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Strike at the Museum: A Report on Museum Labor Unions

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State University of New York
College at Buffalo
Department of History and Social Studies Education

Strike at the Museum: A Report on Museum Labor Unions

An Abstract for a Thesis in Museum Studies

By:

John F. Connelly IV

Submitted in Partial Fulfillment
Of the Requirements
For the Degree of

Master of Arts
May 2022

Approved by

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Abstract

At a time of decline in American labor unions, museums have been an outlier. This recent trend has swept through America regarding museum labor and their desire for union representation. This thesis examines the recent increase in museum employees to unionize, explore recent successes, and outline perceived benefits of union representation. Critiques of not having a voice in the workplace, unfair wages, and calls to acknowledge social injustice have all served as catalysts to museum workers unionizing. Museum work consists of several responsibilities concerning stewardship, education, and public outreach. One often overlooks the function of museum employees since visitors often attend museums for their artifacts and exhibits. The impact museum unions can have on the profession as a whole and surrounding communities is enormous.

The history of the American labor movement is full of examples as to how labor unions affect more than just the workplace. Labor unions have often been associated with impacting politics and social justice movements on a national level. Unfortunately, not all press about labor unions has been positive due to counts of corruption. This negative press then serves as an advantage to the management class by creating a skeptical mindset within the working class prior to any organizing efforts. This negative view has led to federal policymaking hindering union ability and harming growth. This opposition to traditional unions held by some has left the door open for a potential transformation.

Sectoral bargaining is a direction all labor in America can transition into, including museums. The future of museum labor is uncertain due to many museums still struggling with workers being unhappy with not having a voice, unfair wages, and a desire for their institution to recognize social injustice. Museums, like many other workplaces in America, unionize one by

one. It is difficult to run a successful union campaign due to the presence of anti-union firms that educate managers on how to stifle all union activity. This difficulty can be alleviated through sectoral bargaining because entire sectors of museums would be able to negotiate as one on a national scale, instead of relying on solo union campaigns.

Sectoral bargaining is tough to achieve because federal and local policymaking is required to make it a reality. Although, other countries like Denmark can serve as a blueprint as to how a country can develop that system successfully. The result of unions and museums will lead to museum employees and upper management working together to achieve a fair and just workplace that can correct past inequities and better serve their surrounding communities.

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Chapter 1

Labor Unions in Museums

Introduction

When one hears or reads about labor in America, they occasionally learn about new unions forming. For example, In Buffalo, New York, the first Starbucks union formed in January of 2022.¹ One can then deduce and understand as to why the employees of a large union would organize, whether it be for higher wages or an improved work environment from under a large corporation, like a Starbucks. This leads into the question as to how and why employees in a different setting, like a non-profit museum, would unionize. The public often perceives museums and similar cultural institutions for their artifacts, rather than their employees. For this reason, this thesis will explore the recent increase in museum employees to unionize, explore recent successes, and outline perceived benefits of union representation.

The first question that comes to mind is, why unionize? “Our goal is to create a workplace built upon communication, respect, and integrity, where staff are involved in setting terms of employment and are allowed to sustainably grow their careers.”² This excerpt from the mission statement by the newly unionized Jewish Museum located in New York City, is part of a recent, and more importantly, widespread sentiment held by museum employees across the United States. According to the Union and Membership Database, thirteen percent of museums nationwide were unionized in 2021, a sharp increase from the reported eleven percent in 2018.³

The unionization of museum workers is unique because they are a part of the non-profit world of

¹ Dee-Ann Durbin and Carolyn Thompson, “Starbucks workers agree to union in Buffalo, NY”, *AP News*, January 21, 2022, accessed April 2022, <https://apnews.com/article/starbucks-union-vote-buffalo-c7dc3c2ec8b838e9f4ed641f54fc9035>.

² Asaf Shalevijta, “Workers push to unionize at the Jewish Museum in New York”, *The Jerusalem Post*, January 13, 2022, accessed March 20, 2022, <https://www.jpost.com/diaspora/article-692353>.

³ Unionstats, “Union Membership, Coverage, and Earnings from the CPS”, accessed March 21, 2022, <https://www.unionstats.com>.

cultural institutions. In other words, one may think of blue-collar workers and the Terry Malloy's of the world when they read about labor unions. Employees of museums are in a special space considering how they are viewed in society regarding their role in working for elite institutions.

Museum employees are seen as stewards of highly valued artifacts used to educate the public. As informal educators, certain museums and cultural institutions are seen as serious spaces. The association between abstract concepts in art, or deep-rooted stories in history could lead to lesser educated guests to be intimidated by such spaces. While the goal and intention of every museum is for everyone, it can come across as exclusively for intellectuals by members of the public. The association of higher education and sacred status of the artifacts can then be associated with the employees. One could attribute a cause of museum employees unionizing as being seen through the artifacts they work with, instead of as individuals.

In a 2019 article published by *Garage* magazine titled: "Why Do Museums Need Unions?", the President of the Local 2110 in New York, Maida Rosenstein proclaimed, "You can't eat prestige."⁴ The meaning behind the quote is that there is a prevalent-sentiment that museum workers should be grateful to be a part of a cultural institution and be expected to endure sacrifices like lesser wages to support the larger mission of their work. This ideal can unfortunately lead to poor communication, disrespect, and dishonesty within the work culture due to employees being taken for granted and undervalued. Moving forward, a general issue resulting from poor work cultures within American labor is the presence of wealth inequality among people of color, and museums are no exception to this important issue.

In a 2021 issue of *Trendswatch*, titled: *Navigating A Disrupted Future*, the topic of wealth inequality in museums among people of color is discussed in the section, "Closing the

⁴ Eileen Carter, "Why Do Museums Need Unions?," *Vice: Garage, Art*, July 10, 2019, accessed October 12, 2021, https://garage.vice.com/en_us/article/mb8yag/why-do-museums-need-unions.

Gap: Redressing systemic inequalities of wealth and power." The text points out how diversity training for employees and only simply hiring people of color is not enough because, "The lessons from that training must be embedded into the very fabric of museums' operations, policies, and culture. These operations and policies range from how museum's structure and hire for positions, to their compensation, working conditions, and the overall internal culture with respect to power and authority."⁵ The quote addresses the naïve belief that a call for diversity can simply be addressed by hiring more people of color. While that is a step in a positive direction, it will not go much further if the internal work culture is not addressed. There is a crucial need for an option that provides greater staying power in museums relating to hiring practices, compensation, working conditions, and culture.

Recently, the poor status of race relations at the workplace has been addressed by current and former employees at several prominent museums in the United States. An open letter was composed and signed by more than two-hundred people in June of 2020 condemning New York art institutions. The letter was a direct shot on the poor work culture within New York City's museums, like the Metropolitan Museum of Art, the Museum of Modern Art, and the Solomon R. Guggenheim Museum.⁶

A powerful quote within the declaration includes a direct challenge to the issue of diversity and overall work culture, "We write to inform you that we will no longer conform to your forced silencing when we complain about the lack of commitment to the well-being of

⁵ Elizabeth Merritt, "Closing the Gap: Redressing systemic inequalities of wealth and power," *Trendswatch: Navigating A Disrupted Future*, American Alliance of Museums' Center for the Future of Museums, 2021, 9, accessed October 30, 2021, https://www.aam-us.org/wp-content/uploads/2021/02/2021_TrendsWatch_V1_full_draft_Hyperlinked_v3.pdf.

⁶ Nancy Kenney, "Protest letter urges New York art institutions to rectify 'egregious acts' rooted in white supremacy", *The Art Newspaper*, June 19, 2020, accessed April 2022, <https://www.theartnewspaper.com/2020/06/20/protest-letter-urges-new-york-art-institutions-to-rectify-egregious-acts-rooted-in-white-supremacy>.

black/brown employees and, patronizing yet dismissive responses we are provided when we report bullying/work-place hostility, unfair practices, unequal pay, lack of growth...etc.”⁷

Between HR departments attempting to ban dreadlocks and clear discrepancies of paid leave guidelines for black and LGBTQ+ employees compared to others, the former and current staff members felt they had to speak out.⁸ The comments and overall sentiment in the letter are significant because it marks a boiling point. The individuals behind the declaration are expressing another avenue to communicate their displeasure surrounding their work environment and believe that this will make more of an impact. Recognizing this issue as a general issue within labor, Congress recently passed the Crown Act, which prohibits race-based hair discrimination.⁹

Overall, the response by the museums in question included resignations of top officials, public promises to systemic changes in hiring practices, and an improved effort to insert equity among museum staff.¹⁰ The takeaway is not the response, but the effort required to elicit a response and for museum employees to be finally heard. The constant feeling of being dismissed and not recognized has led some workers to write public letters, and some to turn to properly organizing by forming a union at their institution. While the trend of museum unions is recent, the idea of workers organizing is not.

In 1865 Karl Marx described how wage levels can only be “settled by the continuous struggle between capital and labor, the capitalist constantly tending to reduce wages to their

⁷ Nancy Kenney, June 19, 2020.

⁸ Aaron Randle, ‘We Were Tired of Asking’: “Why Open Letters Have Become Many Activists’ Tool of Choice for Exposing Racism at Museums”, *Artnet News*, July 15, 2020, accessed April 5, 2022, <https://news.artnet.com/art-world/museum-open-letters-activism-1894150>.

⁹ Representative Bonnie Watson Coleman, “H.R.2116- Creating a Respectful and Open World for Natural Hair Act of 2022”, Congress.gov, 2021-2022, accessed April 1, 2022, <https://www.congress.gov/bill/117th-congress/house-bill/2116/text>.

¹⁰ Aaron Randle, July 15, 2020.

physical minimum, and to extend the working day to its physical maximum, while the working man constantly presses in the opposite direction.”¹¹ Essentially, Marx is laying out how owners of capital have their priorities set on factors like profit, whereas workers themselves desire fair wages and hours. These two beliefs often conflict-because owners make the most amount of profit without spending money on what workers want and need. Paying a higher employee wage is counterintuitive to owners’ earning as much as possible.

An important consideration is that this tension Marx explains has been present in the United States between workers and capitalists for centuries. The earliest recorded strike in America occurred in 1619 concerning polish workers and artisans in Jamestown, NY desiring improved workplace rights.¹² Actions like the strike in 1619, and present day have led to workers realizing that they require a voice at the bargaining table. The basic relationship between capitalists and workers does not favor what labor wants, and the balance of power is skewed since owners can easily replace employees. However, the empowerment from unionizing can have workers realize their own importance because they are the ones creating with their labor, compared to their supervisors watching over them. Recognized representation is needed to establish clear communication between the two parties on a level field.

The answer to opening the lines of communication between labor and capital with workers desiring to be heard leads to unionization. The action of museum workers to unionize would address several of the components mentioned with recognized representation. This relationship between labor and administration could then effectively address the systemic

¹¹ Karl Marx “Value, Price and Profit”, in Karl Marx and Frederick Engels, collected works, Vol. 20 New York: International Publishers, 1985, 146.

¹² “Our Labor History Timeline”, AFL-CIO, 2022, accessed April 12, 2022, <https://aflcio.org/about-us/history>.

inequalities within their individual institutions. After researching the unionization of museum workers, I believe that museum workers should be unionized because it would improve their work culture by addressing the need for pay equity, allow more opportunity for diversity, and give museum workers a much-needed voice within their institutions. The museum has a crucial responsibility as stewards of precious artifacts and informal educators to the public. Workers and Administration being connected improves their capacity to achieve their mission, and in turn greatly benefits the visiting community. Unionizing may not be a smooth transition, but the goal of organizing is to achieve fairness and justice in the workplace. The aim of this work is to convince and inform the reader as to why museum workers should unionize.

First, I will contextualize the recent labor movements with exploration into the history of the American labor movement. Next, I will showcase history of labor unions specifically pertaining to museums. Then, I will provide two case studies on the New Museum and the Solomon R Guggenheim Museum with a brief history of each institution and delve deeply into each associated labor movement. Research will focus strictly on museums based in New York City to provide continuity regarding their situations. For example, the cost of living will be discussed, and it will be more effective to convey my point and less confusing for the reader to explore one region in the country.

Following that, I will evaluate objections to unionization and my overall argument for as to why museum workers should unionize. To do this, I will cite sources involving anti-union firms and their methods to dissuade museum workers from voting because they are effective. To conclude, I will reevaluate my argument, attempt to dispel common misconceptions about unions, address opposing arguments, and investigate their potential role in cultural institutions moving forward.

Literature Review

This thesis aims to establish why museums need unions. Since I am analyzing two recent movements involving the New Museum, and the Solomon R. Guggenheim Museum, I use several contemporary sources. Along with recent articles reporting on the subject, I have sourced social media, which is utilized heavily by the labor organizations themselves. For example, Instagram has been used under accounts controlled by various union movements. It served as a valuable primary source because it was filled with content released by the union used to instill support and recognition in their effort. An issue that can arise from these sources is one of bias because they are used as tools to persuade individuals to support their movement. As an aside, social media outlets like Instagram are not replacing in-person public rallies, but it is enhancing protests outreach and effectiveness. Using strictly contemporary sources can leave the comprehensive research of unionizing short: historical context is also needed to emphasize workers' reasoning to engage in the unionization process.

To balance the research, I have added appropriate works concerning the history of the American labor movement to support the notion that the issues today are not nuanced. Rather, they have been around for centuries, and the sources selected will provide a broader understanding of what lies behind the efforts of museum unionization. For example, the sources regarding the American history of unionization range from scholarly articles published at the end of the twentieth century to texts released within the past five years, providing many sources to scour through. In contrast, complete works written on unionization about cultural institutions, like museums, are scarce because they are recent developments.

Combining the two is achieved through the various articles written about the museums in question and direct testimony given by the museum unions themselves. For example, the 2020

work by Yael Horowitz in the Journal Theory and Practice titled: “A Labor of Love, but Labor Nonetheless,” explores museum unions and their untapped potential to improve not only working conditions but their ability to impact social change as well.¹³ The essay by Horowitz was constructed by incorporating labor theory, and case studies of museum unions.¹⁴ Although the museum union movement is a recent trend, but it is rooted in well-established labor unions that have a long history of supporting labor.

Newspaper articles provide insights into each museum's situation and progress toward unionization and critical insights into labor members' protesting for their respective unions. While this was a valuable resource, there are pivotal issues that arose. For example, the reader must be well informed about how each article was written because bias could be present depending upon the publishing newspaper in question. Also, the unionization of these three museums was a part of a massive national wave that swept the cultural world. This momentum shift created a plethora of articles, and so diligence was exercised in deciding which articles to use as a viable source. Finally, the moving parts surrounding unions and museums shift constantly, and articles are published rapidly, providing daily updates. Along with direct testimonials from museum unions and published articles, the American labor movement on a national scale was needed to provide proper context for the reader.

The American labor movement is a massive subject that has been reported on for decades. This fact has challenged the present research in several ways. The challenges have often developed into strengths regarding the depths one could reach. Overall, the challenges have originated from sources written in different periods, sources spearheading specific perspectives

¹³ Yael Horowitz, “A Labor of Love, but Labor Nonetheless,” The Journal Theory and Practice, Volume 3, 2020, https://articles.themuseum scholar.org/2020/05/29/tp_vol3_horowitz/.

¹⁴ Yael Horowitz, 2020.

that often alienate other points of view on the subject, and the constant changes and revelations sprouting up due to the American labor movement being an ever-evolving subject. For instance, the work written in 1975 from *Artnewspaper* detailing museum unionization¹⁵ has a different lens separated by more than forty years on the subject compared to the 2021 New York Times Article discussing the New Museum Union.¹⁶

The topic of the American labor movement has been under a large amount of scrutiny and analysis with several different points of view expressed. Along with those points of view, there have also been different amounts of context. A source written in the late nineteenth century would have an utterly nuanced answer for the current state of the labor unions in America compared to one written in this century. While this has been an issue for research, it has also led to positive outcomes. The exciting facet that developed from this was that the forecasting of older sources concerning the labor movement's future could be investigated. This would be considered a worthwhile perspective since the time they are predicting is the present, and their analysis could be put to the test. In other words, one could dive deeper into the context the author provides because that is what leads to their conclusion and conjecture for the future of the American labor movement. Along with different time periods being a potential challenge, the author's perspective also led to some difficulties with research.

The sources about the American labor movement often lead to different answers because the context the author decides to use often differs. For example, a source could focus mainly on the political history, such as the 2006 work titled: Schools of Democracy: The Political History

¹⁵ Lawrence Alloway, "Museums and Unionization," *ArtForum*, 1975, <https://www.artforum.com/print/197502/museums-and-unionization-37308>.

¹⁶ Alex Greenberger, "New Museum Union Votes to Join Local 2110," *ARTnews*, January 24th, 2021, <https://www.artnews.com/art-news/news/new-museum-union-votes-join-local-2110-11762/>.

of The American Labor Movement by Clayton Sinyai.¹⁷ While another would instead focus on the under-represented history of the subject, like the 2019 text titled: Rethinking the American Labor Movement by Dr. Elizabeth Faue.¹⁸

The topic of the American labor movement is large and intricate. The research has incorporated multiple perspectives that resulted from an in-depth understanding of the topic. The ability to write on the labor movement in several ways led to the analysis and argument for this thesis. While this work has a contemporary view of the labor movement, that does not stop the ever-evolving attribute of the American labor movement. For example, the topic of this thesis is on the further transformation of labor unions in 21st century America through museum workers organizing.

The labor movement in this country frequently changes through media coverage on acts like strikes, new legislation, and new unions. This fact often provides a challenge to research because further research will always be required to report on the topic in its entirety. There are a plethora of sources involving online news articles, official podcast discussions, and interviews that offer up-to-date information. While using these sources, decisions had to be made regarding perspectives presented and potential biases. For instance, while listening to the AFL-CIO podcast, their pro-union stance had to be considered.¹⁹

This thesis in part aims to provide the reasoning for union membership and the reasoning and efforts behind de-unionization that must be addressed to present a complete argument. Also, the opposition to labor is a part of the overall history of the American labor movement, and it would be inaccurate not to provide that aspect. For instance, the anti-union firm, Adams Nash

¹⁷ Clayton Sinyai, *Schools of Democracy: A Political History of the American Labor Movement*, (New York, NY: Cornell University Press, 2006), Print.

¹⁸ Elizabeth Faue, *Rethinking the American Labor Movement*, (New York, NY: Routledge, 2017), Print.

¹⁹ State of The Unions: AFL-CIO Podcast, *Spotify*, accessed March 15, 2022.

Haskell and Sheridan (ANHS)²⁰ will be cited as to their methods and services they provide to industries attempting to avoid union activity at their workplace. To accomplish the research, I will centralize my reporting on three scholarly texts and compliment them with outside statistics and reporting from other sources like news articles and personal interviews from union members and business owners alike.

Three scholarly texts inform this work on the history of labor in America. One is Schools of Democracy: The Political History of The American Labor Movement by the executive director of the Catholic labor network, Clayton Sinyai. Published in 2006, this work deals mainly with the political side of the American labor movement. The strengths include a perspective that offers another layer to the history. This perspective gives the reader an ability to assess the roots surrounding the attitudes and development of the labor movement through the lens of our Democratic founding. The reader would need to dive into other works because there is not much emphasis on the present due to the work having a general focus more on the past. Also, the dedication to political history left other narratives out, which is the reason behind the choice of the following source.

Another scholarly source is: Rethinking the American Labor Movement by Professor of History at Wayne State University, Dr. Elizabeth Faue. Published in 2017, the gist of this work involves the inclusion of past narratives of women and people of color in American labor. Then, the juxtaposition of these stories with the state of the labor movement in the twentieth century resulted in a valuable avenue to garner knowledge on sections of the labor movement in America that are overlooked.

²⁰ “Union Avoidance”, Adams, Nash, Haskell, and Sheridan, accessed May 1, 2021, <https://anh.com/services/union-avoidance-consultants-training/>.

This is an important aspect concerning museum labor because it is often considered a “Pink-Collar Profession”²¹ This comment derives from the fact that, according to a 2021 report from the U.S. Bureau of Labor Statistics, 49 percent of museum employees are women.²²

Women have historically been and continue to face obstacles in the workplace, like the gender pay gap. According to the Equal Policy Institute (EPI), in 2021 women were paid on average 22.1 percent less than men.²³ Furthermore, the pay gap especially affects women of color.

Per a 2022 report from PayScale: 2022 State of the Gender Pay Gap, “For the uncontrolled gender pay gap, American Indian and Native Alaskan women (who make \$0.71 to every \$1 white men make) and Hispanic women (who make \$0.78 for every \$1 white men make) have the widest gender pay gaps. When data are controlled for compensable factors, Black women have the widest pay gap (\$0.98). What this means is that American Indian and Native Alaskan women and Hispanic women are more likely to occupy lower paying jobs. Black women are most likely to be paid less despite having the same level of experience and other compensable factors as white men doing the same job.”²⁴

These statistics have meaning in museum labor considering 10 percent of museum workers are Hispanic or Latino, and 9 percent being Black or African American.²⁵ The text by Faue emphasized the marginalized history of overlooked groups like women and people of color

²¹ “Museums as a Pink Collar Profession: The Consequences and How to Address Them”, GEMM:(Gender Equity in Museums Movement), March 2019, accessed March 2022, https://docs.wixstatic.com/ugd/434074_6549b5054a474ac99b64d5780bc012b7.pdf.

²²“Labor Force Statistics from the Current Population Survey”, U.S. Bureau of Labor Statistics, accessed April 2022, <https://www.bls.gov/cps/cpsaat18.htm>.

²³ Elise Gould, “Equal Pay Day: There has been little progress in closing the gender wage gap”, Economic Policy Institute, March 10, 2022, accessed April 2022, <https://www.epi.org/blog/equal-pay-day-there-has-been-little-progress-in-closing-the-gender-wage-gap/>.

²⁴ “2022 State of the Gender Pay Gap Report”, PayScale, 2022, accessed April 2022, <https://www.payscale.com/research-and-insights/gender-pay-gap/>.

²⁵“Labor Force Statistics from the Current Population Survey”, U.S. Bureau of Labor Statistics, accessed April 2022.

which was crucial in getting a full picture of the American Labor movement. Overall, this text was helpful in those aspects, but there were some weaknesses.

The emphasis on the under-examined narratives often leaves out certain mainstream progressions in the American labor movement. Again, the labor movement is a significant piece of American history, and so it was necessary to examine several sources to obtain the fullest picture possible. The work by Faue was modern but could offer only a prediction of the future of the labor movement. The prediction by Faue declared that labor demonstrations in America would change into grassroot efforts.²⁶ This prediction led nicely into the current state of the labor movement in this country, which led to the next source.

The third scholarly text is The New American Labor Movement: The Decline of Collective Bargaining and the Rise of Direct Action by William E. Scheuerman. The work dissects the modern labor movements active in our current economy. There are chapters discussing ridesharing employees attempting to organize, the use of working stations, and several other modern functions of the New American labor movement. This 2021 text was essential for getting a fresh perspective on the movement due to its emphasis on contemporary labor movements.

This work would not be sufficient for one who desires to learn about the complete history of the American labor movement. There are brief mentions of past laws and figures in the labor movement, but nothing more. The text had more information concerning the contemporary labor movement than any other source reviewed. The most important point made in the work was the argument that the past labor movement differs from the present due to direct action labor movements. Unfortunately, this text did not mention cultural institutions at all, but it did a

²⁶ Elizabeth Faue, *Rethinking the American Labor Movement*, (New York, NY: Routledge, 2017), Print, 209.

remarkable job on capturing the current mood of workers, which includes museum workers deciding to unionize.

This work aided with research due to its goal to combine the history of the American labor movement and its current state in one piece of work. Along with the reports, articles, and the three larger pieces on the subject, one could sift through and adequately assess the labor question involving union membership in America. Along with a historical consideration of the American labor movement, a history of museum unions will be addressed as well prior to the modern case-studies of the New Museum and the Solomon R. Guggenheim Museum. To preface, an overview of labor theory concerning capitalism is presented to provide sentiments behind organizing efforts.

A Consideration of Labor Theory

A discussion of labor theory is essential because there are differing opinions regarding the relationship between labor and ownership. For example, there are deep rooted beliefs and theories as to why one cannot answer the call to workers' demands regarding something like a wage increase. This topic is discussed in the work: Value, Price, and Profit by Karl Marx, written in 1865, and first published in 1898. The aim of the text is to serve as a response to an argument made by then prominent English workers' representative and member of the General Council, John Weston.

According to Marx in a letter to peer Fredrich Engels, the argument made by Weston concluded that, "(1) that a general rise in the raise of wages would be of no use to the workers; (2) that therefore, etc., the trade unions have a harmful *effect*."²⁷ The harmful effect that Marx is

²⁷ Marx, Karl. *Value, Price, and Profit*. New York, NY: International Co. Inc, 1969, PDF, accessed April 2022, <https://www.marxists.org/archive/marx/works/download/pdf/value-price-profit.pdf>, 2.

referring to concerns how unions would impact other areas of industry.²⁸ Weston is presenting what would be referred to in the work as “theory of wages fund” and this is addressed by Karl Marx in this thesis.

According to Marx, the issue with the theory of wages fund are the two premises of Weston’s argument claiming that national labor production and wage are fixed or constant magnitudes.²⁹ Labor production on a national scale and the wages paid for that work are at a fixed level and any unnatural change in this would be harmful to both production and the marketplace. A change that would be deemed a natural one would only occur if capital increases or the amount of laborers decreases.³⁰ The issue behind this argument is explained by Marx:

“Now, his first assertion is evidently erroneous. Year after year you will find that the value and mass of production increase, that the productive powers of the national labour increase, and that the amount of money necessary to circulate this increasing production continuously changes. What is true at the end of the year, and for different years compared with each other, is true for every average day of the year. The amount or magnitude of national production changes continuously. It is not a constant but a variable magnitude, and apart from changes in population it must be so, because of the continuous change in the accumulation of capital and the productive powers of labour. It is perfectly true that if a rise in the general rate of wages should take place today, that rise, whatever its ulterior effects might be, would, by itself, not immediately change the amount of production. It would, in the first instance, proceed from the existing state of things. But if before the rise of wages the national production was variable, and not fixed, it will continue to be variable and not fixed after the rise of wages.”³¹

The point Marx is making here is in opposition to Weston’s argument, that overall output and wages are both fixed constants. Marx explains that production constantly fluctuates and a change in wages would not be a contributing factor to production changing. Also, there are several facets surrounding capital output changing and that can be either from changes in work

²⁸ Karl Marx, <https://www.marxists.org/archive/marx/works/download/pdf/value-price-profit.pdf>, 2

²⁹ Karl Marx, <https://www.marxists.org/archive/marx/works/download/pdf/value-price-profit.pdf>, 5

³⁰ Karl Marx, <https://www.marxists.org/archive/marx/works/download/pdf/value-price-profit.pdf>, 5

³¹ Karl Marx, <https://www.marxists.org/archive/marx/works/download/pdf/value-price-profit.pdf>, 5

population, weather or natural causes, and countless other potential scenarios that would and do cause production amount to change. After establishing that national production is not a fixed constant, one could then extend that wages are not and should not be a constant either.

To continue, a belief held by many concerning wages is that “the prices of commodities are determined or regulated by wages.”³² Concerning on what exactly this means, Marx explains, “Wages being but a name for the price of labour, we mean that the prices of commodities are regulated by the price of labour. As ‘price’ is exchangeable value — and in speaking of value I speak always of exchangeable value — is exchangeable *value expressed in money*, the proposition comes to this, that ‘the *value of commodities* is determined by the value of labour,’ or that ‘the *value of labour is the general measure of value.*’”³³ One is paid for their labor and that is what essentially creates a value for that labor. Then, that money is spent on items or commodities and the belief is that wages are then a reflection of the commodities that were produced. It is much easier to attribute a change to profit, instead of a change to prices due to the competitive marketplace.

Labor is a complex issue filled with several variables not addressed by both arguments. The Covid-19 pandemic impacted the world immensely and has served as a catalyst for the trend in museums unionizing in recent years. For example, an article written by Tom Seymour for *Artnewspaper* in 2022 titled: State of the unions: why US museum workers are mobilising against their employers, discusses the Covid-19 pandemic. In the article, Seymour writes about the recent trend in museum unions and the pandemic:

“They amount to “a new renaissance in the union movement of America”, says Tom Finkelppearl, the former cultural commissioner of New York City. ‘Unions are being discussed more seriously now than at any other time in my adult life,’ he says. ‘We’re seeing a widespread embrace of the idea of labour justice in the museum sector. There’s

³² Karl Marx, <https://www.marxists.org/archive/marx/works/download/pdf/value-price-profit.pdf>. 13.

³³ Karl Marx, <https://www.marxists.org/archive/marx/works/download/pdf/value-price-profit.pdf>. 14.

a new sense of urgency about job safety, job security and job quality. Reasonable expectations are changing, and people are beginning to realise they have routes of recourse.’ This new movement is, in part, a reaction to Covid-19. Lockdown measures meant ticket sales and commercial revenues dramatically ground to a halt in March 2020, leading many museums to furlough staff before resorting to swinging redundancy drives to balance budgets. Staff numbers have been cut in some instances by up to 75%. Many major US institutions accepted support through the federal government’s Paycheck Protection Program; the Guggenheim, for example, received a \$5.9m loan, also listed in its IRS filings.”³⁴

Covid-19 can be seen as a catalyst for the museum workers because staff were furloughed or even fired at an alarming rate. In their defense, the pandemic did present many businesses with difficult decisions. Although, this did shed a light on the job security of museum employees without representation. An important aspect of the museum union movement in America is that they are a part of the digital movement due to the Pandemic making much of our lives virtual. The Solomon R. Guggenheim Museum is one of the case studies in this thesis, and their Instagram, “Abetterguggenheim”³⁵ will be cited as a major way for workers to share their complaints publicly. The Covid-19 pandemic is just one of the several examples that cause labor relations and development to be a complex issue. For instance, major wars, inflation, shifts to overseas production, and other factors incorporate the state of labor in one way or another.

This brief exploration into differing opinions concerning wage labor showcases the large discussion and thought that does occur outside of general statements behind proposed change. In addition to differing economic theories, the overall interests between workers and management also flow in opposing directions. Labor’s desire for fair wages and safe work environments goes

³⁴ Tom Seymour, “State of the unions: why US museum workers are mobilising against their employers”, *The Art Newspaper*, February 2, 2022, accessed April 2022, <https://www.theartnewspaper.com/2022/02/02/state-of-the-unions-a-new-renaissance-at-us-museums>.

³⁵ A Better Guggenheim (@abetterguggenheim), Instagram, accessed April 2022, <https://www.instagram.com/abetterguggenheim/>.

against the side of ownership desiring to net the highest total profit possible. It is understood that these are simplified wants, but it is safe to say that what workers want seldom aligns with what management wants. This opposition leads to labor needing representation because they are in a tough position to negotiate with someone in a far more advantageous position.

Prior to advancing onto the American labor movement, Marx also offers insight on union representation. Marx states, “Trades Unions work well as centers of resistance against the encroachments of capital. They fail partially from an injudicious use of their power. They fail generally from limiting themselves to a guerilla war against the effects of the existing system, instead of simultaneously trying to change it, instead of using their organized forces as a lever for the final emancipation of the working class that is to say the ultimate abolition of the wages system.”³⁶ This is important to mention because after analyzing the history of labor unions in America and with museums, there will be a consideration on whether labor is moving in a new direction. Also, there is a point to be made on unions potentially doing more insofar as changing the landscape of labor beyond their own workplace. Before delving into a large history of the American labor movement and case studies, it would be wise to add information on the fundamentals of the unionization process.

Union Basics: How Do We Unionize?

The right for workers to organize was granted by the National Labor Relations act of 1935, which encourages collective bargaining and aims to prevent harmful management practices that negatively impact the welfare of their respective employees.³⁷ After employees

³⁶ Karl Marx, <https://www.marxists.org/archive/marx/works/download/pdf/value-price-profit.pdf>. 32.

³⁷ “National Labor Relations Act,” Guidance, National Labor Relations Board, accessed April 2021, <https://www.nlr.gov/guidance/key-reference-materials/national-labor-relations-act>.

discuss amongst themselves and believe they want to move forward with unionizing, they may contact the National Relations Labor Board (NRLB).

According to the NLRB, unionizing can happen in one of two ways. One option entails that if at least thirty percent of employees sign a petition claiming they desire a union, the NLRB will conduct an election and will certify the worker's choice of a union if the majority votes that way.³⁸ The other option involves the employer voluntarily recognizing the union based on evidence of a signed petition by a majority of staff claiming they want a union to represent them in collective bargaining.³⁹ While this process is presented as straightforward, there are several factors at play that will be examined in the remainder of this work through the history of labor in America, museum union case studies, and the opposing efforts by management to stop their employees from unionizing.

³⁸ “Conduct Elections,” About NLRB, National Labor Relations Board, accessed April 29th, 2021, <https://www.nlr.gov/about-nlr/what-we-do/conduct-elections>.

³⁹ “Conduct Elections,” About NLRB, National Labor Relations Board, accessed April 29th, 2021, <https://www.nlr.gov/about-nlr/what-we-do/conduct-elections>.

Chapter 2

The History of Labor in the United States & its Future Role for Museum Workers

The Knights of Labor

A comprehensive analysis of the American labor movement-must include a context for organized labor. The particular focus is the original groups, their structure, their beliefs concerning organized labor, and where they are today. According to Clayton Sinyai's work in the Schools of Democracy series: A Political History of the American Labor Movement, the origin of modern organized labor can be accessed through labor's response to the troubles of the gilded age with the emergence of two prominent labor organizations: the American Federation of Labor (AFL) and The Knights of labor.⁴⁰ Before describing the beliefs and structure of those two organizations, a brief look into the Gilded Age is necessary for context.

The Gilded Age in America is debated amongst scholars concerning its duration, but it generally pertains to the years 1870-1900, and during that time, workers faced many hardships. To summarize the general attitude of the Gilded Age, Rebecca Edwards provides insight from her 2009 journal article: *Politics, Social Movements, and the Periodization of U.S. History*:

“However it is chronologically defined, the standard narrative of the Gilded Age is familiar. This was the era when capital and labor fought their first pitched battles on a national scale, and capital won. Wealth became far more concentrated; the super-rich turned their backs callously on the poor, lavishing millions on banquets and Worth ball gowns. Multinational corporations arose to exercise untrammelled power, while government stood by passively, bound by the ideology of social Darwinism and *lassiez Faire*. Where government was active, it was riddled with corruption. Although (this story goes) a series of admirable movements protested the new conditions, all of them failed. The most universally perceived feature of the gilded age appears to be political stagnation and corruption.”⁴¹

⁴⁰ Clayton Sinyai, *Schools of Democracy: A Political History of the American Labor Movement*, (New York, NY: Cornell University Press, 2006), 20, Print.

⁴¹ Rebecca Edwards, “Politics, Social Movements, and the Periodization of U.S. History”, *The Journal of the Gilded Age and Progressive Era*, Vol. 8, No. 4, (October 2009): 464, <https://www.jstor.org/stable/40542874>.

The significance of this analysis is the establishment that labor and capital were at odds with each other. The gilded age showcased immense growth in steel, railroad transportation, and coal industries. The ideals that Ms. Edwards includes in her analysis of the Gilded Age are also worth exploring because it leads to the reaction from labor. The national government's policy on limited to no involvement in business dealings, known as *Laissez-faire* economics, along with the survival of the fittest mentality, then takeover, which left workers at the mercy of the market. This setting led to unfair and deadly working conditions, which became one of the catalysts for the American labor movement to kick-start in the following years.

The increased industry during the late 19th century created countless ripples throughout America. The transition from small business owners in the open market was overtaken by men known as "Robber Barons" who were not as concerned with supply and demand but rather on the speculation of commodities to create a monopoly.⁴² As corporations and industrialization became larger, the worker's role became smaller and increasingly vulnerable. This enormous and speedy shift left a lot of the country to play catch-up to these changing times. The reaction from labor will be the development of several organizations, and the Knights of Labor will be first to explore.

The Knights of Labor organization was established in 1869 by Uriah Stephens as a cooperative commonwealth that aimed for the "Abolishment of the wage system of labor and cooperative ownership."⁴³ The goal of the Knights of Labor was to ensure a broad coalition among their ranks then leverage their massive numbers to form a cooperative labor organization to counteract the poor working conditions provided by the new industrial leaders. This is a worthy ideal, and so the structure on how to make this possible must be examined.

⁴² Clayton Sinyai, 18.

⁴³ Clayton Sinyai, 22.

Their structure is discussed in the 1887 journal article: *An Historical Sketch of the Knights of Labor* by Carroll D. Wright. In the piece, the structure is reported based on Stephens' vision to include all workers, no matter their profession, race, gender, or creed, to access all of America's labor, which could not be achieved in traditional trade unions.⁴⁴ It must be noted that not every worker was allowed to become a member. Gamblers, liquor salesclerks, lawyers, and stockbrokers could not join due to the belief that they were outside of the ideal the organization was attempting to achieve because of their involvement in vice and direct relationship with capital.⁴⁵

The article then continues to describe the weakness of trade unions, according to Stephens. He describes them as unable to break away from being a part of capital, comparing traditional trade-unions to a "bundle of sticks when unbound- weak and powerless to resist combination."⁴⁶ The belief by Stephens is that not only can traditional labor unions during this time rally around all workers, but their current framework could not avoid coalescing with capital and profit, which would not be beneficial to labor.

Stephens' critique came with a solution that dealt with education and legislation through an undercover group, which became the Knights of Labor.⁴⁷ The article by Wright continues with an explanation on how to take this idea of an organization and make it a reality: "Stephen's great controlling ideas may be formulated as follows: first, that surplus labor always keeps wages down ; and second, that nothing can remedy this evil but a purely and deeply secret organization, based upon a plan that shall teach, or rather inculcate, organization, and at the same time educate

⁴⁴Carroll D. Wright, "An Historical Sketch of The Knights of Labor," *The Quarterly Journal of Economics*, Vol. 1, Issue. 2, (January 1887): 141, <https://doi-org.proxy.buffalostate.edu/10.2307/1880768>.

⁴⁵ Clayton Sinyai, 21.

⁴⁶ Carroll D. Wright, 141.

⁴⁷ Carroll D. Wright, 142

its membership to one set of ideas ultimately subversive of the present wages system.”⁴⁸ The idea behind the Knights of Labor was to escape the wage-labor system. Instead of the current wage-labor system in America, the Knights favored cooperatively run workshops and cooperative stores.⁴⁹ The Knights of Labor wanted to establish a broad grouping of current and former wage earners to not only negotiate work contracts but also desired to make an impact with social and political reform.⁵⁰ During their brief run, the Knights of labor did achieve some success.

To illustrate, the Knights of Labor were involved in a walkout with the Wabash Railroad because the company fired members due to a growing concern about their power on the railroad. The strike turned out to be a success after the industrious leader, Jay Gould decided to concede because of losses due to the work stoppage.⁵¹ This success led to the narrative that the Knights were true representatives of the working class, and their membership swelled to estimated three-quarters of a million workers.⁵² The significance of this is that the alternative group, in comparison to traditional trade unions were able to organize and execute a walkout that ended in favor of their members.

It is important to mention that by this time, the current leader of the Knights of labor was not Uriah Stephens but Terence V. Powderly, who succeeded Stephens in 1879.⁵³ The transition became difficult because the ideals that Stephens envisioned became skewed due to the overall message of the Knights becoming lost as they could not escape involvement with industrial disputes. Meaning, many members joined in hopes that their own personal wages would increase, with the idea of any social or political reform falling by the wayside.

⁴⁸ Carroll D. Wright, 141-142.

⁴⁹ Digital History, “The Origins of American Trade Unionism”, Knights of Labor, 2021, accessed April 2022, https://www.digitalhistory.uh.edu/disp_textbook.cfm?smtid=2&psid=3191.

⁵⁰ Clayton Sinyai, 20.

⁵¹ Clayton Sinyai, 24.

⁵² Clayton Sinyai, 24.

⁵³ Clayton Sinyai, 22.

The loss of focus can be attributed to the Knights involvement in industrial disputes that they originally wanted to avoid, along with new members joining their ranks with no clear drive to get involved with the larger mission of progress. A sentiment is expressed by the leader of the Knights of labor for the New York Central railroad, Edward Lee, that bluntly sums up the issue: “Accessions to our ranks are recruited from the ranks of dissatisfied poorly paid men, who come into the Order for the sole purpose of bettering their condition financially, for you know that success is the god that they worship.”⁵⁴ This statement expresses several of the key factors why the Knights of Labor ended up dissolving. The Knights could not help but get mixed in with capital concerning industrial disputes. The organization, even at peak numbers, consisted of laborers who thought more local than national in the way of worker advancement, and this lost message caused a negative narrative to form around the Knights of Labor.

The Haymarket Square riot taking place on May 4, 1886, was a reaction to laborers being overworked at the McCormick Reaper Manufacturing company in Chicago and their demand for an 8-hour workday.⁵⁵ According to the reporting in the *Chicago Tribune* from May 5, 1886, an account is given regarding the overall cause and result of the labor protest. The article reports the cause of the riot by citing a pamphlet that was passed out advertising the gathering, “ATTENTION, WORKINGMEN: GREAT MASS MEETING. Tonight at 7:30 o’clock At the HAYMARKET, RANDOLPH STREET BETWEEN DESPLAINES AND HALSTED. Good speakers will be present to denounce the latest atrocious act of the police – the shooting of our fellow- workmen yesterday afternoon.”⁵⁶

⁵⁴ Clayton Sinyai, 24.

⁵⁵ Library of Congress: Research Guides, “Haymarket Affair: Topics in Chronicling America,” *Library of Congress*, Accessed December 5th, 2021, <https://guides.loc.gov/chronicling-america-haymarket-affair>.

⁵⁶ Chicago Tribune, “A Hellish Deed,” *The Chicago Tribune* Vol. XLVI, Chicago, Illinois, Wednesday, May 5, 1886, Accessed December 6, 2021, 1, *Newspapers.com*: https://www.newspapers.com/image/?clipping_id=33271045&fcfToken=evJhbGciOiJIUzI1NiIsInR5cCI6IkpXVCJ

The news article goes on to describe the event as "A Night of Terror," due to the violent bombing that occurred, which led to several injuries and death to local police officers.⁵⁷ This is significant because Powderly and the Knights of Labor representatives encouraged their members to avoid the Haymarket meeting due to their general opposition to strikes, but some members joined anyway, highlighting the loss of solidarity within the organization again.⁵⁸ Another layer to discuss is the relationship between management, law enforcement, and labor because it highlights the ongoing battle between the three and their relationship pouring over into the realm of public opinion through media outlets.

The incident that the article mentions comes from the initial movement of workers quitting their jobs on April 30th of the same year, pertaining to workers having a desire for an 8-hour workday. According to the *St. Paul Daily Globe* based in Milwaukee, WI, an article titled: "FOR EIGHT HOURS" that was published on May 1, 1886, nearly twenty-five thousand laborers in Chicago along with hundreds of thousands of others nationally walked out of their jobs in order to secure eight-hour-long shifts, with the same pay rate from their previous ten-hour workdays.⁵⁹ This movement eventually led to what we now refer to as "May Day."⁶⁰ Moving forward to May 1, 1886, the *Omaha Daily Bee* wrote an article titled: "The Great Day For Labor: Arrival of May 1 and the Demand for Eight Hours: 25,000 Men Out In Chicago," which

[9.eyJmcmVILXZpZXctaWQiOjM0OTcxMTU5NiwiaWF0IjoxNjM4NTkwNDk3LzJleHAiOjE2Mzg2NzY4OTd9.nQdYPL6pl-AWdro7N5sa6Bz_K9b2oDXZTsjF6SZludM.](https://www.chicagotribune.com/business/ct-biz-why-is-may-day-worker-holiday-chicago-20190501-story.html)

⁵⁷ Chicago Tribune, 1.

⁵⁸ Ohio History Central, "Knights of Labor," *Ohio History Connection*, Accessed December 5, 2021, https://ohiohistorycentral.org/w/Knights_of_Labor.

⁵⁹ St. Paul Daily Globe, "For Eight Hours," *St. Paul Daily Globe* Vol. VIII, Saint Paul, Minnesota, Saturday, May 1, 1886, 1, *Library of Congress: Chronicling America*, Accessed December 6, 2021, <https://chroniclingamerica.loc.gov/lccn/sn90059522/1886-05-01/ed-1/seq-1/#words=eight-hours+hours+eight-hour+hour+HOURS+eight+EIGHT>.

⁶⁰ Tony Briscoe, "Why May Day is an international workers' holiday- and how it began in Chicago," *The Chicago Tribune*, May 01, 2021, <https://www.chicagotribune.com/business/ct-biz-why-is-may-day-worker-holiday-chicago-20190501-story.html>.

chronicles labor unions past few weeks of organizing the event along with direct involvement from the Knights of Labor.⁶¹

To quote, “There are about 125 local assemblies of Knights of Labor in this city, embracing an immense number of tradesmen and laborers who are in favor of the movement and are prepared to support it. Most of these are unknown to the public, owing to the fact that they have not been advertised, because the members do not wish that their employers should know for the present that they have been organized. After May 1, however, they will make known the fact by holding meetings in support of the eight-hour demand.”⁶² This is significant since the Knight's original idea of being a lesser-known group has changed due to stepping out into the public eye because of an industrial dispute, like May Day. Although, this attributed to their downfall because the Haymarket riots mentioned earlier led to the public associating unions with radicals, which caused bad press for the Knights of Labor.

This was the case because the Knights were publicly tied in support of the initial rally for an eight-hour workday, but they were often seen as an order organized around socialist ideals and members. In the same article referenced earlier by the May 5, 1886, *Chicago Tribune* article, a section is titled: "An Incendiary Speech," which details the appearance of known Socialist Sam Fielden speaking at the event.⁶³ Between the Knights of Labor expressing public support for the eight-hour workday movement, their association with socialist ideals, and then socialists' being a part of the Haymarket riot, all led to public opinion condemning the Knights of Labor. One last

⁶¹ The Omaha Daily Bee, “The Great Day For Labor,” *The Omaha Daily Bee* fifteenth year number 272, Omaha, Nebraska, Saturday, May 1, 1886, 1, *Library of Congress: Chronicling America*, Accessed December 6, 2021, <https://chroniclingamerica.loc.gov/lccn/sn99021999/1886-05-01/ed-1/seq-1/#words=GREAT+DAY+LABOR>.

⁶² The Omaha Daily Bee, 1.

⁶³The Chicago Tribune, 1, https://www.newspapers.com/image/?clipping_id=33271045&fcfToken=eyJhbGciOiJIUzI1NiIsInR5cCI6IkpXVCJ9.eyJmcmVILXZpZXctaWQiOiJMOOTcxMTU5NiwiiaWF0IjoxNjM4NTkwNDk3LCJleHAiOiJlE2Mzg2NzY4OTd9.nQdYPL6pl-AWdro7N5sa6Bz_K9b2oDXZTsjF6SZludM.

factor of the Knights of Labor and the organizations' end came through their dealings with race relations.

The progressive ideas often put the Knights under the spotlight from media outlets, but also their own members often disagreed with their inclusion of all laborers. For example, the polarizing topic of race was an issue within labor unions, and the Knights were no exception. The recent string of failures by the Knights of Labor, including the Haymarket riot, had them positioning to organize in southern states, and that effort included the involvement of black members. During the 1886 convention held in Richmond, Virginia, by the organization, a rift was present involving the question of social equality among black and white workers. According to the journal article by Claudia Miner, "In Richmond, for example white Knights in the building trades succeeded in denying employment to black laborers in municipal construction projects."⁶⁴

This issue was never formally addressed by the Knights, which led to the Assembly 49 out of New York causing controversy at the convention due to their open opposition to the local Jim Crow Laws in Richmond and their desire to have a black member, Frank Ferrell, to introduce the Virginia governor, Fitzhugh Lee.⁶⁵ Ultimately, Powderly refused and compromised by offering himself to have an introduction by Ferrell, and this caused a problem amongst the Knight members because to some, even having Ferrell on the stage at the same time as Fitzhugh was disrespectful.⁶⁶ This is important to mention because it adds yet another layer as to why the Knights of Labor fell.

The original idea of the organization was lost through several fronts. First, workers often joined the Knights with their self-interests at hand over the overall message of the group, and this

⁶⁴Claudia Miner, "The 1886 Convention of the Knights of Labor," *Phylon* (1960-) Vol. 44 No.2, (1983): 148, <https://www.jstor.org/stable/275026>.

⁶⁵Claudia Miner, 151.

⁶⁶Claudia Miner, 151.

caused those some workers to leave at the first sign that these needs would not be met. Secondly, the media did the damage after the reporting on the Haymarket riot, which forever affiliated the socialist agenda of the Knights with radical violence from events that played out like Haymarket. Finally, the broad umbrella that the Knights attempted to prop up failed them because they could not rally their workers on any sort of definitive line, especially on complicated issues like race during the late 19th century.

A quote from historian Clayton Sinyai sums it up perfectly, “The Knights of Labor were a house of labor built upon sand, sure to collapse when the rains came.”⁶⁷ Due to the issues listed, the current economic stresses of the Gilded Age, and the upcoming shift in the American labor movement, the Knights of Labor had their membership drop considerably in the late 1880s–1890s while officially disbanding in 1949.⁶⁸ The Knights of labor were a considerable step and lesson for the American labor movement due to their desire to not only get involved in labor disputes but also their desire to establish a coalition to impact social change as well. Now, the shift of the American labor movement turns to the national labor unions, later to be known as the American Federation of Labor (AFL).

The American Federation of Labor (AFL)

The craft unions such as bricklayers and typographers took over leadership in the American labor movement by forming a national labor union in 1886, under the moniker: The American Federation of Labor (AFL)⁶⁹ The first elected leader of the AFL, Samuel Gompers,

⁶⁷ Clayton Sinyai, 25.

⁶⁸ Michael Barga, “The Noble and Holy Order of the Knights of Labor (1869-1949),” *Virginia Commonwealth University*, Accessed December 7, 2021, <https://socialwelfare.library.vcu.edu/organizations/labor/knights-of-labor-2/>.

⁶⁹ Clayton Sinyai, 26

was a former president of the local 144 Cigar Makers International Union (CMIU) in New York City and was integral in transitioning the craft unions into the AFL along with guiding the organization during his forty-year reign.⁷⁰ In a preamble given in 1886, Gompers declares an ever-growing issue between capitalists and laborers, which led to the official formation of the AFL. In the speech, Gompers concludes, "We, therefore, declare ourselves in favor of the formation of a thorough Federation, embracing every Trade and Labor Organization in America, organized under the Trade Union System."⁷¹ The ascendance of the AFL as the new leader in the American labor movement was in part the result of the collapse of the Knights, although their longevity can be attributed to their differences in ideals and structure.

The relations between the Knights of Labor and this new national labor organization were unfriendly due to their differing ideologies and structures. The differences range from social involvement, who can be a member of a union and the responsibilities of union members. For example, an interview from the Knights general master workman, Terrence Powderly, was published by the *New York Times* in November of 1892, discussing his thoughts on the current state of labor in America.

In the interview, Powderly was answering the question as to whether the Knights cooperate with the AFL, "The Knights of Labor co-operate with the trades unions and all other legitimate labor societies wherever and whenever the interests of labor can be improved, but we do not co-operate with or recognize the fake which affords an outlet for the personal spite of expelled Knights, known as the American Federation of Labor. If that institution did not have the Knights of Labor to throw mud at, it would relapse into a state of coma, or- as Brother Cleveland

⁷⁰ AFL-CIO, "Samuel Gompers," About Us, *AFL-CIO: America's Unions*, Accessed December 7, 2021, <https://aflcio.org/about/history/labor-history-people/samuel-gompers>.

⁷¹ The University of Maryland, "Preamble," *The Samuel Gompers Paper Project*, Accessed December 7, 2021, <http://www.gompers.umd.edu/AFL%20preamble.htm>.

puts it 'innocuous desuetude'."⁷² The attitude Powderly has could be attributed to the Knights membership being lost to the AFL during that time, but there are fundamental differences in their overall thinking regarding the role of labor in America. To properly assess the AFL, their ideologies, structure, transformation over the years, and current state will be evaluated.

Although there are differences between the two labor groups, they at least both agree on a few general issues. Both groups believed that the advancement of capitalism was negatively impacting the republican democracy in America, the worker's dependence on wage-labor was limiting their ability to be virtuous citizens, and both shared the overall goal to establish self-rule for the working class back in the day of the small proprietor in pre-industrialization days.⁷³ That being said, the similarities end there as the AFL had their own ideas on how a national union should be run compared to the Knights of Labor.

A major difference between the two groups that set them apart was the AFL's willingness to recognize that cooperative ownership could not replace private, "Unlike the Knights, craft union activists understood that cooperative ownership was no substitute for private ownership in the foreseeable future. But they also suspected that many of industrial capitalism's civic defects were not products of private ownership per se but to the alienation of labor."⁷⁴ This belief by the AFL showcases their willingness to get involved with capital and private ownership with the aim of pairing the two together for laborers to gain more of a voice instead of keeping both spheres separated and labor alienated.

⁷² The New York Times, "Powderly Talks," *The New York Times* Vol. XLII No. 12,869, Tuesday, November 22, 1892, 1, <https://timesmachine.nytimes.com/timesmachine/1892/11/22/104153692.html>.

⁷³ Clayton Sinyai, 26.

⁷⁴ Clayton Sinyai, 27.

On the topic of alienation, the craft unions within the AFL had a principle of voluntarism.⁷⁵ They generally opposed increased government activity in labor relations because there was skepticism surrounding the intentions of government officials. Also, the belief was that unions have the best interests for workers compared to the state and employers, so why let outside forces get involved? Along with the organization's motivation to remain free from government and employer meddling, the founding principle of the AFL dealt with jurisdiction:

“The young AFL’s challenge was to make the voluntarist craft union vision an organizational and social reality. Exclusive jurisdiction over each trade by an appropriate national union was the federation’s founding principle, and this principle dictated much of the AFL agenda. Exclusive craft jurisdiction meant that every worker in America belonged by right to one and only one international union. An AFL charter was a symbolic grant of legitimacy to a trade union asserting sovereignty over a craft. Where no single national union existed, the AFL guided rival unions or unaffiliated local unions through mergers into newly chartered internationals. In these early years of the AFL supervised or assisted the formation of the United Mine Workers of America (UMW), the Teamsters, the Laborers, and the American Federation of Musicians, to name a few.”⁷⁶

The set-up here left the AFL merely a supervisor over autonomous unions that were a part of the national coalition. Individual unions were able to address how they handled scheduling, membership, apprenticeships, and other similar settings because the AFL was a federation. This did not give the AFL much power over other unions, but the strength came from the ability to organize in solidarity with other laborers to make the organization national. Other than the role the AFL plays over other unions, a key takeaway is what makes a union in the early days of the organization. The aim of the AFL stresses the desire of craft unions, and in turn, craftsmen. This is important to note because this draws a distinctive line for the AFL regarding skilled and non-skilled labor.

⁷⁵ Clayton Sinyai, 31.

⁷⁶ Clayton Sinyai, 42.

The exploration of the Gilded Age and industrialization that is occurring during these years is crucial because technology is now present to have individuals perform intricate work in a simplified way. For example, in 1882, Andrew Carnegie developed the Bessemer Process, which essentially established a way to develop nearly triple the production of gray metal in steel facilities, compared to production numbers ten years prior.⁷⁷ Technological advancement like this was extraordinary in this age, and it required the need for a larger workforce since there was a larger capacity and demand for a product. This need for a larger workforce was the catalyst for increased immigration from foreign countries, national waves of migration, and the response of the craft unions within the AFL on their position on these new laborers.

In the 2017 work titled: Rethinking the Labor Movement by Elizabeth Faue, a section is dedicated to the origin surrounding the attitude craft unions had toward foreigners, women, people of color, and lesser-skilled workers compared to their brotherhood:

“Publicly, the American Federation of Labor did support racial and gender equality, woman suffrage, and broad-based working-class solidarity. It also tolerated contradictory local, regional, and international union practices that were racially exclusive, discriminated on the basis of sex, and endorsed local anti-Prohibition- and anti-Woman Suffrage-political candidates. It wasn’t that the AFL’s body was at war with each of its constituent parts. Yet it is also important to recognize the extent to which the ‘ideal worker’ of the AFL, a skilled member of an AFL-affiliated trades union and a brother, embodied those contradictions. Craft unions were not egalitarian because, for the most part, their members did not see all workers as equal. They defied, in daily practice, the AFL’s public commitment to racial and gender equality.”⁷⁸

The theme is that AFL members would view and run their unions differently than the national organizer. This occurred because the AFL had a weak grasp on controlling other unions due to supporting their autonomy. As it pertains to discriminating on outside workers, that can be attributed to topics like location and the desire for trade workers to maintain their skills in-house.

⁷⁷ Thomas W. Fitch, “Bessemer Steel. Ores and Methods,” *St. Louis, MO., M. Renshaw*, 1882, 26, *The Library of Congress*, <https://archive.org/details/bessemersteelore00fitch/page/26/mode/2up>.

⁷⁸ Elizabeth Faue, *Rethinking the American Labor Movement*, (New York, NY: Routledge, 2017), 25, Print.

The racial tension in late nineteenth-century America was still present throughout all of America, and much like the Knights of Labor, the AFL could not escape it. Overall, the tradesman knew they were difficult to fire due to their skill at the position, so that is in part why they wanted to separate themselves from most of the available workforce. So, whether one was an immigrant, an unskilled laborer, a woman, or a person of color, the view was that you would bring down their status as craftsmen and compromise their position in negotiations.

It is now established that the AFL craft unions believed they were above other workers that would change with the ever-growing industrial economy and those workers' desire for representation. The origin of the AFL is wrapped up in fraternalism and exclusionary attitudes based on their own belief that there was a true separation between them and un-unionized workers. This view, along with their founding principles of voluntarism and political avoidance, is going to be seriously tested in the coming age of progressive politics.

Significant Labor Legislation and the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO):

The catalysts behind industrial workers attempting to join the ranks of AFL unions include the entrance of progressive politics in the early 20th century and the changing economy in America. The decision for the AFL to get political was inspired by constant cases being ruled against labor. For example, the Sherman Anti-trust Act of 1890 was passed to eliminate monopolies,⁷⁹ but it ended up hampering labor as well.

The Danbury Hatter's workforce located in Connecticut desired to unionize, and the owner, Dietrich Loewe, refused to recognize this action, which led to the workers boycotting

⁷⁹ Legal Information Institute, "Sherman Anti-Trust Act," *Cornell Law School*, Accessed December 7, 2021, https://www.law.cornell.edu/wex/sherman_antitrust_act.

known as a secondary boycott, and this method was successful enough for Loewe to take this situation to court. The final ruling from the Supreme Court in the 1908 case between *Loewe vs. Lawler* was a major decision impacting the future of unionized labor and was followed nationally.

The decision was quoted in an article in the *Philadelphia Inquirer* from 1908 titled: “Government May Act”, “The United States Supreme Court today by its decision of *Loewe v. Lawlor* declared illegal and criminal under the Sherman Anti-Trust act all combinations of working men to boycott the interstate business of manufacturers who sell their goods in other States other than that of the manufacturer.”⁸⁰ The result was not only did the AFL and trade unions lose the power of the boycott, but this caused the AFL to abandon their principle of not getting political. Instead of being discouraged and further alienated from the government based on this decision, a different direction had to be taken to counteract labor loss in the judicial system.

An important note is the growth of the AFL at the turn of the twentieth century. During the years between 1897 and 1903, skilled workers union membership grew sharply under the AFL reaching nearly two million.⁸¹ This growing number showcases the amount of influence the AFL now commands, and that includes the power in politics. The connection between membership and their ability to vote was not lost on the AFL in their future political aspirations.

The election of 1912 ended with Democrat Woodrow Wilson obtaining the presidency and conferring with the AFL along the way. In an article by the *Grand Forks Herald* from December 1912, titled: “Confer With Wilson”, legislation for aid was requested by AFL leaders.

⁸⁰The Philadelphia Inquirer, “Supreme Court Again Decides Against Labor,” *The Philadelphia Inquirer* Vol. 158 No. 35, (Philadelphia, Pennsylvania), Tuesday, February 04, 1908, 2, *Newspapers.com*: <https://www.newspapers.com/image/168276787/?terms=%22Loewe%20vs%20Lawlor%22&match=1>.

⁸¹ Elizabeth Faue, 43.

The article states, “Gompers said Wilson was urged to give whatever aid possible to pushing through the present congress a bill for the creation of a department of labor.”⁸² This relationship led then-President Taft to sign the law that established the U.S. Department of Labor on Wilson's inauguration day, March 4, 1913.⁸³ This political relationship would be a foreshadowing for how intertwined the government and labor would become as the American labor movement progressed. These progressive politics would extend to not only current unions but future ones as well due to the excluded and less-skilled workers deciding to unionize themselves.

Times were changing, and the increasing diversity in the workplace began to outnumber the current standing of unions only consisting of American-born craftsmen. For example, the International Ladies Garment Union (ILGWU) showcases both women and immigrants, organizing effectively as an industrial labor union. In 1900 seven local unions based in New York City came together in order to establish the ILGWU and protest poor working conditions with a major base of young, immigrant women.⁸⁴ One could attribute the one hundred forty-six people dying from the Triangle Shirtwaist factory fire in 1912 as the origin of the ILGWU because New York City officially unionized all garment work by signing the Protocols of Peace shortly thereafter.⁸⁵ Other than the official unionization of the ILGWU, the response of the media reporting on poor working conditions through a tragedy is worth noting.

The *Buffalo Evening News* published an article in December of 1912 discussing the New York City fire. The article states, “The interstate, and factory, and other commissions under the

⁸² Grand Forks Herald, “Confer With Wilson,” *Grand Forks Herald* Vol. 7 No. 301, (Grand Forks, North Dakota), Friday, December 20, 1912, 8, *Newspapers.com*: <https://www.newspapers.com/image/351469185/?terms=American%20federation%20of%20labor%20for%20Woodrow%20wilson&match=1>.

⁸³Jonathan Grossman, “The Origin of the U.S. Department of Labor,” *U.S. Department of Labor*, Accessed December 8, 2021. <https://www.dol.gov/general/aboutdol/history/dolorigabridge#Grossman>.

⁸⁴ National Park Service, “International Ladies’ Garment Workers’ Union,” *National Park Service*, Accessed December 8, 2021, <https://www.nps.gov/articles/000/international-ladies-garment-workers-union.htm>.

⁸⁵ Elizabeth Faue, 60.

national government and the States, are gradually and equitably forcing upon careless employers the realization that they owe certain obligations to the employed and that in the near future such avoidable catastrophes as the Triangle Shirtwaist fire in New York will not be repeated without due punishment of the guilty.”⁸⁶ The combination of individuals protesting and media attention to workplace deficiencies creates the platform for all trades to gain proper recognition and the opportunity to organize. Also, local governments are held in check, and their campaigns must include a view on labor.

The continuing momentum of industrial unions organizing and being officially recognized, like the IGLWU, caused the Congress of Industrial Organizations (CIO) to bloom. On November 9, 1935, eight international unions underneath the AFL umbrella decided to form the Committee of Industrial Organizations with the leadership of John L. Lewis.⁸⁷ The leadership of Lewis had ties to being the President in one of the most influential unions under the AFL at the time, the United Mine Workers of America (UMWA), from 1920 to 1960.⁸⁸ The decision for the industrial unions to form their own section under the AFL was their fundamental differences:

“The CIO was born out of a fundamental dispute within the U.S. labor movement over how to organize industrial workers. Those who favored craft unionism believed in defending the advantages they had secured through their skills. They focused on the hiring of skilled workers, such as carpenters, lithographers, and railroad engineers, attempting to maintain as much control as possible over the work their members did through enforcement of work rules, zealous defense of their jurisdiction to certain types of work, control over apprenticeship programs, and exclusion of less skilled workers from membership. Craft unionists opposed organizing workers into unions that represented all of the production workers in a particular enterprise. They preferred separate units divided along craft lines. The proponents of industrial unionism, on the other hand, generally believed that craft distinctions may yet be appropriate in certain industries such as construction or printing,

⁸⁶ Buffalo Evening News, “A Happy New Year,” *Buffalo Evening News* Vol. LX No. 67, (Buffalo, New York), Tuesday, December 31, 1912, 2, *Newspapers.com*: <https://www.newspapers.com/image/352233190/?terms=%22Triangle%20Shirtwaist%20fire%22&match=1>.

⁸⁷ Special to Peoples World, “Today in labor history: The CIO is created in 1935,” *People’s World: Continuing the Daily Worker*, Accessed December 8, 2021. <https://www.peoplesworld.org/article/today-in-labor-history-the-cio-is-created-in-193/>.

⁸⁸AFL-CIO, “John L. Lewis,” About Us, *AFL-CIO: America’s Unions*, Accessed December 9, 2021. <https://aflcio.org/about/history/labor-history-people/john-lewis>.

but that they were unworkable in industries such as steel or auto production. In their view, dividing workers in a single plant into a number of different crafts represented by separate organizations, each with its own agenda, would weaken the workers' bargaining power and leave the majority, who had few traditional craft skills, completely unrepresented."⁸⁹

This reflection by the publication *Peoples World: Continuing the Daily Worker* displays the fundamental issue between the AFL and CIO. The attitudes of the AFL craft unions were still at large, which extended to not taking the industrial unions seriously and viewing them as a means to an end. The belief of there still being a valid separation of skilled and unskilled workers in the eyes of AFL members hindered the integration of industrial organizations significantly. This growing friction would lead to the CIO splitting from the AFL in 1938, causing a rivalry to form between the two organizations leading to the American Labor movement losing momentum.

In a 1935 news article by the *Star Tribune* based in Minneapolis, Minnesota titled, "AFL-CIO Split Endangers Party Control in Industrial Eastern States," the recent split is discussed in terms of how it negatively impacted the American labor movement. The negative impact can be attributed to the split voting block due to the rivalry, "Friends of President Roosevelt are trying to end the civil war in American labor before the November elections. Unless they succeed, they fear troublesome effect on the President's plans for the campaign. Up to today, they were worried chiefly by one thing- William Green's pronouncement that the American Federation of Labor would oppose, as a matter of principle, any candidate indorsed by John L. Lewis and his committee for Industrial Organization."⁹⁰ The rivalry now has union members confused on how to move forward as a single movement, and this extends to their vote. The divided labor union

⁸⁹Special to Peoples World, Accessed December 9, 2021. <https://www.peoplesworld.org/article/today-in-labor-history-the-cio-is-created-in-193/>.

⁹⁰Star Tribune, "AFL-CIO Split Endangers Party Control in Industrial Eastern States," *Star Tribune* Seventy-Second Year No. 54, (Minneapolis, Minnesota), 9, *Newspapers.com*: <https://www.newspapers.com/image/183015313/?terms=The%20CIO%20splits%20from%20the%20AFL&match=1>

organizations weaken their position because there is no solidarity that can influence the political sphere in America. The years before the split was filled with labor-friendly legislation through President Franklin D. Roosevelt and his New Deal agenda.

While the New Deal provided much support for America with many public programs and legislation, labor specifically benefitted from the passing of the Wagner National Labor Relations Act (Wagner Act) in 1935. The law's protections were impactful to the unionization effort and are described in the text by Faue, “The law affirmed the right of workers to join a union without penalty, to vote for union representation, and to participate in collective bargaining with employers. It established the National labor Relations Board (NLRB) to administer and enforce these rights.”⁹¹ This piece of legislation is still active today and provides the blueprint for workers desiring to unionize. The benefit of having a pro-union white house proved to be critical in for unions in America to rebound from their slump.

The decade before, including the Great Depression years and their loss of nearly 2 million members from the lack of work, left the labor movement spiraling.⁹² With the New Deal legislation aiding in the ability for workers to organize through the Wagner Act, labor had a resurgence. The significance of this change is that the AFL now had direct government interaction, which went against the voluntarist approach set in the early days of the AFL. As beneficial as New Deal politics were for labor, many workers were left out and remained unseen and not heard. For example, the role of women as, “wives and mothers” was reinforced because they were seen as support for men and their labor. Also, the separation of workers' skills was

⁹¹ Elizabeth Faue, 94.

⁹²Library of Congress, “Labor Unions During the Great Depression and New Deal,” *Library of Congress: U.S. History Primary Source Timeline*, accessed December 10, 2021, <https://www.loc.gov/classroom-materials/united-states-history-primary-source-timeline/great-depression-and-world-war-ii-1929-1945/labor-unions-during-great-depression-and-new-deal/>.

being tested from the formation of the CIO because many of their workers were foreign, people of color, and women, all considered to be less skilled than craft workers.

The American labor movement was becoming homogenized, and this was weakened from the split. The weakness stems from both the AFL and CIO competing, which literally pit workers against one another. For example, in 1942 the AFL affiliate, International Association of Machinists and Aerospace Workers (IAM) and the CIO affiliate, United Auto Workers union (UAW) were at odds over which had the right to represent the Curtiss Wright Aircraft Plant workers in Buffalo, NY.⁹³ This weakness was recognized by both the AFL and CIO, which led to their decision to merge again to form the AFL-CIO.

The legislation from the New Deal prompted opponents to claim that labor became too powerful in America. This opposition ultimately led to the decision for the AFL and CIO to reconcile and join forces because their weakness apart was leaving union members vulnerable. The passing of the Taft-Hartley Act in 1947 over President Harry S. Truman's veto and his deeming it to be, "unfair to the working people of this country,"⁹⁴ showcased the reaction of anti-labor representatives in those years. In its essence, the act was displayed as a regulatory measure on the Wagner Act that gave labor too much power and that it was "anti-abuse, not anti-labor," according to a Republican senator.⁹⁵

The bill made the secondary boycott illegal, added exclusions for workers who did not fit the narrow definition of "employee," mandatory cooling-off periods for strikes were implemented, outlawed the closed shop, and prohibited unions from making direct political

⁹³ Clayton Sinyai, 161.

⁹⁴President Harry S. Truman, U.S. Capitol Visitor Center, "Defining Presidential Power," June, 20, 1947, 2, image, accessed December 10, 2021, <https://www.visitthecapitol.gov/exhibitions/artifact/president-harry-s-trumans-speech-regarding-taft-hartley-bill-veto-june-20-1947>.

⁹⁵ Elizabeth Faue, 124.

donations.⁹⁶ For reference, if a business is a closed shop, which means it can only hire union members. That now made illegal, along with the other provisions, significantly crippled unions, and their ability to maintain membership. Strike tactics, limits on who could be a union member, and the option for businesses to be closed shops made attempts by the labor movement to move forward difficult. The direct political donation portion of the bill would impact labor well into the future because that is where they were finding their strength in terms of progressive change through legislation. The inquiries by the government relate back to the desire of the AFL to originally remain voluntarist.

On the topic of government inquiries into labor, the backdrop of the Cold War years and fears of Communism in America with McCarthyism was also influential. The Taft-Hartley Act included the provision for union members to sign affidavits claiming that they were not communists. The refusal of such an act would lead to their coverage under the Wagner act being nullified.⁹⁷ While this setback American labor compared to their strengthened position from New Deal legislation, this opposition gave an opportunity for change. Nine years after the Taft-Hartley Act was passed, the AFL and CIO merged in 1956, with AFL leader George Meany and CIO leader Walter Reuther realizing the benefits.⁹⁸

The AFL-CIO merger had national implications because all the locals underneath the parent organizations would merge as well. The *Miami Herald* reported the merger in their state in a 1956 issue, “The merged group will be known as the Florida Federated State Council. It will be made up of about 33,000 AFL members and 12,500 from the CIO. These are dues paying

⁹⁶ Elizabeth Faue, 125.

⁹⁷Dale Mineshema -Lowe, “Taft-Hartley Act of 1947 (1947),” *The First Amendment Encyclopedia*, Middle Tennessee State university, accessed December 10, 2021, <https://www.mtsu.edu/first-amendment/article/1050/taft-hartley-act-of-1947>.

⁹⁸ Elizabeth Faue, 128.

members. It is estimated that there are at least another 100,000 AFL and CIO members in Florida not affiliated with the state bodies.”⁹⁹ This merger brings large numbers of unionized laborers together, underneath one tent. The most important factor is the common message of their organization now that it includes craft workers and industry workers on equal footing.

The article by the *Miami Herald* continues by mentioning how the new organization has advanced not only in numbers but on the policy as well. For example, "Traditionally, the AFL and CIO have been at odds on labor policies, particularly in the civil rights and political fields. Theoretically, however, these details have been ironed out by the unity committees which prepared the merger."¹⁰⁰ The key part of this reporting is the theoretical ironing out of differences pertaining to stances on political and social ideas. The proof would have been displayed in the future of the decisions of the AFL-CIO. The organizations' future involvement with civil rights and their public backing of the Civil Rights Act in 1964 shows the organization held true to their changed ways in how they viewed outside forces potentially interfering with their work status.¹⁰¹

Moving forward, the AFL-CIO had to decide what their next mission would be to advance the American Labor movement. A conservative approach was taken by the organization, deciding to rally around their current members instead of trying to reach new workers. The future of the labor movement has been heavily impacted by their conservative direction and is addressed by historian Elizabeth Faue, “After the purging of white-collar unions from the CIO, there were few advocates and no new resources dedicated to organizing the staggering numbers

⁹⁹Bryan Donaldson, “Labor News: State Labor Units to Merge Oct. 30 In Jacksonville,” *The Miami Herald* forty-sixth year No. 324, (Miami, Florida), 39, accessed December 2021, *Newspapers.com*:

<https://www.newspapers.com/image/618426318/?terms=The%20AFL%20and%20CIO%20merge&match=1>.

¹⁰⁰ Bryan Donaldson, 39, accessed December 10, 2021,

<https://www.newspapers.com/image/618426318/?terms=The%20AFL%20and%20CIO%20merge&match=1>.

¹⁰¹University of Maryland University Libraries, “African-American’s Rights,” *University of Maryland*, accessed December 11, 2021, <https://exhibitions.lib.umd.edu/unions/social/african-americans-rights>.

of women and men who became retail clerks, office secretaries, and clerical workers, middle management and technical workers, or administrative staff.”¹⁰² This unclaimed labor force highlights the modern situation in American labor because the AFL-CIO became less aggressive and would end up forcing these groups of laborers to organize outside of the tradition. The final section will deal with these workers along with the current state of the American Labor movement.

Today’s American Labor Movement

One could argue that the current situation of the American labor movement is lost since the pre-Taft-Hartley days, but it would be more accurate to say it is still progressing and present in a new way. The American labor movement has found a way to survive and adapt like any living organism transitioning through its own evolution. To add some brief context, it is necessary to mention a few hardships American labor went through from the merger of the AFL-CIO in 1956 to present. Legislation like the North American Free Trade Agreement (NAFTA) signed in 1993 significantly damaged labor in America.

The trade agreement between the United States, Canada, and Mexico was proposed to increase export and imports between the three nations with the promise to create more jobs in this country. This promise fell through when the trade deal was enacted. In a report from the Economic Policy institute from 2003, a ten-year result on job loss in America was cited. According to the study, 879,280 U.S. jobs were displaced in the ten years NAFTA has been active that were mainly high-earning manufacturing jobs. NAFTA also contributed to increasing income inequality and added another layer of difficulty for workers impacted in manufacturing

¹⁰² Elizabeth Faue, 129.

to unionize.¹⁰³ This trade deal and similar legislation have led to the general decline in the traditional labor movement in this country. The other factor impacting the tide for the labor movement is the global market. NAFTA strengthened corporate profits and hindered union organizing efforts due to cheaper labor being exploited in foreign countries. In the 2013 Economic Policy article: “NAFTA’s Impact on U.S. Workers,” by Jeff Faux the effects of the trade deal are analyzed into four components.

First, roughly 700,000 production jobs moved to Mexico impacting major manufacturing states, like Michigan.¹⁰⁴ Second, Employers would threaten union action with threats of moving their companies to Mexico.¹⁰⁵ Third, the U.S. went through a surge of undocumented workers from Mexico due to NAFTA negatively impacting Mexican agricultural and small business sectors causing millions of Mexican workers losing employment.¹⁰⁶ Fourth, NAFTA’s principles were applied to other global institutions like the World Bank, the World Trade Organization, and a deal involving China’s low-wage workers gaining access to U.S. markets in exchange for American multinational organizations gaining the opportunity to invest in China.¹⁰⁷ Along with laborers in America and worldwide for that matter in dealing with the hurdles presented by NAFTA, another one presents itself through technology.

The rise in new markets, like big technology, has invented new jobs and career paths for people all over the world. Facebook reported in 2020, of employing 50,000 full-time workers globally, with more than 60% of those employees living outside of the United States, and that is

¹⁰³Robert E. Scott, “The high price of ‘free’ trade: NAFTA’s failure has cost the United States jobs across the nation,” *Economic Policy Institute*, November 17, 2003, accessed December 11th, 2021, https://www.epi.org/publication/briefingpapers_bp147/.

¹⁰⁴ Jeff Faux, “NAFTA’s impact on U.S. Workers”, *Economic Policy Institute*, December 3, 2013, accessed April 2022, <https://www.epi.org/blog/naftas-impact-workers/>.

¹⁰⁵ Jeff Faux.

¹⁰⁶ Jeff Faux.

¹⁰⁷ Jeff Faux.

a sharp increase from the tech company reporting only seven full-time employees in 2004.¹⁰⁸ The significance here is that the economy has had an extreme change since the old days of labor unions focusing their efforts on organizing garment shops in their local town. One could argue that the tech giants of today like Facebook and Google are modern-day robber barons monopolizing the new market. In either case, it is difficult to organize labor that is operating on a global scale in an ever-changing economy.

After only analyzing these two hurdles for American labor to unionize, it is no surprise to see the reported percentage of American workers belonging to unions being only at 10.8 percent.¹⁰⁹ How has the labor movement in America morphed to survive such conditions? In the text by William E. Scheuerman titled: A New American Labor Movement: The Decline of Collective Bargaining and the Rise of Direct Action, a report is given on how under-represented workers have found themselves carrying the torch through their recent efforts. The text offers several instances on the contemporary American labor movement, but this section will focus primarily on two. First, the recent rise of the Immokalee farmworkers in Florida will be evaluated because it is an example of workers using their un-unionized status to their advantage. Second, the uprising of fast-food workers because of its similarity to past walkouts, like the eight-hour workday.

The backbone of America is often used as a description of farmworkers due to their utility in providing most of the America's food. In the text by Scheuerman, the reported median annual salary of a migrant farmworker in this country is \$7,500.¹¹⁰ To paint a picture of the

¹⁰⁸FinancesOnline, "Number of Facebook Employees 2021/202: Compensation, Tenure & Perks," *FincancesOnline: Reviews For Business*, accessed December 2021. <https://financesonline.com/number-of-facebook-employees/>.

¹⁰⁹John Gramlich, accessed December 2021. <https://www.pewresearch.org/fact-tank/2021/09/03/majorities-of-americans-say-unions-have-a-positive-effect-on-u-s-and-that-decline-in-union-membership-is-bad/>. 2020.

¹¹⁰William E. Scheuerman, *A New American Labor Movement: The Decline of Collective Bargaining and the Rise of Direct Action*, (New York, NY: SUNY Press), 53, Print.

situation, the U.S. National Library of Medicine sponsored a report on migrant farmers in the state of North Carolina. In the report's findings, most migrant farmers only speak Spanish; some are aged as young as twelve years old, along with there being no surveillance systems to capture injuries on the job, so if an injury does occur, only a few have access to workers' compensation.¹¹¹ The poor wages and unsafe working practices put this major working force at serious risk for exploitation. This exploitation was famously reported on by journalist Edward R. Murrow when he produced and narrated a documentary in 1960 for CBS, titled: *Harvest of Shame*. This piece showcased the deplorable living conditions of migrant agricultural workers. The goal of the project was to “shock Americans into action” and was considered the “first time millions of Americans were given a close look at what it means to live in poverty.”¹¹²

The Wagner Act from 1935 was created to eliminate these sorts of working hazards along with legitimizing the ability for all workers to unionize, but President Roosevelt had to exclude farmers under this protection as a compromise with southern politicians to pass the bill.¹¹³ The reason farmers were excluded is that most of the workforce were immigrants and people of color, and the southern economy preferred having cheap labor in agriculture. Also, it was probably not argued by certain AFL members due to their early belief that outside employees, like immigrants, were a threat to their union status as craftsmen. Although, the migrant farmer's non-union status was used to their advantage in recent developments.

It has been established that the Taft-Hartley Act outlawed union employees from a secondary boycott in 1947, along with other provisions. So, when the Immokalee workers of

¹¹¹Dr. Thomas A. Arcury, Dr. Sara A. Quandt, “Living and Working Safely: Challenges for Migrant and Seasonal Farmworkers,” *U.S. National Library of Medicine National Institutes of Health*, November-December 2011, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3529146/>.

¹¹²Elizabeth Blair, “In Confronting Poverty, ‘Harvest of Shame’ Reaped Praise and Criticism”, NPR, May 31, 2014, accessed April 2022, <https://www.npr.org/2014/05/31/317364146/in-confronting-poverty-harvest-of-shame-reaped-praise-and-criticism>.

¹¹³William E. Scheuerman, 57.

Florida decided to use a secondary boycott, legal action could not be used against them in the same manner as if union workers went that route. Without having the option to unionize, the Immokalee workers formed the Southwest Florida Workers Project in 1993, later known as the Coalition of Immokalee Workers (CIW).¹¹⁴ The tactics of this organization were to make the issues migrant farmers were facing, specifically the Immokalee workers, public.

An example of this tactic is the secondary boycott on Taco Bell corporations starting in 2001. To offer background, the Immokalee workers in Florida deal with the tomato and their harvest, and so when they wanted to improve their work conditions, they initially went after the planters, with no results because it did not draw national attention and it had no staying power.¹¹⁵ This realization led to the four-year secondary boycott of the Taco Bell Corporation because their business was affiliated with receiving tomatoes from Immokalee workers.¹¹⁶ This effort proved to be highly successful due to the national attention it received and the overall result.

In a 2005 *New York Times* article by Jessica Springray, a report is given on how the Taco Bell boycott has ended with favorable results for the Immokalee farmers. The article states, “In a March 8 joint press release between Taco Bell Corp. and the Coalition of Immokalee Workers, Taco Bell announced it will furnish a penny-per-pound surcharge with its suppliers of Florida tomatoes. The corporation will also undertake efforts with the CIW on several fronts to improve working conditions in Florida's tomato fields.”¹¹⁷

The significance of this win for the Immokalee workers is that they achieved it outside of union parameters. The use of the secondary boycott worked well for them, and the CIW is still

¹¹⁴ William E. Scheuerman, 60.

¹¹⁵ William E. Scheuerman, 62.

¹¹⁶ William E. Scheuerman, 63.

¹¹⁷ Jessica Springgay, “Taco Bell Boycott Ends at UC-Davis,” *The New York Times: College*, March 15, 2005, accessed December 11, 2021,

https://archive.nytimes.com/www.nytimes.com/uwire/uwire_MBCO031520052793233.html?pagewanted=all&position=&position=.

operating for the Immokalee people as their voice and organization. According to their website, the CIW "Is a worker based human rights organization internationally recognized for its achievements in fighting human trafficking and gender-based violence at work. The CIW is also recognized for pioneering the design and development of the Worker-driven Social Responsibility paradigm, a worker-led, market-enforced approach to the protection of human rights in corporate supply chains."¹¹⁸

The workers initially left out of the American labor movement have found a different avenue to work effectively with this worker-based organization founded outside union membership. This is not necessarily better than unions, but it is rather an example of how the labor movement has been finding alternative ways to meet the needs of all workers. This is not better than unions because this sort of organization is exposed to the elements. A restaurant does not have to comply to their worker's demands and can, like the NAFTA deal, get their produce somewhere else, like Mexico. Whereas there is more of a legal foundation and coverage behind recognized unions in America.

Another example of the American labor movement adapting that is worth exploring is the recent public display of the *Fightfor\$15* an hour. The movement concerns fast-food workers and restaurant workers specifically. This is the case because food service workers are among the top ten poorest paying industries in the United States.¹¹⁹ On top of poor pay, worker violations often occur in the foodservice industry, like wage theft. According to a One Fair Wage report through

¹¹⁸Coalition of Immokalee Workers, "About-CIW," *Coalition of Immokalee Workers*, accessed December 12, 2021, <https://ciw-online.org/about/>.

¹¹⁹ William E. Scheuerman. 149.

UC Berkley from 2021, wage theft is commonplace in the foodservice industry, with eighty-four percent of investigated restaurants turning up confirmed cases of some sort of wage theft.¹²⁰

The definition of wage theft includes when employers pay workers less than minimum wage, not paying overtime, restricting breaks, demanding off-the-clock work, and taking workers' tips.¹²¹ This behavior extends to restaurant workers because they often must rely on tips to bolster their wage, along with not having to work traditional hours due to outside events occurring in food service work year-round. The response to this has been two-fold between legislation and the workers themselves standing up.

The amendment made to the Fair Labor Standards Act in 2018 included in its policy to prohibit management from taking tip money from employees.¹²² This was a positive step, but it was not enough for food service employees. For example, Darden Restaurants operates thousands of establishments like Red Lobster and Olive Garden, along with having a riddled past of wage theft against their employees.¹²³ Also, other instances have occurred involving paying employees with debit cards that had fees, along with discriminatory policies implicating unfair assignments to employees based on their race and gender.¹²⁴ These instances, in combination with continued wage theft, gave fuel to the *Fightfor\$15* movements in the winter of 2012, led by the New York Communities for Change (NYCC).¹²⁵

The NYCC has a vision based on community organization, “Our organizing is premised on two simple truths: that when we knock on doors and meet people, the fabric of the community

¹²⁰ One Fair Wage, “No Rights, Low Wages, No Service,” *Food Labor Research Center: UC Berkley*, September 2021, page 2, accessed December 12, 2021, https://onefairwage.site/wp-content/uploads/2021/09/OFW_NationalWageTheft.pdf.

¹²¹ California Department of Industrial Relations, “Wage Theft,” *Department of industrial Relations*, May 2018, accessed December 12, 2021, https://www.dir.ca.gov/fraud_prevention/Wage-Theft.htm.

¹²² William E. Scheuerman, 152-153.

¹²³ William E. Scheuerman, 153.

¹²⁴ William E. Scheuerman, 153.

¹²⁵ William E. Scheuerman, 156.

is tightened; and that when people are agitated not from one side to another, but from the bottom up, our movement is unfulfilled.”¹²⁶ This approach to mobilize workers is an interesting approach due not only to their community-based structure but also their strategies for workers to strike effectively against large corporations.

One-day strikes were utilized in the *Fightfor\$15* due to it cultivating public attention; also, it empowers workers to strike without fear, "By striking and then returning to work, activists demonstrate to recalcitrant workers that they too can walk off the job without getting fired."¹²⁷ This method was unique and helped extend the movement to experience proper media exposure. For example, a 2016 *New York Times* article titled: "How the \$15 Minimum Wage Went from Laughable to Viable," by Steven Greenhouse chronicles how with unions at an all-time low, the labor movement still progresses in an alternative way.

The article not only states how this fast-food worker movement led New York Governor Andrew Cuomo to commit with legislators to a \$15 minimum wage in New York City in 2018 and suburbs in 2021, but also the national impact it had.¹²⁸ The article continues, "The issue has motivated thousands of protesters to join the Fight for \$15's periodic strikes: What started in one city ultimately swelled to protests in 150 American cities. By many measures, it has become the biggest labor protest in decades, with a wide spectrum of supporters, from college students and inner-city workers to janitors and nursing home-aides. The movement helped to get voters in

¹²⁶New York Communities for Change, About, "Mission & Vision," *New York Communities For Change*, accessed December 12, 2021, <https://www.nycommunities.org/about>.

¹²⁷ William E. Scheuerman, 158.

¹²⁸Steven Greenhouse, "How the \$15 Minimum Wage Went From Laughable to Viable," *The New York Times*, April 1, 2016, accessed December 12, 2021, <https://www.nytimes.com/2016/04/03/sunday-review/how-the-15-minimum-wage-went-from-laughable-to-viable.html>.

Seattle suburb of SeaTac to approve a \$15 minimum wage, and not long after Seattle itself and San Francisco, followed by Los Angeles and Pasadena.”¹²⁹

The significance of this report is how the *Fight for \$15* spread nationally while providing results. Also, it is a reminder of the eight-hour workday protest that was discussed earlier in the chapter. The decision to walk out, have it on one day, and the national reporting shows the comparison the new American labor movement has with the past. Although, the modifications of community centers, like the NYCC working with unions, like the Service Employee International Union (SEIU), is what differentiates the two.¹³⁰ The two examples of the current labor movement in America showcase the nuances of underrepresented workers coming together through direct action instead of collective bargaining. Along with a change to direct action, the modern methods of labor movements in America also included aspects of social media.

Applications like Instagram were utilized in museum workers’ efforts to unionize to spread their frustration and to gain public support. This, along with the motivations to desire representation will be discussed in the following chapter. To add historical context particular to museum workers unionizing, the contemporary case studies will be prefaced with an earlier movement of museum employees organizing.

¹²⁹Steven Greenhouse, accessed December 13, 2021, <https://www.nytimes.com/2016/04/03/sunday-review/how-the-15-minimum-wage-went-from-laughable-to-viable.html>.

¹³⁰ William E. Scheuerman, 156.

Chapter 3

Museums & Unions

Not your Momma's MoMa

In the previous chapter the history of American labor was reviewed and now serves as the background for several unions that would come to represent museum workers. Several of the examples discussed in that chapter cited employees working at for-profit institutions. Why those workers were inspired to seek representation, has to do with the environment fostered in the non-profit workplace. Due to the differences between the two marketplaces, one must directly discuss the setting of cultural institution work environments. To accomplish this the case studies of both the New Museum and the Solomon R. Guggenheim Museum will be presented. While the two case studies represent recent developments, museum workers unionizing is not a new phenomenon.

The *ArtForum* article from 1975 titled: "Museums and Unionization", gave insight into the motivations behind three museum's organizing. All situations are worth evaluating, but the Museum of Modern Art (MoMa) will be the focus for this section. This is due to their involvement with one of the modern case studies mentioned in this text, and their international recognition. The article a synopsis on how the MoMa employees proceeded with their gripes against their work environment:

"In January, 1970, a staff meeting at The Museum of Modern Art condensed its criticism of management into three leading points: "1. Lack of information about Museum policies; 2. Lack of Personnel Manual; 3. Suppression of Curatorial Council Committees reports by Museum."¹³¹ The next month a petition was drawn up objecting to an announced increase in the admission charge to the museum (from \$1.50 to \$1.75); it was disregarded. In June, criticism of management reached the point at which the museum workers formed a Professional and Staff Association (PASTA). A year later it received a charter from the

¹³¹ Professional and Administrative Staff Association of the Museum of Modern Art, undated press release, Chronology.

Distributive Workers of America. An immediate election was conducted under the National Labor Relations Board and PASTA was certified as a collective bargaining unit. Management evinced resistance from the beginning. Early in 1971 the museum claimed that more than 60 members of the Staff Association were ineligible for inclusion in the bargaining unit. Then, while negotiations were proceeding the museum dismissed 53 people, 36 of them members of PASTA. This led to the first strike, 15 days in August–September 1971. It seems clear from the spectrum of museum attitudes, from uncooperativeness to pressure to attack, that it hoped to break or weaken the newly formed and in some ways still tentative group. Delays and evasions in later negotiations provoked the association to a second strike, seven weeks in October–November, 1973.”¹³²

The main takeaway from MoMa employees seeking to unionize was their motivation stemming from not being heard. One could deduce that the staff had several questions and concerns on museum policy, and they were disregarded. This was listed as their first leading point on the three aspects of criticism of management. Also, when the workers petitioned against the price of admission increase, they were again disregarded. The attention the employees received resulted in exclusions and firings. Fast forward to the year 2020, and the experience is relived with several more institutions, including the New Museum and the Solomon R. Guggenheim Museum.

The New Museum

According to the New Museum website, the institution was founded in 1977 by Marcia Tucker, focusing on contemporary art of living artists who do not have a sizeable public exposure or critical acceptance.¹³³ The current location of The New Museum is in the New York City borough of Manhattan at 235 Bowery. Fast-forwarding to January of 2019, *ArtNews* publishes an article titled: “New Museum Union Votes to Join Local 2110” by Alex Greenberger. In the article, the author reports that an election held by the National Labor

¹³² Lawrence Alloway, “Museums and Unionization,” *ArtForum*, 1975, accessed April 2022, <https://www.artforum.com/print/197502/museums-and-unionization-37308>.

¹³³ “History,” About, The New Museum, accessed April 30th, 2021, <https://www.newmuseum.org/history>.

Relations Board (NLRB) and with a majority of thirty-eight yes votes to eight no votes, with ten uncounted due to a challenge posed by the institution, the New Museum employees joined a United Auto Workers (UAW) group, also known as Local 2110.¹³⁴ The exciting aspect of this vote is how the majority won by an overwhelming margin. The large discrepancy between thirty-eight to eight votes puts into question the motivations behind the workers desiring to seek union representation because their vote proves it was based on strong beliefs. Before discussing the specific motivations behind the New Museum employee's unionization efforts, I will first briefly examine Local 2110 and their association with cultural institutions.

According to the Local 2110 website, they are located on 256 W. 38th street. They are an amalgamated union covering over three thousand workers in higher education, law firms, museums, and similar institutions.¹³⁵ Concerning museums, Local 2110 represents several, including MoMA. Multiple collective bargaining agreements dating back to 1996 between staff and administration are provided publicly, courtesy of the UAW Local 2110 website.¹³⁶ This association with other museums is vital to note because it showcases that Local 2110 has a history of working with museum employees for at least twenty years.

Also, they have experience representing white-collar workers, and that is crucial for museum employees. It is crucial because people often associate union representation with blue-collar work involving factories. The environment between the two workplaces is vastly different in many aspects, like performing work in an office compared to an assembly line.

¹³⁴ Alex Greenberger, "New Museum Union Votes to Join Local 2110," *ARTnews*, January 24th, 2021, <https://www.artnews.com/art-news/news/new-museum-union-votes-join-local-2110-11762/>.

¹³⁵ "What is Local 2110?," Home, UAW Local 2110: A union for technical, office & professional workers, accessed April 30th, 2021, <https://www.2110uaw.org/index.html>.

¹³⁶ "MoMA: Museum of Modern Art, New York," Our Workplaces, United Auto Workers Local 2110: A union for technical, office, & professional workers, accessed April 30th, 2021, <https://www.2110uaw.org/moma.htm>.

The characteristics of a union representing white-collar workers are discussed in a 2015 interview between the *N+I magazine* and Local 2110 president, Maida Rosenstein, titled: “Getting Serious: Organizing White-Collar Workers.” An intriguing part of the interview is when Rosenstein discusses what typical motivations are behind white-collar workers wanting to unionize, “First of all, white-collar workers are struggling over basic issues like money and benefits, because people may work in offices, and they may work for very prestigious employers, but it doesn’t mean they’re being paid well.”¹³⁷

Along with low wages, Rosenstein cites the other motivations for white-collar workers to unionize, including promotional opportunities and health care plans.¹³⁸ While the complaint about pay equity can be heard throughout all workplaces, Rosenstein touches on the fact that white-collar workers often deal with an added level of prestige associated with their workplace. Museums often can utilize the idea of offering this distinct cultural identifier as an appeal for people to work at their respective institutions. This prestige is a powerful tool since it can be used as a counterargument for when employees desire to have wages increased. It is essential to mention because when researching the New Museum and their initial desires to unionize, I found pay equity to be one of the primary catalysts along with a desire for solidarity.

In my interview with former New Museum employee and union organizer, Francesca “Frankie” Altamura, we discussed the origin of the New Museum worker's decision to seek representation. In the interview, Ms. Altamura speaks to her experience as a worker at the New Museum prior to organizing:

“I think everyone has their different reasons for why this happened, but for example, I remember being a free-lance curatorial assistant working on a short-term project for the

¹³⁷ The N+1 Staff, “The Editors, Maida Rosenstein, Getting Serious: Organizing white-collar workers,” *N+I Magazine*, Winter 2015, <https://nplusonemag.com/issue-21/labor-letters/getting-serious/>.

¹³⁸ The N+1 Staff, “The Editors, Maida Rosenstein, Getting Serious: Organizing white-collar workers,” *N+I Magazine*, Winter 2015, <https://nplusonemag.com/issue-21/labor-letters/getting-serious/>.

2018 triennial, and so I was on a fixed contract. For me, I did not know anyone, and no one was ever introduced to me, and I was this isolated person who was just coming into this work culture. That was not doing it for me. So, I was initially reaching out to people just to make friends and to ask, ‘What is it that you do here?’ I did this because I had nothing to lose and really was not planning on being there long term.

Although, I ended up finagling a full-time gig there, but it was really a culture that they (The New Museum) devised to be isolating because everyone just needs to focus on work. That was not cutting it for me and some of my other colleagues.

It was during the ‘Me Too’ movement, and it was the New Museum itself and some leadership hosting these workshops of female empowerment, and I think one of the workshops, which they put on, was about negotiating salary increases. So, a few of us got together after that workshop that we were all keen to attend because we wanted to hear what they would say. Afterwards, we were having Thai food, and someone was like, ‘Wait a second, what is everyone here making?’

We immediately went into salary sharing, which is a critical tool, then someone at that lunch dropped, ‘We should unionize.’ Of course, forming a union is a path of self-determination. It is a better narrative if the union can say, ‘We reached out to this union,’ and we sort of worked with them under an advisory capacity. Although, it is the workers themselves who are bargaining for what they want in a union contract. Then, ultimately holding accountable the institution to that.

We direct messaged MoMa’s (Museum of Modern art) local (union) over Instagram because MoMa had been working with (UAW) 2110 since the 1970s, and someone immediately put us in touch with Maida Rosenstein, who is the president, and we started having organizing meetings. So, you know, people might have different ways they frame why they wanted to unionize, but I really did it because I wanted friends and to better understand where I was working.”¹³⁹

There are several points in this testimonial that need to be addressed. First, the lack of comradery is apparent in Ms. Altamura’s account due to her feeling isolated and not too invested in where she was working due to the culture within the New Museum at the time. The desire to develop solidarity with her colleagues motivated her to become a union organizer for the New Museum, telling how inadequate the work culture was before establishing representation. Also, the motivation some employees gathered after sharing their wage information is significant because it reveals that there were unfair discrepancies-among staff salaries. Overall, the workers deciding to move on to the unionization process speaks to how unfavorable the wages and working conditions were. The interview with Ms. Altamura gave a first-person account of

¹³⁹Francesca Altamura, interview by author, Buffalo, NY, March 31, 2021, (4:01-7:22).

working in the New Museum before organizing and improving the work culture. Next is another interview and perspective on the impact of unfair wages and why the New Museum employees wanted to unionize.

In an interview for *HAHA Magazine* via Instagram, a writer, former Senior Editor, and Publications Coordinator for the New Museum, Dana Kopel, discusses a generalized view of why workers wanted to unionize. In the interview, Kopel cites the issue of unfair wages, “The pay is bad and, in many cases, unlivable. The New Museum was hiring people before we unionized at thirty-five and forty thousand a year. I mean, you cannot live on that in New York (city); you physically cannot. So, people were working full-time jobs and then having outside jobs and gigs beyond that.”¹⁴⁰ To put the salaries in perspective, MIT and their living wage calculator from 2019 estimated that a single adult with no children would need to make \$45,285 before annual taxes to be considered making a living wage in New York County.¹⁴¹ It is not easy to generalize a livable wage because everyone has different spending needs that may not fit into the overall equation. Another factor that must be considered is the education and work one puts in to attain a position in a cultural institution.

Later in the interview, Kopel cites her own experience, “When I was hired in 2016, after finishing a master’s program, I was hired at \$45,000 a year. I was doing art writing and free-lance editing the whole time, just in order to make enough money to live on.”¹⁴² A detail in her experience is that she attained a master’s degree in her respective field, which takes a massive effort to attain. Also, it is difficult for one to enter a profession where they would still have to

¹⁴⁰ “Dana Kopel, writer and former Senior Editor and publications coordinator at the New Museum chats with me about solidarity in the art community, inequalities in our cultural institutions and what it takes to start a union under administrative adversity,” interview by Ginger Rudolph, *HAHA Magazine*, July 23, 2020, (5:27-5:46), <https://www.instagram.com/tv/CDACGXeH-h2/?igshid=qkoxpfhi4jit>.

¹⁴¹ “Living Wage Calculation for New York County, New York,” Living Wage Calculator, MIT, accessed April 23, 2021, <https://livingwage.mit.edu/counties/36061>.

¹⁴² Dana Kopel, 2020, (5:49- 6:03).

work other jobs along with their full-time position to earn a decent wage, especially after studying for years earning a post-graduate degree in the subject. Interestingly, the interview moves on to privilege concerning wages at the New Museum before unionizing.

Following Kopel discussing her experience, she explores why many of her colleagues were in similar situations, "Overwhelmingly, especially in the office which is where we started having these conversations. You know, the people were white, they were upper or middle class, and we are working in an environment that is in some ways sensitive to these discourses and in other ways completely hostile."¹⁴³ The importance behind Kopel referencing the socioeconomic status of herself and several of her colleagues is that it highlights an added layer the wage problem presents. That issue is that people struggling with student debt or coming from a poor background that can offer little to no financial support cannot afford to accept these positions in museums that offer subpar wages. In the interview, Kopel conceptualizes it perfectly, "We were the only kinds of people who could take those jobs."¹⁴⁴ While one could argue that this establishes a classist issue, I believe it overlaps into a racial issue as well due to a disproportionate number of people of color being born into poverty in this country.

According to the American Psychological Association, a 2014 study by the Kids Count Data Center: Children in Poverty concluded that in the United States, the 39 percent poverty rate of African American and Latino Children is more than double the 14 percent poverty rate of non-Latino, White, and Asian children.¹⁴⁵ The significance of this statistic is that it showcases the need for systemic changes to occur in hiring practices regarding wages. Concerning museums, an opportunity for diversity can grow through offering higher wages that could cater to more than

¹⁴³ Dana Kopel, 2020, (6:50-7:09).

¹⁴⁴ Dana Kopel, 2020, (6:33-6:36).

¹⁴⁵"Ethnic and Racial Minorities & Socioeconomic Status", *American Psychological Association*, July 2017, <https://www.apa.org/pi/ses/resources/publications/minorities>.

just the upper- and middle-class demographic that can afford to accept them. If one already comes from an impoverished family, their chances of pursuing a career in museums would be more difficult compared to one in situation where there is a more secure financial base. A way for wages to be increased to a fair level is through museum workers unionizing, like the staff at the New Museum.

In a 2019 *Art-Net News* article by Taylor Dafoe titled: “A Bitter and Protracted Contract Fight at the New Museum Has Ended with a Big Win for Its Unionized Employees,” a detailed account of what the museum employees bargained for with administration is provided. The five-year contract that was ratified on October 1st of 2019, “Will grant full-time employees a wage increase averaging 8 percent over the first year. Yearly salaries will range from \$46,000 to \$68,500, broken down into a four-tiered system based on title and seniority. Part-timers will see a 15 percent bump to their hourly wage on average during that same time, with 3 percent increases in subsequent years. Unionized employees will receive increased pay time off and will see reductions in health care costs. The agreement also stipulates the formation of a labor-management committee, which will oversee issues such as staff diversity and workplace safety, and will have the opportunity to present annually to a subsection of the museum’s board of trustees.”¹⁴⁶ This accomplishment achieved by the New Museum employees and administration is significant for multiple reasons.

The need for an improvement regarding the work culture at the New Museum was apparent via interviews I have analyzed, and with this contract agreement, that has been achieved. The union allowed the New Museum to establish their labor-management committee

¹⁴⁶ Taylor Dafoe, “A Bitter and Protracted Contract Fight at the New Museum Has Ended with a Big Win for Its Unionized Employees,” *ArtNet News*, October 2, 2019, <https://news.artnet.com/art-world/new-museum-union-agreement-1667806>.

to address concerns that plague workers. This presents strong motivation for employees to work together to identify their workplace's shared issues. Also, pay equity has been improved. This change will allow employees to earn a fairer wage and to pay less for healthcare benefits concerning a copay. Additionally, hiring practices will include more flexibility and opportunity for individuals coming from a less privileged background to be more able to accept positions at their museum, or to even consider working in a cultural institution.

The Solomon R. Guggenheim Museum

The Solomon R. Guggenheim Museum was established in 1939 by the Solomon R. Guggenheim Foundation and is located on 1071 Fifth Avenue, New York, NY 10128. Also, it was built in 1959, based on the design by the famous architect Frank Lloyd Wright.¹⁴⁷ According to the Guggenheim website, the museum is committed to innovation regarding the stewardship and interpretation of modern and contemporary art for local and global audiences alike.¹⁴⁸ Moving on to June of 2019, *The New York Times* releases an article titled: “Guggenheim Workers Vote to Join a Union, the Museum’s First” by Colin Moynihan.

In the article, Moynihan reports that the employees of the Guggenheim voted in favor of joining the Local 30, also known as the International Union of Operating Engineers (IUOE), by a count of fifty-seven “yes” votes, to twenty “no” votes after filing a petition to the NLRB through local 30 earlier in the month.¹⁴⁹ Overall, the union will represent a total of one hundred and forty Guggenheim employees ranging from full-time mechanics, engineers, and other full-time and

¹⁴⁷ “About Us,” Solomon R. Guggenheim Museum, accessed April 27, 2021, <https://www.guggenheim.org/about-us>.

¹⁴⁸ “About us,” Solomon R. Guggenheim Museum, accessed April 27, 2021, <https://www.guggenheim.org/about-us>.

¹⁴⁹ Colin Moynihan, “Guggenheim Workers Vote to Join a Union, the Museum’s First,” *The New York Times*, June 28, 2019, <https://www.nytimes.com/2019/06/28/arts/design/guggenheim-union-vote.html>.

temporary positions concerning art handlers and cabinetmakers.¹⁵⁰ Similar to the New Museum vote, the number of votes to join a union at the Guggenheim more than doubles the employees who opposed it. This final count suggests that the motivations behind their reasoning to organize were wide held beliefs, to be examined after briefly presenting information about the Local 30 organization.

Whereas information on why a museum employee would vote no on a union is unavailable, other examples can be examined. In a 2021 article by Annabelle Williams for *Business Insider* the topic of two union members voting “no” for a union at their Amazon warehouse. The article cited workers claiming that their worries over a union consisted of losing benefits, free time off, and that their work ethic would not matter in a union while seniority would trump all decision making.¹⁵¹

On June 27th, 2019, the Local 30 Instagram page uploaded a post celebrating the Guggenheim workers decision to be a part of their union with a picture of the museum and a quote from a Local 30 business manager, William Lynn: "We are committed to supporting you in your fight for a voice at the Guggenheim & we will all make sure your voice is heard at the table with mgmt. (management)."¹⁵² The Local 30 manager, Lynn, explains that they want to be a piece of and represent Guggenheim workers' voice, which made me want to look at their background in providing that strength to workplaces they represent.

According to the Local 30 website, they tout a legacy that stretches for over eighty years in New York State and Connecticut, citing some members working in the Empire State Building,

¹⁵⁰ Colin Moynihan, *The New York Times*, 2019.

¹⁵¹ Annabelle Williams, “The Amazon Union Vote Failed. Two workers explain why they voted against unionizing,” *Business Insider*, April 9, 2021, <https://www.businessinsider.com/amazon-union-vote-why-some-workers-voted-against-unionizing-alabama-2021-3>.

¹⁵² International Union of Operating Engineers Local 30 (@iuoelocal30), “Congrats to the #Guggenheim workers that voted overwhelmingly to be part of Local 30!,” Instagram photo, June 27, 2019, <https://www.instagram.com/p/BzO3so7Af0K/>.

Yankee Stadium, Madison Square Garden, and the Hartford Capital building.¹⁵³ Concerning the representation of cultural institutions, Local 30 is involved with the Museum of Modern Art, Broadway Theatres, Whitney Museum, the Metropolitan Museum of Art, and others.¹⁵⁴ It is interesting to acknowledge the history and current members the local 30 gives voice to because other cultural institutions are involved, along with the Guggenheim. After establishing as to what type of union the Guggenheim employees joined, it is now time to examine why they did so.

A Fall 2019 publication of the *Regional Labor Review*, titled: “Why Arts Workers Want Unions: Inside the Organizing Wins at MoMA & the Guggenheim” by Madeline Disner, includes an interview with Local 30 associates, Robert Wilson and Andrea Puerta about representing the Guggenheim. When prompted with the question as to what the motivations of the Guggenheim staff were to unionize, Andrea Puerta replied with, “Well, first, this world-class museum had not paid them a serious wage increase in at least five years, and instead of following standard HR (Human Resources) methods, they had this good-old-boys network that doled out job assignments to its favorites. The workers really felt it was unfair and that they needed a voice in how things were run.”¹⁵⁵ This description provided by Ms. Puerta involves pay equity issues and poor work culture as catalysts for workers to seek representation.

The motivation involving pay equity in the Guggenheim was about the sentiment staffers had about the museum not appreciating their work and knowingly underpaying them. In a 2021 article by the *New York Times* titled: “Guggenheim Museum Reaches Agreement with New

¹⁵³ “Local 30: Legacy,” IUOE Local 30, accessed April 27, 2020, <https://iuoelocal30.org/local-30/>.

¹⁵⁴ “Solomon R. Guggenheim Foundation and IUOE Local 30 Complete Negotiations for First Collective Bargaining Agreement,” Solomon R. Guggenheim Museum, February 16, 2021, <https://www.guggenheim.org/press-release/solomon-r-guggenheim-foundation-and-iuoe-local-30-complete-negotiations-for-first-collective-bargaining-agreement>.

¹⁵⁵ Madeline Disner, “Why Arts Workers Want Unions: Inside the Organizing Wins at MoMA & the Guggenheim,” *Regional Labor Review* 22, Hofstra University, (Fall 2019), 13. <https://issuu.com/hofstra/docs/arts-unions-workers-fall2019-rlr>.

Union” by Zachary Small, a Guggenheim union member, and part-time employee, Brian Cook, provides a statement. In an email, Mr. Cook claimed, "Throughout negotiations, it was clear that management understood the level of work we produce in support of world-class exhibitions, but they had no intention of compensating us fairly."¹⁵⁶ There are multiple levels to this statement by Mr. Cook, with the desire for a higher wage on the surface. Underneath, the employees understood that they were a part of a world class-organization and had a feeling that the only way they could effectively convey their desire for a fairer wage drove them to unionize. Along with a desire for fairer wages, another motivation included a chance to have a recognized voice that could speak on the work environment at the Guggenheim.

On June 29th, 2020 the, “A Better Guggenheim” (ABG) organization used their recognized voice through the museum workers unionizing to address their concerns on the work culture through a written letter addressed to the Guggenheim board. The letter discusses several grievances regarding their workplace, like the treatment of people of color in the museum staff. For example, “The failure to create a diverse and equitable workplace has resulted in a museum culture that refuses to take accountability for the violence and injustice inflicted upon its BIPOC (Black, Indigenous, and People of Color) constituents.”¹⁵⁷ The post is urging the Guggenheim to make the workplace more equitable for BIPOC staff, which in turn enhances their ability to share their culture appropriately with visitors. Concerning the purpose of the ABG, I cite their Instagram post from April 19th, 2021: "ABG is valuable because it provides a place to gather grievances that need to be addressed by the museum."¹⁵⁸

¹⁵⁶ Zachary Small, “Guggenheim Museum Reaches Agreement with New Union,” *New York Times*, February 16, 2021, <https://www.nytimes.com/2021/02/16/arts/design/guggenheim-union-reach-agreement.html>.

¹⁵⁷ “Letter to the Board,” Communiques, A Better Guggenheim, June 29, 2020, <https://abetterguggenheim.com/letter-to-board/>.

¹⁵⁸ A Better Guggenheim (@abetterguggenheim), “ABG is Valuable because:” Instagram photo, April 19, 2020, <https://www.instagram.com/p/CN2ez21F-UX/>.

Along with the letter, there are several posts shared anonymously by current and former employees harping on the unsavory practices of management since the ABG started their Instagram page and website in July 2020.¹⁵⁹ This type of organization has led to a safe space and opportunity for workers to come together by expressing work struggles. An anonymous Instagram post from September 2020 shares an employee's concern with being associated with the ABG, “A Better Guggenheim is being heavily monitored by the museum. I am scared of merely ‘liking’ posts because of the Gugg’s retaliatory nature.”¹⁶⁰ Again, the post discusses the issue surrounding the work culture at the Guggenheim, which is highlighted by their fear of liking Instagram posts. It can be argued that anyone can upload egregious stories to paint the museum in a negative light. To this claim, I would point out that there are enough consistent posts to warrant a deeper look into the museum and the anonymity stems from the fear certain employees have about losing their jobs if they expressed their complaints publicly.

While the ABG is not directly tied with the museum employees unionizing through Local 30, I believe there is a correlation. The negotiations between the newly unionized staff and management were still ongoing, and the ABG was utilized for workers to express to the Guggenheim what they wanted to improve through their new contract, along with their Local 30 representation. Also, the unionization led to the creation of the ABG because museum workers collaborated through their process in 2019. That growing connection would later lead to demonstrations like the ABG letter. After nearly two years after the Guggenheim employees voted in favor of unionization, a deal was reached.

¹⁵⁹ “Timeline,” About, A Better Guggenheim, accessed April 22, 2020, <https://abetterguggenheim.com/timeline/>.

¹⁶⁰ A Better Guggenheim (@abetterguggenheim), “Submission:”, Instagram photo, <https://www.instagram.com/p/CFxQF-5FMgl/>.

The result of these negotiations was laid out in The Guggenheim's press release on February 26th, 2021, titled: "Solomon R. Guggenheim Foundation and IUOE Local 30 Complete Negotiations for First Collective Bargaining Agreement." The document reported that a three-year contract was agreed upon covering twenty-two full-time employees and 145 on-call staff. The employees will receive a wage increase, improved parity regarding scheduling, work regulations, job levels, and several other aspects within the functionality of the museum.¹⁶¹

This contract is a significant achievement for the Guggenheim employees, not only for what they received in the contract, but for establishing the groundwork for future deals between staff and management. The wage increase addresses their motivation involving improved wages, and the formatting involving topics like scheduling and work rules will aid in their desire to improve the overall work culture. Also, the solidarity established through unionizing and the actions of the ABG will further shine a light on the work culture issues involving diversity in the Guggenheim as well.

While this is a significant step forward regarding labor relations at both the New Museum and the Solomon R. Guggenheim, it is also important to examine the opposition they both endured. The union members at both institutions faced opposition from management involving anti-union firms. This task will be accomplished when I go over the counter beliefs to my overall argument. The next chapter discusses the opposing views to my argument by examining the hiring of anti-union firms by museum administration and their tactics.

¹⁶¹ "Solomon R. Guggenheim Foundation and IUOE Local 30 Complete Negotiations for First Collective Bargaining Agreement," Solomon R. Guggenheim Museum, February 16, 2021, <https://www.guggenheim.org/press-release/solomon-r-guggenheim-foundation-and-iuoe-local-30-complete-negotiations-for-first-collective-bargaining-agreement>.

Chapter 4

Anti-Union Firms & The Future of Labor in America

Anti-Union Firms

What exactly is an anti-union firm, and how was it used in on to the specific cases of the New Museum and Guggenheim Museum unionization efforts? In an article by Kim Kelly for the *Baffler* in August 2020, titled: "The New face of Union-Busting: Anti-labor Strategies with a Liberal Twist." Anti-union firms are discussed pertaining specifically to their use to counter labor movements. The author discusses the new tactics management often uses to quell unionization compared to tactics used in the past and effectiveness, "Whether it's hiring a very specific kind of law firm, chiseling away at a new union's bargaining unit to lessen its impact, or forcing workers to jump through the hoop of holding a secret ballot election instead of just voluntarily recognizing their union, these more genteel tactics can be just as effective as those yielded by old-fashioned strikebreakers, even if they're no longer quite as violent."¹⁶² This quote is significant because it details the modern methods labor management utilizes to show their opposition toward their employees unionizing, and the hiring of anti-union firms is included.

The hiring of an anti-union firm by management is a clear message of their opposition towards their employees' organizing. Considering the subject of museums, the New Museum experienced an anti-union firm during their process of unionizing. Concerning the anti-union firm involving The New Museum, I cite a 2019 *Artnet News* article by Ben Davis and Sarah Cascone titled: "The New Museum's Staff Is Pushing to Unionize- and Top Leadership Is Not at All Happy About It." In the text, it is reported that the New Museum hired the anti-union law

¹⁶² Kim Kelly, "The New Face of Union-Busting: Anti-labor Strategies with a liberal twist," *The Baffler*, August 3, 2020, <https://thebaffler.com/working-stiff/the-new-face-of-union-busting-kelly>.

firm: Adams Nash Haskell and Sheridan (AHNS) in response to the employee's desire to join UAW Local 2110.¹⁶³ The tactics used by the firm were also reported in the article.

The examples cited involved several museum staff members being surprisingly appointed as supervisors, one-on-one meetings conducted by the firm with the newly appointed supervisors to remind them about loyalty to their employer, and to aid in the firm's search to identify top organizers within the staff.¹⁶⁴ Along with the one-on-one meetings, group presentations were held expressing the pitfalls of employees joining unions used to dissuade staff members from voting to join UAW Local 2110.¹⁶⁵ Overall, pressure tactics, divide and conquer, along with intimidation tactics are often used to dissuade workers from joining in the unionizing effort.

In a 2020 study by the *Economic Policy Institute* (EPI) by Gordon Lafer and Lola Loustaunau titled: "Fear at Work," several examples are cited as how anti-union firms operate when their services are requested by employers. The study focuses in on union drives held in a manufacturing plant in Georgia, a pay television service in Texas and the tactics used against their organizing efforts. The methods to hinder both union drives included:

"Forcing employees to attend daily anti-union meetings where pro-union workers have no right to present alternative views and can be fired on the spot if they ask a question. Plastering the workplace with anti-union posters, banners, and looping video ads—and denying pro-union employees' access to any of these media. Instructing managers to tell employees that there's a good chance they will lose their jobs if they vote to unionize. Having supervisors hold multiple one-on-one talks with each of their employees, stressing why it would be bad for them to vote in a union. Having managers tell employees that pro-union workers are "the enemy within." Telling supervisors to grill subordinates about their views on unionization, effectively destroying the principle of a secret ballot."¹⁶⁶

¹⁶³ Ben Davis and Sarah Cascone, "The New Museum's Staff is Pushing to Unionize- and Top Leadership Is Not at All Happy About It," *Artnet News*, January 10, 2019, <https://news.artnet.com/art-world/new-museum-union-drive-1436788>.

¹⁶⁴ Ben Davis and Sarah Cascone, *Artnet News*, 2019.

¹⁶⁵ Ben Davis and Sarah Cascone, *Artnet News*, 2019.

¹⁶⁶ Gordon Lafer and Lola Loustaunau, "Fear at Work," The Economic Policy Institute, July 23, 2020, <https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/>.

The role of anti-union consultants in general are to instruct employers on effective methods to stifle union growth in their workplace. The methods used by the AHNS and the consultants in Georgia and Texas showcase how management can hire outside help dedicated to deliver an anti-union election result. Also, it gives insight into how difficult it can be to sustain momentum in attempting to organize for any industry, including cultural institutions. Now, I would like to provide information directly from the ANHS website through what they offer as a service because it gives yet another perspective on the desires behind the administration's move to avoid dealing with a union.

On the Kentucky-based firm's website, along with a post about their near thirty-year experience in the field, a question is posed, “Why ANHS?” and their answer involves union avoidance, “Avert a union, avoid a disaster.”¹⁶⁷ The phrasing allows one to accept the viewpoint that some perceive unions as a mistake. Also, it provides the perspective of administrations that are soliciting help from anti-union firms, like the New Museum.

To continue, I will examine how ANHS would step in and aid an organization in avoiding a validation of union representation among their employees. According to their website, AHNS offers a brief statement on what they provide to any organization fearing unionization, “Your employees have a right to unionize, but you also have a right to educate them about potential dangers and negative effects of labor union representation. In the end, you’re not the only victim of a labor relations conflict. Your employees are, too. Often, it’s your efforts that can protect them from unwittingly putting everything on the line. We will work to guide you in the best ways to educate your employees about the dangers and problems of unionization and

¹⁶⁷ “Union Avoidance,” Adams, Nash, Haskell, and Sheridan, accessed May 1, 2021, <https://anh.com/services/union-avoidance-consultants-training/>.

address underlying issues in your workplace.”¹⁶⁸ Along with the information in this advertisement, the ANHS offers a strategic response to union movement through their avoidance consultants.¹⁶⁹

The firm educates upper management to keep communication open, preserve supervisors' roles and employees' trust through their management education service, so there is no need for union representation to be sought out.¹⁷⁰ The purpose of anti-union firms like ANHS is to avoid a union winning the NLRB vote and avoid the vote altogether through the methods discussed. Concerning the dangers of organized labor mentioned in the AHNS advertisement, I would like to address them, and other myths perpetuated by anti-union efforts. Before that, I will mention the anti-union representation regarding the Guggenheim briefly but will leave out their overall function because it will be similar to the points made by AHNS.

According to a 2019 article in *The Art Newspaper* by Victoria Stapley-Brown, titled: “Employees at the Guggenheim seek to unionise,” the Guggenheim administration relied on Epstein Becker Green (EBG) as law counsel for this process.¹⁷¹ Also reported in the article was an attempt the law firm used to dissuade employees from unionizing through a meeting meant to instill fear through mentions including potential firings if the workers should strike.¹⁷² Again, this showcases the arduous process that is often involved for employees when they attempt to unionize because an opposition does exist through their organization and other outside forces, like anti-union firms. The success of the anti-union firms can be shown in how much money is

¹⁶⁸ “Union Avoidance,” Adams, Nash, Haskell, and Sheridan, accessed May 1, 2021, <https://anh.com/services/union-avoidance-consultants-training/>.

¹⁶⁹ “Union Avoidance,” Adams, Nash, Haskell, and Sheridan, accessed May 1, 2020, <https://anh.com/services/union-avoidance-consultants-training/>.

¹⁷⁰ “Union Avoidance,” Adams, Nash, Haskell, and Sheridan, accessed May 1, 2020, <https://anh.com/services/union-avoidance-consultants-training/>.

¹⁷¹ Victoria Stapley-Brown, “Employees at the Guggenheim seek to unionise,” *The Art Newspaper*, June 12, 2019, <https://www.theartnewspaper.com/news/employees-at-the-guggenheim-seek-to-unionise>.

¹⁷² Victoria Stapley-Brown, *The Art Newspaper*, 2019.

spent on them by companies in the United States, this on top of blatant violation of federal laws protecting the right of workers to unionize makes it more difficult to organize.

In a 2019 report by the *Economic Policy Institute* titled “Unlawful” by Celine McNicholas, Margaret Poydock, Julia Wolfe, Ben Zipperer, Gordon Lafer, and Lola Loustaunau details the resources spent on anti-union consultants and the federal violations often made by employers during a union campaign and election. In the report the authors found that, employers are charged with violating federal law in 41.5% of all union election campaigns.¹⁷³ The charges include a worker being illegally fired for union activity in 20% of elections, employers making threats, engaging in surveillance activities, or harassing workers in nearly 33% of all union election campaigns.¹⁷⁴ In addition to the federal violations workers have to deal with they also have to go against employers spending roughly \$340 million annually on “union avoidance” consultants to help them counteract union elections.¹⁷⁵

Workers must fight an uphill battle to organize due to their employers often hiring anti-union firms, violating federal labor laws, and having a large resource advantage against a union campaign. I believe this addresses the question one may have regarding as to why not every organization unionized. The answer is that it is challenging to execute. Moving forward, a consideration must be given to the future of American labor because museums are a part of the discussion considering the sectors increase in unionizing in recent times.

¹⁷³ Celine McNicholas, Margaret Poydock, Julia Wolfe, Ben Zipperer, Gordon Lafer, and Lola Loustaunau, Economic Policy Institute, “Unlawful”, December 11, 2019, accessed April 2022, <https://www.epi.org/publication/unlawful-employer-opposition-to-union-election-campaigns/>.

¹⁷⁴ Celine McNicholas, Margret Poydock, Julia Wolfe, Ben Zipperer, Gordon Lafer, and Lola Loustaunau, December 11, 2019.

¹⁷⁵ Celine McNicholas, Margaret Poydock, Julia Wolfe, Ben Zipperer, Gordon Lafer, and Lola Loustaunau, December 11, 2019.

What is the future of American Labor?

Sectoral bargaining may provide an interesting path forward for American labor and an alternative to worksite—level bargaining. An article by David Madland and Malkie Wall for the Center for American Progress Action Fund, titled: "What is Sectoral Bargaining?", provides a definition, "Sectoral bargaining- also known as a multiemployer, industrywide, or broad-based bargaining- is a form of collective bargaining that provides contract coverage and self-compensation floors for most workers in a particular occupation, industry, or region."¹⁷⁶ Workers are organized on an industrywide basis to provide national implications when bargaining. This, compared to unions acting on behalf of their local industry, is the main difference. The role of this structure in the future of American labor is possible due to its appeal and the current trend of workers gaining benefits outside of union representation.

The difference between union representation and results of sectoral bargaining in foreign countries can be found in a 2021 article by Akhil Saxena for the *Brown Political Review* titled: "Strengthening the American Labor Movement: The Advantages of Sectoral Bargaining." In the piece, Saxon presents the factors:

“Under sectoral bargaining, workers do not form unions or negotiate contracts with individual firms. Instead, unions negotiate contracts with employer representatives and local governments, whose terms apply to all workers within a given sector. Instead of workers at one restaurant receiving the benefits of union membership while the others do not, all restaurant workers within the area will receive the same benefits from this contract, regardless of the union status of the workplace. The idea is not a new one: Sweden, Denmark, and France all implement some form of sectorial bargaining. Denmark in particular is notable: its famous \$22 an hour wage for McDonald's workers is the result of a sectoral bargaining agreement between employers and unions. These countries are also notable for their high levels of union participation: in Denmark approximately 67 percent of workers are in a labor union.”¹⁷⁷

¹⁷⁶David Madland, Malkie Wall, “What Is Sectoral Bargaining?” *Center for American Progress Action Fund*, March 2, 2020, accessed December 13, 2021,

<https://www.americanprogressaction.org/issues/economy/news/2020/03/02/176857/what-is-sectoral-bargaining/>.

¹⁷⁷Akhil Saxena, “Strengthening the American Labor Movement: The Advantages of Sectoral Bargaining,” *Brown Political Review*, April 5, 2021, accessed December 13, 2021,

In addition to the monetary gains from sectoral bargaining there are plenty of social benefits as well. First, an increase in coverage in higher wages and benefits for workers who may be harder to reach like employees at small worksites and part-time workers.¹⁷⁸ Second, a boost in economic equality will occur due to workers earning similar wages for similar work causing employees to compete over greater productivity, rather than lower wages, and making it difficult for lower end companies to undermine companies that treat their workers fairly.¹⁷⁹ Third, sectoral bargaining has proved to reduce economic inequality by closing racial and gender pay gaps due to compressed wage distribution and centralized pay structures.¹⁸⁰ These social changes caused by sectoral bargaining are important because they address several social injustices currently plaguing labor in America.

The likelihood that the American labor movement will embrace sectoral bargaining is high for a few reasons. This is the case because the current momentum of the movement is leaning toward workers coming together nationally to pressure politicians instead of local employers. This is the conclusion after analyzing the Immokalee Workers and the Fight for Fifteen movements. Also, having models to cite, like Denmark, show a tangible blueprint on how to achieve this structural change. While this is trending as more of a possibility, it will be difficult to move in this direction. The enterprise method has been a part of the American labor movement for decades, and there will be certain pushback from traditional unionists to advance in this way. Along with the structural change, legislation will be a strong presence in the future of the American Labor movement with bills such as the PRO act.

<https://brownpoliticalreview.org/2021/04/strengthening-the-american-labor-movement-the-advantages-of-sectoral-bargaining/>.

¹⁷⁸ David Madland, Malkie Wall, March 2, 2020, accessed December 2021.

¹⁷⁹ David Madland, Malkie Wall, March 2, 2020, accessed April 2022.

¹⁸⁰ David Madland, Malkie Wall, March 2, 2020, accessed April 2022.

The Protecting the Right to Organize Act (PRO), originally introduced in the 117th Congress by Congressman Robert C. Scott from Virginia in February 2021, is a significant piece of federal legislation that will impact the American labor movement if passed. The contents of the bill include actions that will enhance labor's ability to organize. The PRO Act will redefine the term *employee* to include more workers under the fair labor standards act, legalize the action for union members to participate in secondary strikes, and establish it to be unfair labor practice for employers to coerce workers to attend meetings that are aimed to discourage unionization.¹⁸¹ Furthermore, the PRO Act is branded as both worker rights and civil rights legislation. According to the New York State Office of the Attorney General, the PRO Act would improve all workers' rights:

“If enacted, the PRO Act would give the National Labor Relations Board the power to fine companies that retaliate against organizing workers and require arbitration when unionized workers and employers cannot reach agreements on contracts. It would also strengthen the right of workers to strike, ban employer interference and influence in union elections, and prevent employers from using employees' immigration status against them when determining the terms of their employment. Notably, the legislation would override state “right to work” laws, which allow employees to forgo paying dues in unionized workplaces, and would address the “gig” economy by lowering the bar for independent contractors to prove they are “employees” under the Act.”¹⁸²

The American labor movement would benefit immensely from this bill because it would incorporate all types of workers. For example, the previous chapter discussed the Immokalee workers going around their union ineligibility and use their secondary boycott. Under the PRO Act, the immigrant workers would not have their immigration status used against them as an intimidation tactic by their employer when attempting to organize and a secondary boycott

¹⁸¹“H.R.842 – Protecting the Right to Organize Act of 2021,” 117th Congress, 2021-2022, accessed December 13, 2021, <https://www.congress.gov/bill/117th-congress/house-bill/842>.

¹⁸² Letitia James, “Attorney Letitia James Calls on the U.S. Senate to Strengthen Protections for Working Americans By Passing PRO Act,” NY State Office of the Attorney General, August 11, 2021, <https://ag.ny.gov/press-release/2021/attorney-general-james-calls-us-senate-strengthen-protections-working-americans>.

would now be made legal for all union campaigns. Also, “gig” workers would now be considered employees and benefit from the full range of rights that fall under employment in America. This bill has support across the board from labor leaders, including Mario Cilento, the president of the New York State AFL-CIO, “We thank Attorney General Letitia James for her support on what is the most significant worker empowerment legislation since the Great Depression.”¹⁸³ This law would bolster the ability for workers to unionize significantly, but the issue is that the bill still has not passed from its original conception in Congress.

The issue is the differing opinions in the Senate regarding the PRO Act. In an article by *People's World* titled: "PRO Act passes House, Senate Republicans plan to kill it," the opinions of Senate Republicans are documented. For example, the belief that unions cause companies to decrease in efficiency is held by Rep. Robert Good of Virginia and that Rep. Danny Walberg of Michigan believes that union corruption would run rampant with the passage of this bill.¹⁸⁴ While these complaints are seen as valid by some, they are antiquated perspectives. For example, the statements by the GOP representatives hark back to the fear tactics used by Taft-Hartley Act, reported earlier in this thesis. The forcing of a union member to sign paperwork proving they were not affiliated with the communist party was an attempt to convince the public that the American Labor movement was synonymous with the Communist takedown of America.

Along with this issue, the ripples from the Taft Hartley Act still affecting labor have been left unsolved, which hinders progress for the movement to move in the traditional way of unionizing. Although the PRO Act has been shown to update labor law, that legislation has had a hard time passing Congress due to antiquated fear tactics by the GOP being effective enough to kill the bill each time it has passed the House. This leads to the need for workers to move outside

¹⁸³ Letitia James, August 11, 2021.

¹⁸⁴ Congress.gov, <https://www.congress.gov/bill/117th-congress/house-bill/842>.

of union lines and organize nationally through community channels, like the *Fightfor15* and the NYCC. The focus on the PRO Act begs the question, why is it needed?

The PRO Act would bring the National Labor Relations Board (NLRB) into the twenty-first century because currently it is failing modern-day workers. For example, the NLRB currently leaves out domestic workers, agricultural workers, and independent contractors from their protections.¹⁸⁵ Along with unfair labor laws, antiquated federal protections, and the lack of cohesion among major labor organizations has been the self-sabotage portion of the critique.

The Taft-Hartley Act has been established as being a deterrent to organized labor. As reported earlier in the thesis, it passed during the time that the AFL and the CIO were at odds with each other, fighting for jurisdiction and creating a wedge in labor's voting power. This issue comes up in the modern labor movement with the Freelancers Union. This voluntarist group is not considered a part of the American labor movement, but they are organized workers that are outside of the movement, which hinders it.

The Freelancers Union was established in 1995 with the goal of providing members insurance benefits and resources to improve their quality of well-being.¹⁸⁶ According to their website, their mission for their 500,000 plus membership, “is to promote the interests of independent workers through advocacy, education, and services.”¹⁸⁷ In other words, the Freelancers Union is supposed to operate as a cooperative instead of as a representative.

This distinction between how the Freelancers Union operates compared to traditional unions has led to the thought they are not truly a part of the labor movement. In the text by Scheurman, he explains this sentiment, “Since the Freelancers Union does not confront

¹⁸⁵ David Madland, Malkie Wall, March 2, 2021, accessed April 9, 2022.

¹⁸⁶ Freelancers Union, About Freelancers Union, “Mission,” *Freelancers Union*, accessed December 13, 2021, <https://www.freelancersunion.org/about/>.

¹⁸⁷ Freelancers Union, <https://www.freelancersunion.org/about/>.

employers and substitutes the providing of services for political struggle, it is clearly an outlier within the developing new labor movement.”¹⁸⁸ The takeaway here is that hundreds of thousands of contract workers find themselves not aligned with all worker's interests but their own. This splintering leads to future political problems due to the worker vote being splintered in key elections, whether they be local or national.

It is understandable for freelancers to form a cooperative because their needs are different from workers with one employer. The Freelancer’s union is not a part of the American labor movement, but this can be changed through the PRO Act and its update to the NLRB to make it easier for independent contractors to be considered an employee that would then receive protections.¹⁸⁹ To answer the labor question, traditional labor views, residue from challenging labor laws, and the lack of cohesion with unions have led to the weakened position.

This answer to the labor question in America leads to the modern-day labor movement and its future. I believe that the trend of under-represented workers turning to community groups will continue because it is easier for workers to achieve success that way. I say this because these un-unionized groups benefit from being outside the grasp of the Taft-Hartley Act and can act with more freedom with their protests. Also, local uprisings like the *Fightfor15* can and do garner national attention due to social media spreading these movements quickly.

The current number of followers of the *FightFor15* Twitter page is over seventy thousand, and they provide a hashtag, "#FightFor15" which can link any post with that tag to their movement.¹⁹⁰ Finally, the combination of these grassroots groups, and established unions, will lead the momentum for structural change with discussions of sectoral bargaining and the

¹⁸⁸William E. Scheurman, 145.

¹⁸⁹Letitia James, August 11, 2021.

¹⁹⁰Fight For 15 (@fightfor15), “Fight For 15,” Twitter Profile, accessed December 2021, <https://twitter.com/fightfor15?lang=en>.

push for new labor legislation, like the PRO Act. The future of the American labor movement points to sectoral bargaining, but how can that be done?

According to the Center for American Progress article by David Madland and Malkie Wall, three needs are provided as to how the United States can achieve sectoral bargaining. First, unions must be strengthened through legislation like the previously discussed PRO Act, along with the Public Service Freedom to Negotiate Act (PSFN).¹⁹¹ The PFSN Act was announced by Rep. Matt Cartwright from Pennsylvania during the 117th Congress in October of 2021 as federal legislation.¹⁹² The Education and Labor Committee details the PFSN Act of 2021:

“The Public Service Freedom to Negotiate guarantees that every public service employee in every state has the freedom to stand together and negotiate for fair wages and working conditions. The bill sets a minimum nationwide standard for collective bargaining rights that all states must provide to public sector workers. Among these standards, public employers are required to recognize employees’ labor unions that are freely chosen by a majority of the employees voting, and to bargain with the labor organization over wages, hours, and other terms and conditions of employment. In states that fail to meet these standards, the bill gives the federal government the authority to intervene on behalf of public-service workers and ensure their rights to form a union and negotiate with their employer are protected.”¹⁹³

The passing of this bill would give public workers a national level standard and ability to collectively bargain. This setting would aid in the United States to achieve sectoral bargaining because the collective bargaining for public sector workers would be on a national scale, backed by the federal government. In addition to policymakers passing legislation like the Pro Act and the PFSN Act, union contracts should be extended to include all similarly placed workers to receive union contract benefits, union and non-union alike.¹⁹⁴ This extension can be realized

¹⁹¹ David Madland, Malkie Wall, March 2, 2021, accessed April 2022.

¹⁹² Congress.gov, “H.R.5727- Public Service Freedom to Negotiate Act of 2021”, *117th Congress*, 2021-2022, accessed April 2022, <https://www.congress.gov/bill/117th-congress/house-bill/5727?s=1&r=9>.

¹⁹³ Education & Labor Committee, “Public Service Freedom to Negotiate Act (H.R. 6238) Fact Sheet”, 2021, accessed April 2022, [https://edlabor.house.gov/imo/media/doc/Public%20Service%20Freedom%20to%20Negotiate%20Act%20\(August%202018\).pdf](https://edlabor.house.gov/imo/media/doc/Public%20Service%20Freedom%20to%20Negotiate%20Act%20(August%202018).pdf).

¹⁹⁴ David Madland, Malkie Wall, March 2, 2021, accessed April 2022.

through prevailing wage laws, like the New York State labor law that requires contractors and subcontractors to pay the prevailing rate of wage and supplements to all workers under a public contract.¹⁹⁵ A union contract for employees can now act as a prevailing wage or standard for all workers in a similar field, whether they are unionized or not.

The third and final need for the United States to achieve sectoral bargaining is the creation of wage boards.¹⁹⁶ This idea is present in New York State and on December 15, 2021, New York State Labor Commissioner Roberta Reardon heard public testimonies concerning the overtime threshold for Agricultural workers.¹⁹⁷ This combination of worker, employer, and government mediation helps set standards across the state beyond union involvement. Federal legislation, the extension of union contracts, and wage boards set the stage for the United States to achieve sectoral bargaining. The process to achieve sectoral bargaining is difficult due to opposition to federal legislation, like the PRO act, and prevailing wage laws and wage boards not being present all throughout the country. This is the general blueprint for labor in America, whereas special considerations must be taken for museums. Union myths and the future of museum labor will be addressed in the following chapter.

¹⁹⁵ New York State Department of Labor, “Public Work and Prevailing Wage”, Overview, accessed April 2022, <https://dol.ny.gov/public-work-and-prevailing-wage>.

¹⁹⁶ David Madland, Malkie Wall, March 2, 2021, accessed April 2022.

¹⁹⁷ New York State Department of Labor, “Farm Laborers Wage Board Hearings”, Overview, accessed April 2022, <https://dol.ny.gov/farm-laborers-wage-board-hearings>.

Chapter 5

Union Myths Busted, and the Future of Museum Labor

Union Myths Busted

To address common union myths, I rely on a list by the Industrial Union of Operating Engineers (IUOE) Local 30 on their website titled, "Myths and Facts About Unions," which includes, "Unions are outside, Special interest groups," "Unions mean more conflict in the workplace," "Unions just want workers dues," and "Most union bosses are corrupt."¹⁹⁸ The first argument of unions being outside, special interest groups can be countered by mentioning that unions are voted for in a democratic process through elections hosted by the National Labor Relations Board (NLRB), mentioned in both the case studies of the New Museum and the Guggenheim.

The second argument of unions creating conflict in the workplace is flawed. I say this because both unions, through the New Museum and Guggenheim, offer legitimized representation of employees. Now their workers can sit at the table with the administration to talk issues out, instead of the prior situation causing some workers to feel isolated and react on social media to express discontentment. Also, the New Museum Union reports that they cannot go on strike unless they vote to do so by two-thirds majority and if that occurs, employees do not have to strike because their union will not penalize them for not doing so.¹⁹⁹

The third argument that poses the idea that all unions want is workers' dues is also misplaced. I say this because unions are not-for-profit organizations, and the dues go right back

¹⁹⁸ "Myths and Facts about Unions," Join IUOE, International Union of Operating Engineers, accessed May 1, 2021, <https://www.iuoe.org/join-iuoe/myths-and-facts-about-unions>.

¹⁹⁹ "New Museum Union Membership Facts," FAQ, New Museum Union, accessed May 2, 2021, <https://newmuseumunion.org/faq>.

into the organization they are representing to help in future bargaining negotiations.²⁰⁰ Also, to cite an example, the New Museum Union claims that only two percent of regular wages go into dues that pay for services like legal costs, and staffing.²⁰¹ The belief that unions end up costing workers more money than they are worth is not accurate based on the union of the New Museum only having to pay such a small amount. Also, unions often pay retirement pensions. In March of 2019 it was reported by the U.S. Bureau of Labor that ninety-four percent of union workers dwarfed the sixty-seven percent of non-union workers when it came to receiving retirement benefits from their respective employers.²⁰²

The fourth, and most popular argument against unionization consists of the corruption of union bosses. While unions can struggle with corruption, it is inaccurate to claim that this is the case most of the time. Also, and more importantly, there are safeguards in place to combat this possibility. For example, the office of Labor-Management Standards (OLMS) enforces the Labor-Management Reporting and Disclosure Act (LMDRA) from 1959. Its mission is to promote union democracy by setting ethical safeguards to protect union assets and instill credible union leadership.²⁰³ In this argument, I believe it is wrong to claim that most union bosses are corrupt. Also, if corruption does arise, the OLMS is available to protect union members from any sort of tyranny.

²⁰⁰ “Myths and Facts about Unions,” Join IUOE, International Union of Operating Engineers, accessed May 1, 2021, <https://www.iuoe.org/join-iuoe/myths-and-facts-about-unions>.

²⁰¹ “New Museum Union Membership Facts,” FAQ, New Museum Union, accessed May 1, 2021, <https://newmuseumunion.org/faq>.

²⁰² U.S. Bureau of Labor Statistics, “Union workers more likely than nonunion workers to have retirement benefits in 2019”, TED: The Economics Daily, October 25, 2019, accessed April 11, 2022, <https://www.bls.gov/opub/ted/2019/union-workers-more-likely-than-nonunion-workers-to-have-retirement-benefits-in-2019.htm>.

²⁰³ “2020 Annual report,” About, OLMS Annual Reports, Office of Labor-Management Standards, United States Department of Labor, January 2020, <https://www.dol.gov/agencies/olms/about/annual-reports/2020>.

The Future of Museum Labor

“Will unions make a difference at US museums?”²⁰⁴ appeared as a title for an article written for *Apollo Magazine* in the summer of 2021 by Dana Kopel and Maxwell L. Anderson. Concerning the question, Kopel cites her experience helping the New Museum organize back in 2019:

“What difference does a union make? Unions give workers a voice in their working conditions; they force management to share power and make decisions more equitably. Crucially, union membership – and the right to negotiate a contract that forming a union provides – creates material improvements in the lives of museum workers. At the New Museum, our first contract, which we ratified in October 2019, raised the wages of workers in visitor services and the museum store to \$18 per hour from just above minimum wage; most of these workers hadn’t received a raise in three years. Our contract set a minimum salary of \$46,000 for full-time entry-level staff – over \$10,000 more than many of those employees were making when we started organising. We won healthcare stipends for part-time workers, pay increases for when someone temporarily takes on another person’s work, and just cause – a critical clause that prevents management from firing someone at will. As more and more museums unionise and negotiate contracts, more museum workers will not only improve their own conditions but also raise standards across the art industry.”²⁰⁵

Several of the factors that changed in the New Museum have been addressed in the earlier chapter covering their case study. Kopel’s answer to the question as to whether unions make a difference in museums, is clearly, yes. Unions make a difference because they provide a voice to workers at the negotiation table, which allows an equitable discussion on areas of concern. While it is important to improve conditions for present museum workers, it is equally if not more important to make sure future workers are taken care of as well. The museum profession is at the mercy of what future generations want to study and that is in direct competition with all other careers in America.

²⁰⁴“Will unions make a difference at US museums?”, *Apollo Magazine*, June 28, 2021, accessed April 2022, <https://www.apollo-magazine.com/unions-united-states-museums/>.

²⁰⁵“Will unions make a difference at US museums?”, *Apollo Magazine*, June 28, 2021, accessed April 2022.

A labor shortage in museums could present a real problem for cultural institutions. For example, the American Alliance of Museums cites a looming labor shortage in museums due to issues surrounding wages, poor working environments, and lack of diversity.²⁰⁶ The report found nearly sixty percent of science teachers in museums were considering a career change.²⁰⁷ In response, museums featured in the article have decided to address the issue of diversity, “Over half (55 percent) of the snapshot museums report they are planning, or taking steps to, diversify their staff with regard to race; 26 percent with regard to age; 28 percent with regard to gender; and 27 percent with regard to socioeconomic background. By rethinking assumptions about what credentials and experience are needed to do those jobs and taking a broad and inclusive approach to recruitment and hiring, museums have the opportunity to create a workforce significantly more diverse than it was in 2019.”²⁰⁸ The focus on changing hiring practices is due to the fact that the Covid-19 pandemic hurt all corners of the world financially, and so that is difficult to address outright.

The other issue of poor work environments is present as well and the article includes tactics museums are taking to address that problem as well by, “teaching managers to be good communicators and good listeners, expressing appreciation for employees, and providing opportunities for growth and advancement.”²⁰⁹ This is a positive step in improving the issue of poor working conditions, but it comes across as not enough. The work culture runs deep, and an improvement must be experienced, rather than simply taught. The identification is a promising start, and the intention is good. Along with diversity and poor work culture, pay is an issue that needs

²⁰⁶Elizabeth Merritt, “The Future of Museum Labor: Exploring the Latest COVID Impact Data”, *American Alliance of Museums (AAM)*, February 17, 2022, accessed April 2022, <https://www.aam-us.org/2022/02/17/the-future-of-museum-labor-exploring-the-latest-covid-impact-data/>.

²⁰⁷Elizabeth Merritt, February 17, 2022, accessed April 2022.

²⁰⁸Elizabeth Merritt, February 17, 2022, accessed April 2022.

²⁰⁹“The Future of Museum Labor: Exploring the Latest COVID Impact Data”, *American Alliance of Museums (AAM)*, February 17, 2022, accessed April 2022.

attention. One may be surprised to find that not only are lower-level positions in jeopardy, but high executive vacancies in museums are rampant today.

In an article from *Artnet News* from November 2021 a report is given on nearly two dozen museum director roles being open.²¹⁰ Whereas one may not want to enter the museum world due to low paying prospects, another may find the high-end roles and the pressure around them to be too high. In the article museum executive Laura Raicovich is quoted, “People really don’t want to be directors right now because the jobs are emotionally unstable and it’s a challenge to navigate the wealth gap between low-paid staff and wealthy trustees.”²¹¹ It is difficult to discern emotionally unstable on a practical level due to that being a subjective metric on how people handle stress, along with a myriad of other factors. The point that relates directly to unions is the director feeling pressure from managing relationships between staff and trustees.

The role of unions is not only to secure better pay, but to give museum employees a voice. This representation can benefit the director because all the issues of the workers will be presented as a united front, instead of the differing personalities with their own critiques. One could argue that the union could hinder the director’s job because he or she would have to take the complaints seriously and any movement could be slowed by the presence of a union. A view like that would be a poor assumption of what a union is there to do. Also, some decision making could then fall on the shoulders of the entire staff, alleviating the pressure on an executive director. Overall, unions can make a difference in U.S. museums for not only the everyday worker, but also the executives. Concerning the future of museum labor, could sectoral bargaining be possible as the next step after unionizing?

²¹⁰Zachary Small, “There Are Almost Two Dozen Director Roles Vacant in U.S. Museums Right Now. Why Does Nobody Want Them?”, *ArtNet News*, November 22, 2021, accessed April 2022, <https://news.artnet.com/art-world/u-s-museums-director-vacancies-2038335>.

²¹¹Zachary Small, *ArtNet News*, November 22, 2021.

There are currently over 35,000 museums in the United States.²¹² The museums all range in sizes and content, which one must consider if all the museums in the U.S. were to achieve sectoral bargaining. First, smaller museums with smaller budgets and fewer staff would have to be considered on the same level as larger institutions. The potential problem arises when prevailing wage laws would dictate how much to pay an employee across the board for similar work, but the resources are not the same for every museum. A solution could be to separate smaller museums based on their budget and staff size from the larger institutions. Also, I believe that the Art Museum sector would be separate from the History Museum sector because that is already the case in most instances. Memberships to museums often come with benefits, including being a part of a reciprocal network. In other words, if an individual is a member of one museum, their affiliation with that museum would then extend their benefits to any other in the reciprocal network.

Time Travelers, “is a free reciprocal network for historical museums, sites, and societies throughout the United States.”²¹³ Museums sign up to register to be a part of the program and members of any museum within the network then receive things such as free admission and gift shop discounts.²¹⁴ This grouping could serve as a springboard on how museums could then branch into sectoral bargaining by already having relationships with each other. This leads to the Art sector being separate from the History sector because these reciprocal networks are often set up with similar cultural institutions. It would be difficult for museums to transition into sectoral bargaining due to the varying sizes, and unlike McDonald’s, museums are primarily non-profit and rely on unpredictable grants and donations to fund them.

²¹²Giuliana Bullard, “Government Doubles Official Estimate: There Are 35,000 Active Museums in the U.S.”, Institute of Museum and Library Services, May 19, 2014, accessed April 2022,

<https://www.imls.gov/news/government-doubles-official-estimate-there-are-35000-active-museums-us>.

²¹³“What is Time Travelers?”, Time Travelers, Missouri Historical Society, 2022, accessed April 2022, <http://timetravelers.mohistory.org>.

²¹⁴“What is Time Travelers?”, Time Travelers, Missouri Historical Society, 2022, accessed April 2022.

Sectoral bargaining can potentially be achieved in museums through using their reciprocal network bases as a launch pad for organizing how they align nationally. Also, the smaller staff and budget problem can be addressed by wage boards that may be able to form a more stable government funding to secure museum workers are being paid the same rate across all lines. For all of labor in America to achieve sectoral bargaining, policymaking is key in implementing updated labor policies like the PRO Act and the PSFN Act. A local movement, like the case studies occurring in New York City covered in this thesis may be where it needs to start, before national level bargaining can take shape for museums. To conclude, an examination of how unions can operate in museums and as to whether unions could potentially be negative for museums will be provided.

Chapter 6

Conclusion

After researching the unionization of museum workers, I believe that museum workers should be unionized because it would improve their work culture by addressing the need for pay equity, allow more opportunity for diversity, and give museum workers a much-needed voice within their institutions. The case studies of both the New Museum and the Solomon R. Guggenheim Museum provided results that increased workers' pay, influenced hiring practices by their institutions to include more diverse staff members, and channels were created for employees to effectively share their opinions and concerns with upper management. While being a part of a union has benefits, not all museum employees have to join, resulting in a mix of staff consisting of some union, and some not.

The New Museum contract with the United Autoworkers Union cites their collective bargaining coverage, "The Museum recognizes the Union as the exclusive bargaining agent for the unit certified by the National Labor Relations Board.... including all full-time and regular part-time employees employed by the Museum at its facility located at 231 and 235 Bowery, New York, NY, and excluding maintenance department employees, interns (i.e., those receiving academic credit and/or who are unpaid), guards, ; grant-funded employees whose positions are expected to be no more than one (1) year in duration; and supervisors, managers, and confidential employees as defined in the Act."²¹⁵ The contract between the local UAW 2110 union and the New Museum showcase that being a part of the union is not based only on being an employee at the museum. Workers in maintenance, interns, security guards, and short-term

²¹⁵ "Collective Bargaining Agreement Between The New Museum and Local 2110, UAW, October 1, 2019 through June 30, 2024", UAW Local 2110, 2019, accessed April 2022, https://www.2110uaw.org/cbas/New_Museum_CBA_2019-2024.pdf.

employees funded by grants are not considered union members. Along with contracts stipulating how a worker can be classified as a union member, there are federal laws under the NLRB that protect all workers concerning union enrollment.

According to the National Right to Work Legal Defense Foundation (NRTW), workers do not have to join a union. The most that can be asked of workers is to pay union fees or agency fees in a provision present in the collective bargaining agreement. Union membership cannot be required legally due to the Supreme Court Case: *Pattern Makers v. NLRB* (1985), ruling that union members have the right to drop their membership at any time. As a nonmember one would still receive benefits and representation of the union concerning wages, vacation time and anything else in the collective bargaining agreement. A nonmember loses out on the opportunity to vote in union elections, contribute to union meetings, and all other union activity within the workplace. In a right to work state, one could not only refuse to be in a union, but also legally refuse to pay any union dues if they decide not to be a part of the union.²¹⁶

The issue with right to work laws is that since union dues can be bypassed, the union loses out a resources and membership which eliminates bargaining power. Federal policymaking, like the PRO Act would override the “right to work laws”, which would restore union fees to be paid by union and nonunion members alike.²¹⁷ This restoration would then improve collective bargaining benefits that all workers would be a part of, regardless of their membership. The presence of a union has shown to benefit workers, but can unionization be seen as a positive for all museums?

²¹⁶“Can I be required to be a union member or pay dues to a union? (Private Sector Employee), The National Right to Work Legal Defense Foundation (NRTW), 2021, accessed April 2022, <https://www.nrtw.org/required-join-pay-private/>.

²¹⁷“Why the US PRO Act Matters for the Right to Unionize: Questions and Answers”, *Human Rights Watch*, April 29, 2021, accessed April 2022, <https://www.hrw.org/news/2021/04/29/why-us-pro-act-matters-right-unionize-questions-and-answers#>.

I believe that all museums would benefit from unionization regardless of their content, location, staff size, and budget. A concern arises with smaller museums because their bottom line would be impacted based on the costs of carrying union staff. The main process of unionizing is derived from the desire of employees wanting to be at the negotiating table. Wages would certainly be a part of the discussion and a fair agreement can be met on compensation relative to the museums overall budget. One could argue that this could be done without union representation, but this discussion would involve a power dynamic in favor of the employer. Overall, union representation aims to create a level playing field for both workers and employers reaching common ground and achieving a common goal, a fair and just workplace.

The factors surrounding the future of the American labor movement consist of policymaking like the PRO Act and the PFSN Act going through Congress, mass protests involving movements like *Fightfor\$15* occurring in the streets and social media, and surprisingly the museum world. While it will take time for legislation to become legitimate, all workers can still campaign and vote to unionize as best as they can. The successful museum union campaigns will continue the momentum of organizing. I believe the future of museum labor, if not all labor in the United States will be involved in sectoral bargaining based on the evidence presented in this thesis. The advancement of not only workers' rights, but also gender and civil rights as well will benefit from such a transition. Further research will be needed as museums and all other workplaces continue to unionize due to important legislation currently going through the Democratic process.

The role unionization can play not only in museums, but also in society at large is palpable. The increase in wages for middle class Americans can lead to higher spending, in turn improving the economy. Whereas if only upper management and executive officers earn higher

wages, then money is seldom spent and instead saved and invested. Also, a smaller number of individuals having most of the wealth would give limitations on what that money can do for communities. Further research would need to be conducted on as to how unions not only can affect their workplace, and policy making, but also the moral argument on how it would improve daily lives and uplift voices with economic freedom and representation at work.

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