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## Act First, Ask Later

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July 11, 2006

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**News reports** about three recent court decisions—Texas gerrymandering, labor violations by Ralphs supermarket chain and President George W. Bush's treatment of prisoners at Guantánamo—make it appear that justice prevailed and the wrong-doers got their comeuppance. But the opposite is true.

Instead, these rulings reveal why the Republican Congress, the Bush administration and big business are so effective at getting what they want. They have an “obey when convenient” approach to our laws and judicial system. They break them when it suits their purposes, hoping that either they won't get caught or, if they do, that the punishment will be a slap on the wrist. In other words, they don't ask for permission. They ask for forgiveness.

On June 28, the U.S. Supreme Court ruled that the Texas legislature had illegally gerrymandered a Texas congressional district by removing 100,000 Latinos from it to guarantee a safe Republican seat. The court told the Texas legislature to go back and redo the district. Republican Congressman Tom DeLay, the former House Majority Leader, set the stage for this redistricting by illegally raising corporate money which he funneled into the campaigns of Republican candidates for the state legislature in 2002. Thanks in large measure to these illegal campaign contributions, the GOP captured control of the Texas legislature and in 2003 redrew the map of the state's congressional districts. As a result, in the 2004 elections, the Republicans gained six Texas congressional seats that had previously been held by Democrats. Under the old map, Texas Republicans held only 15 of the state's 32 seats in Congress. After DeLay redrew the map, Republicans held 21 seats. This helped solidify the GOP's majority in Congress.

It is now clear that DeLay's redistricting chicanery was part of a web of corruption, linked to his friend and lobbyist Jack Abramoff, his congressional staffers-turned-lobbyists, and other sordid influence peddlers. Last year, a Texas judge ruled that DeLay's Texans for a Republican Majority Political Action Committee (TRMPAC) had violated state law by not disclosing over \$600,000 worth of fundraising money and a federal grand jury indicted TRMPAC for accepting illegal political contributions. A federal grand jury also indicted two DeLay aides for illegal acceptance of corporate political contributions.

For their misdeeds, Abramoff is facing jail time, and DeLay was forced to resign his congressional seat and may, too, spend time behind bars. But the fruit of all this corruption is that, even if DeLay and his buddies wind up in the slammer, the Texas congressional delegation now has a substantial Republican majority, making it extremely difficult for the Democrats to take back the House. The Supreme Court ruled that one of the six gerrymandered congressional districts violated the Voting Rights Act, but failed to toss out the others that had been crafted by DeLay. In truth, none of them would have been created in the first place without DeLay's illegal use of corporate contributions. While DeLay never planned to quit the House or go to jail, many Republicans and their corporate allies view him as a martyr—or at least a sacrificial lamb—in the larger cause of controlling Congress. DeLay's demise, and last week's Supreme Court decision, doesn't undo the original sin: illegally soliciting corporate money to reverse the partisan make-up of Texas' congressional delegation.

In another recent case, the U.S. District Court in Los Angeles ruled that Ralphs, the giant supermarket chain, has to pay a \$70 million fine for illegally hiring employees during a grocery workers' strike in 2003 and 2004. Ralphs agreed to plead guilty to five felony charges included in the 53-count grand jury indictment against the corporation. Ralphs—which is owned by the Cincinnati-based Kroger Co., the nation's 21st largest company, with revenues of more than \$60 billion—used fake names and Social Security numbers to secretly rehire about 1,000 locked-out

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workers during the longest and largest supermarket strike in U.S. history.

The strike cost Ralphs and two other national grocery corporations (Vons and Albertsons) about \$1.5 billion in sales. But the business giants were able to outlast the United Food & Commercial Workers union, whose members lost four months of pay, health insurance, and in some cases, their homes during the dispute.

Although the workers Ralphs hired illegally represented a small fraction of the 60,000 strikers throughout Southern California, the company's misdeeds served its purpose. It helped keep the stores open with experienced employees, contributing to the company's ability to beat the strikers. Now, two years after the strike ended in defeat for the union, Ralphs has been called on the carpet for its law-breaking.

Analysts have interpreted the court-imposed fine as a setback to Ralphs and a major warning to big business to avoid engaging in such illegal activities. In reality, the \$70 million fine should be viewed as a small slap on the wrist, a cost of doing business, even an investment in Ralphs' longer-range effort to undermine the union's influence on labor-management relations. And the few thousand dollars that will be paid to the strikers as restitution will not begin to make up for what they have lost in wages, lower salaries, disrupted lives and psychological damage.

Ralphs' behavior is typical of how many businesses view lawbreaking acts—such as defying pollution standards, violating workplace safety laws, or hiring undocumented immigrants. For example, it is against federal law for companies to fire workers for union activities, but the practice is widespread. Corporations facing union campaigns typically fire labor leaders illegally, knowing that they may eventually have to rehire them and pay fines and back wages, but only years later, after the union campaign has been thwarted. Under Bush, the understaffed and ideologically conservative National Labor Relations Board has shown no willingness to halt these illegal activities when they have the biggest impact. In this way, Ralphs (and its sister grocery chains) acted rationally during the supermarket strike. It is part of a broader strategy on the part of big business—with the support of the Bush administration and Republican Congress—to weaken the labor movement as a viable voice for America's working people.

The third judicial case viewed as a conservative setback was the Supreme Court's rebuke of President Bush's attempt to go around Congress by establishing special military trials for detainees at Guantánamo Bay. Bush and his advisers had attempted to undermine the statutes of the Geneva Convention by creating their own rules for how prisoners were legally treated. Many legal experts, including Bush supporters, are outraged by the president's willingness to ignore the Constitution in order to expand the authority of the White House in the name of the "war on terror."

But far from being unusual, such lawbreaking has become a pattern in the corporate world, the right-wing forces in Congress, and in the Bush White House. They live by the credo that what is important is what you can get away with. The Texas re-districting Ralph's labor violations, and Bush's Guantánamo cases are the fruits of that arrogance.

The common theme that unites corporate America, congressional Republicans, and the Bush administration is their willingness to act first—often illegally—to consolidate important political, economic and legal changes. In many cases, the powerful perpetrators never get caught. In other cases—as with Bush's Guantánamo prisons, DeLay's corporate-sponsored redistricting, and Ralph's union-busting—the criminal justice system eventually catches up to such misdeeds. What is unfortunate about all of this is that Democrats in Texas, Ralph's workers, and the inmates of Guantánamo Bay have already paid a steep price for the injustice inflicted upon them by powerful people.