

The Peggy Browning Fund Honors Marvin Miller
Wednesday, January 28, 2004
Sheraton New York Hotel
New York, NY 10019

Marvin Miller

Founding Executive Director of the Major League Baseball Players Association

I certainly appreciate the kind remarks that have been made here by Joe Lurie, Craig Rosenbuam, Don Fehr, Jim Bouton. I also want to offer my thanks to the Peggy Browning Fund and the Players Association - all of those who have helped make this event a successful one. And I want to thank all of you who have braved this weather to come here tonight. I feel truly appreciative. I feel honored to be here. And to see so many who were a part of my life in the past.

As Don Fehr has noted, there are former players here, there are former elected officials of the Players Association, former general counsel, the present elected official of the Players Association, staff members, attorneys involved with baseball matters through the years, arbitrators, former association officers, former president of the United Steel Workers of America, former representatives of baseball management, present representatives of baseball management, officer of the AFL-CIO, and some personal friends, and I truly am grateful.

There is someone who is not here, I want to say a word about - Elliot Bredhoff, who is a good friend of mine with whom I worked in the Steelworkers Union from 1950 on. He was the Associate Counsel and I suspect it was mostly through him that I was invited here. He is an active member of the Peggy Browning Fund, and unfortunately he has been ill. He has had surgery recently. But we did get a report yesterday from his wife, and the surgery went well and he is recuperating. He is not here, but he's here in spirit and I know you'll all join with me in wishing him a speedy recovery.

A few months ago, when I first read some of the literature of the Peggy Browning Fund, *I was startled to learn that Peggy Browning, whom I had not the privilege of meeting, was the first union-side lawyer appointed to the National Labor Relations Board in 1994.* Now, since 1935, almost 70 years ago, when the Wagner Act became law, it's been established public policy that collective bargaining is to be encouraged and supported as a fundamental problem-solving mechanism in labor management relations. While initially industry fought the law as unconstitutional, the Supreme Court declared it was constitutional in two precedent-setting cases. The Wagner Act in 1935, among other things, established the National Labor Relations Board to administer the law. And of course the people involved with the NLRB were labor unions and management, but no labor-side attorney was appointed to the Board for the next 58 years. Not one appointed by any President - Democrat or Republican - FDR, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan or Bush, not one.

The enormity of this omission can be gauged by imagining six decades during which the SEC was without any representation from the Securities Industry. Or imagine the Agricultural Adjustment Administration with farm interests totally unrepresented. Or imagine the TVA or the REA without representation for the utilities providers for six decades. In the case of all of these that I mentioned, and other regulatory agencies, appropriate representation of competing interests has been carefully observed, but not the NLRB. Well, why is that?

I think the answer is pretty basic. If you think about it, representation on government regulatory boards is understandably political. Appointments are made in response to political pressures and to satisfy political needs. And *the American Labor Movement, despite the time and money and effort that it spends regularly on political action, may be the least political labor movement in the western democratic world.* I say that because, unlike other nations such as Great Britain, France or Italy, or the Scandinavian countries, or Australia, New Zealand or the State of Israel, or additional areas in this hemisphere, unlike any of those, the United States does not have a labor party, or even a counterpart to a labor party - a virtual labor party in today's terminology.

The governmental political mantra of the American Labor Movement dates from more than a century ago, and basically can be described, as I think Samuel Gompers described it, as "reward our friends and punish our enemies." In a two-party system that policy will always be less than effective when neither political party is labor's friend. I do not mean that there are no congressmen or senators who are labor's friends; there are such individuals. I mean *institutionally, the Democratic party, the Republican party cannot be termed labor's friend.*

So who is to be rewarded, who is to be punished? *If concentration is on maintaining a two-party system, and neither party is pro-labor, or pro-union, or pro-workers, the result is unlikely to be favorable to our unions and to their members.*

Various commentators remarking on the declining number of unorganized workers over time have denigrated the leaders of labor by criticizing their organizational skills. I think that is nonsense. The successors of those who organized the unions of the American Federation of Labor originally, and later of the Congress of Industrialized Organizations, the CIO, have all of the skills necessary to organize, given a level playing field, which we don't have.

The reasons for the decline in the numbers of union members are far more complicated. But what the commentators largely have failed to stress are what may be termed a vicious cycle. *A lessening political influence and role gets followed by reduced union membership, which in turn, leads to and is followed by a further reduction in political influence, and on and on like that.*

I feel that we ought to be concerned with the contrast of the United States on one hand, where politically the labor movement is often ignored, and without consequences,.

and some other countries, in contrast, where the labor movement competes, often successfully, to put its representatives into national legislatures, cabinet positions, and even in the position of prime minister of their nations.

I am no longer part of the labor movement, except in spirit, but I guess I can be described as a sideline observer. Determinations of the larger political path of the labor movement and the future are for the present and future union leaders and the rank and file of labor, not for a sideline observer.

But as an observer, the evidence seems to pile up as time goes on. Evidence that ***a political system functionally and structurally unrelated to the labor movement has few if any dividends for the working people of this country.*** I am referring to serious and vital areas that have been neglected by government and where there has been no progress and even declines.

- I am referring to ***minimum wage laws***, which lag seriously.
- I am referring to the attempt to delete the ***overtime*** part of our wage and hour laws.
- I am referring to the ***lack of universal health care*** in this country and I am referring to the increase every year in the number of uninsured people - now 43 million who do not have health care in this country.
- I am referring to the ***growing inequities in the tax laws***, and the increasing spread between the income and the assets of those who have most influence in the government and those who are less fortunate.
- I am referring to the continuing ***lack of affordable housing*** in more and more areas of our nation, and to the ***inadequate funding for our schools*** in most areas.
- I am also referring to the ***failure to properly administer laws affecting the safety and health of our people***, such as the Occupational Safety and Health Administration and its carelessness and lack of diligence, which leads to deaths and injuries to workers that are entirely avoidable.
- And I am referring to the ***atrociously inadequate food inspection laws*** which have given us conditions dangerously close to the horrors of the early 1900's that you may recall from writers like Upton Sinclair who wrote *The Jungle* which first related and alerted the American people to what was going on in the meat packing plants of that time.
- And I am referring to the penny-pinching budgets of agencies like the National Labor Relations Board year after year, resulting in ***a lessened ability to protect the rights of workers and the unions.***

All of this only begins to scratch the surface of the areas needing a stimulus such as union effective political action. I'd like to go into more of this, but I've taken too much of your time, so I want to close.

The Peggy Browning Fund carries out important functions. Joe Lurie has described them in brief. Young law students gaining experience as interns with labor unions will find their lives enriched and their understanding of our society enlarged. But I think that the intern program should really be considered a two-way street. Ideally our unions can also benefit from the energy and talent of young people who become union interns, some of whom perhaps will play significant roles involving union work in the future.

Don Fehr referred to the former players who are here. Brooks Robinson, Doug DeCinces, Keith Hernandez. Keith of course was the wonderful first baseman of the St. Louis Cardinals, then went on to play for the New York Mets, and Brooks Robinson was the icon of what a third baseman ought to be, and Douglas DeCinces, despite having the most difficult job of replacing Brooks when he retired became known as a really fine third baseman..

And most people connected with baseball will know about that, but what you may not know is that Brooks was the player representative of his club (Baltimore) and the player reps of all of the major league teams had elected him as the player representative of the American League. This was early on in the Players Association, The first strike in the history of professional sports was in 1972. Brooks was, in my opinion, one of the great heroes of that strike. And when he retired, Doug DeCinces took over as third baseman for the Baltimore Orioles. What fans may not know was that he then was elected as the American League Player Representative replacing Brooks, not just at third base but as the American League player rep, and many years later was one of the great heroes of the 1981 strike when the industry tried to take back free agency rights of players.

And so I again want to thank you all for this opportunity.