burdened with the tradition of slavery, with legal and governmental exclusion and, above all, with the visibility of different skin color."⁶ By contrast, for the Negroes who come from the "rural slums of the South and the urban ghettos these values have little or no significance."⁷

A major exception to the rule of low wages as a good predictor of unionization are the apparel trades unions, i.e. the International Ladies' Garment Workers' Union and the Amalgamated Clothing Workers of America where a relatively low wage environment has not precluded a high degree of unionization. The common feature in both unions which may throw some light on why they are exceptions are (1) the aggressive, continuous and systematic character of the organizing effort and (2) the need, as Sidney Hillman once put it, "to fight t in the non-union markets to protect ourselves in the union markets."⁸ The Textile Workers Union has mounted massive organizing efforts but without the good results of the apparel trades and one may speculate that a combination of the larger scale of the textile industry and the Southern anti-union climate account for much of the difference. The Retail Clerks have also been aggressive organizers but the potential jurisdiction is still so vast that saturation is not yet in sight. The evidence of the apparel unions seems to suggest that the optimum conditions for unionizing low wage workers are (1) high union priority, (2) weak employers, (3) effective union planning, organization and financing and (4) responsiveness to diverse ethnic populations.

III.

The nature of the union relationship to the low wage worker is in the first instance determined by union structure. Craft unions in general tend to be less receptive to low wage workers than industrial unions. The craft union bias is not in its leadership but in the economic context in which craft unionism necessa-

rily functions. Craft unions limit membership to workers in particular established crafts or trades. Industrial unions include all or almost all classes of workers at a given workplace. In terms of the work process the distinction is between "vocational specialization among workers in occupations which require substantial amounts of specialized knowledge and skill [i.e. a craft or trade] and . . . the division of labor which stems from the differentiated organization of work."⁹ The classic craft unions are in the construction, printing and metal industries; the unions of licensed maritime personnel may be regarded as craft unions in important respects but the archtypical craft unions are commonly regarded as the building trades unions, and they will be the major focus here.

Craft unionism acts so as to sustain its high wage structure by regulating the supply of labor in particular craft jurisdictions or labor markets; to put a finer point on it, the craft union "control over supply," Clark Kerr has said, "is used more to preserve the integrity of the wage rate rather than to create it."¹⁰ Indeed, as Turner has remarked about the British textile industry, workers may be "'skilled' or 'unskilled' according to whether or not entry to their occupations is deliberately restricted and not in the first place according to the occupation itself."¹¹

Apprenticeship is one of the means which craft unions use to regulate the supply of craftsmen. Regulation is achieved by adjustments in the apprentice-journeyman ratio, educational requirements, the apprenticeship term, the scope and duration of training, and the apprentice wage. Other techniques for what the Webbs called "the restriction of numbers" are the "closed shop," the regulation of union admission and public licensing laws for entry into the craft. The closed shop, illegal under the Taft-Hartley law but still essentially operative in many craft labor markets, is the requirement that workers be members of the union prior to employment. In effect, the union undertakes as part of its labor supply control function to operate an employment agency or hiring hall which then becomes the major source of referral to employment in the craft. Not all hiring hall unions

are craft unions, but all craft unions operate hiring halls subject only to the exception of craft employment in integrated factories.

When the closed shop union ceases to admit new members or surrounds union admission with insurmountable requirements, it becomes a "closed union." Short of closing membership rolls outright, the union may issue temporary work permits either to new entrants or to union members from areas of slack employment. The craft union prefers the permit man over the apprentice because the former is expendable when demand slackens; the apprentice graduated into journeyman represents ultimately a permanent obligation for employment regardless of demand. The union's own efforts in regulating the labor supply are augmented by apprenticeship requirements under state licensing laws for several occupations.

The craft union has several assets in implementing its strategy of labor supply regulation in the market. To begin with, the essential core of intrinsic skill required for the jobs which the craft is commonly called on to do limits the number of workers who can actually do the work, even though this skill core is something less than the union is wont to claim. Second, the dominance of local factors in the market structure shelters the union's employers from competition and narrows the spatial area which the union needs to police. Third, the small scale of the enterprise which the craft union commonly deals with injects "an element of unilateralism in the relations between these unions and the individual employer."¹² In sum, once the system for regulating entry into the market for the craft has been perfected, there is little need for the union to persuade workers to join. On the contrary, it is the workers who must persuade the union that they be allowed to join.

The craft union uses its power to establish an orderly, albeit a controlled, labor market and in the present setting is almost indispensable in this role. To be sure, the union is highly responsive to the restrictive side of its role,

but it is nevertheless sensitive--even if not as much--to the need for expansion.

Craft union exclusion of Negroes is practiced as a special case of restriction of entry to the trade, which at various times and in various degrees is practiced--indiscriminately as it were--against all potential entrants. There is this difference however: When entry standards are relaxed as they have been in the high level employment environment of the last decade the restrictions to entry have acquired special force as applied to Negro workers. Clearly, restrictions are preferentially relaxed for favored white workers--"reasonable preference to sons of union members" is the way the Plumbers and Steamfitters president put it.¹³ Most journeymen have in fact acquired their union membership without completing an accredited apprenticeship. The requirements relating to age, previous education, duration of training and aptitude in the measure prescribed are more directed at restricting entry than they are at providing the minimum standards essential to acceptable performance on the job. The training objective of apprenticeship is unevenly and indifferently implemented; related instruction is completely absent in a major proportion of apprenticeship programs, and even where it is formally offered, its "relatedness" is questionable. Nor does the journeyman's role as a teacher of the apprentice have significant meaning beyond simple exposure to work. And after completion of apprenticeship there is typically no evaluation or test of trade ability.

Black workers have been excluded from the crafts not only by an act of deliberate restriction but also by "the institutionalized patterns of job segregation" which deter young Negroes from preparing themselves for the crafts and applying for entry. This results in a "paucity of Negro applicants" and "lack of qualification" on the part of those who may "think of applying."¹⁴ In short, it is the social process with its "racially determined forms of exclusion, discrimination and oppression"¹⁵ that constitutes the major discriminating element as much if not more than separate acts of discrimination.

There are significant differences in the degree of exclusionary attitudes and practices within the craft union category. The so-called construction "mechanical" trades, i.e. electrician, pipe-fitter, sheet metal worker, elevator construction and iron workers, which require a fair amount of intellectual ability--i.e. journeymen must be prepared to understand intricate instruction and determine what techniques are necessary to carry them out--demonstrate a closer congruence between requirements and actual job performance. But it is these most highly paid trades which also are least likely to have Negro craftsmen and which figure most prominently in charges of discrimination.¹⁶

The so-called "trowel trades"--Bricklayers, Plasterers, and to a somewhat lesser degree the Operating Engineers--have been the least restrictive; and in the case of the Laborers not restrictive at all with its estimated 30% Negro employment. With the essential support of the other building trades unions the Laborers are, one may say, a craft union of the unskilled and the semi-skilled. For many of these trades the possible explanation for the lower level of restriction is that the relatively lower level of skill and wages make them less attractive to white workers in a period of full employment and hence more accessible to Negro workers.

Restrictive attitudes in addition to varying by craft also vary with the level of union organization. The closer the union is to the worksite the more likely it is to practice and accept exclusion. The rank and file construction worker adopts the most restrictive outlook because as he assesses his economic and social position he has most to lose by an increase in the supply of workers in the trade and especially, as he views it, by an increase in "half-trained" workers. He fears more acutely the "cheapening" of the trade and the downgrading of social status which according to his outlook will result from an influx of workers who are ethnically identified with low wage employment.

The rank and file is also more insulated from external public pressures. By contrast the higher the craft unionist is in the union hierarchy the more he is exposed to broader non-union pressures and the less his own job conditions are at stake. As a consequence the higher level craft unionist is more amenable to relaxation, always constrained however by the needs of political survival in his union. "The international leaders of the Bricklayers, Carpenters, Electrical Workers and Operating Engineers and other unions very early attempted to prevent discrimination by their locals. The continuing tension between international union officers and Negro leaders is not due as much to the union leaders' racial prejudices as to the fact that those officers give greater priority to keeping their jobs and strengthening their unions than to non-discrimination policies."¹⁷ The Building and Construction Trades Department represents the strongest non-restrictive attitude.

IV.

The broader outlook of industrial unionism is mainly attributable to the characteristics of the industrial union climate. By its very nature industrial unionism is a response to a factory type of technology and organization of work which requires coordination of a sequence of "narrowly subdivided task[s]"¹⁸ in contrast to the crafts "which require substantial amounts of specialized knowledge and skill."¹⁹ This inclusiveness of interest intrinsic to the industrial union has made it more hospitable to the lower wage worker. The ascendancy of industrial unionism in mass production represented not only a victory over the employer but also over the sectionalizing influences within the work force. In particular the CIO ability to organize the Negro and other ethnic workers in steel and autos passed over by the old craft unionism or by no unionism was an essential element in the historic success of the industrial unions, as it had earlier accounted for the survival of the original mainstays of the CIO, the miners and the apparel unions.

A recent "careful" review of Negro progress under the CIO concludes that their "gains were real. Many opportunities long denied were at last realized, many barriers of long standing were broken down. The data show important increases in Negro industrial employment and income. They also show that these gains were not uniform but varied by industry, occupation, and area."²⁰

Not only is inclusiveness inherent in industrial unionism as a structural form but the environment in which industrial unionism functions is not conducive to the deliberate restriction of numbers over any extended period. The preponderance of semi-skilled jobs in the industrial occupational structure makes bars to entry impractical. Moreover the occupational structure of the industrial union enterprise is in the first instance subject to the dominating influence of management over the enterprise's "internal labor market." By contrast the craft job structure is shaped by the respective craft unions' dominant influence in the external labor market. Put another way, the industrial union worker's primary attachment is to the internal labor market which management controls while the craft unionist's primary commitment is to an external labor market which the craft union has been successful in differentiating by making "effective through a wide area . . . a definition of occupational content (with the necessary training schedules and required achievement levels) which will give wide marketability to the skills."²¹

The upshot is that the regulation of the labor supply is an option normally not available to the industrial union. By structure and environment the industrial union undertakes to act directly on the wage structure "leaving supply and demand to adjust themselves"²² rather than as in the craft union, relying in the first instance on limiting the entry into the craft labor market. Access to training, for example, is for the industrial union a problem in the first instance of the price of labor, not in the control over the supply of labor. The industrial union

approaches training, for example, as a problem in protecting the wage standards of regular employees from attrition by trainees, illustrated in the contractual minimums for learners--which may however raise other problems.

Industrial unionism is not only not restrictionist but in an affirmative sense more expansive in its relationships to Negro workers and other low wage workers. Broadly construed, industrial unionism is in many respects redistributive in favor of the lower wage worker. Redistribution is used in Lampman's sense of "persons [who] receive consumer-power income on some basis other than their own individual producer contribution."²³

The initial redistributive effect derives from industrial unionism's support for organizing in low wage environments which invariably costs more than the organizing is likely to bring in, in dues and initiations.

Low wage workers, including Negro workers, are rarely capable of mounting a union response on their own. The same social disadvantages which have contributed to their low wage circumstances--lack of education and training, low skill and lack of self-esteem--also inhibit motivations to self-organization. Invariably, as the contemporary situation of black worker organization in hospitals and sanitation, and low wage white workers in textiles and apparel illuminate, only substantial help by an outside union--in the case of the Negro sanitation and hospital workers, in collaboration with the civil rights movement--makes it possible to mount an effective and permanent union response.

For the short run at least, as has been said, the union's investment in these organizing drives will not begin to be matched by the dues and initiation fees which it is likely to get in return although there are undoubtedly externalities. One is the economic reinforcement of the unionized sectors in a competitive industry as a result of a continuous organizing effort; another is the demonstration effect of successful organizing on subsequent efforts among hard-to-organize workers.

But externalities or no the low wage hospital worker in Charleston and New York, the Texas-Mexican agricultural worker in Delano, the Southern textile worker would by his own efforts have been incapable of mounting an effective union response except by substantial outside union resources. Nor would hospital management in non-union situations have begun to reassess their personnel administration with the same interest if the shock effect of outside unionism were not prodding them.

Industrial union wage policy seems to have a redistributive effect in favor of the lower end of the wage structure. The consensus is that industrial unionism--to use Lloyd Reynolds' formulation--"has been an independent factor of some strength . . . for a narrowing of occupational differentials,"²⁴ or in Reder's words, "a narrowing of the skill margin."²⁵ Part of this compression of wage structure is related to what Reder calls the "social minimum" by which is meant "the rate below which workers, especially adult males in the prime of life, are not hired by a business firm or government,"²⁶ and is generally made effective by statute or union policy.

There is a redistributive element in the welfare component of wages, innovated in the modern period by the industrial unions. In pensions the relatively low wage worker continues to be favored "largely because of the greater coverage of plans that relate benefits to service alone and because of the flat benefit plans."²⁷ Minimum pensions and the virtually universal acceptance of the noncontributory principle in negotiated plans also favor the lower-paid worker. This is one of the great changes worked by collective bargaining and contrasts significantly with the less favorable situation of the lower wage worker in the earlier unilateral plans with their typical contributory requirements and benefit formulas tied to career earnings. Health insurance, hospitalization, surgical care and major medical also favor the low wage worker within the wage structure since the size of benefits are not related to earnings and since there is no evidence that there is a higher incidence of use among higher wage workers.

For the smaller employer in apparel and light manufacturing and trade and service, a source of major concentration of low wage and ethnic workers, the union welfare interest has been the difference between pension and insurance coverage--i.e. in addition to social security--and no coverage. Unlike the larger enterprises which were offering forms of welfare before the union collective bargaining interest emerged, protection for employees of the smaller enterprise had to wait on the innovation of the pooled fund by the multi-employer bargaining unions. The effect of union intervention in health has been to shift "whole portions of the population out of charitable clinical care into the mainstream of medical treatment."²⁸

The presence of substantial low wage ethnic constituencies in the industrial unions has extended the industrial union efforts in their behalf to the political, legislative and public opinion front. In general the scope of public policy interests of the industrial unions and of a federation based on the predominance of industrial union membership is broader than job-centered interests of the older craft unions. Reder's remark that the unions "have evolved into an instrument (though a very imperfect one) for lobby on behalf of all low income groups" is well taken.²⁹

The unions have employed legislative means to protect the low wage worker from even lower wage competition. Opposition to "bracero" importation, minimum wage, prohibitions against child labor, the upward pressure on the school leaving age, the promotion of vocational education are aimed directly at strengthening the supply position of the low wage worker. Race and color barriers to entry and upgrading were made illegal in large part through the trade union lobbying effort. The leading Washington civil rights lobbyist has said that "without the help and day to day work of the [union] legislative representatives . . . no civil rights legislation could have passed in any session of Congress."³⁰ The AFL-CIO "keenly and

painfully aware of the limitations imposed on it by its structure" in applying sanctions against unions in violation of its own civil rights provisions "turned to federal legislation as its primary instrument for wiping out discrimination in unions. It is now an open secret that the fair employment practices section of the Civil Rights Act of 1964 was written into the law because of the bullheaded insistence of the AFL-CIO."³¹ Politically, the trade union movement on the whole has been given major credit for cutting down the appeal of George Wallace to workers during the 1968 campaign. The trade unions campaigned to "make sure that [their members] understand that the real protection for all they have gained is not a Wallace--not a racist--but their trade unions."³²

V.

The industrial union situation subjects the Negro worker to five possible types of disadvantage: (1) restriction to lower paying jobs; (2) the ordering of seniority lines so as to deny full promotion opportunities to black workers, found largely in the South; (3) the union's denial of "fair representation" to Negro workers, as in refusing "to process grievances solely because the grievants were Negroes;"³³ (4) the failure of the union leadership strata to reflect adequately the mix of ethnic--especially Negro--workers in the membership.

The fifth type of disadvantage which the industrial union may impose on the Negro worker is in the nature of "objective discrimination." This discrimination is no part of the industrial union interest but is a necessary effect, it has been argued, of industrial unionism's wage policy. The same social minimum which works to the advantage of the employed Negro low wage worker may also have the effect of pricing the unemployed--particularly the hard core unemployed--out of the market in the sense that the employer is unwilling to risk the employment of unstable employees given the relatively high employment overhead cost effected through the high social minimum. It has also been argued that the minimum wage

and other forms of welfare state measures supported by the unions may have the same employment deterring effect on the disadvantaged. It is however possible that employers would have had to incur some part of high overhead employment costs without union and state intervention as the price of stability which the modern industrial discipline demands.³⁴

VI.

The stress which trade unionism is now experiencing to accord top priority to the Negro worker's conditions of employment may be represented as a confrontation between trade union economism and social justice for the Negro as worker. Trade union economism is mainly preoccupied with the needs of the trade union's constituency; if there is a large Negro constituency the preoccupation will include distributive justice for the Negro unionist. The disadvantaged Negro worker in whose behalf the claim for social justice is asserted is largely outside of the trade union constituency and for most unions therefore social justice has represented a peripheral rather than a central interest. Social justice in this context means that the struggle for the Negro worker's right to full participation as a class in the benefits of unionism must be moved from the periphery to the center of union concerns on the pain of disruption, litigation and internal factionalism.

The primary source of pressure for social justice has been the civil rights movement which includes both Negro and white activists. The movement has been mainly responsible for generating a "rudimentary group coherence and indigenous leadership" which has enabled the Negro "to speak for his own rights and interests."³⁵ The focus of pressure started in the courts, moved to other branches of government, then to the unions and employers and into the streets. The pressure tactics have included worksite disruption, wildcat strikes, black caucuses within unions and black unions rival to established "white" unions.

In the context of the larger civil rights struggle "the objectives of the movement were [first] chiefly to secure the Negro's right to vote and to integrate public accommodation. . . . In the present period we confront the more complex problems of housing, education and job which affect not only Negroes but also whites." In terms of class the issues have moved from Negro middle class to working class interests--to the interests of "the new underclass of Negroes."³⁶ Within the working class framework the civil rights issues have shifted from curbing discrimination on the job and in the unions to the demand for affirmative participation in employment and in union leadership appropriate to the Negro's numbers. But the civil rights movement has largely been a catalyst. Once it has "focused attention on a problem the initiative quickly passes to government and to business officials."³⁷ Government's function has been to transform protest into policies. The industrial unions and the federation have been indispensable in marshaling the political forces by which these policies have been transformed into legislation and appropriations.

The government has come to have an employment policy for the disadvantaged "constructed from a jumble of initially unrelated programs and ad hoc decisions."³⁸ The policy which has emerged by trial and error may be seen as consisting of two parts. The aim of the first part has been to improve the labor market position of the Negro worker. This aim has been implemented (a) by government support of high level employment generally and (b) the "piecemeal" development of a "kit of manpower tools" which evolved from a come-and-get-it posture toward the concept of "outreach to seek the discouraged and undermotivated and encourage them to partake of available services" which Mangum has summarized as follows:³⁹

- Adult basic education, to remedy the lack of obsolescence of earlier schooling.
- Prevocational orientation to expose those of limited experience to alternative occupational choices.
- Training for entry-level skills for those unprepared to profit from the normally more advanced training which assumes mastery of rudimentary education.

- Training allowances to provide support and an incentive for those undergoing training.
- Residential facilities for those from areas of sparse population or whose home environment precludes successful rehabilitation.
- Work experience for those unaccustomed to the discipline of the work place.
- Job-development efforts to solicit job opportunities suited to the abilities of the disadvantaged job-seeker.
- Subsidization of private employment for the disadvantaged.
- Job-coaching to work out supervisor-worker adjustments after a job is found.
- Creation of public service jobs tailored to the needs of job-seekers not absorbed in the competitive market.
- Supportive services, such as medical aid for those who need corrective measures to enter or resume positions in the world of work, and day-care centers for mothers with small children.
- Relocation allowances for residents in labor-surplus areas and special inducements to employers to bring jobs to those stranded in depressed areas.

Public policy and civil rights activism have intervened directly to lower the union barriers to fuller participation by Negro workers in employment and in the union. Direct intervention in the employment process has moved from the enactment of enabling legislation or the establishment of new agencies to "workable solutions" and to the design of "appropriate remedies."⁴⁰ In general public policy is moving toward the treatment of unions "as quasi-public organizations, subject to the same constitutional limitations that apply to any instrumentality of state power."⁴¹

The "appropriate remedies" run to the question of the building trades unions control over hiring, to the extent that the control results in "racially determined forms of exclusion and discrimination;"⁴² specifically: "(a) Will these unions be required to recruit in the minority community. . . . (b) Will the unions be allowed unfettered discrimination in administering admission standards. . . . (c) Will referral systems have to be modified to permit referral of minority persons ahead of present members and referees. . . . (d) Will the union have to yield control over the size of its membership. . . ."⁴³ The most radical challenge to craft union control may be the Philadelphia Plan devised by the U.S. Department of Labor under which "bidders in Federally-assisted construction work exceeding

\$500,000 are required to submit affirmative action plans setting specific goals for the utilization of minority employees in six higher-paying trades."⁴⁴ This means in effect that if the employer is unable to get union acquiescence to the plan he must choose between losing the federal contract or bypassing union control over referral. All of these issues are far from settled but the fact that they are being raised in responsible quarters is an indication of the force of the pressure which is being exerted against well-established craft union prerogatives.

The major focus of external pressure in the industrial union environment is the seniority system, especially in the South. In Blumrosen's view the standard remedy toward which the consensus of court decisions seems to be heading is "promotion from within as rapidly as job openings permit and qualifications permit, regardless of the form of the seniority system, until Negroes are no longer 'behind' whites with lesser plant seniority."⁴⁵ The Negro worker who could not have acquired the qualifying experience due to discrimination should, it is urged on equitable grounds, be given special make-up training.

The industrial unions are also under internal pressure for greater representation of the Negro membership in union leadership. "Black caucuses" have been active and have used militant direct action toward this end in several important unions with large Negro constituencies. Less articulate and not as well organized as the black caucuses has been rank and file discontent among Negro workers on the industrial shop floor. Although this discontent has been expressed through conventional union issues like seniority and discharge for discipline it has nevertheless reflected an underlying intensified race consciousness.

VII.

The emergence of a spectrum of viewpoints is one piece of evidence that the trade union movement is making an adjustment to the question of social justice for

the Negro worker. While far from being fully formed or in complete agreement the various trade union viewpoints concur in recognizing the legitimacy of the problem and the dangers of not responding relevantly.

Acquiescence under pressure characterizes the building trades position and is rather plainer at the level of the Building and Construction Trades Department of the AFL-CIO than in the local union membership. The intellectual distance which the building trades unions have traveled is indicated by the Department's assessment of changes in its position on apprenticeship. In 1963 "it was thought that removal of the race bar and the provision of equal competitive conditions would result in a significant increase in Negro and other minority participation." But "minority group youngsters were not applying for existing apprenticeship programs." Apprenticeship centers were established to disseminate information more widely but this "was not sufficient." The emphasis then moved to "outreach" programs to pursue a "more intensive effort . . . by paid personnel to recruit, train and place minority youth. The pilot outreach programs in this regard were established by the Workers Defense League-A. Philip Randolph Education Fund in cooperation with the building and construction trades. . . . It is apparent that these and other services provided by substantial Federal funds and the cooperative efforts of the Building and Construction Trades Councils together with the Urban League, the Workers Defense League and other organizations constitute affirmative action to satisfy a significant social need."

The building trades unions "are unalterably opposed to a quota system and "cannot accept the simplistic idea that the arithmetic of a population ratio should become the standard for selection and entry into employment of construction workers." The Department associates itself with the Controller General's rejection of "'preferential treatment to any group because of racial imbalance.'"

The economic thrust of the building trades union's criticism of the Negro's right to a job, as a class, is the "right of the existing members of the organized

work force" regardless of their color or race who have built their union, to be protected in "their status in the industry and not to lose their rightful share of employment opportunities." This point is reenforced by quoting with evident approval the Controller General's rejection of "reverse discrimination." "'There is a material difference between the situation in those cases, where enforcement of the rights of the minority individuals to vote or to have unsegregated educational or housing facilities does not deprive any member of a majority group of his rights, and the situation in the employment field, where the hiring of a minority worker as one of a group is limited by the employer's needs in preference to one of the majority group precludes the employment of the latter.'" The building trades union approach "through the Apprenticeship Outreach Program and the experimental development of journeyman training programs" is "to raise less qualified applicants to meet industry standards rather than to lower the standards to meet the lack of qualifications."

In general the building trades unions feel that they have been "cast in the roles of scapegoats or whipping boys for all the current ills on the racial scene." They compare their 12% ratio of Negroes at conservative estimate with the records of their critics in radio and television, periodical and newspaper publishing where the percentage of Negro professionals, officials and managers does not exceed 1.9%.⁴⁶

"These are not normal times for the institution of apprenticeship," Peter Schoemann, the Plumbers and Steamfitters president, said in urging some relaxation in apprenticeship standards when a joint apprenticeship committee cannot find minority applicants who fulfill all of the advertised requirements. Schoemann calls for "a spirit of self-criticism . . . to question even the most basic assumptions underlying the system of apprenticeship." Is "apprenticeship . . . the best possible training method for a particular craft or any craft"? Is "apprenticeship satisfying the manpower needs of a particular trade or industry"?

Is "apprenticeship of such a nature that, in order to function adequately, it ought to be closely supervised by an agency of the federal government"? He calls for more "social conscience . . . more affirmative action, . . ." i.e. "the direct recruitment of Negro and other minority group members for apprenticeship programs, and sometimes even special tutoring or coaching programs-- as contrasted with a mere open door policy."⁴⁷

Affirmative acceptance is found in the AFL-CIO 1969 statement of policy which recognizes that "to the degree that black rage and white fear lead to further polarization and away from further progress in eliminating discrimination, deprivation and poverty, the health and viability of the entire society is jeopardized."⁴⁸ More disposed to be critical of the shortcomings of the labor movement's social justice performance is the position of Jack Conway, long-time associate of Walter Reuther and head of the Center for Community Change. The labor movement's "very success has helped blunt many labor leaders' awareness of the needs and aspirations of millions of Americans who are not shielded by a labor-management agreement. . . . How can the labor leader help forge the link between . . . the economically secure on the rim and the economically deprived at the hub?"⁴⁹

But the industrial unionists are not insensitive to the costs of extreme black activist demands. Carl Shier, a regional staff official in the UAW charges that "the process of 'polarization' which some political children look on with pleasure," i.e. "racial separatism, can endanger the very existence of a union."⁵⁰ Indeed, there is developing even among the industrial unionists most committed to social justice their own "back lash" against the denigration of the trade union's social justice performance by "thin-lipped and vinegary liberalism." Brendan Sexton, the educational director of the UAW, takes on the "opinion-makers" among "liberals and moderate leftists" who think the employed industrial worker has

"got it made." Living in circles in which "almost everybody's income is at least \$15,000 a year" they lack "empathy" to understand what it is like--quoting Edward Kennedy's words--"to feel threatened at the security of their jobs, the safety of their families, the value of their property and the burden of their taxes."⁵¹

The mediating influence of Negro trade unionists and their allies is seen in A. Philip Randolph and Bayard Rustin who seek to construct a credible common ground between trade unionism and social justice for the Negro worker. "As the focus of the Negro struggle has shifted from constitutional issues to economic and political equality," Rustin says, "the labor movement remains the only major institution in our society that articulates the economic demands that are now at the heart of the Negro struggle."⁵² Randolph's has been the most insistent voice in calling attention to the costs of trade union "degenerat[ion]" into a mere protective association, insulating the 'haves' from the 'have-nots' in the working class. For the Negro's protest today is but the first rumbling of the 'under-class.' As the Negro has taken to the streets, so will the unemployed of all races take to the streets. . . . The labor movement cannot ignore this under-class."⁵³

The union experience is generating a new staff specialization and a body of "know-how" which partakes of manpower economics, community organization, the economics of poverty, urban affairs, conflict resolution and public administration. White still in a very elementary stage of development there is evident a serious effort to come up with practical working principles and to train trade unionists in the application of these principles. The evidence is to be found in the increased use of union resources for educational conferences, "how to do it" literature and the increasing employment of technical staff devoted to these areas of knowledge and competence.

Accommodation to social justice objectives has brought about union recognition of "third party" interests. The third parties are either civil rights activist groups or government or a combination, and stand in relation to the unions and managements either as adversary bargainers or joint collaborators. The third party relationship with the unions and management may take the form of negotiation or confrontation.

Adversary bargaining of the negotiation type is illustrated in the agreements for training, union admission and placement of Negro workers negotiated between construction unions and contractors on one side with either local black urban coalitions or government on the other, as in the Philadelphia plans. Adversary confrontation bargaining is illustrated by the indirect effects of black caucuses on the industrial unions in putting up more Negro members for union offices. Collaboration between unions and civil rights activists is illustrated by the effective NAACP-AFL-CIO alliance in federal civil rights legislation, by the collaborative organizing of the Southern Christian Leadership Conference and the Wholesale and Retail Local 1199 for the organization of the Charleston hospital workers and with the AFSCME in the organization of the Memphis Sanitation Workers. Collaboration is also present in the federal government's subvention of union participation in various manpower programs for the disadvantaged noted below.

A significant social justice motivation is present in the involvement of the unions in the diverse manpower programs for the disadvantaged. These programs may be identified as:

(1) On the job training contracts with the U.S.D.L. Manpower Administration under which "the unions agree to recruit, train and place men and women who are unemployed and who meet the Labor Department's specifications as hard-core";

(2) The buddy-system component of the National Association of Businessmen's (NAB) JOBS program (Job Opportunities in the Business Sector) which trains union workers to help keep hard-core workers trained under the NAB/JOBS program on the job. After training the union worker is "teamed with a newly-hired worker during

his probationary period in the plant. The Buddy assists the new worker with his job-related problems as well as his personal problems."

(3) Upgrading programs "to encourage workers hired at entry-level jobs" to move up the ladder.

(4) Job Corps training as in the Operating Engineers to train for heavy equipment maintenance and to undertake to place those completing training.

(5) "Outreach" programs "to develop special programs to recruit, motivate and prepare minority-group youngsters to become apprentices in skilled trades."

(6) Building trades agreements under the Model Cities program for the employment of residents in the Model Cities areas in three classifications: (a) fully qualified laborers and mechanics, (b) not fully qualified but with "applicable construction work experience," (c) "no construction work experience."⁵⁴

Social justice is a principal if not always the sole motivation in the participation of unions in the manpower programs for the disadvantaged. Many of the unions actively engaged in these programs are undoubtedly responding to the presence of substantial Negro constituencies in their unions, e.g. Service Employees, AFSCME, UAW, IUE, Retail and Wholesale Department Store Employees. Others are brought to the manpower programs by their own institutional growth needs for maintaining a supply of workers in their crafts; perhaps the Painters and, outside of the building trades, the training programs carried on both by federal subsidy and collective bargaining by the maritime unions fall into this category.

There is the category of social justice undertaking by the unions which aims in the words of the IUD, AFL-CIO, at "a creation of a sense among the poor of group identity, of collective power."⁵⁵ The IUD-conceived community union "provide[s] the vehicle that is missing in the Negro community . . . to take trade union capacity, the know-how which union members have shown in maintaining their local union, running meetings, making speeches, raising funds, and keeping

books and apply it in meaningful community organizations."⁵⁶ The assumption is that there is a transferability of negotiation skill from the worksite to the community which the poor can adapt to make concrete gains and to achieve a sense of confidence in their own power. In another form the New York Hotel and Club Workers have tried to cope with a feeling of powerlessness among their highly ethnic constituency by establishing "Neighborhood Councils" to help cut through "red tape" in securing the benefits of available social services.

The distributive justice interests of the unions have prompted the development of what is termed here as the method of social enterprise. The AFL-CIO's Human Resources Development Institute financed by government grants and trade union contributions aims to "mobilize and utilize the vast resources of skilled talent and experience available within the labor movement to plan, develop, coordinate and operate manpower programs for the hard-core unemployed . . . with emphasis on developing necessary support and problem solving services to obtain and maintain sound employment for such workers."⁵⁷ The Center for Community Change manned and conceived by former IUD staff and financed by the Ford Foundation, aims to "provide technical assistance, leadership training and interpretation of legal and governmental rights necessary for local residents to negotiate social change."⁵⁸ The A. Philip Randolph Institute aims at "the preparation of far-reaching social and economic programs, serious school integration plans, non-violent strategy, community organizing . . . to extend the basis for united mass action by the civil rights organizations on the national level."⁵⁹

Distributive justice objectives have also brought about substantial staff specializations within the union structure as in the respective AFL-CIO departments for Urban Affairs, Civil Rights and Community Services. This is in addition to the heavy staff commitments in these areas in the older departments--Education, Research, Legislation and Social Security. Several national unions have functioning civil rights staff departments as well.

The distinguishing marks of social enterprise in its current settings are (1) the commitment to social rather more than to particular union or class interests; (2) the organizational separateness from the union, (3) the reliance on expert personnel rather than on trade union leadership and (4) the collaboration with government, employer groups and private foundations. Social enterprise is not without precedent however. Historical antecedents include producer cooperatives, labor banking, cooperative housing, insurance companies and health centers. The striking differences from the past are that the earlier efforts were working class organizations mainly directed at the union's own population as a kind of rival to the existing capitalist order. The current efforts are directed at distributive justice for the disadvantaged under the existing order in collaboration with a broad spectrum of interests.

VIII.

There are imponderables in the accommodation process which can only be noted at this time but not conclusively evaluated. On the union side the question is: Will incremental improvements be sufficient to alleviate materially the outrage, radicalism and militancy in the Negro temper? In specific, can the concern for social justice be effectively transmitted to the shop-floor rank and file?

The general climate of the shop floor is one which in the words of a UAW official, written after the 1968 elections, the rank and file is caught between "the racist and semi-racist rumblings of Wallace supporters, and . . . black workers who in their understandable anger sometime succumb to a form of black nationalism that can slip into anti-unionism."⁶⁰ The Wallace working-class supporters, according to an investigation by a student editor, "do not identify with red necked racism. . . . They don't dislike blacks, they just feel black men shouldn't be given a bigger break than anyone else."⁶¹ "In real life the typical

worker has lived on a treadmill," Brendan Sexton says, "except where union contracts have protected him from rises in the cost of living. Everyone else--including the poor and militant blacks (at least as their image was cast by the media) seemed to be moving forward, while only they stood still."⁶²

The focus of the social justice issue on the shop floor is "the behavior concessions employers have made to hire and train ghetto workers," a study by Michael Piore has concluded. Negro offences against shop rules are tolerated for which "white workers are severely punished. . . . The concessions are regarded [by the established workers] as special favoritisms, violative of the principle of uniformity, indeed of the whole system of equity in rule administration which the grievance procedure is designed to achieve. This rank and file response is not limited to the union situation but prevails as well in the non-union environment, the difference being that the "pressures are expressed in a less formal manner."⁶³

The dilemma of the situation is this: The behavior concessions which are apparently necessary to get the disadvantaged workers gradually to accept the ways of life on the shop floor run counter to the established worker's equitable and hard-won standard of uniform treatment--the Webbs' law of the common rule. Moreover, the efficiency effect of the behavior concessions may impair the employer's ability to support the high social minimum wage for everyone in which case the shop floor is confronted with a choice between short run economic advantage and social justice. For the craft union rank and file the question has been plainly posed by the Building and Construction Trades Department cited earlier: Is distributive justice for the Negro disadvantaged as a class compatible with the established craftsman's interest in his "rightful share of employment opportunities"?

On the civil rights side the critical issue is whether the movement can evolve into a negotiating organization for social justice for the Negro worker. Present

tendencies which seem to be working against the ability to produce social justice results are, in the words of various civil rights activists: (1) "black power as [an] end in itself;"⁶⁴ (2) radical politicalization wherein "the communists and Trotskyists . . . come rushing in to take control. . . . The only thing the Maoists do differently is to send blacks instead of whites;"⁶⁵ (3) the leaders who are willing to settle for "act [ing] out their role before the television cameras in the way they want to act it out;"⁶⁶ (4) scapegoating of white workers as the villains of the piece--"the simplified pseudo-Marxian scheme" according to which "organized workers are seen as part of the richer half along with bankers, business men, professionals."⁶⁷ Scapegoating obscures the realistic forces at work and has the counter-productive effect of inducing unnecessary opposition by the "scapegoats" both of which render negotiation more difficult if not impossible; (5) violence which will produce "minor concessions from the establishment" but "once the rioting reaches a certain point there will be repression against the entire Negro community."⁶⁸ In general, "the strategies of social reconstruction, of reordering national priorities and of broad social planning require more than 'soul.' They require an ability to organize an understanding of political power and insight into the processes of social change."⁶⁹

IX.

This, then, is where we have come to: The social process we are witnessing is trade unionism under pressure to accommodate itself to the claims for justice by, and in behalf of, a large disadvantaged class. The particular social justice interest under examination here is the demand for employment opportunities compatible with the resources and humane values of an advanced industrial society. The force behind this struggle for social justice is the effort of the disadvantaged class to break out of the vicious circle of low wages and poverty. A combination of forces--civil rights activism priming public policy--have mounted an assault to reorder normal trade union priorities so as to give much greater weight to social

justice, on pain of direct intervention in the union and ultimately on pain of social disorder and disruption. The unions have responded by attempting to hack out realistic assessments of their situations by third party bargaining, by participation in manpower programs, by training for community action by the poor, by the promotion of social enterprises and by professionalization. The critical problems are the transmission of the union concern for social justice to the shop floor and the worksite, and the evolution of civil rights activism into organizations capable of producing the fruits of social justice.

In the context of the larger discussion of which this paper is a part we have been investigating how American trade unionism has affected, responded to, and in turn has been affected by, the sudden explosion of militancy within the class of Negro "new arrivals" seeking with white allies to gain entry to the main structure of American industrialism and unionism. The Negro worker as a class is perhaps the first "new arrival" who has had to try to enter the structure by storm rather than by assimilation.

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