

# The Public Interest in Union Democracy

By Clyde W. Summers\*

If there be any public policy touching the government of labor unions, and there can be no doubt that there is, it is that traditionally democratic means of improving their union may be freely availed of by members without fear of harm or penalty.<sup>1</sup>

FOR two years during a period of relative labor peace, the spotlight has been focused on labor unions more sharply than at any time since the passage of the Taft-Hartley Act. Attention has been centered not on union-management relations but on the internal operations of unions. Primary attention has been on the diversion of union funds, and the use by union leaders of their positions of power for self-enrichment. Secondary but substantial attention has been on union governmental processes through which union leaders are chosen and union policies made. During the last session of Congress, five major proposals were introduced in the Senate to regulate internal union affairs.<sup>2</sup> These culminated in the ill-fated Kennedy-Ives Bill,<sup>3</sup> which bounded through the Senate only to die a fitful death in the House.<sup>4</sup> All of these bills went beyond the control of union finances and reached into the governmental processes of unions. The Kennedy-Ives Bill sought to regulate union elections, prescribe certain qualifications for union office, and limit the power of international unions to impose trusteeships on local unions.

Proposals for legislation necessarily assume that the public has an interest in protecting and fostering union democracy. This premise, although easily assumed, is not so easily demonstrated, nor can the precise basis of that interest be readily articulated. The public expects unions to be democratic. When the McClellan Committee reveals fraudulent elections, persecution of opposition

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1. *Madden v. Atkins*, 4 N.Y.2d 283, 293, 151 N.E.2d 73, 78 (1958).

2. S. 2925, 85th Cong., 2d Sess. (1958), by Senator Ives; S. 3068, 85th Cong., 2d Sess. (1958), by Senator Knowland; S. 3097, 85th Cong., 2d Sess. (1958), by Senator Smith (so-called Administration Bill); S. 3454, 85th Cong., 2d Sess. (1958), by Senator Kennedy; S. 3618, 85th Cong., 2d Sess. (1958), by Senator McClellan.

3. S. 3974, 85th Cong., 2d Sess. (1958).

4. After various amendments on the floor of the Senate, it was passed by a vote of 88 to 1 on June 17, 1958. Speaker Rayburn held it on his desk in the House for six weeks before referring it to the House Labor and Education Committee for a quiet death. Demands for a vote injected new life in the issue, but on August 18 a motion to suspend the rules and pass the bill without amendment and with limited debate was defeated by a vote of 198 to 190. *New York Times*, Aug. 19, 1958, p. 1, col. 6.

groups, or feudalistic trusteeships, the public instinctively recoils. It does not question its interest in curbing others' immorality, but leaps to the conclusion that there ought to be a law. For most legislators, this ends the inquiry,<sup>5</sup> but the demand which the public can legitimately make of unions depends upon its real interest in union democracy. The limited purpose here is to try to make more explicit the various specific sources of the public's real interest. This may help in weighing the need for legislation and in focusing that legislation to meet those real interests.<sup>6</sup>

### The Sources of Public Demand for Union Democracy

At the outset it may be helpful to state more fully why the public expects unions to be democratic, for these reasons may have their roots in real interests. First, in a society in which the articulate ethic of organization is democratic, we tend to expect all organizations to be democratic. We expect the government of private groups to mirror the government of public groups. We accept as faith that democracy is not merely a device for governing the state but is an ethic which should permeate all of life. This is a vague, inarticulate conviction based less on logic than on an intuitive sense of right; supported less by empirical evidence as to the relative effectiveness of various political mechanism than on choice of values. The depth of this conviction is evidenced by the seeming compulsion of practically all organizations to clothe themselves in the trappings of a democratic structure. Constitutions of organizations as diverse as the American Medical Association provide for at least the form of democracy. The public expects unions to be democratic because they are organizations living within a democratic society.

Second, the public expects unions to be democratic because unions expect themselves to be democratic. Unions have historically justified their existence on the grounds that through them workers

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5. The Kennedy-Ives Bill S. 3974, 85th Cong., 2d Sess. § 2 (1958), for example, asserted that "in order to accomplish the objective of a free flow of commerce it is essential that labor organizations . . . adhere to the highest standards of responsibility and ethical conduct of the internal affairs of their organizations. . . ." The Committee Report on the bill tersely stated:

The internal problems currently facing our labor unions are bound up with a substantial public interest. Under the National Labor Relations Act and the Railway Labor Act, a labor organization has vast power over the economic welfare of the individual member whom it represents. He has a vital interest, therefore, in the policies and conduct of the union. S. REP. No. 1684, 85th Cong., 2d Sess. 4 (1958).

6. No attempt is made here to separate the appropriate spheres of interest for the federal government and the states. This important but often ignored problem has been carefully and thoughtfully analyzed in Wellington, *Union Democracy and Fair Representation: Federal Responsibility in a Federal System*, 67 YALE L.J. 1327 (1958).

achieve a greater degree of human dignity, and have traditionally insisted that they are and should be democratic. The Ethical Practice Code on Democratic Processes states:

Freedom and Democracy are essential attributes of our movement. Labor organizations lacking these attributes are unions in name only. Authoritarian control is contrary to the spirit, the tradition and the reasons which should always guide and govern our movement.

The public has taken seriously these protestations and has accepted them as sincere statements of the unions' own ethic. It expects unions to be what they claim to be.

Third, the public fears the size and nature of union power,—the power to close industries by strikes, the power to marshall political action, and the power to bind individual workers to collective contracts against their will. Although this fear is shrewdly cultivated by those who would weaken unions by creating an exaggerated picture of unions as a massive monolith of economic and political power, the fear is no less real. Out of our history we distrust power which is concentrated in the hands of a few and we consciously seek to keep that power widely distributed. There is, therefore, an undercurrent of demand that this power not be held by a few union officers but that it be shared by the membership of the union. Only such shared power is considered safe.

The fourth reason the public expects unions to be democratic is that the union acts as representative of its members. We have a basic ethical notion that those who claim to represent others should be controlled by those whom they represent. As an agent is subject to his principal, the officers of the union should be subject to their members. Cast in broader terms, this is but an application of the fundamental democratic concept that the power to govern derives its just power from the consent of the governed. Thus, the union's power to govern must rest on the consent of the governed as expressed through the democratic process.

These four reasons which the public finds for expecting unions to be democratic are largely tautological, and are freighted with emotional and value-laden terms. They fall far short of demonstrating a public interest in union democracy which would justify legislation. Many of the same reasons might logically lead to demands for democracy in corporations, churches or bar associations, but the public can not be persuaded that lack of democracy in other organizations justifies lack of democracy in unions. Somewhere in our social subconscious there is a deep current of feeling that unions occupy some special position and owe some special responsibility to live up to democratic standards. This intuitive

judgment, no matter how inarticulate or unrationalized, may be basically valid. Felt needs may be too subtle for explicitness, but the public may vaguely sense what is genuinely in the public interest.

The failure to articulate clearly the public's interest may lead to lashing out against superficial evils or to accepting false remedies which would weaken unions in fulfilling their public purpose. All that can be said here may be nothing more than retroactive rationalization based on implicit premises impossible to prove. The hope, however, is that an attempt to articulate the public interest may further critical discussion and perhaps push back the premises another step.

### Definition of Union Democracy

Before proceeding further, it is important to define briefly what is meant by union democracy. This includes at least three basic elements. First, the members must have a right to participate in the decisions of the union which affect their welfare. In the words of Harold Laski, "Democracy means participation. It is above all the sense of not merely being ruled by law and not by discretion, but also of making your own experiences articulate in the shaping of the law by which you are ruled."<sup>7</sup> This does not mean, of course, that participation must be direct as in a New England town meeting, for participation may be through elected representatives. It does mean that members shall be honestly informed of the affairs of their union, have full freedom to dissent from official policies, criticize union officers, and organize a loyal opposition, and be guaranteed the right to honest elections after open campaigns. Democracy requires, second, a recognition of the right to equal treatment in enjoying the benefits and the fruits of collective bargaining—the right of racial, political or other minorities within the organization not to be abused, neglected or discriminated against by the majority. Democracy requires, third, that procedures within the union not only conform to the union's established rules but fulfil the essential elements of fairness—the right to due process of law. This obviously does not require the technicalities of judicial procedure but includes the right to a full and fair hearing before a tribunal which has no personal or institutional interest in the outcome other than the search for justice. These three elements do not fully describe a vigorous and affirmative democratic process, but they are the irreducible minimum rights of members if a union is to be termed democratic.

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7. LASKI, *TRADE UNIONS IN THE NEW SOCIETY* 170 (1949).

## Union Democracy and Collective Bargaining

The public interest in union democracy has its roots in the functions which the union performs, and the principal function of the union is to engage in collective bargaining. It is the purpose of collective bargaining, the character of our collective bargaining structure, and the union's operation within that structure which measures the central public interest in union democracy.

### *The Purpose Of Collective Bargaining*

Collective bargaining, narrowly conceived, is an economic mechanism to equalize bargaining power and thereby enable workers to get their fair share of the fruits of their labor. This is a significant function, and to many it is the sole function of collective bargaining. Union officers and union members alike may measure the worth of the union solely in terms of the economic benefits which it provides. This narrow purpose may be served by an undemocratic union as well as a democratic one. Somewhat more broadly conceived, collective bargaining is a device for regulating the labor market without the evils of either unchecked employer power or smothering government control. Thus the underlying philosophy of the Wagner Act was to preserve free enterprise by encouraging a device which would meet the needs of adequately protecting the workers' interests with a minimum of government intervention. This serves the vital political function of creating centers of power and instruments of control apart from the state so that the state does not become unmanageable or dangerously large. It distributes power, thereby strengthening our political pluralism. This purpose of distributing power can also be served by undemocratic unions, just as federalism can be served, within limits, by the presence of undemocratic states.

Collective bargaining, however, was historically conceived as something more than an ingenious gimmick of economic self-regulation by countervailing power. It was intended to give voice and meaning to democratic aspirations, to free workers and give them an opportunity to control their destiny. The Industrial Commission of 1898 stated: "By the organization of labor, and by no other means, it is possible to introduce an element of democracy into the government of industry. By this means only can the workers effectively take part in determining the conditions under which they work."<sup>8</sup> Again, in 1916 the United States Commission on Industrial Relations stated: "The struggle of labor for organization is not merely an attempt to secure an increased measure

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8. FINAL REPORT OF THE INDUSTRIAL COMMISSION OF 1898, at 805 (1902).

of the material comforts of life, but is an age long struggle for liberty. . . . Even if men were well fed, they would still struggle to be free.”<sup>9</sup> This fundamental purpose of unionization and collective bargaining is reflected in the very structure of the Wagner Act. Section 7 stated as a basic right the right of workers to bargain “through representatives of their own choosing.” Section 9 established election procedures through which the workers could choose which, if any, union they preferred to act as their representative.

Collective bargaining, as a national policy, is intended to be an instrument of industrial democracy and that national policy presupposes that the workers will have a voice through their union in determining the terms and conditions of their employment. Collective bargaining is not merely a way of doing business; it is an integral part of our way of life. It is based essentially on our sense of the worth of the individual and his right to self-government—in this case, of his right to industrial self-government. This public purpose of collective bargaining is the cornerstone of the public interest in union democracy.

### *The Character of Collective Bargaining*

The demand for union democracy flows also from the inherently governmental character of collective bargaining. The collective contract is a form of legislation providing a far-reaching industrial code. It governs who shall work by its seniority or closed shop clause. It prescribes wage rates, holidays and vacations; regulates promotions and work assignments; controls apprenticeship and retirement; and through the health and welfare clauses provides benefits from maternity care to funeral arrangements. The contract by establishing a grievance procedure creates an administrative structure which interprets, applies and enforces this body of industrial law.

Collective bargaining is not only regulatory in character, it is compulsory, and this does not depend on the presence of a union security clause. Under section 9(a) the majority union is the exclusive representative of all employees in the unit, and the minority is bound by majority action. The individual loses all freedom to make his own contract, for the majority union has exclusive and compulsory power to bargain for all terms and conditions of employment.<sup>10</sup> This compulsory power extends in prac-

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9. Final Report of United States Comm. on Industrial Relations, S. Doc. No. 415, 64th Cong., 1st Sess. 62 (1916).

10. *J. I. Case Co. v. NLRB*, 321 U.S. 332 (1944). The same majority rule principle applies under the Railway Labor Act. *Order of Ry. Telegraphers v. Railway Express Agency, Inc.*, 321 U.S. 342 (1944).

tice to all grievances arising under the contract, for the union controls the administrative procedures.<sup>11</sup> The individual must look to the union for his protection.<sup>12</sup> The only point at which the worker has a choice is at the time of the representation election, and if there are competing unions this may enable him to exert pressures on union policies. However, many unions have had no effective rivals, and the No-Raiding Pact of the AFL-CIO has further deprived workers of any ability to choose a more responsive union.<sup>13</sup> For practical purposes the only alternative is between the vested union and no union at all. This is no real choice. The workers can escape an undemocratic union only by abandoning their rights to industrial self-government.<sup>14</sup>

Collective bargaining is also a policy-making process involving the making of significant choices. The union in bargaining weighs potential gains against potential sacrifices and chooses whether to strike or to settle for the employer's last offer. Even though the net gain is settled, choices still remain. The union chooses between take-home pay or fringe benefits, between increased vacations or medical insurance, between fixed wages or an escalator clause. Many of these choices involve conflicting demands among the employees. Seniority clauses allocate job rights, taking from one group and giving to another. Pension plans pit older workers against younger workers. The choice between cents per hour or percentage increases involves a conflict between skilled and unskilled workers. In many instances the employer is indifferent to the choice, but the union must distribute the available gains so as to give the maximum satisfaction to the diverse interests and demands of the workers involved.

The union is the worker's sole spokesman in this process of industrial government which so completely regulates his working life. The union makes critical choices which bind him and control his

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11. Under section 9(a) the individual employee may present his own grievance and have it adjusted, but the precise rights which this creates are difficult to determine. See Cox, *Rights Under a Labor Agreement*, 69 HARV. L. REV. 601 (1956); Report of Committee on Improvement of Administration of Union-Management Agreements, 1954, *Individual Grievances*, 50 NW. U.L. REV. 143 (1955).

12. As individuals or small groups the employees cannot begin to possess the bargaining power of their representatives in negotiating with their employer or in presenting their grievances to him. Nor may a minority choose another agent to bargain in their behalf. *Conley v. Gibson*, 355 U.S. 41, 47 (1957).

13. In *United Textile Workers v. Textile Workers*, 258 F.2d 743 (7th Cir. 1958), the court, using § 301 of the Taft-Hartley Act specifically enforced an arbitration award under the pact ordering the challenging union to withdraw the representation petition it had filed with the NLRB.

14. Some have argued that democracy within the union is not necessary because the union must of necessity serve the members' interests. See ALLEN, *POWER IN TRADE UNIONS* 10-14 (1954). This, however, is based upon the implicit premise that if the members are dissatisfied, they can leave the union and choose another as their representative. Such an alternative may have practical reality in England, but it has little reality in this country.

very livelihood, and his only voice of preference or protest is within the union. The public purpose in collective bargaining, if it is to be fully realized, requires that these union decisions be made democratically.

### *The Preservation of Collective Bargaining*

The public interest in fostering union democracy is interlocked with the public interest in protecting collective bargaining itself, for there is serious doubt whether collective bargaining can long survive the attacks of its enemies and detractors if unions are not democratic.

Collective bargaining is not invulnerable and its future may be more precarious than is openly admitted. Collective bargaining is not genuinely accepted by all or perhaps even by a majority of employers. Relatively few employers have an affirmative desire to preserve the union's power, especially if the union speaks forcefully for the workers' interests and their right to participate in a meaningful industrial government. Many employers are actively hostile. Recent testimony before the McClellan Committee has revealed that use of labor spy, organization of company-inspired union and other flagrant methods of frustrating or destroying real collective bargaining are still practiced. Casual reading of the NLRB reports makes clear that more refined but no less destructive practices are wide-spread. Employers are not alone in this latent hostility to unions, for there is among farm, self-employed, professional and white collar groups a vast reservoir of anti-union sentiment. We have, at best, a partial acceptance of unions and a half-hearted commitment to collective bargaining.

This vulnerability is increased by the overly apparent fact that collective bargaining is an imperfect economic mechanism. It purports to regulate terms and conditions of employment by bargaining between competing economic interest groups. However, relatively equal bargaining power between the employer and the union is often lacking. The corner laundry is helpless before the Teamsters, and "bargaining" consists of abiding by the business agent's decrees. Similarly, the Retail Clerks are frequently helpless before a large department store, and must be satisfied with such crumbs as the employer may drop. Bargaining may fail, not only because there is no relative equality but because there is no real competition. The union and employer may at times act not in opposition but in collusion to the detriment either of the workers or the consumers. These imperfections, although magnified in the public mind, weaken our public commitment to collective bargaining. Par-



ticularly if we narrowly conceive of collective bargaining as merely an economic device of countervailing power, we may ultimately be persuaded to abandon it as too clumsy and costly to be worth preserving.

History makes reasonably clear that the public has always distrusted concentrations of private power in the economic sphere. It will attempt, even though with some futility, if not destructiveness, to eliminate these concentrations. Thus, the Sherman Act attempted to break up monopolies and combinations which unreasonably restrained trade. It is perhaps symptomatic that one of the demands now made is that unions be subject to those same anti-trust laws. Thus, the National Association of Manufacturers, in terming the Kennedy-Ives bill a "sham and delusion" declared that "real reform requires prohibition of monopolistic practices by unions, an end to compulsory union membership. . . ."<sup>15</sup> Even though concentrations of economic power are not broken up, they do not escape. Public utilities have been subject to direct and extensive governmental control, and less substantial but intensive controls over large corporations have been effected through the Securities Exchange Commission. A straw in the wind is the growing tendency to term unions public utilities.<sup>16</sup> It is this form of government regulation which it is of the utmost public interest to avoid, for it would destroy free collective bargaining. The underlying fears can be quieted in some measure by an assurance of democratic unionism which curbs concentrated power in the hands of a few officers by distributing control widely among the members.

The long term survival of a vital and effective system of collective bargaining depends on a deeply rooted conviction on the part of the public that collective bargaining serves a function beyond providing a balance of economic power. Only as the public is convinced that collective bargaining enriches our democratic way by providing a process of industrial self-government will it be willing to accept the imperfections of that process and encourage its growth. That conviction must properly rest on the premise of democratic unionism. The public interest in preserving collective bargaining creates a correlative public interest in union democracy.

### *The Practical Needs of Collective Bargaining*

This reasoning necessarily assumes that a democratic union can

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15. Letter from Edward Maher, Vice President, National Association of Manufacturers, to the Editor of the New York Times, Aug. 27, 1958. N.Y. Times, Aug. 30, 1958, p. 14, col. 6.

16. See, e.g., Tobriner, *The Labor Union: Public Utility of Labor Relations*, 43 A.B.A.J. 805 (1957).

meet the practical needs of collective bargaining. This assumption has been subject to attack on several grounds.

First, it is argued that democracy within the union creates disunity and causes inefficiency, thereby weakening the union's ability to gain benefits for its members. John L. Lewis justified his autocratic powers in direct terms: "It is a question whether you desire your organization to be the most effective instrumentality . . . or whether you prefer to sacrifice the efficiency of your organization for a little more academic freedom. . . ."<sup>17</sup> The union is often described metaphorically as an army fighting the employer for survival. The strike is a battle on behalf of the members, and the union's duty is to win that battle.<sup>18</sup> The union, it is suggested, can not be democratic any more than an army can be democratic.

There are certainly instances of unions being weakened by internal conflicts over policy and struggles for power, but such internecine fights are not limited to democratic unions. One of the major functions of democracy is to provide orderly processes for resolving such internal conflicts before tensions have generated explosive force. The right to dissent helps achieve consensus which is the solid base of strength. Empirically, democratic unions have demonstrated the strength to withstand the most bitter strikes and win benefits for their members. There is no persuasive evidence that undemocratic unions have done better. As the New York Court of Appeals said in *Madden v. Atkins*:<sup>19</sup> "In the final analysis, a labor union profits, as does any democratic body, more by permitting free expression and free political opposition than it may ever lose from any disunity it may thus evidence."

Second, it is argued that union democracy is inconsistent with union responsibility. Professor Dunlop has said, "it is sheer demagoguery to hold that we can have unions which at the same time are highly responsive to the rank and file and at the same time highly responsible and businesslike."<sup>20</sup> Certainly, attempting to placate all immediate surface desires of the members can lead to fruitless strikes, destruction of the employer, and ultimate frustration of every real desire of the members. Democracy, however, is not a process for placating desires but for reconciling conflicting demands. Freedom of expression within the union helps to reveal

17. PROCEEDINGS OF THE 34TH CONSTITUTIONAL CONVENTION OF THE UMW 122 (1936). In the words of Professor Taft, "mutually warring factions are a luxury most unions can not afford." TAFT, *THE STRUCTURE AND GOVERNMENT OF LABOR UNIONS* 239 (1954).

18. The classic statement of this problem is in Muste, *Army and Town Meeting*, in BAKKE AND KERR, *UNIONS, MANAGEMENT, AND PUBLIC* 187 (1948).

19. 4 N.Y.2d 283, 293, 151 N.E.2d 73, 78 (1958).

20. Dunlop, *The Public Interest in Internal Union Affairs*, in SECTION OF LABOR RELATIONS LAW OF THE AMERICAN BAR ASSOCIATION, *REPORT OF THE 1957 PROCEEDINGS*, 13.

the width and depth of competing desires, open discussion helps to clarify the inherent impossibility of satisfying all desires and the inevitability of hard choices, and full participation in the decision-making process makes the hard choice more acceptable.

Professor George W. Taylor has pointed out that "failure adequately to reconcile the internal differences between the conflicting interests of members can lead to such excessive or unachievable demands as to cause either a breakdown of collective bargaining or pressure from so-called splinter groups to establish separate units of representation."<sup>21</sup> Responsible collective bargaining requires this reconciliation process, and this is the very heart of the democratic process.

It is true that a deeply entrenched leader in an undemocratic union may be more "responsible" from the employers' viewpoint—if this is a virtue. If he is both selfless and sensitive to the members' desires, he may wisely adjust the competing demands within the union. However, most autocratic union leaders live and bargain in constant fear of rebellion from within. Unreal demands may be made at the bargaining table to quiet the unrest. The needs of the employer, and the real desires of the members are ignored, and preservation of autocratic power becomes the sole consideration. Without the democratic checks of free criticism, open debate, and orderly processes for change of officers and policies, there is no assurance that leaders will be either responsive or responsible.

Democracy in unions, as in government, may at times be irresponsible or shortsighted; it may at times choose leaders who are opportunistic or calloused. The immediate question, however, is whether democracy within the union prevents it from meeting the practical needs of collective bargaining. Although some democratic unions have failed to meet the full measure of need, an objective study of labor history makes reasonably clear that most democratic unions have been effective and responsible instruments for achieving the purposes of collective bargaining. On the other hand, recent disclosures have made clear that it has been certain undemocratic unions which have most seriously corrupted and blighted our bargaining system, and that the very lack of democracy within these unions contributed to their corrupt and predatory tendencies. The evidence suggests that in the long run democracy is not a hindrance but a help.<sup>22</sup>

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21. Taylor, *The Role of Unions in a Democratic Society*, Address before the Harry Shulman Conference on Labor Law, New Haven, Conn., (1958).

22. It is possible, of course, to make selective comparisons which will make it appear that the performance of a particular democratic union is less responsible than a particular undemocratic union. See Jacobs, *Union Democracy and the Public Good*, 25 *Commentary* 68 (1958). However, comparing the International Typographical Union with the International Ladies Garment Workers is apt to be less

## Union Democracy and Other Union Functions

Unions have a wide range of functions other than collective bargaining. These too, recommend union democracy, and this recommendation gains added weight because the union at the same time acts as the workers representative. A brief glance at two of these functions may suffice to suggest some of the considerations involved.

First, unions engage in extensive political activity. This may consist of direct political action ranging from merely endorsing candidates to providing campaign funds and full-time campaign workers. It also includes political education programs which, though not directed toward the election of any particular candidate, may influence political decisions on subjects reaching from social security or public housing to segregation or foreign aid. This contributes a much needed vitality to our political discussions, but it also poses serious problems for a democratic society.

The use of pooled resources by large interest groups for the purpose of influencing elections and political decisions has long been recognized as a substantial danger within our political system. Samuel Gompers, in urging passage of the Corrupt Practices Act, said, "if we are really determined that our elections shall be free from the power of money and its lavish use and expenditure without an accounting to the conscience and judgment of the people of America, we will have to pass some measure of the kind."<sup>23</sup> Mr. Justice Frankfurter, in tracing the fifty-year history of this legislation, aptly summarized it as "congressional efforts calculated to avoid the deleterious influences on federal elections resulting from the use of money by those who exercise control over large aggregations of capital."<sup>24</sup> The central danger of such aggregations in politics is that the ability of individuals or small groups to influence decisions is relatively diminished, and the political arena becomes occupied by a few large groups with extensive funds, and elaborate structures for promoting their candidates and policies. These blocks of political power destroy fluidity, and small groups are crowded out, and individuals are rendered impotent. The individual has a growing sense of futility in political activity and becomes apathetic and resigned. To this is added the danger that a few individuals will gain effective control and then manipulate these blocks without adequate responsibility to those for whom they speak.

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revealing than comparing it with the other major union in the printing industry, the Printing Pressmen, or other craft unions such as the Painters, or the Musicians.

23. *Hearings Before the House Committee on Elections*, 59th Cong., 1st Sess. 31 (1906).

24. *United States v. UAW*, 352 U.S. 567, 585 (1957).

Legislation can not effectively reach this problem without destroying basic political freedoms. However, most of the dangers arising from such blocks operating in our system are substantially reduced if those blocks are subject to internal democratic controls which give some assurance that when the group promotes a particular view, it in fact represents the interests of the group and that the group's activities are based on the consent of those whom it purports to represent. Union democracy gives the member some opportunity to participate in the political process, at least indirectly. It reduces centralization of political influence in the hands of a few officers and gives some assurance that union's political activity represents the consensus of the members.

This need for unions to make their political decisions democratically is all the greater because the union combines its political function with its collective bargaining function. The union requires workers, as a price of participating in their industrial government, to pay dues, and then uses a portion of that dues dollar to promote particular political causes.<sup>25</sup> At the very least, the individual who is thus compelled to contribute should be entitled to a voice in determining the political and educational policies of his union.

A second subsidiary function of unions is the management of financial resources. Union treasuries have now become significant investments. The use of these funds which belong to the members requires real policy decisions. The union must choose whether it should invest in government bonds, build a housing project, make loans to other unions or to businesses employing union members, or contribute to various charities and social welfare activities. The union acquires these funds because it acts as a collective bargaining representative, and workers are compelled to contribute in order to participate in the collective bargaining function. There is, therefore, a strong interest that the members have a voice in choosing what shall be done with their money. The conflicting values and wide variation of choice suggest that the determination should be subject to the democratic process.

### **Democratic Unions and the Democratic Society**

The public interest in union democracy has its deepest roots in the need to maintain and foster favorable conditions for political democracy. A democratic government can not thrive on sterile soil and in a hostile climate, but can grow only in a society which

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25. Under § 304 of Taft-Hartley, the union can not make contributions to candidates running for federal office, but still in most states it can make contributions to candidates running for state and local office. In addition it can engage in a wide but undefined range of political education and advocacy on national and local issues.

nourishes in all its activities the democratic method. If people come to expect those organizations such as unions with which they have daily contact not to be democratic, they may well cease to expect their government to be democratic. A pluralist society such as ours gives special significance to certain private groups and structures which serve as centers of distributed power for regulatory purposes. Unions now form one of the most important power centers because of their role in industrial government. If people come to believe that in their industrial government, policy decisions should be left to experts and dedicated autocrats, they will ultimately look to experts to make decisions for them in their political government. Benevolent despotism in private groups tends to starve and wither democracy in government.

Furthermore, private organizations are the training grounds for public leaders, and it is in these organizations that their attitudes of leadership are formed. If these organizations are not democratic, the leaders coming from them will carry into government undemocratic attitudes. Unions increasingly provide a stepping stone to political leadership. It is in the public interest that these men who shall become political leaders of tomorrow shall today learn to work under the stresses and strains of the democratic process within their union. In a healthy democracy people expect that significant decisions will be made democratically, and leaders whom the people elect expect to abide by the democratic process. The public interest in union democracy is in preserving and encouraging these basic expectations of a democratic society.

Democratic unions can make another vital contribution to our political democracy by educating and training the electorate.<sup>26</sup> Our complex industrial society requires the making of political decisions which involve complicated economic problems and combinations of interrelated values. Democracy depends on the voter's ability to understand the central issues and to choose intelligently. If unions are democratic, this provides a valuable avenue of education for a broad segment of the public. If union leaders must educate their members to understand the practical needs of industry so that they will make wise choices in collective bargaining, then these members will in their political life become more responsible citizens. On the other hand, autocratic union leaders not only lack compulsion to educate their members, but may deliberately conceal or mislead in order to justify their policies. Such deception, made possible by

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26. As Harold Laski has said:

A union which lends itself . . . to the domination of one man or even a small group of men is failing to achieve one of the single most important functions of trade unionism—the training of the rank and file in the art of self-government. Laski, *supra* note 7, at 163.

the lack of open discussion and free opposition, makes the members less responsible citizens.

These interests in preserving a healthy climate for political democracy, in developing a democratically trained political leadership, and in educating a responsible citizenry have some application to organizations other than unions. However, it is relatively obvious that unions have no real analogue in any other private group. Their economic power is not only broad but deeply channelled. Their power to legislate concerning industrial affairs, reinforced by legal protection and government authorization, is compulsory in character, binding workers together whether they choose to be bound or not. No other private organization has such all-encompassing, government supported, compulsory power over the vital elements of so many people's existence.

The nearest analogue to the union is the corporation, but the interest of the member in the union is far different from the interest of the stockholder in the corporation. The union regulates the individual's working life while the corporation regulates only the income from the investor's capital. To the worker the union reaches the whole of his means of existence, while the investor may have only a small portion of his funds in the particular corporation. The stockholder is not compelled to continue ownership in the corporation but normally can sell his stock and buy shares in another corporation whose policies suit him better. The worker's only alternative is to quit his job and hope to find work under the jurisdiction of a more satisfactory union. Corporations have no power to expel stockholders who criticize or deny dividends to those who disagree. The more appropriate parallel is between the power of the corporation over its employees and the power of the union over its members. This, however, emphasizes the need for union democracy. The goal is to give the worker some voice in determining the terms and conditions of his employment, some form of industrial self-government. The very lack of any such channel on the corporate side requires it on the union side. Union democracy is, in this sense, the antidote for corporate autocracy.

### Conclusion

The union movement has become one of the most significant institutions in our society. It was the product of democratic fervor, born and nurtured for the purpose of bringing into industry a greater measure of personal freedom and personal dignity. Its instrument of industrial democracy was collective bargaining through which workers gained a voice in determining the rules which governed their working lives.

Unions through collective bargaining exercise an unsurpassed power over the lives of their members. This power is regulatory and compulsory, reinforced by legal protection, recognition and authorization. This power is granted because of the public interest in collective bargaining, but collective bargaining can not survive in full vigor unless it fulfils its purpose of contributing to our democratic way. This purpose can be fulfilled only by democratic unions.

This does not necessarily justify sweeping legislation on internal union affairs, for the underlying premises of pluralism on which collective bargaining itself rests urges against extensive government control. It is better that some evils continue with the hope of self-correction than to seek to drive them out by legislation. However, the very interest in curtailing the reach of the state makes union democracy all the more imperative, for the democratic process is the best instrument of self-correction.

This is no blueprint for action—not even a starting sketch. The purpose has been only to seek the sources of public interest in union democracy in the hopes of pushing back the premises another step. If there is a deeper premise it is that a vigorous pluralism of democratically controlled centers of power is necessary to the preservation of our political democracy and the maintenance of personal freedom.