

Introduction | Labor Day in America

LABOR DAY, September 4, 1995, came and went much as it had in previous years in Sterling Heights, Michigan, a predominantly white, middle-class suburb in Macomb County, exactly six miles north of Detroit. Clouds billowed in from over the Great Lakes to fill the late summer sky, while the sun kept temperatures seasonably warm. Local residents took advantage of the long weekend to go fishing or sailing or just stay at home and watch sports on television. In quiet neighborhoods of orderly streets and cul-de-sacs, families and friends gathered around dinner tables or backyard barbecues. In the evening hours, as the holiday weekend wound down, people gradually prepared themselves for the return of the regular working week.

Across town, however, a very different scene was taking place. Along its commercial highways and boulevards, Sterling Heights was also home to several large industrial employers: the Ford Motor Company, Chrysler Corporation, and other big firms had major facilities within the town's borders. Near the intersection of Mound Road and 16 Mile Road (Metropolitan Parkway) stood the giant North Plant of the Detroit Newspaper Agency (DNA), a sprawling, forty-two-acre complex of integrated pressroom, mailroom, loading dock, warehouse, and truck maintenance facilities, with its own railroad spur to bring boxcar loads of newsprint directly into the plant. There, on the center island of Mound Road across from the plant's main south gate, more than one hundred police officers from Sterling Heights and other nearby towns stood ready in full riot gear, while squads of private, high-security guards patrolled inside the chain-link fence circling the property. In between, as many as three hundred striking newspaper workers and their supporters gathered in and around the driveway onto Mound Road. The strikers, members of the local Newspaper Guild, Teamsters, and printing craft unions, chanted slogans and carried signs on a picket line, joined by supporters from the United Auto

Workers (UAW) and other area unions as well as more radical splinter groups.

Since the start of the strike nearly eight weeks earlier, protesters and police had enacted a daily ritual. At designated times, police would stop traffic on Mound Road, line up in a V-formation, and march across the street toward the gate, parting the crowd to clear the driveway for vehicles entering and exiting the plant. On this night, however, the crowd refused to give way. Rows of helmeted police officers wielding shields, batons, and pepper spray drove into the picket line, only to be pushed back by the throng of picketers holding each other in linked arms, while others swung picket signs and hurled rocks, sticks, and other objects. The police fired canisters of pepper gas at the demonstrators, who defiantly picked them up and threw them back. Before long, a dense plume of gas hung in the air, choking protesters, police, and news reporters alike. The officers brought out large industrial fans to keep the fumes in front of the strikers, and amid the fog a lone picketer held an American flag aloft in the middle of the street. Mound Road quickly filled with debris, and at one point individuals in the crowd began throwing five-inch steel rods, lifted from the refuse of a nearby machine shop, at the police and at the guards inside the plant. The guards then threw them back over the fence into the crowd, and a CBS news camera operator was struck in the head. Again and again the two sides clashed, resulting in at least half a dozen injuries to police and an unknown number of injuries to strikers.

Surveying the scene, Sterling Heights police lieutenant Frank Mowinski did not like what he saw. A thirteen-year veteran of the Sterling Heights Police Department (SHPD), Mowinski was the official SHPD coordinator for the strike and had devised the department's plan for handling it. He had arrived at the North Plant late Monday afternoon and was the officer in charge at the Mound Road gate, during which time the crowd swelled from perhaps fifty marchers to more than two hundred. At approximately 9:40 PM, and again at 10:08 PM, Mowinski declared the picket line an unlawful assembly and ordered the strikers to disperse. But each time the officers failed to remove the crowd and were forced to pull back to the median. At 11:45 PM, after several hours of tense confrontation, Mowinski gave the order again. This time the police used tear gas, which quickly scattered the crowd and forced them northward along Mound Road. Within minutes, the area was emptied of picketers and more than fifty police officers, holding shields and facing outward, lined the north and south sides of the driveway.

One of the picketers that night was forty-year-old Ben Solomon, a mail-room worker and member of the International Brotherhood of Teamsters

(IBT), Local 2040. Married and the father of a two-year-old son, Solomon had worked for the Detroit papers for twenty-two years, starting right out of high school. As a mailer, he operated the machines that took newspapers from the presses, inserted advertisements, and bundled and sorted them before they were taken away for distribution across metropolitan Detroit. Solomon had arrived for picket duty at the North Plant around 7:00 that evening and was among those who had refused to leave when ordered to disperse. Shortly after 10:00 PM he was pepper-sprayed in the face, and he was then taken by fellow strikers to get treatment from paramedics working out of an ambulance parked on the Mound Road median.

Overcome and disoriented by the spray, he left the picket line and sat down on the grass below the south side of the driveway. Sometime after midnight, he returned and found the rows of police stationed in the driveway. For nearly two months, Solomon had seen the police use their authority and force to protect the company's ability to operate, unimpeded by the picket line. Now, frustrated and unarmed, he approached the officers on the south side, and from about ten feet away he pointed his finger at them and screamed, "You're a disgrace to the badge."

When Lieutenant Mowinski saw Solomon confronting his officers, he had had enough. He rushed over and grabbed Solomon by the hair, pulled him face down to the ground in the middle of the driveway, and ordered his arrest for interfering with police. Solomon was immediately surrounded by other officers and punched, kicked, and hit in the groin with a police baton. One officer held a baton at his throat while another knelt on his back, attempting to handcuff him. Solomon could not see who arrested him, since the officers wore helmets and had removed or taped over their ID badges. Within seconds, he could not see anything, as his eyes were pepper-sprayed from an inch away, the condensed mist dripping down the side of his face. At around 12:47 AM, he was led away and put in a police wagon, where he remained until around 3:00 AM, without medical attention. He was finally brought to the Sterling Heights police station, again was denied treatment, and was placed in a holding cell until 9:30 the next morning, when his wife Debbie secured his release and took him to a hospital.

Sterling Heights police records for that night include no report of the use of force in arresting Solomon; departmental rules mandating such reports had been suspended during the strike. Nor did Lieutenant Mowinski, the arresting officer, complete the required incident report for an arrest involving force. Solomon was not even identified in the police station until Tuesday morning, by another officer. At that time the charge was changed to unlawful assembly, a felony carrying a possible five-year

prison sentence. Photographs taken later that day showed bruises on Solomon's legs and face and blood in his eyes; he also sustained injuries to the shoulder, knee, back, and neck. He would later undergo surgery on his shoulder and endure months of rehabilitation. Around a year and a half after the incident, Solomon received a letter from the City of Sterling Heights stating that the charges against him were dismissed.¹

AN EXTRAORDINARY CASE: THE DETROIT NEWSPAPER STRIKE, 1995 TO 2000

On July 13, 1995, unions representing some 2,500 workers went on strike against the morning *Detroit Free Press*, owned by Knight-Ridder, Inc.; the evening *Detroit News*, part of the Gannett media chain; and their joint operating agency, Detroit Newspapers, Inc. The strikers were members of six local unions, including journalists, printers, press operators, circulation workers, janitors, and truck drivers. They walked off their jobs after contract negotiations broke down, amid union charges of bad-faith bargaining and unlawful declaration of impasse by the employers. Taking a hard line, the newspapers hired permanent replacements for the strikers and effectively militarized their operations. Altogether, the companies spent an estimated \$40 million on private security forces and paid more than \$1 million to suburban municipalities to cover police overtime at their production and distribution sites.²

The conflict quickly turned violent and bitter, with hundreds of altercations, injuries, and arrests, particularly at the newspapers' giant printing plant in suburban Sterling Heights. The strikers rallied support from the Detroit-area community, organizing circulation and advertising boycotts, mounting civil disobedience and protest actions, and publishing their own alternative weekly strike paper, the *Detroit Sunday Journal*. In addition, the strike drew upon the organized culture of labor solidarity in southeastern Michigan: hundreds of rank-and-file members from other unions joined mass picket lines in mobile teams deployed out of local and regional offices of the UAW and other unions. Prominent area civic, political, and religious figures also stepped forward to condemn the use of permanent replacements and urge a settlement. By their own estimate, the two papers combined lost nearly \$100 million in the first six months, while circulation dropped by as much as one-third. Yet the unions were unable to stop either production or distribution of the newspapers, and the strike stretched into its second year.

Meanwhile, the dispute generated an enormous body of litigation. The six unions, united as the Metropolitan Council of Newspaper Unions

(MCNU), formally struck over three principal unfair labor practice (ULP) complaints issued by the Detroit regional office of the National Labor Relations Board (NLRB). The first complaint charged the DNA with unfairly transferring work out of the printers' bargaining unit, in violation of a previous agreement to negotiate such changes with the union. The second accused the *Detroit News* management of unlawfully declaring a bargaining impasse in order to impose a merit pay plan on the Newspaper Guild. Third, the NLRB charged that the companies had reneged on a prior commitment to bargain jointly on economic issues with the MCNU.³

Once the strike began, the employers systematically fired strikers for alleged picket line misconduct, some of them several times, which led the NLRB to issue more complaints of illegal discharge.⁴ The unions and several individual strikers (including Ben Solomon) filed federal civil rights cases against the employers, their security firms, and various local police and governmental authorities for conspiracy and police misconduct. In turn, the employers brought charges against the unions under the federal Racketeer Influenced and Corrupt Organizations (RICO) Act and later named the UAW as a codefendant in the suit. Finally, union protests and hand-billing of customers at merchants advertising in the papers led to legal maneuvers with the NLRB and local police over the strikers' freedom of speech.⁵

On February 14, 1997, after nineteen months on strike, the unions made unconditional offers to return to work. But the employers announced that they would take back only a fraction of the striking workers, as new vacancies allowed. On June 19, 1997, an NLRB administrative law judge (ALJ) found the newspapers guilty of unfair labor practices that had "caused" and "prolonged" the strike. The judge ordered the companies to reinstate the striking workers, displacing, if necessary, the replacement workers and making any strikers not reinstated eligible for back pay. Two days later, an estimated sixty thousand union members and supporters from across the country arrived in Detroit for a giant march and rally in a national show of solidarity led by the AFL-CIO.

The newspapers immediately appealed the ALJ's decision, while the NLRB petitioned for an interim injunction requiring that all strikers be returned immediately to their jobs. Despite an NLRB record of favorable rulings or settlements in around 90 percent of such cases, in August 1997 a U.S. district court judge refused to grant the injunction. In the spring of 1998, religious, civic, and union leaders across the Detroit metropolitan area convened a community summit to try to bring the parties together, again without success. In August 1998, the NLRB in Washington, D.C., unanimously agreed that the strike was caused by management's unfair

labor practices. But the companies pursued the case to the U.S. Appeals Court, and the litigation continued. By the end of 1999, more than two hundred strikers had been fired and several hundred more remained locked out.

The strikers' fate was now tied to the unfair labor practice case. Already upheld by the regional and national NLRB, the charges in the Detroit case might have required the employers to pay out more than \$100 million in back wages. On July 7, 2000, a federal Appeals Court overturned the NLRB decision, destroying the unions' hopes for a reinstatement order. Deprived of their legal leverage, the unions were forced to accept contracts on management's terms. The last of the six unions settled in December 2000, and more than five years after it began, the Detroit newspaper strike was over.

Ratification of the contracts, however, did not bring an end to the litigation. The agreements offered no amnesty provisions for fired strikers, including prominent writers and columnists who had participated in non-violent civil disobedience. The newspapers refused to take those employees back, and the legal appeals went on for several more years. Finally, most of the individual civil rights suits were dismissed or settled out of court, but at least one case went all the way to trial and a verdict. On December 21, 2000, a federal jury found the newspapers, the City of Sterling Heights, and its police officials guilty of conspiracy to deprive Ben Solomon of his civil rights. A key piece of evidence at the trial was a series of memos from the city to the newspaper agency, from July 1995 to October 1996, itemizing weekly police overtime costs related to the strike. The memos were followed by checks from the company to the city that were made out for the exact amount, down to the penny, and ultimately totaled nearly \$1 million.⁶

Although costly, the employers' victory nevertheless set a new standard in national labor relations and prefigured subsequent mass lockouts in the 2003 Southern California grocery and 2004 San Francisco hotel disputes.⁷ In 2002, President George W. Bush politically affirmed the companies' stance by appointing Robert Battista, the lead counsel for the companies in the unfair labor practices trial, as chair of the NLRB. Meanwhile, in Detroit the strike permanently altered the newspapers' relationship to the local community. Circulation fell at eight times the rate for the industry as a whole between 1995 and 1999, and dozens of veteran journalists left the papers and the city, taking with them years of local knowledge and public memory.⁸ Finally, in late 2004, top executives at the DNA quit to take over the struggling *San Francisco Chronicle*, and in 2005, after sixty-five years in Detroit, Knight-Ridder sold the *Free Press* to Gannett, which in turn sold the *News* to MediaNews Group, Inc., a national suburban newspaper chain.

THE DETROIT STRIKE AND LABOR IN AMERICA

Violent clashes on the picket line, police and private security forces in riot gear, boycotts and mass firings, prolonged protest and civic conflict—for some readers, these images may appear odd or anachronistic, more like faded news photographs from the 1930s than reflections of the prosperous, high-tech economy of the 1990s. The era of industrial strife was supposed to have ended long before, relations between unions and management were now regulated by federal law, and strikes seemed almost a thing of the past. The city of Sterling Heights lay in the heart of Michigan's Macomb County, the home of the "Reagan Democrats" studied by political scientist and consultant Stanley Greenberg. Sixty-seven percent of county residents had voted for the Republican president in 1984, and the county had a median household income in 1985 that was \$7,000 above the national average.⁹ As partners with management in pursuit of economic growth, local workers seemed to have achieved the American Dream. Yet, here in 1995, apparently, class struggle had come to the suburbs.

How could such things occur, and what do they mean? As remarkable as it may have seemed, the Detroit newspaper strike was not an isolated event. The period of the 1980s and 1990s witnessed a series of hard, wrenching strikes in American industry, recorded in outstanding historical studies like Jonathan Rosenblum's *Copper Crucible*, on the 1983 Phelps Dodge strike in Arizona; Julius Getman's *The Betrayal of Local 14*, on the workers at the International Paper Company in Jay, Maine; and Stephen Franklin's *Three Strikes*, on the labor wars at Caterpillar, Bridgestone/Firestone, and the A. E. Staley food processing mills in Decatur, Illinois.¹⁰ These studies and others have clearly traced the renewed corporate offensive against unions since around 1980, the erosion of collective bargaining, and the failure of traditional legal protections for workers. In a rare case of union victory, Tom Juravich and Kate Bronfenbrenner's *Ravenswood* shows how the United Steelworkers of America overcame such barriers in a 1990 strike of aluminum workers in rural West Virginia.¹¹

For decades now, the hostile environment for labor has accelerated the decline of union density in the American economy; by 2004 the proportion of the private-sector labor force belonging to unions had fallen below 8 percent, a level not seen since before the New Deal.¹² Along with this has come an even more dramatic drop in the incidence of strikes. The strike itself has almost disappeared: during the 1970s, an average of 289 major work stoppages involving a thousand or more workers occurred annually in the United States. By the 1990s, that number had declined to about thirty-five per year, and in 2009 there were no more than five.¹³ By com-

parison, the contentious struggles mentioned earlier seem more like meteoric explosions that stretch out across an empty night sky. The combination of depressed national strike rates and intense, episodic conflicts suggests a more far-reaching, historic change in the structural and institutional context for strikes and for the system of industrial relations as a whole.

Faced with these challenges, leaders in the American labor movement have responded with a renewed commitment to organizing new members. Unions like the Service Employees International Union (SEIU), among others, have developed a range of alternative approaches, including outreach to low-wage, often immigrant workers, alliances between unions and other groups in the community, and new forms of protest and collective action. In social science, a new generation of labor scholars has analyzed these campaigns, drawing on sociological theories of social movements. Much of this work adopts a “strategic” perspective, focusing on the conditions that foster union revitalization, the most effective mobilizing tactics, and the organizational “best practices” that can serve as a model for other unions.¹⁴ As in the historical studies, researchers often debate what various actors have done—or might have done differently—to alter the outcome of the events.

Despite a wealth of empirical evidence, however, these new studies have not yet sufficiently changed the way we think about labor relations, and especially strikes, in our law and public policy, in the discourse of the news media, and in social science. Perhaps not surprisingly, employers and their representatives argue that nothing is wrong with the current system and that serious reforms are unnecessary.¹⁵ In the news media, coverage of labor disputes often goes no further than the imagery of conflicting private special interests and the risk of inconvenience to consumers.¹⁶ Among academics, many economists and legal scholars remain doubtful about the prospect of significant labor movement revival.¹⁷ Even those observers who are sympathetic to unions often take the goals of revitalization for granted, without fully addressing why a nonspecialist audience should care. Beyond the strategic question of what makes the few strikes that do occur succeed or fail are deeper, underlying problems: Why do unionized workers confront such extraordinary conditions in the first place? And what does the state of the labor movement mean for us as members of a wider, democratic public?

In this book, my goal is to do something different. The standard ideas about unions and collective bargaining often reflect traditional social science concepts that no longer correspond to current realities. For my point of departure, then, I engage directly with traditional theories of strike behavior as a way of challenging the conventional wisdom. I propose an alternative framework that allows us to see the causes and meaning of con-

temporary strikes in a new way. The strike, I argue, has been transformed from an economic tactic and protected legal right to a more high-risk confrontation in which the issues at stake are not just the dollars and cents on the table but the continued existence of the collective bargaining relationship. At the same time, the disputes that emerge now spill over into other public arenas and raise questions about the role of workplace governance in the local community and in American society.

This theoretical argument is based on the well-established method of deviant case analysis in social science. By maximizing its differences from the norm, a deviant case offers the opportunity to observe and analyze previously unexamined causes and effects.¹⁸ The goal is not to explain away unusual data, but to revise previous models and construct a broader, more encompassing explanation.¹⁹ The case serves as a diagnostic device, highlighting the contours of normalized relations and providing a critical standpoint for generating new, more historically grounded insights.

By any objective measure, the Detroit strike was an extreme case. The strike covered a total of approximately 2,500 employees and lasted for 583 days, making it larger than 97 percent—and longer than 99 percent—of all private-sector strikes from 1984 to 2002. According to one estimate, fewer than 10 percent of such strikes from 1982 to 2001 involved multiple bargaining units striking against the same employer.²⁰ In Detroit, no fewer than six local unions, representing diverse occupational groups, including white-collar professionals, blue-collar laborers, and skilled craftspersons, struck in unison against the newspapers.

As a case study, the newspaper strike also offers a window onto several important historical changes. Its location in Detroit, literally the capital of twentieth-century industrial Fordism, placed it in the heart of what remains one of the most unionized regions in the country. At the same time, the strike displayed the impacts of growing corporate concentration, rapidly changing technology, and the rise of the information and media sectors. As such, it illustrated the problems for unions of reasserting solidarity in the “new” economy. Finally, the strike registered ongoing changes in the role of the state in industrial relations, underscoring the contrast between a declining New Deal system of protection for labor rights and the rise and consolidation of an ascendant anti-union regime. As an unfair labor practices strike lasting more than five years, the Detroit case provides a unique occasion for a close analysis of these conflicts.

The Detroit newspaper strike was “one of the most bitterly fought labor battles of the 1990s,” historian Philip Yale Nicholson writes. “All of the elements of the currently hostile labor management environment were present in the five-and-a-half-year-long struggle.”²¹ The analysis of such a complex event cannot be reduced to the individual arrogance or inepti-

tude of a handful of leaders, though there was enough of that on both sides. Rather, the strike represented a distinct historical juncture of social forces. To understand this landmark case, I begin with previous models of strike activity. The historic context of the Detroit strike, however, calls for the development of a new approach.

EXPLAINING STRIKES: THE PROBLEM OF HISTORICAL CONTEXT

Studies of strikes have a long tradition in American social science. Conventional theories of strike behavior, however, have failed to keep pace with recent changes in American labor relations. A key problem, sociologist Jake Rosenfeld notes, is that research on aggregate strike activity in the United States “all but disappeared” following the 1982 decision by the federal Bureau of Labor Statistics to stop collecting data on strikes involving fewer than one thousand workers (the majority of all strikes).²² Partly as a result, strike theory remains dominated by two primary traditions, the “economic” model and the “political-organizational” approach. The former typically asks *why* strikes occur, while the latter studies *how* workers mobilize for collective action.²³

Traditional Strike Theory: The Economic Model

Economic theories of strikes begin with a market relationship in which employers and unions bargain the price of labor. Each party is assumed to enjoy organizational security, to be acting rationally, and to have calculated the costs and benefits of the decision to strike. Ideally, through negotiation both sides should be able to estimate each other’s room for concessions and thereby reach agreement without enduring the actual costs of a strike. In this model, the central questions are, first, the sheer incidence of strikes (or why they should occur at all), and second, the strong correlation of strike frequency with short-term fluctuations in the business cycle (that is, strikes increase in a growing economy when labor markets are tight and wages lag behind inflation, and they decrease in downturns when unemployment is high). For the first question, the conventional answer suggests some form of error or failure in bargaining, due to imperfect or uncertain information or the behavioral psychology of one or both sides.²⁴ Indeed, many industry observers saw the Detroit strike as simply a colossal mistake, driven by irrational decisions on the part of the unions, or management, or both.²⁵

Some economists have stressed the role of long-term bargaining relationships or coordination in reducing uncertainty. Others distinguish

union leaders from the rank and file and attribute imperfect information to the latter: compelled to strike by restive members, leaders must equilibrate workers' wage demands with the economic needs of the firm.²⁶ This makes the bargaining relationship one-sided—employers are presumed to act with market efficiency, while only workers must change their concessions in order to come around to an acceptable compromise. The analysis of the actors' behavioral mechanisms, moreover, fits uneasily with long-term changes in strike patterns, and the question of why failures of information should vary systematically with external economic conditions remains a problem.²⁷

A Critical Alternative? The Political-Organizational Approach

While economists operate within a market model, political scientists and sociologists have developed an alternative view that focuses on *how* strikes occur. In this approach, attention shifts to relations of conflict and power, and particularly how law and political institutions shape workers' capacity to mobilize. So, for example, in the pre–New Deal United States, or in France and Italy through much of the twentieth century, formal collective bargaining procedures were poorly established. Strikes challenged the general public order and balance of power among groups, and all too often government responded with police or federal troops. In this view, political conditions as much as economic ones affect the forms of strike activity, as legal or political realignments provide workers with greater or lesser opportunities for collective action.²⁸

This approach historicizes the assumptions of the economic model. That is, organizational security and rational cost-benefit calculation depend on the historically contingent formation of strong institutions governing relations between business and labor.²⁹ Thus, the business cycle variables are most powerful in the United States in the post–World War II period—*after* the implementation of the National Labor Relations Act (NLRA). This period, often described as an era of labor “accord,” both empowered workers and channeled their action toward specific means and ends.³⁰ Under the accord, the government intervened to regulate and protect workers' rights, and strikes became limited mainly to the bread-and-butter issues of wages and compensation that arose at moments of contract renewal.

The accord represented a historic shift in government policy, from repression to what sociologist Holly McCammon calls a legal regime of “integrative prevention.”³¹ With the rise of the social movements of the 1960s and 1970s, some critics argued that institutionalization had led to

the co-optation of unions and the suppression of worker militancy. Yet such integration was also a condition for the economic incorporation into the suburban middle class of unionized workers, whose ambivalent status was reflected in the political volatility found among the voters in Macomb County.

Once the accord began to break down, however, neither of the traditional theories could explain contemporary changes in strike behavior. As economist Bruce Kaufman writes, "The level of strike activity in the 1980s plummeted to the lowest level of the post-World War II period and, furthermore, remained at this level even as the economic environment changed in ways that historically have led to increased strike rates."³² Similarly, labor's integration into the postwar system turned out to be a temporary settlement, not a final stage of development. The assumption of stable class incorporation failed to anticipate the radical *deinstitutionalization* of unions that has occurred since around 1980.³³

Strikes in Context: A Historical Framework

To explain the Detroit strike we need an approach that can better account for changes in the historical environment. Sociologist Bruce Western argues that market conditions generate structural conflicts between workers and employers, while institutions shape the ways in which societies manage those conflicts.³⁴ Building on this approach, I propose to modify traditional strike theory by distinguishing three analytic dimensions or arenas: the economy, the state, and the independent field of voluntary association that sociologists call "civil society."³⁵ Relations of civil society extend across the social environment and include workplace associations like unions as well as non-workplace affiliations such as churches, social and civic associations, neighborhood and ethnic clubs, and the like.³⁶ Together, these form the organizational nexus of cultural norms, collective identities, and social ties that makes up our everyday sense of "community."

This framework is represented in table I.1. No single dimension acts as the primary causal factor; the combination of all three determines why and how strikes occur in a given historical case.³⁷ The economic arena includes the pressures of competition and supply and demand in the labor market. Within the state, law and political institutions serve to regulate market forces, on the one hand, and to channel forms of worker militancy, on the other. In turn, civil society creates a field for collective action, an extension of the normal political and institutional means for organizing and making claims.

A growing scholarly literature has focused on "bringing civil society back in" to studies of American labor.³⁸ Much of this research, however, is

Table I.1 Causal Framework and Periodization: Strike Activity in the United States, 1890 to the Present

	Economy	State	Civil Society
Causal context	Responses to market pressures on employment relationship	Regulation of market, institutional channeling	Cultural norms, social ties, "community"
Pre-accord (1890 to 1937)	Craft union control (versus Fordist mass production)	Judicial repression of collective action	Boycotts, sympathy strikes, popular protest
Accord era (1937 to 1981)	Decentralized bargaining in manufacturing and trades (versus union avoidance)	NLRB procedures, industrial democracy, preventive integration (versus Taft-Hartley, right-to-work)	Relatively excluded
Post-accord (1981 to the present)	Ascendancy of corporate anti-unionism	Weakened NLRB, hostile federal courts (unfair labor practice strike)	"Metro-unionism," consumer appeals, social movement tactics

Source: Author's compilation.

concerned with union efforts to organize new members rather than with strikes per se.³⁹ By contrast, traditional strike theory includes the economic and political arenas but tends to isolate strikes from relationships in the community. In part, this reflects the historic reality of the postwar accord, in which private-sector labor disputes were largely confined within institutional channels. Bringing civil society back into strike theory thus historicizes both sides of the earlier debate, transforming the causal logic of the other two dimensions.⁴⁰

In the economy, the emphasis shifts from the analysis of information or behavioral problems in bargaining to the larger strategic responses of corporate or collective actors to market pressures on the employment relationship. Most importantly, this includes whether the parties accept any mutual negotiating relationship in the first place. Similarly, the state's

channeling of tensions under the accord is not a necessary outcome but one among several contending paths, subject to persistent conflict. Finally, separating mobilization from its formal regulation permits a closer analysis of the interaction among labor, community, and other cultural movements across civil society as a whole.⁴¹

This framework leads to the rough periodization of American labor relations summarized in table I.1. Throughout the pre–New Deal era, boycotts, sympathy strikes, and other forms of local communal action remained a vital part of workers’ protest repertoire and the object of legal repression by the state.⁴² During the accord, many of these practices were prohibited as forms of “secondary” collective action. In the post-accord period, as American unions have lost institutional standing and power, they have been forced to turn (or return) to organizing methods often labeled “social movement unionism.”⁴³ This move has featured tactics like home visits and other non-workplace sites for member outreach, alliances with religious and community groups, corporate consumer campaigns, appeals to ethnic or gender identities, and alternative organizational forms from advocacy groups to immigrant worker centers to mutual benefit associations—in other words, mobilization in civil society.⁴⁴

A Signal Juncture: Post-1981 Labor Relations in the United States

This more historically grounded framework allows us to see the Detroit conflict in a new light. Sociologists have long treated moments of intense conflict or disruption as occasions when conventional perceptions are peeled away, exposing the durable social structures that shape everyday life. “It is when hell breaks loose and all men [*sic*] do their worst and best that the powerful forces which organize and control human society are revealed,” wrote W. Lloyd Warner and J. O. Low in their classic study of a Depression-era shoe workers’ strike in Newburyport, Massachusetts.⁴⁵ Such episodes, however, can also be read more dynamically—as moments when underlying developmental paths “collide” and latent contradictions become intensified or burst into the open.⁴⁶ The newspaper strike embodied just such a collision, between the declining New Deal system of collective bargaining and an ascendant order of corporate anti-unionism.

In the United States, the institutions of the postwar accord were never entirely stable and from the start were accompanied by a constant undercurrent or opposing layer of “union avoidance.”⁴⁷ The law limited the scope of collective bargaining, and gave employers privileged access to workers in order to campaign against unions in NLRB elections. “Right-to-work” provisions in the 1947 Taft-Hartley Act allowed companies to

move away from unionized areas in the Northeast and Midwest to non-union areas in the southern states, long before the current era of globalization. Taft-Hartley also excluded managers and frontline supervisors from protection under the NLRA. Throughout the postwar period, firms aggressively resisted unionization in the growing white-collar and service sectors of the economy, leaving unions concentrated in an eventually declining blue-collar sector.

As a result, a rival anti-union path of development grew alongside and apart from the New Deal system. The two paths coexisted for years, and direct conflicts between them did not emerge all at once. The turning point for American labor came in the early 1980s, with the rise to dominance of the anti-union regime. In 1981, President Ronald Reagan fired the striking federal air traffic controllers, announcing a critical juncture in the government's attitude toward union rights.⁴⁸ Backed by Republican administrations and increasingly conservative federal courts, private corporations escalated from a strategy of avoidance to attempts to break established unions and deunionize altogether. Workers in the core manufacturing and transportation sectors fought back during the bitter strikes of the 1980s, but by then the institutional balance of power had shifted in favor of the employers.

In this sequence of events, the Detroit strike corresponds to what I call a "signal juncture," as distinguished from the better-known concept of a "critical juncture."⁴⁹ Social scientists define a critical juncture as a historic turning point when opposing forces collide and two or more alternative future paths are possible. A process of closure then occurs in which one road is taken, others are blocked off, and various "lock-in" mechanisms reproduce the chosen path in a new historical period or stable order.⁵⁰ The transition between periods, however, may include longer struggles in which concentrations of old and new institutional power persist in different organizational or geographic locales. Subsequent events may then mark the extent to which one path has gained (or retains) the advantage, and at the same time reveal internal "unlocking" mechanisms or sources of resistance. Such events may be described as signal junctures for the ways in which they signal ongoing, underlying conflicts within a dominant regime.

As a concept, the signal juncture applies the logic of deviant case analysis to the theory of institutional path dependency. Unlike a critical juncture, a signal juncture occurs not at the beginning or the end of a path, but in the middle. A critical juncture is a transformative case that remakes the rules between one period and another. A signal juncture is a deviant case that departs from the dominant pattern but thereby exposes persistent contradictions and countertendencies. The result suggests a more spa-

tially and temporally uneven process of path consolidation, marked by episodes when opposing institutional logics continue to clash with one another, producing moments of exceptional conflict.

The newspaper strike offers a clear example of this process. Both sides invoked different and conflicting norms: the companies pursued a neoliberal agenda of corporate restructuring and management autonomy, while the unions mobilized to defend New Deal values of collective bargaining. In Detroit the collision of these larger institutional paths would produce the extreme levels of both extensive litigation and popular protest in the strike. Under the circumstances, a pragmatic or negotiated solution was nearly impossible, because the actors were effectively operating under different sets of rules. The specific issues on the table were not the most important object of dispute; rather, it was the relationship between the parties itself that was fundamentally at stake.

THE BROKEN TABLE: THE PROBLEM OF WORKPLACE GOVERNANCE

In the newspaper strike, the unions targeted the workplace in production and circulation, including the relations between the companies and their consumers and advertisers. Those actions carried the struggle deep into the social tissues and capillaries of the urban community—from the public streets and jurisdictions surrounding the printing plants and warehouses to the commercial areas of the businesses that continued to advertise in the papers, to the neighborhoods and doorsteps where the papers were delivered each day, to the foundations of the civic media sphere of which the *News* and the *Free Press* were vital parts.

In so doing, the strike brought to the surface larger questions not normally considered to be part of industrial relations. In service to its community, what does a newspaper, or any other business enterprise for that matter, exist *for*? What norms and goals is it obliged to respect, and to whom is it accountable? Who are the proper stakeholders, how are their interests articulated, and how should disputes be resolved? For the past few decades, mainstream economists have operated from an unequivocal and dogmatic assumption: like any other enterprise, a newspaper exists to augment shareholder value.⁵¹ In stark contrast, the strike showed that the rules and institutions governing these matters are historically variable, subject to conflict with other norms and goals and at times strongly contested by other actors.

This perspective forms the central axis of the analysis in this book. I argue that the Detroit strike displayed the tensions arising from the collapse of the post–World War II accord in U.S. labor relations. As the formal

institutions regulating labor conflict have declined, the boundaries of disputes have likewise become blurred, and workplace struggles have expanded into or reentered other arenas of the state and civil society. The system for negotiating the interests at work, the “table” where the parties might come together to determine their future, has broken down, and the consequences now extend far beyond the traditional dollars-and-cents of collective bargaining.

For many political theorists, modern mass democracy requires multiple institutional spaces for dialogue and decision-making among plural collective actors, including the actors in the workplace.⁵² Decades of neoliberal restructuring have now radically altered the spaces for such dialogue—on the job, in the community, and in the public sphere. The result highlights a historic *de-democratization* of the institutional regulation of labor disputes in the United States, from the scope of collective bargaining in the workplace to the civic spaces for group mediation, to the protection for workers’ and citizens’ rights to protest under the law. Under the current regime, *all* strikes are now “exceptional,” and to the extent that they escape their institutional constraints, all raise the same fundamental questions. The Detroit case powerfully displays the contours of this change and signals an important shift in American political development.

In the last several decades, economic inequality has risen sharply in the United States, as both academics and journalists have noted.⁵³ During the middle of the twentieth century, the distance between rich and poor steadily declined, but in the last quarter of the century the pattern was reversed: income inequality increased by 23 percent while inequality of wealth rose by 11 percent. In the private-sector labor market, wage inequality increased by 40 percent between 1973 and 2007, with declining unionization accounting for one-fifth to one-third of the increase.⁵⁴ For more than a generation, the benefits of economic growth have gone disproportionately to corporate profits and to the top fifth of households, while incomes for the middle and bottom fifths have remained stagnant and fallen behind. In the course of our lifetimes, as sociologist and demographer Douglas Massey writes, “class stratification [has] returned with a vengeance.”⁵⁵

While some may deplore such trends, the role of ordinary working people in challenging these conditions has been largely forgotten. What has become of the frontline institutions that once governed the workplace and gave voice to those employed there? What can be done to reestablish a degree of equity in the labor market, and how might workers empower themselves as agents of change? Can we now find ways to restore democratic governance of relations at work and in their intersection with the community?

The freedoms of association and collective bargaining in the workplace are basic human rights, recognized in global social conventions like those of the International Labor Organization (ILO), a specialized agency of the United Nations.⁵⁶ The right to strike is an essential element of these freedoms, but all of these rights are now poorly protected in American public policy. That is the product of our current institutional arrangements, however, not the result of any economic necessity or historical law. The institutions that we have may not change easily, but they do change, and they remain subject to our collective political choice. As a signal juncture, the Detroit newspaper strike is an indicator of how far we have come. The possibility remains that things could yet be another way.

THE ORGANIZATION OF THIS BOOK

In the narrative analysis that follows, I examine these issues in detail. The book is organized into four parts. Most books about strikes focus mainly on the events of mobilization, and the action begins more or less on the day the strike starts. Here, I beg the reader's patience while I take a different route. Part I, "Worlds of Work," begins with a discussion of the structural preconditions of the strike, the relations between the economy and the community, and the social embeddedness of the labor process. Chapter 1 examines the evolution of the newspaper business nationally, the organization of the market for news, and the relationship of the industry with the urban public sphere. For much of the twentieth century, that relationship was governed by the twin forces of "church" and "state": the professional ethics of newspaper journalists and the market power of the owner-publishers. By the end of the century, however, the balance between these two forces had undergone definitive change.

Chapter 2 paints a portrait of metropolitan Detroit, with its legacies of urban social and cultural development. I show how historic patterns of elite organization, working-class formation, and racial division defined the landscape of local civil society, thereby shaping the field of mobilization for the strike. Chapter 3 brings the camera lens down to the newspaper workplace, at the intersection between the economics of the industry and the social relations in the community. I describe the traditional process of daily newspaper production, the restructuring that overtook the industry in the 1980s and 1990s, and the everyday working lives of the employees at the *News* and the *Free Press*. Together, those workers' interconnected labors performed the "daily miracle" of producing and distributing two big-city American newspapers. Their experiences illuminate the question of who held a stake in the enterprise, how well the papers served

the community, and the substantive relationships underlying the contract negotiations between the employers and the unions.

Part II, "The Institutional Regulation of Labor," resets the analysis to focus on the arena of the state and institutional change, tracing the reasons why the strike occurred when and where it did. The economic, technological, and social processes described in part I brought new pressures to bear on the employment relationship, in the newspaper business as in the larger economy. By themselves, however, these processes did not require that firms adopt an aggressive anti-union stance. Rather, as comparative studies of other industrialized nations have shown, the central variable was how societies chose to manage those pressures through the institutional regulation of the labor market.⁵⁷ Here, the dense complex of rules governing collective bargaining, contract language, and procedural appeals formed a crucial battleground, with decisive consequences for actors in the workplace and society.

Chapter 4 sketches the changing role of the federal government and labor law in the United States in the mid- to late twentieth century. The New Deal system of industrial relations established spaces for negotiation but also channeled the actors within certain boundaries. By the 1980s, the system was in rapid decline, challenged by a renewed anti-union corporate agenda. I review two key strikes of the period that marked important milestones in the struggle between the rival institutional paths: the strike at the Phelps Dodge Arizona copper mines in 1983 and the strike at the *New York Daily News* in 1990. Chapter 5 begins with the events that triggered the collision of those paths in Detroit. The entry of the Gannett corporation into the local news market and its creation of a joint operating agency with Knight-Ridder altered the relationships at the bargaining table, while the contract negotiations in 1989 and 1992 set the groundwork for the coming confrontation.

The context of restructuring helps make sense of the issues for management in the 1995 bargaining round and its extraordinary plans to operate during a strike, analyzed in chapter 6. Never before or since had the companies put such resources into strike preparations, including an unprecedented outreach to local law enforcement agencies well before the negotiations even began. Chapter 7 explains the 1995 contract talks in detail, including the principal unfair labor practice charges filed by the unions and their attempts to avoid a strike in the final hours. In the facts of the case one can almost hear the grinding of institutional gears as competing norms and values grate against one another and actors struggle to operate within a set of rules even as those rules are breaking down.

The chapters in part II address the question of why the strike happened

and deal mainly with events that occurred before the walkout began on July 13, 1995. With the start of the strike, the analysis shifts again. Part III, "The Spaces of Conflict," takes up how the strike occurred and the forms of struggle that played out over the course of more than five years. Chapter 8 describes the initial mobilization by the unions on the picket line and in the community, the newspapers' determination to break the strike, and their decision to use permanent replacements. That decision especially highlights what might be called the failure of corporate paternalism, personified by the editorial management of the *Free Press*. Chapter 9 carries the story through to the end of 1995, detailing the newspapers' efforts to contain and control collective action, the polarization on the picket line, and its descent into violence.

These processes signaled how much the terrain of labor conflict had changed by the mid-1990s. By the beginning of 1996, the strike had become a long war of attrition whose trenches spread across the legal system and the Detroit-area community. Chapter 10 surveys the expansive litigation associated with the unfair labor practice charges. In addition, the unions and their allies attempted to open up spaces for public engagement with the employers through acts of ambulatory picketing, civil disobedience, protests at local merchants advertising in the papers, and the publication of an alternative weekly strike newspaper, the *Detroit Sunday Journal*.

Whether through technical procedures in court or moral appeals to the community, the two sides fought over both how the strike could be conducted and what it was centrally about. After nearly two years on the streets, the unions offered to return to work in February 1997. The papers' insistence on keeping the replacements, however, created a new set of hurdles. Chapter 11 examines the pivotal year of 1997, which featured the peak of national popular mobilization and decisive turns in the legal case. The process of litigation brought the conflict inside the institutional corridors of the state and led to a long denouement that would not see a contractual settlement of the dispute until the end of 2000.

The concluding part IV, "Governing the Workplace," offers a broad reassessment of the case as whole. Chapter 12 brings the facts of the strike back into a dialogue with strike theory in order to set a new baseline for how we can talk about strikes and labor relations in the United States. I present some conditional propositions on the causes and meaning of contemporary strike activity, and I compare the Detroit strike with other labor struggles of the 1990s, highlighting its role as a signal juncture. Finally, I consider the competing visions of workplace governance as a problem for institutional reform. Although intended in part to reduce industrial strife, the Wagner Act recognized the importance of the right to strike in promot-

ing the voluntary exchange of labor through collective bargaining. The events of the strike show how much that system has been undermined, and what has been lost as a result.

The case study of the strike relies on data collected from approximately one hundred interviews with key informants drawn from four categories of respondents: strikers and union leaders; company executives and representatives; nonstriking employees; and local and national civic leaders and public officials. I also collected hundreds of news stories from the *Detroit News*, the *Detroit Free Press*, and the *Detroit Sunday Journal*, the weekly newspaper published by the strikers from 1995 to 1999, as well as reports from other major and local news, business, and professional media. Other archival sources included thousands of pages drawn from the trial transcript, exhibits, and decisions in the principal unfair labor practice complaints issued by the NLRB, along with testimony, depositions, and legal records arising from the civil rights cases and other litigation. Finally, I obtained copies of documents from organizational and individuals' personal files, such as collective bargaining agreements, internal communications, flyers and press releases, and videotape recorded by security forces and local television news media.

This book is not meant to be a post-hoc analysis of who should have done what during the strike, nor does it offer an easy guide for how one or the other side might win the next battle. Rather, it is addressed to all readers concerned about the future of workplace governance in the United States. The collapse of the relationship between business and labor represents a significant decline in the spaces for collective negotiation and decision-making in American economic and social life. For the country as a whole, declining unionization has contributed to rising economic inequality and a diminished working-class voice in the public sphere.⁵⁸ The economic future of millions of people has become ever more uncertain, subject to blind forces that seem far beyond their reach. How can we regain a capacity to govern our working relationships democratically and provide for a more just, cooperative, and secure system for all? This book aims to contribute to the search for an answer.