

Chapter Nine

Movement Organizing

1. For the companion book to the documentary, see Mark Achbar, ed., *Manufacturing Consent: Noam Chomsky and the Media*, Montreal: Black Rose, 1994 (includes videotape ordering information). Chomsky also explained why he has not seen the film in an interview with *Movie Guide* (p. 11):

I haven't seen it and I don't intend to. There are several reasons, some of them are merely personal. I mean I just don't like to hear or see myself because I think about how I should have done it differently. There's also a more general reason. I'm very uneasy about the whole project. For one thing, no matter how much they try, and I'm sure they did try, the impression it gives, and I can tell that from the reviews, is the personalization of the issues. That's the wrong question for a number of reasons.

I can begin with the very title of the film. The title of the film is *Manufacturing Consent*. The title is taken from a book, a book written by Edward Herman and me. And if you look at the book, you'll find his name comes first. Well, his name came first at my insistence . . . for the simple reason that he did most of the book. And in fact, most of the things people write about in the reviews of the film are his work. Here we already begin to see what's wrong. These are all cooperative activities and they shouldn't be personalized and associated with one individual. . . . And if the impression is given that there's some leader or spokesman or something like that organizing, galvanizing things, that's absolutely the wrong lesson. The lesson there is follow your leader. The lesson ought to be: take your life into your own hands.

2. For some of Bertrand Russell's political writings, see among other titles, *Principles of Social Reconstruction* (1916); *Political Ideals* (1917); *Proposed Roads to Freedom: Socialism, Anarchism and Syndicalism* (1918); *The Practice and Theory of Bolshevism* (1920); and *The Prospects of Industrial Civilization* (1923). See also, Noam Chomsky, *Problems of Knowledge and Freedom: The Russell Lectures*, New York: Pantheon, 1971; Barry Feinberg and Ronald Kasrils, *Bertrand Russell's America: A Documented Account*, Boston: South End, 1983.

3. Chomsky appeared on the cable television talk show *Pozner & Donahue* on April 20 and 22, 1993, from 9 to 10 p.m. Phil Donahue was quite sympathetic, except regarding sports:

DONAHUE: There's a part of the documentary which has you on the podium, reliving the experience of going to a high school football game when you were in high school. And you sat there and you said, "Why do I care about this team? I don't even know anybody on the team." Here, Professor Chomsky, you go too far. You are cranky, you're anti-fun. We wonder if you ever knew the experience of a hot dog with mustard and a cold beer. And it is much easier, then, to dismiss you as the Ebenezer Scrooge of social commentary. Go away. You're not a happy man. You're scolding us for rooting for the high school football team.

CHOMSKY: I should say, I continued to go root for the high school football team -- the reason I bring it up is, it's a case of how we can somehow live with this strange dissonance. I mean, you conform to the society around you, and you're part of it, and you have the hot dog and you cheer for the football team. And in another corner of your mind you notice, "This is insane. What do I care whether this . . ."

DONAHUE: *What* is insane?

CHOMSKY: What do I care whether this group of professional athletes wins or that group of professional athletes wins? None of them have anything to do with me.

DONAHUE: I don't know. I grew up with the Indians [baseball team], I was a kid in Cleveland . . . it was a social experience, it was the smell, this huge Cleveland stadium. . . . Those are memories. What's wrong with this? Why wouldn't you want to celebrate this?

CHOMSKY: I did the same thing. I can remember the first baseball game I saw when I was 10 years old, I can tell you what happened at it -- fine. But that's not my point. See, if you want to enjoy a football game, that's great. You want to enjoy a baseball game, that's great. Why do you care who wins? Why do you care who wins? Why do you have to associate yourself with a particular group of professionals, who you are told are your representatives, and they better win or else you're going to commit suicide, when they're perfectly interchangeable with the other group of professionals. . . .

DONAHUE: You had a relative in New York City who had a kiosk which wasn't quite on the main street, it was behind the train station. And God knows what kind of radical literature he was selling. And you're there, this little kid listening in -- no wonder you grew up to be such a radical who doesn't like high school football.

CHOMSKY: Unfortunately, I did like it. I'm sorry for that.

On Chomsky's views about the role of spectator sports in society, see chapter 3 of *U.P.*

4. For the *New York Times's* review, see Vincent Canby, "Superimposing Frills On a Provocative Career," *New York Times*, March 17, 1993, p. C17 (a subheading listed the film's title as "*Manufacturing Consent and the Media*"). The exact words of the paragraph in question:

Whether or not you agree with Mr. Chomsky's conclusions, his reading of the American scene is persuasive: that the government is most responsive to the wishes expressed by the minority of citizens who vote, which is also one of the principal points made by John Kenneth Galbraith in his recent book *The Culture of Contentment*. As Mr. Chomsky sees it, his mission is to wake up and activate the electorate.

5. On the "Propaganda Model," see chapter 1 of *U.P.* and especially its footnotes 35, 44 and 67. On the case of East Timor, see chapter 8 of *U.P.*

6. Chomsky considers the London *Financial Times* perhaps the best newspaper in the world for these purposes. He cautions, however, that while there are "occasional flashes of honesty in the business press, I would not want to imply that businessmen are free from the cant of much academic scholarship" (*Towards A New Cold War: Essays On The Current Crisis And How We Got There*, New York: Pantheon, 1982, p. 107).

A summary of useful business publications in the U.S. is in Nancy Folbre and The Center for Popular Economics, *The New Field Guide to the U.S. Economy*, New York: New Press, 1995, section T.1:

The major publications of the business press, including *The Wall Street Journal*, *Fortune*, *Forbes*, and *Barron's*, are all useful, but *Business Week* usually offers the most systematic analysis of economic trends. For a distinctly anticorporate approach, see *The Left Business Observer* (250 West 85th Street, New York, NY, 10024, 212-874-4020, www.panix.com/~dhenwood/LBO-home.html). . . . Short, interesting, and very useful articles about current economic events are published monthly in *Dollars and Sense*, by the Economic Affairs Bureau, Inc., 1 Summer Street, Somerville, MA, 02143 (617-628-8411, www.dollarsandsense.org). More academic yet accessible articles are published bi-monthly in *Challenge: The Magazine of Economic Affairs* (80 Business Park Drive, Armonk, NY, 10504, www.mesharpe.com/cha_main.htm). . . . The two best sources of general economic data are the *Statistical Abstract of the U.S.*, published by the U.S. Bureau of the Census, and *The Economic Report of the President*, published by the President's Council of Economic Advisors . . . Catalogs of [these and other] Government Printing Office publications are available from the Superintendent of Documents, Stop S.M., Washington, DC, 20402. . . . The Center for Popular Economics provides workshops on economic literacy, international economics, and urban economic issues [P.O. Box 785, Amherst, MA, 01004, (413) 545-0743, www.populareconomics.org].

For an informative discussion of various concrete strategies of media activism, see "A Call to Media Activism: Interview with Jeff Cohen [founder of Fairness and Accuracy In Reporting]," in Martin A. Lee and Norman Solomon, *Unreliable Sources: A Guide to Detecting Bias in News Media*, New York: Lyle Stuart, 1990, pp. 340-358.

7. The movie includes the following interchange on "concision" from an interview with the producer of the current-affairs T.V. program *Nightline*, Jeff Greenfield, conducted by Jeff Hanson of W.O.R.T. Community Radio in Madison, WI:

HANSON: What about just in the selection of guests to analyze things. Why is Noam Chomsky never on *Nightline*?

GREENFIELD: I couldn't begin to tell you.

HANSON: He's one of the leading intellectuals in the entire world.

GREENFIELD: I have no idea. I mean, I can make some guesses. He may be one of the leading intellectuals who can't talk on television. You know, that's a standard that's very important to us. If you've got a 22 minute show, and a guy takes five minutes to warm up -- now I don't know whether Chomsky does or not -- he's out. One of the reasons why *Nightline* has the "usual suspects" [a reference to the media-monitoring group Fairness and Accuracy in Reporting's study of the program's guest-list, "All the Usual Suspects: McNeil-Lehrer and *Nightline*"] is that one of the things you have to do when you book a show is know that the person can make the point within the framework of television. And if people don't like that, they should understand that it's about as sensible to book somebody who will take eight minutes to give an answer as it is to book somebody who doesn't speak English. But in the normal give and flow, that's another culture-bound thing: we've got to have English-speaking people. We also need concision.

[The film then cuts to Chomsky speaking at Georgetown University, commenting:]

CHOMSKY: So Greenfield or whatever his name is hit the nail on the head. The U.S. media are alone in that you must meet the condition of "concision" -- you've got to say things between two commercials or in 600 words. And that's a very important fact, because the beauty of concision -- you know, saying a couple of sentences between 2 commercials -- the beauty of that is you can only repeat conventional thoughts. . . .

Suppose I get up on *Nightline*, I'm given whatever it is, two minutes, and I say Qaddafi is a terrorist and Khomeini is a murderer, the Russians invaded Afghanistan, all this sort of stuff -- I don't need any evidence, everybody just nods. On the other hand, suppose you say something that just isn't repeating conventional pieties. Suppose you say something that's the least bit unexpected or controversial. Suppose you say, "The biggest international terror operations that are known are the ones that are run out of Washington." [The film then cuts to a series of such statements, spoken at different locations.] Suppose you say, "What happened in the 1980s is the U.S. government was driven underground." Suppose I say, "The United States is invading South Vietnam" -- as it was. "The best political leaders are the ones who are lazy and corrupt." "If the Nuremberg laws were applied, then every post-war American President would have been hanged." "The Bible is probably the most genocidal book in our total canon." "Education is a system of imposed ignorance." "There's no more morality in world affairs, fundamentally, than there was at the time of Ghengis Kahn, there are just different factors to be concerned with."

You know, people will quite reasonably expect to know what you mean. Why did you say that? I never heard that before. If you said that you better have a reason, you better have some evidence, and in fact you better have a lot of evidence, because that's a pretty startling comment. You can't give evidence if you're stuck with concision. That's the genius of this structural constraint.

For Fairness and Accuracy In Reporting's studies of *Nightline*, see William Hoynes and David Croteau, *A Special F.A.I.R. Report: Are You on the Nightline Guest List? An Analysis of 40 Months of Nightline Programming*, Boston: Boston College, 1989; F.A.I.R., *All the Usual Suspects: MacNeil-Lehrer and Nightline*, New York, 1990 (finding that, in most respects, the guest-list of the so-called "public" television program *MacNeil/Lehrer News Hour* included an even narrower segment of the political spectrum than did *Nightline's*).

8. On public opposition in the U.S. to war in the Persian Gulf before the bombing started, see chapter 5 of *U.P.* and its footnote 92.

9. On Iraq's rejected peace proposals before the Gulf War, see chapter 5 of *U.P.* and its footnote 88.

10. On 83 percent of the American public believing that the economic system is inherently unfair, see for example, John Dillin, "Voters Angry As Delegates Convene," *Christian Science Monitor*, July 14, 1992, p. 1. An excerpt:

Each year since 1966, [pollster Louis] Harris has measured the number of Americans who feel alienated from the nation's economic, political, and social institutions. In his most recent survey, taken in late 1991, Harris's index hit an all-time high -- 66 percent. . . .

Humphrey Taylor, president of Louis Harris and Associates, says 83 percent of Americans agree with the statement that "the rich are getting richer and the poor are

getting poorer." People are saying, "The economic system is inherently unfair," Mr. Taylor says.

For similar polls, see for example, Everett Carl Ladd, "The 1994 Congressional Elections: The Postindustrial Realignment Continues," *Political Science Quarterly*, Spring 1995, pp. 1-24 at p. 13 (82 percent of the U.S. population believes that "[t]he government is run for benefit of the few and the special interests, not the people"; this article also includes a chart that tracks declining public trust in government from 1958 to 1994, peaking at 78 percent in the early 1960s and decreasing below 22 percent after 1994); "America, Land Of The Shaken," *Business Week*, March 11, 1996, pp. 64-65 (reporting a *Business Week*/Harris Poll which found that by "a stunning 95%-to-5% majority" Americans believe that corporations "should sometimes sacrifice some profit for the sake of making things better for their workers and communities"; 71 percent feel that "Business has gained too much power over too many aspects of American life," with 72 percent believing that "business has benefited more than consumers from government deregulation"; and "Fully 67% say the American dream is getting further out of reach"); Richard Morin, Dan Balz, Steven Pearlstein, Thomas B. Edsall, Paul Taylor, and David S. Broder, Various Titles, *Washington Post*, January 28 to February 4, 1996, p. A1 (six-part series on Americans' declining faith in institutions and government). See also chapter 1 of *U.P.* and its footnote 42; chapter 2 of *U.P.* and its footnote 59; and footnotes 44 and 45 of this chapter.

11. For the poll on Marx's dictum, see Laurence H. Tribe, "To Praise the Constitution or to Bury It?," in "A More Perfect Union," *Boston Globe Magazine Special Supplement*, September 13, 1987, pp. 8-9.

See also, Vicente Navarro, "The 1984 Election and the New Deal: An Alternative Interpretation (2 parts)," *Social Policy*, Spring and Summer 1985, pp. 3-10, 7-17, at Spring issue p. 9 (reporting that Presidential candidate Gary Hart's pollsters found in 1975 that "the overwhelming majority" of the American population believes that "workers, employees, and community residents should control the [business] enterprises located in their communities," though "socialism" is advocated by virtually no one).

12. On the poll about Dan Quayle and Murphy Brown, see for example, Mark Lundgren, "Quayle Loses In All Categories," *San Francisco Chronicle*, June 1, 1992, p. D3 (the Gallup Poll was conducted for the magazine *Entertainment Weekly*, and found that Americans would prefer Brown as President by 40 to 38 percent).

13. On rising public disillusionment and alienation from institutions, see chapter 2 of *U.P.* and its footnote 59; and footnotes 10, 44 and 45 of this chapter. See also chapter 1 of *U.P.* and its footnotes 7 and 42; and chapter 10 of *U.P.* and its footnote 18.

14. The book referred to is Lancelot Hogben, *Mathematics for the Million*, New York: Norton, 1968 (original 1937).

15. For Muste's political writings, including those concerning his work at the Brookwood Labor College north of New York City beginning in 1921, see for example, Nat Hentoff, ed., *The Essays of A.J. Muste*, Indianapolis: Bobbs-Merrill, 1967, pp. 84-154, especially pp. 179-185. See also, Noam Chomsky, "The Revolutionary Pacifism of

A.J. Muste: "On the Backgrounds of the Pacific War," in *American Power And The New Mandarins: Historical and Political Essays*, New York: Pantheon, 1967, pp. 159-220.

16. For a sample of Dewey's statements about industrial democracy, see for example, Robert Westbrook, *John Dewey and American Democracy*, Ithaca: Cornell University Press, 1991. An excerpt (pp. 442, 440, 453):

Democratization remained at bottom a question of power for Dewey, and the redistribution of power was the first priority of the social-democratic proposals he advanced: "Power today resides in control of the means of production, exchange, publicity, transportation and communication. Whoever owns them rules the life of the country, not necessarily by intention, not necessarily by deliberate corruption of the nominal government, but by necessity. Power is power and must act, and it must act according to the nature of the machinery through which it operates. In this case, the machinery is business for private profit through private control of banking, land, industry, reinforced by command of the press, press agents and other means of publicity and propaganda. In order to restore democracy, one thing and one thing only is essential. The people will rule when they have power, and they will have power in the degree they own and control the land, the banks, the producing and distributing agencies of the nation. Ravings about Bolshevism, Communism, Socialism are irrelevant to the axiomatic truth of this statement. They come either from complaisant ignorance or from the deliberate desire of those in possession, power and rule to perpetuate their privilege. . . ."

"As long as politics is the shadow cast on society by big business, the attenuation of the shadow will not change the substance. . . ." "The ultimate problem of production," he commented, "is the production of human beings. To this end, the production of goods is intermediate and auxiliary. It is by this standard that the present system stands condemned. 'Security' is a means, and although an indispensable social means, is not the end. . . . The means have to be implemented for the production of free human beings associating with one another on terms of equality."

17. For the "Wagner" or National Labor Relations Act, see 29 U.S.C. §§151-169. The Act promoted collective bargaining through independent unions, establishing a code of fair practices and creating a new National Labor Relations Board to determine bargaining rights and hear charges of unfair labor practices. Other legislation also outlawed such traditional employer weapons as the blacklist, the yellow-dog contract (by which workers agree as a condition of employment not to be in a union), and company unions.

18. On President Franklin Roosevelt being a conservative rather than a crusader for labor, see for example, Walter Karp, *Indispensable Enemies: The Politics of Misrule in America*, New York: Saturday Review, 1973, pp. 109-128 (describing how Roosevelt was concerned primarily with helping bankers and businessmen, rather than the "ill-housed, ill-clad, ill-nourished" sectors of the population); Robert Collins, *The Business Response to Keynes, 1929-1964*, New York: Columbia University Press, 1981, especially pp. 27-30; Thomas Ferguson, *Golden Rule: The Investment Theory of Party Competition and the Logic of Money-Driven Political Systems*, Chicago: University of Chicago Press, 1995, chs. 2 and 4. See also chapter 10 of *U.P.* and its footnote 94.

19. A more detailed explanation of "proportional representation" is in Joshua Cohen and Joel Rogers, *On Democracy: Toward a Transformation of American Society*, New York: Penguin, 1983, pp. 157-158:

A system of proportional representation is a system in which the votes of participating citizens are directly reflected in the composition of legislative bodies. Such a system can be clarified by its contrast with the "winner take all" balloting and representation procedure in the United States. In the United States, for example, if 50 percent of the participating electorate vote for a Democratic candidate for the House of Representatives, 40 percent vote for a Republican, and the remaining 10 percent divide their votes among a variety of lesser parties, then the Democratic candidate wins the seat. The winner takes all. If the results above were consistent across districts, a Democrat would win in each district, and the composition of the House would be 100 percent Democratic. If the same pattern of voting obtained within a pure proportional representation system, on the other hand, then the composition of the legislative body would be 50 percent Democratic and 40 percent Republican, with 10 percent of the seats divided among the lesser parties. The overall pattern of voting would thus actually be reflected in the composition of the legislature.

It is common for states to impose minimal barriers to representation within proportional representation schemes. The Federal Republic of Germany, for example, has a "5 percent rule," meaning that to have any representation within the Bundestag a party must garner at least 5 percent of the national vote. Even on such modified plans, however, what distinguishes proportional systems of representation from "winner take all" systems is the way in which the votes of participating citizens are aggregated to social decisions. Within the "winner take all" systems like that featured in the United States, the final distribution of representation (Democrats versus Republicans versus other parties) may not and usually does not reflect the aggregate levels of support for different representing parties. Within a proportional representation system, the procedure for allocating seats comes closer to providing the basis for a distribution of representation that does reflect these aggregate levels of support. By providing representation for political parties that do not win majorities in any single district, a proportional representation system removes a formidable obstacle to the formation of "third parties," and thus helps to ensure representation of minority views.

20. For Madison's use of the term "parchment barrier," see for example, Richard Matthews, *If Men Were Angels: James Madison and the Heartless Empire of Reason*, Lawrence: University Press of Kansas, 1995, pp. 128, 135.

21. Chomsky remarks about Clinton's 1993 health care reform initiatives (*World Orders Old and New*, New York: Columbia University Press, 1994, p. 90):

The Clinton administration sought health reforms, but keeping strictly to two essential conditions: (1) the outcome must be radically regressive [i.e. with a disproportionately negative impact on poorer people], unlike tax- or even wage-based programs; and (2) large insurance companies must remain in control, adding substantially to the costs of health care with their huge advertising expenditures, high executive salaries, and profits, along with the costs of their intricate bureaucratic mechanisms. . . . The code phrase used to disguise these obstacles to a far more equitable and efficient government-run plan is that the latter is "politically impossible." The considerable popular support for some variety of national health care is therefore irrelevant.

See also, Vicente Navarro, ed., *Why the United States Does Not Have a National Health Program*, Amityville, NY: Baywood, 1992; Nancy Watzman, "Labor's Misdiagnosis: U.S. Labor and the Fight for National Health Care," *Multinational Monitor*, Vol. 13, No. 5, May 1992, pp. 9-12. An excerpt:

More than \$756 billion -- over 13 percent of the G.N.P. -- is being paid out yearly in health care, and 37 million U.S. citizens are uninsured. . . . The single-payer system, in place in Canada since the late 1960s, severs the link between employment and health care by setting up a national plan that provides health services to all citizens. It makes the federal government the only provider of health insurance, and eliminates all private health insurance. It is the most radical waste-reducing type of plan, eliminating the bloated administrative costs from which the United States currently suffers. In Canada, there is no need for legions of actuaries furiously laboring to calculate whether or not to deny coverage to someone with diabetes: every citizen is covered by the national health insurance program. Canadians pay only 11 cents on the dollar for administrative costs associated with health-care provision; U.S. citizens pay up to 24 cents. Another measure of the single-payer system's cost-slashing success: Blue Cross of Massachusetts covers 2.7 million subscribers and employs 6,680 people, more than are employed in all of Canada's provincial health programs, which insure 26 million Canadians. . . .

[T]he issue of health-care reform is the hottest it has been since the 1960s, when the American Medical Association (A.M.A.) beat back a movement for national health care and the nation got Medicaid and Medicare instead.

Robin Toner, "Poll Says Public Favors Changes in Health Policy," *New York Times*, April 6, 1993, p. A1 ("Fifty-nine percent of the respondents [in the U.S.] said they favored a different model, one that Mr. Clinton has rejected: a Canadian-style system of national health insurance paid for with tax money"). Chomsky underscores about this poll that the figure of 59 percent "is remarkably high, given near-unanimous government-media dismissal of this option, which is off the agenda."

22. Questioned in an interview with David Barsamian, Chomsky made an additional important point about boycotts and activism directed at corporate practices (*The Common Good*, Tucson, AZ: Odonian, 1998, p. 60):

BARSAMIAN: There's quite a bit of activism against sweatshops that profit transnationals like The Gap, Disney, Nike, Reebok, etc. Do you think these campaigns are getting to systemic issues?

CHOMSKY: I think they're really good campaigns. To ask whether they're getting to systemic issues is, I think, misleading -- the kind of question that undermined a lot of traditional Marxist politics. Systemic questions grow out of people learning more and more about how the world works, step-by-step. If you become aware that people in Haiti are being paid a couple of cents an hour to make money for rich people here, that ultimately -- and maybe a lot sooner than ultimately -- leads to questions about the structure of power in general.

23. For the estimate that 30 percent of the world's population is unemployed, see for example, G. Pascal Zachary, "Study Predicts Rising Global Joblessness," *Wall Street Journal*, February 22, 1995, p. A2 ("the World Employment 1995 report, issued by the International Labor Organization, a United Nations affiliate that advocates worker rights . . . estimates that 30% of the world's labor force of about 2.5 billion people is either unemployed or underemployed"). See also, World Bank, *World Development Report*

1990, Oxford, U.K.: Oxford University Press, 1990, p. 1 ("more than one billion people in the developing world are living in poverty," which is defined as "struggling to survive on less than \$370 a year").

On the unemployment rate in the U.S. during the Great Depression, see footnote 7 of chapter 3 of *U.P.*

24. For *Business Week's* article, see Aaron Bernstein, "Why America Needs Unions But Not the Kind It Has Now," *Business Week*, May 23, 1994, p. 70. An excerpt:

Few American managers have ever accepted the right of unions to exist, even though that's guaranteed by the 1935 Wagner Act. Over the past dozen years, in fact, U.S. industry has conducted one of the most successful antiunion wars ever, illegally firing thousands of workers for exercising their rights to organize. The chilling effect: Elections to form a union are running at half the 7,000-a-year pace of the 1970s. And major strikes -- involving 1,000 or more workers -- have fallen from 200-plus a year to 35 in 1993. . . .

[E]mployers illegally fired 1 of every 36 union supporters during organization drives in the late 1980s, vs. 1 in 110 in the late '70s and 1 in 209 in the late '60s. . . . Unlawful firings occurred in one-third of all representation elections in the late '80s, vs. 8% in the late '60s. . . . "Even more than the numbers is the perception of risk among workers, who think they'll be fired in an organizing campaign," says Harvard law professor Paul C. Weiler. Indeed, when managements obey the law, they don't defeat unions nearly as often. Union membership in the public sector, where federal, state, and local officials don't try so desperately to break or avoid unions, has risen by 23% since 1983, to 7 million last year. The excuse on which industry based its assault -- that U.S. labor costs were out of line internationally -- was largely a bogus issue: Such comparisons sprang mostly from the ultrastrong dollar. Now that it's lower again, U.S. wages are below Europe's and Japan's.

Business Week concludes:

[U]nions will need to adopt a "we're-in-this-together" mentality instead of the "us-vs.-them" one that has characterized both sides of the industrial divide for decades.

For further discussion of the U.S. government's refusal to protect worker-safety and union rights, see Thomas Ferguson and Joel Rogers, *Right Turn: The Decline of the Democrats and the Future of American Politics*, New York: Hill and Wang, 1986, ch. 4. An excerpt (pp. 134-135, 253-254 n.47, 135, 131):

[At the Occupational Safety and Health Administration,] enforcement of existing law dropped precipitously, while the development of new workplace standards came to a virtual halt. Over the F.Y. 1980-1985 period, O.S.H.A. complaint inspections declined 58 percent, while follow-up inspections declined 87 percent. Citations for violations of the act also fell, dropping 50 percent for serious violations, 91 percent for willful violations, and 65 percent for repeat violations. At the bottom line, total penalties (including both state and federal programs) dropped 78 percent, while failure-to-abate penalties fell 91 percent. . . .

Policy changes at the [National Labor Relations Board] were even more dramatic. Especially after consolidating a solid majority of Reagan appointees in 1983, the Board began making major changes in basic labor-law doctrine -- all in the direction of favoring management over unions. During the first five months of 1984 alone, it altered long-standing policy in a slew of lead cases. . . . [For example, in] *Bekker Industries Corp.*, 268 N.L.R.B. No. 147 (February 16, 1984), it upheld the discharge of an employee who refused to work in a plant half a mile from the site of a chemical explosion, although local authorities had evacuated all residents living within a five-

mile radius of the accident. In *L.E. Meyers Company*, 270 N.L.R.B. No. 146 (May 31, 1984), it upheld the discharge of two employees who had refused to climb a forty-foot ladder to an I-beam on a day when snow had fallen, even though a fellow worker had already slipped on the ladder. In *Asplundh Tree Expert Co.*, 269 N.L.R.B. No. 63 (March 22, 1984), the Board ruled that a worker's protest of his supervisor's failure to get medical attention for a co-worker who had been injured by a downed power line constituted quitting. The protest consisted of the worker's throwing his hard hat to the ground and refusing the employer's instruction to pick it up. This, the Board ruled, indicated that he had "opted to forsake employment."

Similarly, the Board has helped further erode the law governing employer conduct during [unionization] election campaigns by interpreting standing doctrine on threats and reprisals in interesting new ways. In *Bardcor Corp.*, 270 N.L.R.B. No. 157 (June 7, 1984), for example, it found that an employer who went through his plant taking pictures of employees shortly after learning that an organizing drive had begun, and whose supervisor told workers that the employer did this because he wanted to have a picture to "remember" them by, was engaged in harmless activity, while in *Benchmark Industries, Inc.*, 270 N.L.R.B. No. 8 (April 30, 1984) it held that an employer who told an employee that "a little birdie told me" the employee was handing out union authorization cards (normally 30 percent of the members of a unit have to sign such cards before a representation election will be conducted by the N.L.R.B.) was not engaged in intimidation.

A favorite Board tactic in finding anti-union activity legal was to find that activity motivated by purely economic concerns or part of the reserved managerial prerogatives of business. In *Garrett Flexible Products, Inc.*, 270 N.L.R.B. No. 173 (June 13, 1984), for example, it held that an employer's firing of laid-off union supporters was legal, because it was covered by a company policy of terminating all workers laid off for more than 120 days. The Board concluded this despite the fact that this "policy" had never been previously announced to workers, and the Administrative Law Judge had found the company representative who testified on it "vague and unsure" about its origins and unable to name with certainty the other firms where he claimed it was standard practice. In *Royal Coal Sprinklers, Inc.*, 268 N.L.R.B. No. 156 (February 21, 1984), it found layoffs of employees who had voted a week before to bring in a union justified on economic grounds, even though the employer had granted wage increases the week before that. The list could go on and on. . . .

In addition to being the most anti-union Board in history, the Reagan N.L.R.B. soon became the least efficient. The case backlog, or number of contested cases awaiting decision by the Board, grew dramatically. . . .

Over Reagan's first term, [the Environmental Protection Agency's] overall budget was reduced by 35 percent (a cut of 50 percent was proposed), enforcement against strip-mine violations declined by 62 percent, prosecution of hazardous-waste violations declined 50 percent, and [Food and Drug Administration] regulation enforcement declined 88 percent. Exposure limits on hazardous chemicals were raised above previous E.P.A. levels, sometimes on the order of 10 to 100 times. The number of "emergency exemptions" for business for restrictions on pesticide use more than tripled (in 1982, better than 97 percent of business requests for such exemptions were approved by E.P.A.).

See also, House Committee on Education and Labor, Subcommittee on Labor-Management Relations, *The Failure of Labor Law -- A Betrayal of American Workers*,

98th Congress, 2nd Session, 1984, Rept. 98, pp. 17-22. And see footnotes 72, 81 and 101 of chapter 10 of *U.P.*

25. For the Federal law prohibiting discrimination against employees on the basis of union activities, see 29 U.S.C. §158(a)(3).

26. On the I.L.O.'s censure of the United States concerning the Caterpillar strike, see for example, John Hoerr, "Is the Strike Dead?," *American Prospect*, Summer 1992, pp. 106-118. An excerpt (p. 113):

[O]ther countries are questioning America's commitment to this basic worker right [i.e. to strike]. Legal experts at the International Labor Organization did so in 1991 in a ruling on a complaint filed by the A.F.L.-C.I.O. Although the United States has ratified only a few I.L.O. conventions on workplace standards, as a member-country it is obligated to uphold two principles that are written into the I.L.O. constitution. These are freedom of association and the right to organize and bargain collectively; the right to strike is considered crucial to these two principles. The A.F.L.-C.I.O.'s complaint charged that the United States is violating these principles by allowing the use of permanent replacements. The Bush administration and an employer group disputed the charge. The I.L.O.'s Committee on Freedom of Association reviewed the evidence submitted by both sides and issued a ruling in 1991. Even in the mushy language typically used by I.L.O. bodies to avoid angering member-countries, the committee's decision clearly supported the A.F.L.-C.I.O. complaint. The right to strike is "not really guaranteed when a worker who exercises it legally runs the risk of seeing his or her job taken up permanently by another worker, just as legally," the committee said. It recommended that the United States consider whether the striker replacement policy is eroding the right to strike. . . . The only other major industrial nation that allows the use of permanent replacements is South Africa.

See also, Stephen Franklin, Peter Kendall, and Colin McMahon, "Downshifting: Blue collar blues," *Chicago Tribune*, September 10, 1992, p. 1, zone C (part five of a series focusing on the Caterpillar strike in the context of the changing world economy). An excerpt:

[Caterpillar's] threat to use replacement workers was only one of many by U.S. companies. According to the General Accounting Office, an arm of Congress, U.S. companies were much more likely to threaten strikers with replacement workers in the 1980s and 1990s than ever before in this century. . . . Partly due to the fear of replacement workers, many other union leaders have avoided strikes in recent years. Only 40 major strikes occurred in 1991, matching the post-World War II low set three years earlier. . . .

In 1985 and 1989, according to the General Accounting Office, employers threatened to use replacement workers in one-third of all strikes. According to the Bureau of National Affairs, U.S. companies used replacement workers in 17 percent of the 407 strikes it studied in 1990, replacing a total of 11,500 union members. A year later, according to the private research firm, businesses used replacements in 14 percent of the 322 strikes studied, putting 2,000 union members out of their jobs. . . . These companies were able to bring in replacement workers in part because pro-union sentiment fell off dramatically after the 1970s.

And see footnotes 72 and 81 of chapter 10 of *U.P.*

American courts sometimes have been frank about their contributions to the campaign to roll back labor rights. For example, denying an appeal by workers who had

lost their jobs when Ohio plants were moved to states with cheaper labor, the United States Court of Appeals for the Sixth Circuit stated in *Allen et al. v. Diebold, Inc.*, 33 F.3d 674, 677, 679 (6th Cir. 1994):

Unlike law and social policy in many European countries, the laws of the United States do not prohibit or seriously discourage these plant closing and relocation activities and the attendant dislocation, unemployment and new employment. States and counties in the United States compete with each other for companies contemplating relocation. Labor laws like the National Labor Relations Act do not discourage such relocations or prohibit the closing of a unionized plant in one part of the country and the opening of a nonunion plant in another part of the country or in a foreign country. The North American Free Trade Agreement contemplates such relocations. . . .

The basic problem with plaintiffs' case is that the Congress and the courts in interpreting our labor laws and our law of contract have made the social judgment, rightly or wrongly, that our capitalistic system, Darwinian though it may be, will not discourage companies from locating on the basis of their own calculations of factors relating to efficiency and competitiveness. The rules of the marketplace govern. By so reflecting commercial interests, the institutions of government serve -- according to current legal and economic theory -- the long-term best interests of society as a whole. That is the basic social policy the country has opted to follow.

Chomsky comments ("Rollback: IV," *Z Magazine*, May 1995, pp. 18-24 at p. 22):

The candor is unusual, though the deception is typical. "The country" has "opted" for no such course, and it is radically false that "the rules of the marketplace govern" or that the system is "Darwinian" (in the intended sense of "social Darwinism," which has little to do with biology) -- except, of course, for the poor and the weak, who are indeed subjected to these rules by those who cast their usual shadow by means of Congress and the courts.

On the realities of the marketplace and social-Darwinian illusions about them, see chapter 7 of *U.P.*

On the U.S. media's coverage and portrayal of unions, see William J. Puette, *Through Jaundiced Eyes: How the Media View Organized Labor*, Ithaca: I.L.R. Press of Cornell University, 1992.

27. On Clinton's fruitless promise to stop the hiring of permanent replacement workers, see for example, Jack Germond and Jules Witcover, "Labor dealt blow again in defeat of striker bill," *Baltimore Sun*, July 15, 1994, p. 2A.

For the existing law prohibiting the practice, see 29 U.S.C. §157 (note that while striking to protest "unfair labor practices" is a protected act, striking for "economic" reasons is not).

28. For an article in the British press comparing the new "renewal" requirement for union check-offs to one for banks, see Seumas Milne, "Unions Count Cost of Legal Challenge," *Guardian* (U.K.), May 24, 1994, p. 18.

29. Between 1900 and 1920, Washington had the nation's largest African-American community and its "Uptown" neighborhood (now called "Shaw") boasted the best black educational institutions in America: Howard University and top high schools. Dunbar High School was the first and most prestigious high school for African-Americans in the country. Accomplished scholars took jobs at Dunbar, because there

were so few other employment opportunities in any field. Moreover, the federal government paid black teachers in Washington the same as white teachers, making Dunbar's faculty among the highest-paid African-Americans in the nation. Most of the students that finished Dunbar High School went to college, many at Ivy League schools. Around 1900, Dunbar's students scored higher on standardized tests than students at D.C.'s two white high schools. (Discussed in the 1999 documentary film "Duke Ellington's Washington," by Hedrick Smith et al.)

30. On the vast size of pension funds and the ways that they are invested by financial managers, see for example, Nancy Folbre and The Center for Popular Economics, *The New Field Guide to the U.S. Economy*, New York: New Press, 1995. An excerpt (section 1.14):

According to one recent estimate, about 40% of all corporate stocks and 50% of bonds were held by private and public pension funds. Currently, funds are strictly prohibited from using any but "prudent financial" criteria in investing, which means that workers may find themselves providing capital for firms that are busting unions or harming the environment. Also, most pension fund capital (70%) is in the hands of employers who invest it as they see fit. During the 1980s, many corporations tapped into pension funds as a cheap source of financing. As a result, about half of all single-employer plans are suspected to be in trouble.

See also, Archon Fung, Tessa Hebb and Joel Rogers, *Working Capital: The Power of Labor's Pensions*, Ithaca: Cornell University Press, 2001.

For critical discussion of various strategies of so-called "soulful capitalism" as ways to reform the economic system -- including the "progressive" use of pension funds -- see Doug Henwood, *Wall Street: How It Works and for Whom*, London: Verso, 1997, ch. 7. On the limits of corporate reform, see also for example, Edward S. Herman, *Corporate Control, Corporate Power*, Cambridge: Cambridge University Press, 1981, pp. 250f.

31. In 1886, the U.S. Supreme Court decided that a corporation is a "person," entitled to the protection of the Equal Protection Clause of the Fourteenth Amendment. Thereafter, the Court held that a corporation's property is protected under the Due Process Clause of the same Amendment. See *Santa Clara County v. South Pacific Railroad Company*, 118 U.S. 394 (1886)(corporations have rights under the Equal Protection Clause); and, for example, *Smyth v. Ames*, 169 U.S. 466 (1898)(corporations have rights under the Due Process Clause). See also, *Dartmouth College v. Woodward*, 17 U.S. 518 (1819)(the seminal case on the topic).

32. On corporate charters being contingent on service of public interests in the nineteenth century, see for example, Gary D. Rowe, "Lochner Revisionism Revisited," *Law and Social Inquiry*, Vol. 24, Winter 1999, pp. 221-252. An excerpt (p. 248):

In the second half of the nineteenth century, states . . . regulated their corporate franchises heavily to insure that these companies served the public interest in exchange for the privileges they received. Thus *quo warranto* proceedings to revoke the charters of corporations that engaged in mergers and formed "trusts" contrary to the public interest became increasingly common in the 1880s. In 1889, however, New Jersey offered interstate corporations a way of evading this problem when it enacted a new general incorporation law that permitted state corporations, in exchange for franchise taxes, to form pools and trusts to their hearts' content.

Corporations forced to dissolve in other states quickly reorganized as new corporations in New Jersey. The race to the bottom had begun. See also footnote 35 of this chapter.

33. On the early A.F.L. and advocacy of workers' control, see for example, David Montgomery, *Citizen Worker: The Experience of Workers in the United States with Democracy and the Free Market during the Nineteenth Century*, Cambridge, U.K.: Cambridge University Press, 1993, p. 162; Henry Demarest Lloyd, *Men, the Workers*, New York: Arno, 1969. The "clarion call to the 1893 A.F.L. convention" proclaimed (pp. 90-91):

The pioneers who saw a generation ago the thread that would lead us through this labyrinth and into the free air have now become a multitude. That thread is the thread of democracy, whose principles must and will rule wherever men co-exist, in industry not less surely than in politics. It is by the people who do the work that the hours of labour, the conditions of employment, the division of the produce is to be determined. It is by them the captains of industry are to be chosen, and chosen to be servants, not masters. It is for the welfare of all that the coördinated labour of all must be directed. Industry, like government, exists only for the coöperation of all, and like government, it must guarantee equal protection to all. This is democracy, and democracy is not true only where men carry letters or build forts, but wherever they meet in common efforts. The declaration of independence yesterday meant self-government, to-day it means self-employment, which is but another kind of self-government.

See also, Paul Buhle, *Taking Care of Business: Samuel Gompers, George Meany, Lane Kirkland, and the Tragedy of American Labor*, New York: Monthly Review, 1999, p. 70 (noting that "[m]any local A.F.L. members and even leaders unmoved by socialism mulled the idea" of "workers' control of production" even as late as 1909-1913).

34. For Adam Smith's and Thomas Jefferson's warnings against corporations, see chapter 6 of *U.P.* and its footnotes 9 and 10.

35. On the expansion of corporate rights being the work of lawyers and judges removed from democratic processes -- and for some background on the history of corporations -- see for example, Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846*, New York: Oxford University Press, 1991, especially pp. 44-55. An excerpt (pp. 44-48):

Only seven private business corporations were chartered under the colonial regime, whereas the number climbed to forty in the first decade after the Revolution and passed three hundred during the commercial boom of the 1790s. The first corporations were chartered to enlist private capital for such public facilities as bridges, turnpikes, and urban water systems, with investors deriving their profits from tolls and user fees. Their public purpose also justified legislatures in granting them monopoly privileges as to route and location, as well as the right to seize private property under the state's power of eminent domain. Yet the line between public purpose and private purpose proved elastic. . . .

[B]y the end of the War of 1812 . . . corporations were only beginning to win two of their cardinal privileges, limited liability of stockholders for corporate debts and corporate freedom from interference by the state. These privileges were won not in legislative halls but in the courts. Behind the facade of democratic decision-making in

legislative bodies -- as few contemporaries realized and as historians have only lately begun to discover -- the decisive reshaping of the law to the demands of the market was being accomplished by lawyers and judges, both Federalist and Republican, in the state courts.

Lawyers were the shock troops of capitalism. The bar mushroomed as the market proliferated contractual relationships. . . . [L]awyers' decisive contribution to the expanding market was accomplished outside the limelight of electoral politics and legislation. . . . With impressive creativity and speed, the legal profession supplied a new law. Not even the wiliest lawyer/politicians could have extracted the law required by expansive capital from legislatures vulnerable to a broad electorate still imbued with premarket values. But in the courts the lawyers' technical expertise could not be democratically challenged. By taking control of the state courts and asserting through them their right to shape the law to entrepreneurial ends, lawyer/judges during the first half of the nineteenth century fashioned a legal revolution.

Lawrence Friedman, *A History of American Law*, New York: Simon and Schuster, 1973, especially pp. 166-176, 446-456; J. Willard Hurst, *The Legitimacy of the Business Corporation in the Law of the United States, 1780-1970*, Charlottesville: University of Virginia Press, 1970, pp. 13-57. See also, Howard Zinn, *A People's History of the United States: 1492-Present*, New York: HarperCollins, 1980 (revised and updated edition 1995), at p. 255 (the Fourteenth Amendment "had been passed to protect Negro rights, but of the Fourteenth Amendment cases brought before the Supreme Court between 1890 and 1910, nineteen dealt with the Negro, 288 dealt with corporations"). And see footnote 32 of this chapter.

36. For Horwitz's and Sellers's books, see Morton Horwitz, *The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy*, Oxford, U.K.: Oxford University Press, 1992 (2 volumes); Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846*, New York: Oxford University Press, 1991, especially pp. 44f.

37. On the concept of "plausible denial," see for example, U.S. Senate Select Committee to Study Governmental Operations with respect to Intelligence Activities, *Alleged Assassination Plots Involving Foreign Leaders*, Interim Report, Washington: U.S. Government Printing Office, 1975, pp. 11-12. An excerpt:

"Plausible denial" has shaped the processes for approving and evaluating covert actions. For example, the 40 Committee and its predecessor, the Special Group, have served as "circuit breakers" for Presidents, thus avoiding consideration of covert action by the Oval Office. "Plausible denial" can also lead to the use of euphemism and circumlocution, which are designed to allow the President and other senior officials to deny knowledge of an operation should it be disclosed. The converse may also occur; a President could communicate his desire for a sensitive operation in an indirect, circumlocutious manner.

On the C.I.A.'s operations, see for example, William Blum, *Killing Hope: U.S. Military and C.I.A. Interventions Since World War II*, Monroe, ME: Common Courage, 1995; Victor Marchetti and John D. Marks, *The C.I.A. and the Cult of Intelligence*, New York: Knopf, 1974; John Stockwell, *In Search of Enemies: A C.I.A. Story*, New York: Norton, 1978; Ralph W. McGehee, *Deadly Deceits: My 25 Years in the C.I.A.*, New York: Sheridan Square, 1983; Frank Snepp, *Decent Interval: An Insider's Account of Saigon's Indecent End*, New York: Random House, 1977; Philip Agee, *Inside the Company: A*

C.I.A. Diary, Harmondsworth, U.K.: Penguin, 1975; Howard Frazier, ed., *Uncloaking the C.I.A.*, New York: Free Press, 1978.

38. By "high-level" conspiracy theory, Chomsky means one according to which the Kennedy assassination was ordered and planned by some sector of the government or a major policy-making interest group, such as the C.I.A. or representatives of the military-industrial complex -- the thesis of Oliver Stone's 1992 film *JFK*. Typically, these theories take as their starting point that Kennedy was opposed to American military policy, determined to end the Cold War and to lead the world to a state of peace. For an extended and documented debunking of the "high-level" conspiracy theory -- implying nothing about the thesis that J.F.K. was killed by the Mafia, or by right-wing Cubans, or other such theories -- see Chomsky's *Rethinking Camelot: J.F.K., the Vietnam War, and U.S. Political Culture*, Boston: South End, 1993.

For a sample of the widely-held belief in the United States that J.F.K. was assassinated by a high-level conspiracy of awesome scale -- often presented as established truth, and the starting point for further discussion -- see for example, Peter Dale Scott, "The Quest for the Grail," and Michael Parenti, "Morte D'Arthur," *Letters*, *Nation*, March 9, 1992, pp. 290, 317-318 (letters responding angrily to journalist Alexander Cockburn's questioning of these beliefs in Alexander Cockburn, "Beat the Devil," *Nation*, January 6, 1992, p. 6); Michael Lerner, "J.F.K. and the Possibility of Possibility," Peter Dale Scott, "The Assassination and the Cover-up: What Really Happened?," Peter Gabel, "The Spiritual Truth of J.F.K.," and Todd Gitlin, "The Stoning of Oliver and the Fascination of J.F.K.," *Tikkun*, March/April 1992, pp. 37-55. There is also much discussion of the issue on community-based radio, in movement journals, and in other channels out of the mainstream. For some early criticism of these tendencies, see I.F. Stone, "The Left and the Warren Commission Report," *I.F. Stone's Weekly*, October 5, 1964, pp. 1-3.

39. Before his assassination, Martin Luther King had been a major target of F.B.I. subversion, including COINTELPRO activities [on the F.B.I.'s COINTELPRO program, see chapter 4 of *U.P.* and its footnote 33]. Indeed, F.B.I. memoranda show that orders were given to "neutralize" King as late as one month before his death. For a lengthy discussion of some of the illegal activities against King, see Final Report of the Senate Select Committee to Study Governmental Operations, *Intelligence Activities and the Rights of Americans*, Report No. 94-755, 94th Congress, 2nd Session, Washington: U.S. Government Printing Office, 1976, Books II and III, especially Book III, pp. 79-184. This report points out (Book II, p. 223):

[T]he "neutralization" program continued until Dr. King's death. As late as March 1968, F.B.I. agents were being instructed to neutralize Dr. King because he might become a "messiah" who could "unify, and electrify, the militant black nationalist movement," if he were to "abandon his supposed 'obedience' to 'white liberal doctrines' (nonviolence) and embrace black nationalism." Steps were taken to subvert the "Poor People's Campaign" which Dr. King was planning to lead in the spring of 1968. Even after King's death, agents in the field were proposing methods for harassing his widow, and Bureau officials were trying to prevent his birthday from becoming a national holiday.

See also, Ward Churchill and Jim Vander Wall, *The COINTELPRO Papers: Documents from the F.B.I.'s Secret Wars Against Dissent in the United States*, Boston: South End, 1990. An excerpt (pp. 97, 100):

By 1964, King was not only firmly established as a preeminent civil rights leader, but was beginning to show signs of pursuing a more fundamental structural agenda of social change. Correspondingly . . . the [F.B.I.]'s intent had crystallized into an unvarnished intervention into the domestic political process, with the goal of bringing about King's replacement with someone "acceptable" to the F.B.I. . . . Two days after announcement of the impending [Nobel Peace Prize for King, COINTELPRO head William C. Sullivan] caused a composite audio tape to be produced, supposedly consisting of "highlights" taken from the taps of King's phones and bugs placed in his various hotel rooms over the preceding two years. The result, prepared by F.B.I. audio technician John Matter, purported to demonstrate the civil rights leader had engaged in a series of "orgiastic" trysts with prostitutes and, thus, "the depths of his sexual perversion and depravity." The finished tape was packaged, along with the accompanying anonymous letter (prepared on unwatermarked paper by Bureau Internal Security Supervisor Seymore E. Phillips on Sullivan's instruction), informing King that the audio material would be released to the media unless he committed suicide prior to bestowal of the Nobel Prize. . . . Still, the Bureau's counterintelligence operations against King continued apace, right up to the moment of the target's death by sniper fire on a Memphis hotel balcony on April 14, 1968.

David J. Garrow, *The F.B.I. and Martin Luther King, Jr.*, New York: Norton, 1981; Taylor Branch, *Pillar of Fire: America in the King Years, 1963-65*, New York: Simon and Schuster, 1997; Philip Melanson, *Who Killed Martin Luther King?*, Berkeley, CA: Odonian, 1993; Harold Weisberg, *Frame-Up: The Martin Luther King/James Earl Ray Case*, New York: Outerbridge and Diensfrey, 1971.

40. For a contemporaneous assessment of the Kennedy administration's role in the Civil Rights Movement, see Howard Zinn, *S.N.C.C.: The New Abolitionists*, Boston: Beacon, 1964. An excerpt (pp. 203-206):

There is an additional problem which the civil rights movement in the South faces. Any action for injunctions or any move in the federal courts to restore constitutional rights to citizens can be swiftly blocked as long as judges with strongly-entrenched segregationist beliefs sit on federal courts. Here is one area where the President has great power to change the status quo, since he is authorized by the Constitution to appoint federal judges. Unfortunately, the appointments made by President Kennedy, in precisely those years when the civil rights struggle reached its height and court decisions were so crucial, were a great disservice to the cause of racial equality. As the Southern Regional Council suggested, if the President could not secure Senate approval for his appointments, he could leave the seats vacant to dramatize the issue. Kennedy was just not bold enough to break the tradition of getting the approval of Southern segregationist Senators in the appointment of federal judges; thus, again and again, he appointed racists to sit on federal courts in the South.

In Georgia, he appointed J. Robert Elliott, an old member of the Talmadge machine. Elliott once said, before he became a judge (as reported in the *New York Times*): "I don't want these pinks, radicals and black voters to outvote those who are trying to preserve our segregationist laws and other traditions." But more important, as soon as he came to the bench, he acted to deprive the Albany Movement of its rights of peaceful protest, and to deny repeatedly its requests to enjoin interference with peaceful constitutional activities.

In Mississippi, Kennedy appointed William Cox to the federal bench. . . . Cox consistently refused to rule that discrimination was being used against Negroes in Mississippi. In one case, in March, 1963, he said (the *New York Times* reported): ". . . I am not interested in whether the registrar is going to give a registration test to a bunch of niggers on a voter drive."

In Alabama, Kennedy appointed Clarence W. Allgood, who ruled that it was legal for the Birmingham school board to expel 1100 Negro children from schools because they joined desegregation demonstrations.

In Louisiana, he appointed E. Gordon West . . . [who] wrote (as reported in the *Boston Globe*): "I personally regard the 1954 holding of the United States Supreme Court in the now famous Brown case [prohibiting segregated schools] as one of the truly regrettable decisions of all times." Another Kennedy appointee in Louisiana, Frank Ellis, joined West in holding constitutional a Louisiana law requiring that the race of candidates be put on the ballot in elections. . . .

Furthermore, Attorney General Robert Kennedy publicly defended, in the spring of 1963, the Administration's appointment of Southern segregationists to federal judgeships. He said: "I'm very proud of the judges that have been appointed. We looked into all of them for questions of integrity and whether they would uphold the law of the land. . . ."

Early in his administration, President Kennedy denied the need for a civil rights bill, saying that executive orders could do effectively what had to be done. He proved to be slow and cautious however, in this field, as his moderate and much-delayed order on housing showed. Kennedy delayed almost two years in signing this order, and then did not extend its coverage to all federally connected housing, as the Civil Rights Commission had asked. He also refrained from making comments on the moral issues involved in racial inequality. It took the severe violence in Birmingham in the spring of 1963 to arouse the President to an excellent, forthright statement on racism as a moral blight on the nation. Then, curiously, instead of being roused to sweeping executive action, he flung the responsibility at Congress, by putting a new Civil Rights Act into the works. . . .

What remained hidden from the American people was the fact that the *already existing civil rights legislation was not being effectively enforced*, that important Supreme Court decisions were not being followed by strong presidential action. The Civil Rights Acts of 1957 and 1960, for instance, were specifically designed to end discrimination against Negroes in voting. They did not succeed, because the President and the Justice Department confined their enforcement actions to slow, cautious lawsuits. In that one area where the Attorney General *did* have specific statutory authorization, in voting, he did not act vigorously to enforce the law. Vivid evidence of that was given on Freedom Day in Selma, October 7, 1963, when a corps of F.B.I. men and Justice Department lawyers watched local policemen pull S.N.C.C. [Student Nonviolent Coordinating Committee] workers down the steps of a federal building and jab others with electric prod poles because they were bringing food to Negroes waiting in line to register.

See also, Howard Zinn, *A People's History of the United States: 1492-Present*, New York: HarperCollins, 1980 (revised and updated edition 1995), pp. 444-450.

41. On the decline of real wages in the United States after 1973, see footnote 101 of chapter 10 of *U.P.* See also footnote 14 of chapter 10 of *U.P.*

42. On the decline of entry-level wages, see for example, Lawrence Mishel and Jared Bernstein, *The State of Working America: 1994-95*, Armonk, NY: M.E. Sharpe, 1994. An excerpt (p. 109):

The most severe wage reductions . . . have been for entry-level jobs for young, high school graduates, a group comprising two-thirds to three-fourths of all young workers. In 1993, the wages paid to young male and female high school graduates were, respectively, 30% and 18% less than the wages their counterparts received in 1979. Similarly, the wages of entry-level college graduates fell 8% among men (but rose 4% among women). Starting in 1987 and continuing through the current recovery . . . wages began falling for groups such as white-collar and college-educated men that had previously escaped the downward pressure on wages.

See also footnote 44 of this chapter; and chapter 10 of *U.P.* and its footnote 68.

Notably, some wage-earners have fared much better in recent decades (Lawrence Mishel, Jared Bernstein and John Schmitt, *The State of Working America, 1998-1999*, Ithaca: Cornell University Press, 1999, p. 6):

[C]orporate chief executive officers (C.E.O.s) have seen their pay skyrocket. In 1965, the typical C.E.O. made about 20 times more than the average production worker; in 1989, the ratio had almost tripled to 56; by 1997, relative C.E.O. pay had more than doubled again to 116 times the pay of the average worker. A separate estimate of C.E.O. pay shows that the salary, bonus, and returns from stock plans of the average C.E.O. grew 100% between 1989 and 1997. Extraordinarily high C.E.O. pay appears to be a uniquely American phenomenon, with U.S. C.E.O.s earning, on average, more than twice as much as C.E.O.s in other advanced economies.

43. On the moral reasoning of nineteenth-century slave owners and trade unionists, see for example, Drew Gilpin Faust, "A Southern Stewardship: The Intellectual and the Proslavery Argument," *American Quarterly*, Spring 1979, pp. 63-80; Paul Krause, *The Battle for Homestead, 1880-1892: Politics, Culture, and Steel*, Pittsburgh: University of Pittsburgh Press, 1992, pp. 82-83.

44. For the poll on three-quarters of the U.S. population believing that their children will be worse off than they are themselves, see Richard Benedetto, "Americans Increasingly Upset With Direction Of The Nation," Gannett News Service, June 17, 1992 (available on Nexis database). An excerpt:

A new U.S.A. Today/C.N.N./Gallup poll taken June 12-14 shows 84 percent dissatisfied with the way things are going in the country -- the highest level of disgruntlement in 13 years -- and 74 percent are pessimistic about the chances of their children being able to live better than they do.

45. On half of the U.S. population believing that the two major political parties are hopeless, see for example, Adam Pertman, "A public keen on politics fuels outsider groups," *Boston Globe*, March 5, 1993, p. 1. An excerpt:

A national survey [by pollster Gordon Black] . . . showed that 56 percent of Americans were angry at both major parties; 69 percent agreed incumbents could never reform the process; and 50 percent said they favored a new party because neither the Democrats nor Republicans could get things back on the track.

46. On rising alienation and disaffection from institutions, see chapter 1 of *U.P.* and its footnotes 7 and 42; chapter 2 of *U.P.* and its footnote 59; and footnotes 10, 44 and 45 of this chapter.