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Clyde Summers, Advocate of Labor Union Democracy, Is Dead at 91

By **STEVEN GREENHOUSE**

Clyde W. Summers, a law professor who played a pivotal role in writing the 1959 federal law that guaranteed democratic rights to union members, died on Oct. 30 at a retirement home in Germantown, Pa. He was 91.

The cause was complications of a stroke, said Robert A. Gorman, a fellow law professor at the [University of Pennsylvania](#).

For many years, Mr. Summers lived in Philadelphia.

Mr. Summers, who taught at the Penn law school from 1975 until 2005, was widely viewed as the nation's leading legal expert on union democracy and union elections. Some old-line labor bosses who disliked his emphasis on individual rights snidely called him "Mr. Democracy."

In the 1950s, his ground-breaking law review articles about unions violating their members' rights led to his working with a young senator from Massachusetts, [John F. Kennedy](#), in drafting major parts of the [Landrum-Griffin Act](#), often called the Bill of Rights for union members. The law guarantees freedom of speech for union members and periodic secret elections of union leaders.

"What Louis Brandeis was to the field of privacy law, Clyde Summers is to the field of union democracy," [Michael J. Goldberg](#), a professor at the Widener School of Law, wrote this year. "Summers, like Brandeis, provided the theoretical foundation for an important new field of law."

Beyond union democracy, he wrote highly influential, often pioneering law review articles criticizing unjust dismissals of workers, analyzing collective bargaining by government employees and comparing America's employment laws with those in Sweden, Germany and other countries.

"In so many areas, Clyde was on the cutting edge of labor and employment law," said Martin H. Malin, a professor at the Chicago-Kent College of Law.

His overriding passion seemed to be fighting corrupt and undemocratic union bosses and championing the individual worker. He took up that cause in the 1950s, when unions were far more prominent, Congress held high-visibility hearings about mob influence on unions, and

labor law was a popular academic field.

“In those days, if you talked about union democracy, you were viewed as antilabor,” said Herman Benson, founder of the Association for Union Democracy.

When two dissenters in the painters union were murdered in the San Francisco area in 1966 after they denounced sweetheart contracts, Mr. Summers became a leader on a committee demanding justice. After the 1969 murder of Joseph A. Yablonski, a rival of W. A. Boyle, the autocratic president of the United Mine Workers, Mr. Summers led efforts to rewrite that union’s constitution to make it more democratic. Mr. Boyle was eventually convicted of the murder.

“Like the prophets of biblical times, he has spoken most passionately against evil committed by those who claim to be doing the Lord’s work,” Julius Getman, a law professor at the [University of Texas](#), wrote in a tribute when Mr. Summers became an emeritus professor at the University of Pennsylvania in 1989. “And like the prophets of old, he stood at first almost alone.”

Clyde Wilson Summers was born in a one-room tarpaper shack in Grass Range, Mont., on Nov. 21, 1918. His parents, struggling farmers, moved to Colorado, South Dakota and Nebraska before settling on a farm outside Winchester, Ill., where Mr. Summers attended high school. At 16 he went to the [University of Illinois](#), obtaining his bachelor’s degree in 1939 and his law degree there in 1942.

During the war, he declared himself a conscientious objector — a move that caused the Illinois bar to deny him admission. In 1945, the [United States Supreme Court](#), in a 5-to-4 vote, upheld the bar’s decision, although in an impassioned dissent Justice Hugo Black hailed the 26-year-old plaintiff as “moral and intelligent.”

Mr. Summers earned a master’s degree in law at Columbia in 1946 and a doctor of science in law there in 1952. He taught law at the University of Toledo and met his wife, Evelyn Wahlgren, a music teacher, on a blind date at a [Valentine’s Day](#) dance there. He then taught law at the [University of Buffalo](#) from 1949 to 1956 before becoming a professor at [Yale Law School](#) from 1956 to 1975.

In 1958, Mr. Summers drafted a Bill of Rights for union members on behalf of the [American Civil Liberties Union](#); many of his thoughts and words were included in the Landrum-Griffin Act.

He is survived by his wife as well as two daughters, Erica Summers of Silver Spring, Md., and Lisa Summers of Ridgewood, N.J.; two sons, Mark of Lexington, Ky., and Craig of Seattle; a sister, Majel Drake of Wheaton, Ill.; and eight grandchildren.

“The life of law is precedent,” Mr. Summers said at a dinner honoring him when he became a professor emeritus. “But the life of a lawyer should be something more, to search within themselves for answers which precedents cannot provide, to go beyond the question ‘What does

the case hold and why?' to ask, 'What is good, what is just, what is kind?' ”