



The Quiet Extermination of Labor Rights From Human Rights

Friday, 22 June 2012 09:09 *By [Mark Ames](#), [The Daily Banter](#) | Op-Ed*

Progressive intellectuals have been acting very bipolar towards labor lately, characterized by wild mood swings ranging from the “We’re sorry we abandoned labor, how could we!” sentiment during last year’s Wisconsin uprising against Koch waterboy Scott Walker, to the recent “labor is dead/it’s all labor’s fault” snarling after the recall vote against Gov. Walker failed.

It must be confusing and a bit daunting for those deep inside the labor movement, all these progressive mood swings. At the beginning of this month, New York Times’ columnist Joe Nocera wrote a column about having a [“V-8 Moment”](#) over the abandonment of labor unions, an abandonment that was so thorough and so complete that establishment liberals like Nocera forgot they’d ever abandoned labor in the first place!

The intellectual-left’s wild mood swings between unrequited love towards labor unions, and unrequited contempt, got me wondering how this abandonment of labor has manifested itself. While progressives and labor are arguing, sometimes viciously, over labor’s current sorry state, one thing progressives haven’t done is serious self-examination on how and where this abandonment of labor manifests itself, how it affects the very genetic makeup of liberal assumptions and major premises.

So I did a simple check: I went to the websites of three of the biggest names in liberal activist politics: Amnesty International, Human Rights Watch, and the ACLU. Checking their websites, I was surprised to find that not one of those three organizations lists labor as a major topic or issue that it covers.

Go to Amnesty International’s [home page](#) at www.amnesty.org. On the right side, under “Human Rights Information” you’ll see a pull-down menu: “by topic.” Does labor count as a “Human Rights topic” in Amnesty’s world? I counted 27 “topics” listed by Amnesty International, including “Abolish the death penalty”, “Indigenous Peoples”, “Children and Human Rights” and so on. Nowhere do they have “labor unions” despite the brutal, violent experience of labor unions both here and around the world. It’s not that Amnesty’s range isn’t broad: For example, among the 27 topics there are “Women’s rights”, “Stop Violence Against Women” and “Sexual Orientation and Gender Identity”. There’s even a topic for “Business and Human Rights”—but nothing for labor.

Puzzled, I called Alex Edwards, Amnesty's Media Relations guy in Washington DC, to ask him why labor unions didn't rate important enough as a "topic" on Amnesty's "list of topics." Edwards was confused, claimed that he was totally unaware that there was a "list of topics" on Amnesty's home page, and promised to get back to me. I haven't heard back from him.

Next, I checked Human Rights Watch. From my experience in Russia and Eastern Europe, I've learned to expect less from HRW than I would from Amnesty—my memory of HRW during the Kosovo conflict and in others is that, when called to, HRW acts as a propaganda arm for the liberal hawk war party. But HRW has also done a lot of important good work in areas not covered by the press, and they're certainly better than most—so does Human Rights Watch consider labor unions an important human rights issue?

Checking [Human Rights Watch's homepage \(www.hrw.org\)](http://www.hrw.org), there's a tab listing "topics"—14 topics in all. Once again, labor is not listed among Human Rights Watch's covered "topics." Instead, Human Rights Watch lists everything from "Children's Rights" to "Disability Rights" to "LGBT Rights" and "Women's Rights"—along with "Terrorism", "Counterterrorism" and, I shit you not, "Business"—as vital human rights topics. But not labor. "Business"—but not "Labor."

On the advice of an old friend, Jan Frel, I read an excellent book on the human rights industry, James Peck's "Ideal Illusions," which helps answer why labor rights have been airbrushed out of the language of human rights. It wasn't always this way: Economic rights and workplace rights were for decades at the very heart of the human rights movement. This was officially enshrined in 1948, when the United Nations adopted a 30-point "[Universal Declaration of Human Rights](#)" putting labor rights and economic equality rights alongside those we're more familiar with today, like freedom of expression, due process, religion and so on. But somehow, labor rights and economic justice have been effectively amputated from the human rights agenda and forgotten about, in tandem with the American left's abandonment of labor.

In Peck's history, Human Rights Watch stands out as a force for rank neoliberalism, a major player in the extermination-by-omission of labor rights and economic equality rights from the language of human rights. How this happened sheds at least a bit more light on how the left abandoned labor.

Aryeh Neier, founder of Human Rights Watch and its executive director for 12 years, doesn't hide his contempt for the idea of economic equality as one of the key human rights. Neier is so opposed to the idea of economic equality that he even equates the very idea of economic equality and justice with oppression—economic rights to him are a violation of human rights, rather than essential human rights, thereby completely inverting traditional left thinking. Here's what Neier wrote in his memoir, *Taking Liberties*: "The concept of economic and social rights is profoundly undemocratic... Authoritarian power is probably a prerequisite for giving meaning to economic and social rights."

Neier here is aping free-market libertarian mandarins like Friedrich von Hayek, or Hayek's libertarian forefathers like William Graham Sumner, the robber baron mandarin and notorious laissez-faire Social Darwinist. As with Neier, William Graham Sumner argued that liberty has an inverse relationship to economic equality; according to Sumner, the more economic equality, the less liberty; whereas the greater the inequality in a society, the more liberty its individuals enjoy. It's the fundamental equation underlying all libertarian ideology and politics—a robber baron's ideology at heart.

Neier goes further, explicitly rejecting the Universal Declaration of Human Rights because nine of its 30 articles focus on economic rights as human rights. Neier objects to that, singling out for censure "such economic issues as a right to work; to social security; and to an adequate standard of living." The human rights article on "a right to work" that Neier dismisses as "authoritarian" is Article 23, and it reads:

“Article 23 (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.”

It’s interesting that Neier rejects Article 23, the article on labor, which he mislabels as “a right to work”, because back in the 1970s, when Neier was executive director of the ACLU, he supported big business’s “Right To Work” anti-labor laws, against the rest of the left and the ACLU, which at the time still supported labor rights as civil rights. The so-called “Right To Work” laws are grossly misnamed—they’re really laws designed to bust unions by making it even more difficult for them to organize worker power against the overwhelming power of the corporation. It was corporate PR flaks hired to deceive and conceal the real purpose of those laws who came up with the false name “Right To Work” laws. Fred Koch, father of Charles and David Koch and one of the founders of the John Birch Society, got his start in rightwing politics as a leader of the “Right To Work” movement in Kansas in the mid-1950s.

Less than twenty years after Fred Koch fought to destroy labor rights through “Right To Work” laws, the executive director of the ACLU, Aryeh Neier—the same Aryeh Neier who later led Human Rights Watch—colluded with William Buckley to push the ACLU rightward against labor by getting the ACLU to represent big business and “Right To Work” laws, under the guise of “protecting free speech”—the same bullshit pretense always used by lawyers and advocates to help big business crush labor and democracy. This “free speech” pretense is the basis on which the ACLU currently supports the Citizens United decision, which effectively legalized the transformation of America into an oligarchy.

I found an article from 1971 written by William Buckley in which the National Review founder praises Neier for working with him to turn the ACLU against labor: “I invited the ACLU to practice consistency by associating itself with a lawsuit which would prove unpopular among its labor union supporters,” Buckley wrote. “The executive director, Aryeh Neier, has replied, rather straightforwardly, I think. He says, ‘for many years, it has been the ACLU’s policy that the union shop does not, by itself, violate civil liberties. I have felt for some time that we should review this policy and I will use your request to initiate reconsideration,’ going on to say that it will take a while to canvass the directors.”

A few years later, Buckley boasted of his first early success in turning the ACLU against labor, citing not just his ally Aryeh Neier, but also another well-known name in the so-called “left,” Nat Hentoff. Buckley wrote in 1973:

“Meanwhile, Mr. Nat Hentoff, a left-winger of undiluted loyalty to the first amendment, has urged his very important constituency to side with me and with Evans [M. Stanton Evans, an early libertarian and longtime defender of Joseph McCarthy] and has attempted to persuade the American Civil Liberties Union to file a brief amicus curiae. He has almost singlehandedly persuaded the ACLU to change its historic opinion about union membership. The union shop, the ACLU now says belatedly, ought not to be required for people who are journalists.”

The lawsuit Buckley refers to, Buckley and Evans vs. AFTRA, was backed by the [National Right To Work Legal Defense Foundation](#), the legal arm of the notorious union-busting outfit of the same name. And “leftist” Nat Hentoff. People used to think Hentoff was a leftist—and he seemed like one to de-politicized Baby Boomer imbeciles, who figured the Village Voice label on Hentoff’s columns meant whatever he said was leftist. Today, Hentoff is finally in his ideological home at the [Cato Institute](#), the Koch brothers’ anti-labor, pro-oligarchy libertarian think-tank. Despite the Cato Institute’s tireless efforts to undermine democracy and labor, many progressives today consider

Cato as “left” or “progressive”—a perversion only possible in today’s mutant left, stripped of its historical relationship to labor and economic justice.

The ACLU under Aryeh Neier also allied with another Buckley in another key decision that hurt labor and democracy and helped the oligarchy: Buckley v Valeo in 1976. Neier was the ACLU head at the time that the ACLU sided with William Buckley’s brother, James Buckley, in a lawsuit to open up the money floodgates into American politics. Most people don’t know Neier’s role in moving the ACLU against labor and against egalitarianism—instead, he did a lot of cheap grandstanding on behalf of Nazi marchers in Skokie. That’s the sort of pseudo-politics and pseudo-bravery that, stripped of economic politics and labor politics, results in the pseudo-left of today, a left absorbed by “identity politics” at the expense of labor, egalitarianism and socio-economic justice.

And that brings me to the ACLU today—the most depressing part of this story. I had an inkling that the ACLU had abandoned labor before my simple exercise check of their website. Mike Elk has shared with me some of his research into this subject. And it’s well known that the ACLU vigorously supported the disastrous Citizens United decision; the [ACLU also took \\$20 million dollars from the Koch brothers](#), whose libertarian outfits have played a major role in making Citizens United a reality. Supposedly that money was meant to “fight the Patriot Act”—which is odd, considering that the director of the Koch brothers’ Center for Constitutional Studies at Cato and Vice President for Legal Affairs at Cato, Roger Pilon, explicitly [supported the Patriot Act from 2002 through 2008](#), and that the Kochs’ Cato Institute [hired John Yoo](#) to serve on their editorial advisory board for the Cato Supreme Court Review. One should be [skeptical](#) when it comes to [Koch “donations”](#) sold to the public as charity work in the service of human rights.

Maybe there’s no connection there whatsoever between the Kochs’ \$20 million gift to the ACLU, and the ACLU’s advocacy for the Kochs’ pet political issue, Citizens United, which transferred greater power from democracy and into the hands of billionaire oligarchs like the Kochs. Maybe it’s all a coincidence, I don’t know. But we do know that there is precedent for the ACLU taking money from corporations, advocating their cause under the guise of “protecting free speech” and hiding the conflict of interest from the public in order to make their defense seem more convincing.

In the late 1980s and early 1990s, the ACLU vigorously defended the interests of the tobacco lobby under the guise of protecting their “first amendment rights”—and they did it [for payments in-kind](#). [Leaked tobacco documents](#) in the 1990s exposed the ACLU working out explicit deals with the tobacco industry to take their money in exchange for advocating their interests in public, without disclosing that gross conflict of interest and violation of the public trust. The documents and memos revealed that the hundreds of thousands of dollars paid to the ACLU by the tobacco companies were payments in kind to for the ACLU’s defense of Big Tobacco, a relationship that both parties tried to hide in order to confuse the public into believing that the ACLU’s arguments for tobacco were motivated by purely altruistic constitutional arguments, rather than sleazy under-the-table cash payments. The ACLU is, after all, a trusted institution among progressives—that made them the ideal “Third Party Advocate” in PR terms for the tobacco industry’s interests.

One of the best accounts of the ACLU’s sleazy relationship with big tobacco comes from former Washington Post investigative reporter Morton Mintz, in his piece, [“The ACLU and the Tobacco Companies.”](#) published in Harvard University’s Nieman Reports. Mintz reported how the ACLU laundered the tobacco lobby’s money as supposedly charity money to fight for workplace rights. This abuse of public trust so outraged former ACLU legal director, Melvin Wulf, that he publicly denounced the ACLU’s rationalization as a [“sham”](#) — the ACLU worked with tobacco to fight against second-hand smoke laws, the very opposite of “workplace rights”:

“The justification that the money is used to support workplace rights is a sham. There is no constitutional right to pollute the atmosphere and threaten the health of others. The

revelations...support the conclusion that the ACLU's mission is being corrupted by the attraction of easy money from an industry whose ethical values are themselves notoriously corrupt and which is responsible for the death annually of 350,000 to 400,000 persons in the U.S. alone."

So it should come as no surprise that on the ACLU's website, on the page marked "[Key Issues](#)" — labor does not appear. Not among the 14 categories of ACLU "Key Issues" — which include "HIV/AIDS", "LGBT Rights", "Technology and Liberty" and "Women's Rights". Not even among the 90 sub-categories of "Key Issues" is there a single mention of "labor rights."

Everything under the civil liberties sun but labor rights and economic/social equality are named as ACLU "key issues." Among the 90 sub-categories: "Marijuana Law Reform", "Flag Desecration", "LGBT Parenting", "Medical Care in Prison" and "Mental Care In Prison" [separate sub-categories], "Biological Technologies", "Internet Privacy", and "Sex Education." All of these certainly qualify as key issues to progressives; but the list of categories, 114 in all, without a single mention of labor unions, let alone economic equality or even the very word "equality"—provides a grim and shameful picture of a left stripped of labor, stripped of economic egalitarianism. It is not a left at all: It is, alas, libertarianism. The left was born of labor struggles and the fight against oligarchy and for egalitarianism, economic justice and equality. Now there isn't even a memory of that.

Stunned by the fact that the ACLU didn't even include "labor" or "equality" among the 114 "key topics" listed, I called and then wrote to the ACLU asking for comment.

Here is the response I received from Molly Kaplan, the media relations liaison at the American Civil Liberties Union:

Hi Mark,

Labor rights are certainly a key issue for the ACLU; it is folded into our work for free speech, immigrants' rights and women's rights. If you look into the [pages](#) for those issues, you will find that labor rights have a presence. Let us know if we can be of any further assistance.

Cheers,

Molly

Well, at least someone has labor rights.