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Opening Remarks

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DETROIT COLLEGE OF LAW REVIEW'S 1987 LABOR LAW SYMPOSIUM ON THE STATE OF THE UNIONS: PERSPECTIVES ON ORGANIZED LABOR

Opening Remarks by Dean Robert A. McCormick†

Members of the Board of Trustees, Dean Lombard, fellow faculty members, students and distinguished guests, on behalf of the Detroit College of Law Review, I welcome you to the 1987 Labor Law Symposium. Many of you joined us last year and it is a pleasure to welcome you again.

I will keep my remarks brief. One of the great advantages of working on a gathering of this sort is that one need only get fascinating speakers and leave the real work to them.

Our commentators today will be giving you their perspectives on the state of organized labor and the prospects for the future of that important institution. Many of the facts about the condition of American trade unions are well known to this assembly. Most obvious, I suspect, is the fact that the percentage of private sector employees represented by labor organizations has steadily and precipitously declined since the mid-1950's. Why has this happened? Is it because service enterprises have replaced manufacturers as the source of employment? Is it because the threat to job security and the living wage for American workers comes not from their employers' desire to limit labor costs, but from the challenge to management as well as labor from international competition? Or, on

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the other hand, is it because society, through its governmental agencies and legal system, has failed to protect organized labor from hostility on the part of employers? These questions and others I will gladly leave to our speakers.

The question I wish to address is one you are, I suspect, too gracious to ask. Why should the law school and its academic publication devote their resources and attention to the state of American trade unions? Isn't this more properly an inquiry for a department of economics or sociology or history? While discussions of the topic under consideration here would, of course, be appropriate in those disciplines, it is, in my view, equally appropriate in the law school setting.

As Archibald Cox observed in the introduction to his basic labor law casebook¹, the relationship of a person to his or her job is—along with the relationship of individual to family and of citizen to state—one of the most significant relationships in our society.

Employment is more than a source of income. One's sense of worth and of accomplishment is shaped largely by one's workplace responsibilities, performance and rewards. It is therefore natural for workers to wish to participate in the shaping of the rules that govern the workplace, or at least to be treated "fairly" under those rules. Historically, many workers seeking to achieve these objectives have turned to unionization and collective bargaining, and, on occasion, to work stoppages, picketing and boycotts. It is the reaction of lawmaking institutions to these activities that is the basic stuff of the traditional Labor Law course.²

Unions have been and remain extraordinarily important institutions. One need only have looked at virtually any section of a Detroit newspaper during the past month to have witnessed their significance. The national news carried detailed stories about the collective bargaining negotiations between the U.A.W. and the Ford Motor Company—negotiations that immediately affected hundreds of thousands of Ford employees as well as the shareholders, managers and salaried employees of that company. In addition, the bargain struck there will greatly influence the contracts reached throughout the industry and in related industries as well.

In the local section of that newspaper, one would have read

1. A. COX, *BOK/GORMAN, CASES ON LABOR LAW* (1986).

2. *Id.* at 1.

about the negotiations and the breakdown in negotiations between the Board of Education and the union representing the public school teachers in Detroit. The actions and decisions made by those two parties immediately affected countless Detroit teachers, students and families.

Finally, (or, perhaps, more likely first, given the current pennant race) one could turn to the Sports Page and learn that a labor arbitrator determined that the owners of professional baseball teams conspired to refuse to deal with free agents and that, therefore, they violated their collective bargaining contract with the Players' Association. And, one could read about the breakdown in negotiations between the professional football team owners and football Players' Association as well as the owner's apparent determination to hire economic replacements, or strike breakers, depending on one's perspective. These actions, in turn, will affect how millions of Americans spend their Sunday afternoons this fall.

The economist Albert Rees wrote in conclusion to his book, *The Economics of Trade Unions*, "Few social or economic institutions as old and as important as the Union are still as controversial."

I look forward to the insight on that controversy our speakers bring to us today. They bring a wealth of experience and scholarship to our topic. Our first speaker, A. H. Raskin, was a staff member of *The New York Times* from 1931-1977 where he covered unions and labor management relations. Mr. Raskin has been an Adjunct Professor at the Columbia University Graduate School of Business and at the Columbia University School of Journalism. In 1982, he was a Woodrow Wilson Visting Fellow at Union College.

In 1977, he co-authored a biography of David Dubinsky, and he has been the recipient of journalism awards too numerous to list. It is a great pleasure to introduce to you Mr. A. H. Raskin.

Our next speaker received his M.A. and his Ph.D. in Economics from Harvard University. He is a Professor of Economics and a Professor of Public Policy at Harvard. Professor Medoff serves often as a consultant to the American Federation of Labor as well as to numerous individual unions and corporations. He is the author of many articles on income distribution, labor markets and trade unions. His 1984 book, *What Do Unions Do?*, is the first comprehensive assessment of the activities of American trade unions in more than twenty years. I give you Professor James Medoff.

