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### Solidarity or Colonialism? The Polemic of "Labor Colonialism"

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# SOLIDARITY OR COLONIALISM? THE POLEMIC OF “LABOR COLONIALISM” IN PUERTO RICO

César F. Rosado Marzán

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*Leaders of American-based labor organizations in Puerto Rico aggressively supported a collective bargaining rights bill for public sector workers in 1998 because, so they argued, the new law would help organize the public sector. However, almost ten years after the approval of that bill, it has become patently clear that the law did not lead to new organizing in Puerto Rico. Rather, the law changed the institutional makeup of labor relations in Puerto Rico by providing American-based labor organizations an opportunity to raid existing Puerto Rican labor organizations and become the exclusive representatives of public sector workers. Therefore, since the law was approved, a war between some American-based unions and some Puerto Rico-based labor organizations has ensued, one where the Puerto Rican unions accuse U.S. unions of being “labor colonialists,” while American-based labor unions deny the accusations and label their critics as ultra leftists, splintering the labor movement and making it an ineffective defender of working class interests. Hence, the new law, far from delivering the hundreds of thousands of new union members that union leaders promised, has created a political nightmare for labor organizations in Puerto Rico. U.S. labor unions are at fault for contributing to the current divisions in the Puerto Rican labor movement, but all unions, including independent Puerto Rican unions, must find a way out of the deadlock to concentrate on their most important goal—represent their members and become effective leaders for the Puerto Rican working class.*

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As the year 1998 began, the Puerto Rican press ran headlines that a new “unionization” bill for public sector workers, officially called Law 45 of 1998, the Labor Relations Act for the Public Service (hereinafter referred to as “Law 45”) was about to be approved by the Puerto Rican legislature and supported by an alliance of American Federation of Labor–Congress of Industrial Organizations unions.<sup>1</sup> The newspaper headlines read: “Rosselló<sup>2</sup> signs unionization bill into law” (Gerard Delfín 1998), “Business leaders afraid of the impact of unionization” (Belaval Díaz 1998), “PDP lawmakers face ouster on unionization bill”<sup>3</sup> (Associated Press 1998). A prominent political analyst ran a column in those days titled, simply, “Unionization” (Rigau 1998).

A couple of years later, José La Luz, leader of the American Federation of State, County and Municipal Employees (AFSCME) local in Puerto Rico, *Servidores Públicos Unidos* (SPU)-AFSCME, alleged in the pages of this journal that the new law would help unions organize more than 150,000 new workers in Puerto Rico (Luz and Ness 2000). A Service Employees International Union (SEIU) leader similarly told the Puerto Rican press in 2005 that the new law

helped organize more than 100,000 workers (Serrano 2005). In fact, he stated that, "There are no comparable numbers in Puerto Rico or any other place where 100,000 workers have been organized in three years."

However, the new law did not lead to any significant new organizing. Rather, as this article will detail, the law merely changed the legal framework of public sector unions. It provided exclusive representation rights to labor organizations that represent workers of the traditional government agencies of Puerto Rico<sup>4</sup> but took away workers' right to strike. The law also provided an opportunity for some unions, mainly U.S.-based, "International unions," to raid Puerto Rican, independent unions, known as the "bona fide associations," which since the 1960s had already organized the public sector of Puerto Rico. Raiding led to political conflicts between several American-based unions and Puerto Rican-based labor organizations, weakening the labor union movement. Hence, the new labor law backed by American-based labor unions, far from organizing new workers and strengthening collective bargaining, led to sharp divisions in the labor union movement that, as we will see in these pages, weakened unionism in Puerto Rico and placed it in a political deadlock.

### **Puerto Rico's Unions**

Puerto Rico was a Spanish colony from the late 1400s until 1898, when the U.S. acquired it as war booty in the Spanish-American war. Puerto Rico has remained a U.S. "territory" since, meaning that it has remained under the plenary powers of the U.S. Congress.

The "Commonwealth" of Puerto Rico was officially established in 1952. It has an elected legislative branch with two houses, a senate and a house of representatives, an elected executive and a judiciary branch that is appointed by the governor of Puerto Rico and confirmed by the Puerto Rican senate. However, different from Americans living in the U.S. states, Puerto Ricans cannot vote for federal parliamentarians or for the President of the U.S. All federal laws that are not "locally inapplicable" are extended to Puerto Rico by the U.S. Congress, which, in practice, means that almost all federal laws apply to Puerto Rico. In the labor relations field, this has meant that the federal National Labor Relations Act applies to Puerto Rico, as other labor laws and regulations. Federalism for Puerto Rico has also meant that, as U.S. states, Puerto Rico can legislate over those affairs where federal laws do not apply, such as for labor relations in Puerto Rican government agencies.

The modern labor union movement in Puerto Rico began in the nineteenth century as an agglomeration of artisan clubs and societies. The activities of these organizations were mostly illegal under Spanish law, especially when they struck (Galvin 1979; Gervasio and Quintero Rivera 1984, 25, chap. 1). An open and legal labor movement did not begin in Puerto Rico until Samuel Gompers' AFL aggressively lobbied the U.S. government to abolish the Spanish criminal code soon after the American invasion. Gompers also heartily supported Santiago Iglesias Pantín, one of the most recognized labor leaders in Puerto Rico, to

organize the Federación Libre de Trabajadores (FLT). The reason for Gompers' support of the FLT was not totally altruistic, however. Gompers' main interest regarding Puerto Rico was based on American nativism; Gompers wanted unions to increase wages in Puerto Rico to curb emigration flows to the U.S. mainland. Of further concern to Gompers was that Puerto Rican migrants, as immigrant workers coming into the U.S., could contribute to the swelling ranks of rival and more militant unions organizing immigrant labor in the U.S., such as the Knights of Labor, the Socialist Workers Party, the Social Democratic Party, and the Industrial Workers of the World (Galvin 1979, 56; Gervasio and Quintero Rivera 1984, 37–39).

Yet, even though the FLT affiliated with the AFL, the FLT, organized on the ground by cadres inspired by Spanish anarchism and European socialism, did not subscribe entirely to the AFL's business unionism orientation. In 1915, deviating from the Gompers doctrine of not organizing workers' own political party, the FLT organized the Partido Socialista, or Socialist Party, which became one of the most important political parties in Puerto Rico until its demise in the 1930s. Since its beginnings, the Socialist Party won elections in many towns where the concentration of wagedworkers was high. Its political impact was so swift and apparently powerful that the Creole bourgeoisie united in one party for the elections of 1924 to ward off a possible triumph of the Socialist Party (Gervasio and Quintero Rivera 1984, chap. 5).

Albeit its triumph at the municipal levels, the Socialist Party was unable to win an electoral majority in the general elections of Puerto Rico. By 1932, it turned to the Right, leaving its radicalism behind, to form an electoral alliance with the party of the sugar trusts and the Creole bourgeoisie, the *Partido Republicano*, or Republican Party. The Socialist Party leaders justified their alliance with their historical class enemies under the guise that they could negotiate the first industry-wide collective bargaining contract for sugarcane workers if they formed such an alliance. The Socialist and Republican parties also supported Puerto Rican statehood—to make Puerto Rico a U.S. federated state—which gave them further political grounds to unite (Galvin 1979, chap. 6; Gervasio and Quintero Rivera 1984, chap. 5; Taller de Formación Política 1982).

The Republican–Socialist alliance led to a victory in the elections of 1932. However, in the sugarcane fields, the Socialist Party and FLT leaders could not negotiate the wage increase that the Puerto Rican workers would approve, and the workers led a wildcat strike against the government, their union leaders, and the employers. The workers also called on Pedro Albizu Campos, leader of the Nationalist Party, an avid anti-imperialist political party, to lead their strike. Albizu Campos accepted the workers' invitation and helped the workers to negotiate a contract that was approved in mass assemblies, to the embarrassment of the FLT and Socialist Party officialdom. After that strike, however, Albizu Campos did not continue to lead the workers, as he did not, in his words, recognize himself to be a “labor leader” (Taller de Formación Política 1982).

Industrial unionism inspired by the CIO model began to take form in the second half of the 1930s in Puerto Rico, which led to the creation of the Central

General de Trabajadores (CGT). FLT detractors and leaders of the Communist Party of Puerto Rico helped in its foundation. It led important strikes in the transportation and dock industries (Gervasio and Quintero Rivera 1984, 116–25; Galvin 1979, 94–101).

By 1944, populism also began to take a strong hold in Puerto Rican politics through the organization of the Partido Popular Democrático (PPD), a party that promised, with its quasi-Bolshevik slogan, “bread, land, and liberty,” a new era for Puerto Rico. The party began to promote New Deal-type programs and to craft the Commonwealth status for Puerto Rico. The PDP, with the support of the populist wing of the CGT and over 60 percent of the Puerto Rican electorate, proceeded to win elections from the 1940s until 1968. However, the party expected from all its allies, including the CGT, extreme loyalty. As a result, independent unionism came to an end and a quasi-corporatist labor relations regime crystallized in Puerto Rico.

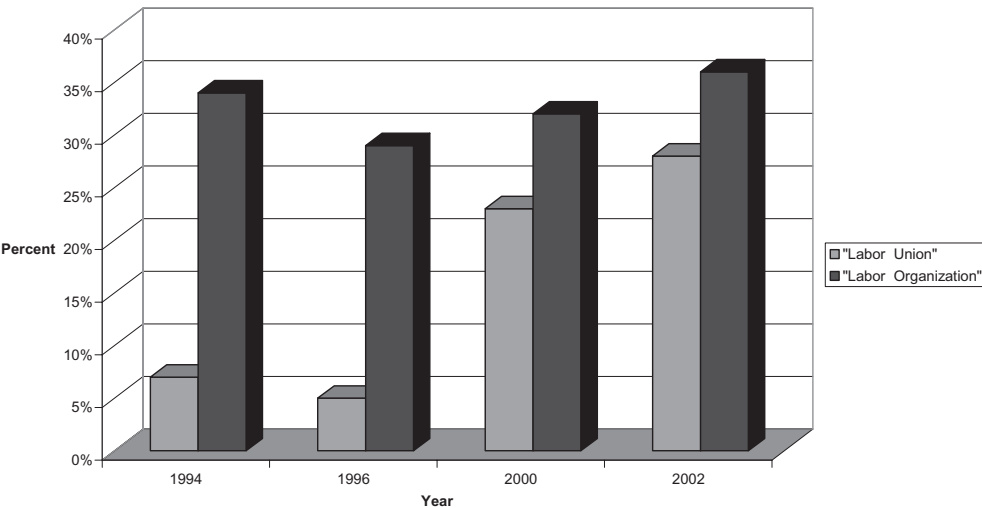
The PDP’s golden era ended in 1968, when it lost its first election to the newly formed, pro-statehood party, the Partido Nuevo Progresista (PNP). Since 1968, the PDP has lost many elections to the pro-statehood PNP, leading to a bipartisan political system that resembles that of the U.S. Unions not only became more independent, but also began to lose membership, especially in the private sector, dwindling in efficacy and even relevance in the Puerto Rican political economy.

### **Union Membership in Puerto Rico**

Union density in Puerto Rico has been declining since about 1970, with the exception of the years between 1996 and 2000, when labor union density rose from 6 to 10 percent (Puerto Rico Department of Labor and Human Resources [several years]). However, labor union membership numbers do not account for all labor organization membership in Puerto Rico. In Puerto Rico, the Department of Labor and Human Resources (Department of Labor) collects two types of union membership numbers. The first, “labor union membership,” accounts for the membership of labor organizations with the statutory right to bargain collectively with an employer. The Department of Labor also collects a second type of union membership number—“labor organization membership”—which includes all members of labor organizations, regardless of whether or not the organization has the statutory right to bargain collectively with the employer. The Department of Labor has been compelled to collect these two different kinds of data because in Puerto Rico there have been thousands of workers organized by “bonafide” and/or other workers’ “associations” (hereinafter called “bonafide associations”) that have not been sanctioned by law as the exclusive representative of the workers, or that management has had to legally “bargain in good faith,” but that have nevertheless represented workers, led job actions, struck, and even signed collective bargaining agreements with management as a result of their militancy.

The percentage of workers who have been members of “labor organizations” and “labor unions” in Puerto Rico’s public sector from 1996 to 2002 are contained in Figure 1. As we can see in Figure 1, the percentage of employees of Puerto Rico’s public sector who were members of “labor organizations” has been much higher than the percentage of workers who have been members of “labor unions.” While less than 5 percent of workers of the public sector were members of “labor unions” in 1996, before Law 45 was approved, the percentage of “labor organization” members was almost 30 percent in the same year. In 2002, even though about the same percentage of workers remain members of a “labor organization,” or about 35 percent, the percentage of “labor union” members increased to over 25 percent. Hence, the new law significantly increased the membership of “labor union” membership rates, albeit not general “labor organization” membership rates.

The absolute numbers of “labor organization” members and “labor union” members, as detailed in Table 1, can help us understand more specifically what has been the true impact of Law 45 on union membership. As Table 1



**Figure 1.** “Labor Union” and “Labor Organization” Membership in Puerto Rico’s, Public Sector. Adapted from PR Department of Labor and Human Resources (various years).

**Table 1.** Breakdown of Union Membership in Puerto Rico<sup>a</sup>

| Year | All     | “Union” | %  | “Bona fide” | %  |
|------|---------|---------|----|-------------|----|
| 1996 | 139,000 | 69,000  | 50 | 69,000      | 50 |
| 2002 | 140,000 | 113,000 | 81 | 27,000      | 19 |
| 2005 | 141,000 | 122,000 | 87 | 17,000      | 12 |

Adopted from the PR Department of Labor and Human Resources (various years).  
<sup>a</sup> Totals may not add precisely due to rounding of numbers to the nearest thousand.

shows, there were about 139,000 “labor organization” members in Puerto Rico in 1996.<sup>5</sup> By 2005, the absolute numbers of “labor organization” members increased only marginally, to about 141,000. However, during the same period, the number of “labor union” members increased, while bona fide association membership decreased. While there were about the same amount of “labor union” and bona fide association members in 1996—about 69,000 for each type of labor organization—by 2005 union membership rolls increased to 122,000 members, while bona fide association membership decreased to a dismal 17,000 members. Therefore, Law 45 did not lead to massive, new organizing. Rather, the law changed the legal form of labor organization membership in the traditional government agencies. Labor organizations with the exclusive right to bargain for workers replaced bona fide associations, which had attained some limited collective bargaining rights at the margins of the law and through militancy. As will be described below, this effect on labor membership led to sharp conflicts that last to this day between the losing and winning labor organizations involved in this process.

### **The Politics of Law 45 of 1998**

In the 1990s, the labor movement in the U.S. admitted that it was in dire straits given that union density rates were dropping to close to 10 percent, the lowest numbers of union membership since the Depression. The election of John Sweeney to the helm of the AFL–CIO brought hopes that labor could organize new workers and save the labor movement from irrelevancy. American-based labor organizations, among them, AFSCME, began to find ways to increase their numbers by organizing workers everywhere and anywhere possible, including Puerto Rico. Because Puerto Rico had not yet granted collective bargaining rights to workers of the traditional government agencies or provided a labor relations system to those workers that resembled legitimate unionism in the U.S.—one with exclusive representation rights—Puerto Rico was deemed open for American-based labor organizations to intervene, add members to its rolls, and, of course, harvest union dues.

Not only were AFSCME and other American-based unions in favor of a collective bargaining rights bill—among them the SEIU—but the government of Puerto Rico had become interested in negotiating such a bill with the labor unions as long as it guaranteed that it would promote amicable labor relations. As the governor told me in an interview:

I started to look at this not as an issue of a collision between irreconcilable forces, but of giving a right to unionize that had components to force the process through mechanisms of resolution, instead of confrontation, that it could be something positive rather than negative. (Roselló Gonzalez, interview by author, Washington, DC, 2002)



Thus, the Governor was open to the idea of approving a public sector, collective bargaining rights bill to curb militancy.

By 1994, AFSCME began to support a number of political candidates for the Puerto Rican legislature, including Charlie Rodriguez, of the PNP, who became Senate President, among others, creating a political base for a new collective bargaining rights bill if the PNP was reelected. Also, a political deal between the Rosselló camp and AFSCME was struck, where the union would help the PNP to lobby for what came to be known as the “Young Bill,” a U.S. Congressional bill that would have given Puerto Ricans the option to vote in a federally prescribed referendum for the different status options for Puerto Rico—statehood, independence, the Commonwealth (status quo) and an “associated republic” (free association). Until then, the U.S. Congress had never authorized status referenda in Puerto Rico. Rather, the Puerto Rican government had run its own, nonbinding referenda. The PNP, being a pro-statehood party, wanted a federal bill passed by the U.S. Congress so that Puerto Ricans could vote in a binding plebiscite, especially if the result ended with a triumph for the statehood option. Since Rosselló knew that getting the bill passed by the U.S. Congress was going to be difficult, his ties with the North American unions and their lobbying machines made political sense.

AFSCME’s support of Rosselló’s federal lobbying for the Young Bill became a political issue in Puerto Rico because the Young bill was biased in favor of statehood, according to the legislative project’s critics. Critics of the Young Bill stated that the bill defined the Commonwealth status formula as a clearly territorial status and, therefore, would make Puerto Rico, officially, a U.S. colony, embarrassing the PPD and killing its political project for Puerto Rican autonomy. Faced with a Commonwealth-colonial status option, and because the independence status option has had less than 5 percent following in the last thirty or forty years, the expectation was that most Puerto Ricans would have voted for statehood in that federally sanctioned plebiscite. Therefore, the Young Bill was opposed by the pro-Commonwealth party, the PPD, as well as the leftists in Puerto Rico who oppose the statehood movement.

It is important to note that Rosselló and American-based unions denied that the American-based unions “lobbied for statehood,” which was the accusation that some members of the independent union movement and the opposition party at the time, the pro-Commonwealth PPD, made against the PNP and the AFL–CIO (Rodriguez 1998). In a controversial press article, Eduardo Bhatia, opposition Senator of the PPD, said that AFSCME entered into a sort of tit-for-tat exchange with Rosselló, where it would press for the Young Bill in return for the unionization bill in Puerto Rico (Mulero 1998).

However, in a personal interview, Rosselló told me that AFSCME helped him and his party lobby for the bill. Rosselló was invited to an AFL–CIO convention in Florida where many prominent American politicians attended, and where he could make the public case for statehood. As he recounted:



[W]ell, they invited me to a convention in Florida. When I spoke, as when I speak in other conventions about my convictions, [I said] that the best situation for Puerto Rico is the federated statehood. I spoke about it openly and I did it to the membership. That should be in some record, it was not a secret or anything strange. I stood up there [as I did in] the Chamber of Commerce, the Association of Industrialists. (Roselló Gonzalez, interview by author, Washington, DC 2002)

Therefore, Roselló was at least placed in one key event, with AFSCME's help, to lobby for statehood and the Young Bill.

Second, Paul Booth, the right hand of the President of AFSCME in Washington, D.C., told me that the PNP was offered contacts with Congressmen so that the governor could make his case for the Young Bill. Booth mentioned that the contacts were made in the form of "good references," telling Washington leaders that AFSCME was a "friend" of Roselló. Therefore, the union never went personally to Congress to represent the governor or pursue the Young Bill explicitly but did help the governor in indirect ways (Booth, interview by author, Washington, DC, 2002).

Other members of the PNP administration, including Senate President Charlie Rodriguez, told me that a political exchange occurred. To him, such is the way the political process works. When I asked him what he thought about the opposition's claims, namely those of PPD Senator Eduardo Bhatia, that unions were lobbying for the Young Bill, or were somehow involved as a result of the unionization rights bill, he said:

Eduardo Bhatia is naïve, or he wants to trick everybody that was listening to him. . . . In the U.S. the labor movement has been actively lobbying for different causes, from ending with discrimination against minorities to, inclusively, in favor of abortion. In other words, the labor movement in the U.S. has always been alive, lobbying. If you go to the U.S. Congress, all unions have lobbyists and they are continually visiting Congressmen and Senators, advocating for their causes. They do it in municipal legislatures. They even do it in the municipal assemblies, in the City Council of New York, inclusively. In other words, he must either be naïve because he does not know that that happens, or knows that it happens and is trying to trick everybody that was listening to him. (Rodriguez, interview by author, San Juan, 2002)

For the Senate President, it was impossible to think that unions would not lobby on behalf of the government of Puerto Rico if the government was delivering to the unions the exclusive representation rights bill.

Furthermore, in February 13, 1998, just weeks before the unionization bill became law, an article in *El Nuevo Día* ran a story that said that the U.S. Vice President, Al Gore, lobbied in favor of the unionization bill (Mulero 1998). According to the article, a number of Puerto Rican lawmakers were visiting Congress with the purpose of pressuring for the Young Bill. Among the Puerto Rican delegation were Senate President of Puerto Rico, Charlie Rodriguez, and Senator Kenneth McClintock of the PNP. A Congressional usher called in Puerto

Rico Senate President Charlie Rodriguez and Senator Kenneth McClintock. They were taken to see Vice President Al Gore. Gore wanted to know how they were going to vote on the unionization bill. Since McClintock told him that he was still not sure, Al Gore asked McClintock to stay out of the Puerto Rico Senate commission studying the bill. Al Gore's request to McClintock was an important one. Al Gore, as Vice President of the U.S., could break a tie vote in the Senate over the Young Bill. If he was going to do that, the unionization bill must pass in Puerto Rico. That was the message that Al Gore sent to McClintock. At that time, Al Gore was also beginning the process of campaigning for President of the U.S. and attempting to secure national union support, including that of AFSCME, hence explaining his personal involvement in this matter (Mulero 1998).

In a personal communication with Kenneth McClintock I was able to corroborate this story published in the Puerto Rican press (McClintock, telephone interview by author, New York, 2003). McClintock said that he was surprised that such a "small fry" like him would be called by the vice president to talk about a political matter, showing just how important the issue surrounding Law 45 must have been for labor unions in the U.S.

These "smoky backroom" deals should not surprise us. The political strategy of AFSCME, as it has been of the American labor movement in general, has been to "reward its friends and punish its enemies." AFSCME did not publicly back any status option or party in Puerto Rico, but only particular politicians that agreed with the union in particular matters. As such, AFSCME looked for ways to aid the governor without clearly advocating for U.S. statehood for Puerto Rico or for the Young Bill. Through such backroom deals where national and local politics intersected, AFSCME was able to secure spaces where the governor's lobbyists could advocate for the Young Bill and where AFSCME could win votes in Puerto Rico's legislature in favor of Law 45.

### **The Debate of "Labor Colonialism"**

The political interventions of AFSCME were not well accepted by everyone in the Puerto Rican labor movement. Luis Pedraza Leduc, president of the *Hermanidad de Trabajadores de Servicios Sociales* (HTSS), a bona fide association that represented social workers of the Puerto Rico Department of the Family, spearheaded the public outcry of independent labor organizations against the new labor legislation and the American-based labor organizations that backed the bill. He told the press that the bill put a number of restrictions on labor activism that would make labor's capacity to represent workers more difficult—namely the bar on strike activity. He also said that the new law would also permit AFL–CIO affiliated unions to go to Puerto Rico and raid the bona fide associations' members, because U.S.-based unions could bankroll million-*aire* union election campaigns for exclusive representation, while Puerto Rican independent unions did not have those resources (Pérez 1998). He was correct. One of the bargaining units that SPU–AFSCME was seeking to represent included a bargaining unit of 1,200 social workers, of which over 700 were

members of the HTSS, the bona fide association led by Pedraza Leduc. According to Leduc, “a lot of money [of the AFL–CIO was] running around.” Moreover, he stated that the Puerto Rican labor movement would stop being “Puerto Rican” if the bill was approved. To him, the unionization bill would lead to “labor colonialism,” a takeover of the Puerto Rican union movement by what he called “dues-sucking,” U.S.-based unions, without providing Puerto Rican workers any substantial new benefits. He also stated that given the support of U.S.-based unions to the collective bargaining rights bill, this was a move of the PNP administration to bring Puerto Rico closer to the U.S. and, therefore, to statehood (Blasor 1998).

AFL–CIO leaders in Puerto Rico scoffed at Leduc’s statements regarding “labor colonialism.” According to José La Luz, many leaders of U.S.-based unions in Puerto Rico were partisans of Puerto Rican independence. Pedro Grant, for example, a leftist candidate for governor in the 1970s, worked for some AFL–CIO unions as an advisor during the public sector unionization campaigns. José La Luz, one of the main labor leaders in favor of the unionization bill and leader of SPU-AFSCME in Puerto Rico, preferred independence for Puerto Rico and was a member of a socialist organization, the Democratic Socialists of America. Thus, as José La Luz told me in an interview:

Well, that old struggle between the so-called Puerto Rican unions and the North American unions was attempted to be revived, the phenomenon that was called “labor colonialism,” all that debate was attempted to be revived, but I think that since many of us were leaders and activists here, in some cases of social movements here, and in labor unions, that argument did not prosper. . . . [S]ome of us even led the movement for disaffiliation [from the AFL–CIO in the 1970s] and so when you looked at that, you looked at its face, you said, “Well, this does not make a lot sense.” (La Luz, interview by author, San Juan 2002)

Therefore, for José La Luz and other AFL–CIO leaders in Puerto Rico, their left-wing pedigree testified to their good faith trade union agenda for Puerto Rico. They were not labor colonialists. However, the reality was that AFSCME raided at least one existing labor organization and, in fact, helped the pro-statehood party, the PNP, in its pursuit of Puerto Rican statehood. Hence, the accusations of labor colonialism were not completely unreasonable.

### **The Aftermath of Law 45**

The political power of the PNP administration in the late 1990s—it controlled both houses in the legislature and the executive branch of Puerto Rico—helped to propel Law 45 forward and be approved. Shortly after the law came into effect, AFL–CIO affiliated unions began a very aggressive campaign to win representation elections under Law 45. In the process, some Puerto Rican bona fide associations lost their hold on members, including the HTSS, which lost the elections to SPU-AFSCME. Thereafter, conflicts between some independent

unions and U.S.-based unions have increased, particularly between HTSS' Luis Pedraza Leduc, who now leads the Programa de Solidaridad-Union de Trabajadores de la Industria Eléctrica y Riego (UTIER) (ProSol-UTIER), a union affiliated to the independent and militant union of electrical workers, UTIER. ProSol-UTIER has the intent of organizing workers in the public sector, but, in essence, it competes with U.S.-based unions for the public-sector union members' dues pie.

### Conclusion

The jury is still deliberating as to whether the labor relations system created by Law 45 will ever provide public-sector workers with the required leverage to be able to negotiate collective bargaining agreements that will improve their lives. At this point, the results of Law 45 have been dismal. As this article goes to press, most collective bargaining agreements under Law 45, about thirty to forty of them, have not been renewed with the government of Puerto Rico. The government declared to be in a fiscal crisis in 2006 and paralyzed the negotiations of economic clauses with most of the unions under Law 45. In May of 2006, the government even laid off 100,000 public servants for two weeks. The labor movement's response to the layoffs was divided. SPU-AFSCME supported the governor's solution to the fiscal crisis, which included the creation of an American-styled sales tax on goods and services, of about 7 percent. Most other unions in Puerto Rico, including both independent and U.S.-based unions, such as the SEIU, did not support the sales tax as they deemed it a regressive tax. However, the sales tax was approved, the collective bargaining agreements remained tabled, and the labor movement remains defeated and divided over how to compel the government to negotiate in good faith and stop its regressive policies against Puerto Rican workers.

Moreover, interunion rivalry and raiding persists. In 2004, the Federación de Maestros de Puerto Rico (FMPR), the largest union in Puerto Rico, disaffiliated from the American Federation of Teachers (AFT) when it became convinced that the per capita dues requested by the International unions were too onerous. The membership of the FMPR voted overwhelmingly in favor of disaffiliation even in light of threats from the AFT to place the union under trusteeship. Moreover, ProSol UTIER continues to seek decertification elections against American-based labor unions and to take back some members for the independent sector of the union movement, making any attempts to unite the labor movement fruitless.

Recent developments in union organizing in Puerto Rico, including Law 45, give unions and workers little reasons to rejoice. Raiding, accusations of labor colonialism, a divided labor movement, government cutbacks, regressive tax policies, and frozen collective bargaining negotiations have augured terribly for the Puerto Rican working class. The private sector has already been lost to capital, as its union density rate has been crippled to less than 3 percent. Certainly, a solution to the present crisis requires that American-based labor

organizations become aware of their imperial excesses and even apologize for them. However, the situation for labor in Puerto Rico is so critical that concentrating on the imperial excesses of American-based labor organizations is simply not enough to create a progressive, forward-looking agenda for labor. The situation requires that unions in Puerto Rico, of all stripes—U.S.-based and independent—supersede their divisions now to act in defense of all workers. Only a united labor movement can confront the challenges ahead and, especially, deter any further, botched organizing campaigns that, far from increasing labor's power, merely divide and conquer the workers for the bosses to continue to wring.

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### Notes

1. The alliance—formally known as the *Alianza Para un Nuevo Servicio Público* (Alliance for a New Public Service)—included only American-based labor organizations or unions in the process of affiliating to an American “International” union: the Sindicato Puertorriqueño de Trabajadores-SEIU, Servidores Públicos Unidos-AFSCME, the Federación Central de Trabajadores-UFCW, and the Union Nacional de Trabajadores de la Salud, thereafter affiliated with the SEIU.
2. Pedro Rosselló Gonzalez was the elected governor of Puerto Rico from 1993 to 2000. His party, the PNP, which stands in Spanish for the New Progressive Party, advocates for U.S. statehood for Puerto Rico and approved a collective bargaining bill for public sector workers in 1998.
3. The PDP is the Spanish acronym for the Popular Democratic Party of Puerto Rico, which supports the Commonwealth status formula for Puerto Rico and was the leading opposition party in 1998.
4. Traditional government agencies are those government agencies in Puerto Rico that depend on the Puerto Rican government budget for their operations. “Nontraditional” government agencies, which for decades have had their own, separate labor relations statute, locally called the “baby Wagner Act,” operate with their own revenues.
5. The Puerto Rico Department of Labor estimates labor union and labor organization membership numbers with a survey of Puerto Rican households. Hence, the numbers presented in Table 1 are not the actual numbers of union members, but an estimate based on scientific polling.

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