

DETROIT REVOLUTIONARY MOVEMENT RECORDS

BOX 6 OF 16

FOLDER 15

NATIONAL LABOR
COMMITTEE 1972

NATIONAL LABOR COMMITTEE - A POLITICAL PERSPECTIVE

The National Labor Committee was founded in June, 1972, during the NLRG Labor Conference held in Detroit, Michigan. Since then, the National Labor Committee has undergone intense development. The chief highlight has been the steady growth of the Labor Newsletter, an essential ingredient for the Committee. On a regional and local level, members of the Labor Committee have worked with woodcutters and poultry workers in Mississippi, farmworkers across the country, wildcat strikes and household workers in Detroit, New Jersey and Chicago. The list is much more extensive. Local labor committees have developed in many chapters and regions and several educational and regional conferences have been held, usually with substantial success.

The upcoming political conference may mark the beginning of a new development for the National Labor Committee. Guild members in general, and certainly members of the NLC as well, have too often absorbed their politics from the people they represent. This is led to fad politics, at worse, and solid legal representation (but limited to legal representation), at best. In short, the Guild has too often suffered from the Leninist concept of "tailism".

Fad politics and tailism, in turn, are too often convenient masks. They elevate the role (i.e., form) above substance. It becomes of ultimate importance whether one is a lawyer, organizer, worker, etc. The role defines input. It allows people to avoid political struggle. After all, the lawyer or legal worker who is the "arm of the movement" can say: Arms do not make decisions.

But, the lawyer or legal worker does, in fact, hold a great deal of power, because of skill, experience, training, knowledge, resources, etc. This is the very essence of manipulation: To have power without responsibility.

Fad politics, tailism, and manipulation allowed Guild members to avoid the making of mutual, political demands: i.e., demands on Guild members and demands flowing from Guild members to the groups and individuals they represent and with whom they work. While Guild members may debate political issues, such as the issues outlined and discussed below, by failing to make political demands, they fail to test their own conclusions. The concept of making demands should not be misinterpreted. This concept does not mean that Guild labor committee members should become dogmatic and rigid. It means that they should be willing to enter into political struggle and political debate, that they should be willing to put forth their ideas, that they should be willing to take political leadership when appropriate.

Guild legal people too often refer to themselves as either "stars" or as "worthless". "Stars" do not make demands; they are followed. "Worthless" people do not make demands because they view themselves as inferior. The concept of making demands means that legal people view themselves as no better and no worse than their fellow human beings. They must work together, each bringing their talents, knowledge, discipline to the goal of achieving socialism. In the course of this work, each must make political demands and engage in political struggle.

If mutual demands are made, then it is the political process of exchanging debate which defines political input. The concept of making demands means making demands on others, making demands on one's self, and being open to the demands of others.

The upcoming conference signals the beginning of an attempt to deal with these problems. This is clearly a step forward. While no one believes that these issues will be resolved during a one-day conference, hopefully the alternative political positions will become clear.

Politics - Practice v. Theory, Line and Practice

One of the concepts floating in and around the NLC is that politics flow from practice. This concept is based on the premise that class origin rather than political analysis determines political input. Reality and experience deny this premise. Lenin said: "Without a revolutionary theory there can be no revolutionary movement." (Lenin, Collective Works, Vol. III, p. 380 (What is To Be Done?)).

We are opposed to this conference being inundated by representatives from various political groups, who would be invited on the basis that they have correct politics because of extensive experience and practice. Obviously, there are numerous examples of "heavy" theory and line without practice. This should be rejected. However, practice, without the correct political perspective, can be counter-productive. For example, the organizing of unorganized workers is both exciting and difficult work. But, if this work results in no more than new trade unions or enlarged older trade unions, it will have been for nothing.

As to the relationship between theory and practice, Lenin said: "The role of vanguard fighter can be fulfilled only by a party that is guided by the most advanced theory."

The Russian and Chinese Revolutions represented the merger of theory and practice. More than twenty-five years of theoretical struggle preceded both. In this country, while lip-service is paid to the concept that racism, sexism, and imperialist wars such as Vietnam are the result of class exploitation, any efforts which seem opposed to these conditions are supported as ends unto themselves. This is true whether the efforts are reformist, trade unionist, legislative, or terrorist, and whether they are successful or unsuccessful. Thus, the struggle is seen in anarcho-syndicalist terms: black against white, women against men, workers against boss.

Theory is not only indispensable for revolution, but it simply is incorrect to say that theory flows from practice. Practice may modify theory, but practice flows from theory. The theory may be subterranean, i.e., unexpressed for conscious or unconscious reasons. But it is there, whether in the form of nationalism, anarcho-syndicalism, or liberalism. With each of these theories, exploitation is defined in terms other than by the exploitation of the class as a whole.

Hopefully, the upcoming conference will be a first step in accomplishing at least two goals: (a) rejection of the formulation that theory flows from practice; (b) a commitment to the development of an open, articulated political theory. As to the latter point, only the commitment not the theory can emerge from

this conference. This commitment means political study, debate and struggle, i.e., the development of the ability to reach an open, articulated political theory which will guide future practice.

The rest of this paper is an attempt to deal with the specific issues which are scheduled to be discussed at the conference. In this context, specific resolutions are presented, specific political principles are set forth. This writer realizes these are not necessarily Guild positions.

"Wildcat" Strikes

One of the central issues at the upcoming conference is the role of wildcat strikes, i.e., whether they should be supported and, if so, in what manner. During the summer of 1973, members of the NLC provided legal support for wildcat strikes in New Jersey, Chicago and Detroit. Since this writer was involved in the Detroit strikes, an analysis of those strikes will form the basis of this discussion. In Detroit three "wildcat" strikes, each involving Chrysler plants, took place within a period of less than a month. At least two of the strikes provided definite strengths; all three had basic limitations.

Jefferson Assembly Plant. Two employees, Issac Shorter and Larry Carter, took control of the generator room of the plant. Approximately one-hundred other workers surrounded the generator room. The workers' demands were well-defined: removal of an oppressive foreman and no reprisals. The company consented to the workers' demands, within twenty-four hours and in writing. Doug Fraser, UAW Vice President in charge of Chrysler, said Chrysler

had made a critical mistake in "appeasing" the workers. .

Detroit Forge Plant. The forge strike was essentially a safety strike, initiated by a severe injury and perpetuated by the general low-level health and safety conditions in the plant. The strike and its leadership received strong support from the workers in the plant, and there is some semblance of ongoing struggle. However, the forge strike suffered from a lack of well-defined goals.

Mack Avenue Stamping Plant. This strike occurred on the heels of the Forge strike and became the occasion for the use of UAW goon squads against the strikers. The strike was called by the Workers' Action Movement (WAM) and seem to have been precipitated by the firing of two of WAM's leaders. While the strike touched upon conditions at the plant, such as health and safety, WAM was opportunistic and parasitic in its relationship with the workers. While both the Jefferson Assembly and Forge strikes had communist leaders, only in the Mack Avenue strike was there an announcement that the leadership was "Communist" and "revolutionary." This was the very opening that both Chrysler Corporation and the UAW were looking for.

Other than the reinstatement of the two WAM leaders, the goals of the strike were unclear. After WAM's announcement that the strike was being led by "Communists" and "revolutionaries", over one-thousand UAW local union officers and committmen, armed with baseball bats and clubs, gathered outside of the plant gates to "urge" the workers to return to the plant. On the morning of

the second day of the strike, the workers returned to their jobs.

At the present level, wildcat strikes are essentially spontaneous. Thus, there are basic limitations. However, "wildcats" have potential political content far beyond that of an "economic" strike. They can be led by the workers as opposed to the bureaucratic union leadership. In fact, as in each of the Detroit strikes, and most dramatically in the Mack strike, the union leadership is willing to work hand-in-hand with the company to put the strike down. Wildcat strikes often dramatically illustrate the political partnership between unions and management in this country.

Wildcat strikes clearly should be supported, particularly where they are a) led by the workers, b) supported by the workers and c) present well-defined goals. These goals should have primary and secondary levels. The primary levels should consist of certain specific demands: e.g., reinstatement, health and safety improvements, no reprisals, etc. The secondary goals should be broader in nature: leaflets and meetings connecting the strike to political issues affecting both the strikers and the class at large: e.g., racism, sexism, imperialism, etc. One definite goal should be the establishment of an ongoing organization to continue the struggles begun during the strike.

The question is asked as to what is the role of the Guild lawyer or legal worker during a wildcat strike. Obviously, there are legal tasks to be performed. During the Forge strike, Guild lawyers struggled for three days to prevent the issuance of an injunction against the strike. This type of work is of extreme importance. However, lawyers and legal workers can participate be-

yond the level of legal work. They can make political demands, i.e., they can enter into debate and struggle over the goals and tactics of the strike, they can put forth their ideas. This does not mean that every one of their ideas or positions will prevail or should, in fact, prevail. But, the fact of the matter is that they should become involved in the political leadership process. They should not tail after the strike.

Lawyers and legal workers involved in wildcat strikes are involved in these decisions at any rate. The question is whether they are involved in this process openly and principley or sub silencio. The question, again, is whether they will use their power openly, i.e. dealing directly and honestly with the political issues at hand, or in a manipulative manner. If they choose the latter, the road is open to any number of directions which avoid a class analysis.

Trade Unions and Organizing the Unorganized

The second and third issues to be discussed at the upcoming conference have been framed along the following lines:

Should communists and other radicals work with the trade unions, e.g. run for union office?

Should the unorganized workers be organized into existing trade unions (or new trade unions)?

The same principles would seem to apply to the answers to both of these issues, and thus, they will be discussed together.

A trade union is not a revolutionary organization. In fact, in this country, trade unions, through their political cooperation, function as counter-revolutionary organizations. This

was certainly clear in both the Forge and Mack strikes. .

However, there is also no question that workers relate to trade unions. In many industries, such as auto and steel, they are legally required to belong to unions. Thus, unions cannot simply be ignored. The concept of running for union office or organizing workers into trade unions should not be seen in a vacuum. If these activities are seen as an end unto themselves, they are incorrect. In and of itself, achieving presidency of a union is meaningless, at least from the point of view of achieving socialism in this society. Given the structure of this society, and the role which trade unions play, the most well-intentioned individual, standing alone, can achieve nothing toward socialism.

These activities e.g., running for office, organizing the unorganized, only take on revolutionary meaning when the individuals performing them are responsible to a revolutionary organization. Thus, there is the need for a revolutionary party; thus, there is the need for a multi-national, revolutionary, communist party. This is the body to which responsibility must flow.

A party recognizes that political theory is necessary to guide revolutionary activity. Further, it recognizes that those who organize within the trade union structure are in need of a) guidance in the form of theory and b) responsibility to the goal of socialism which goes beyond individual commitment.

The party which is needed is neither the revisionist Communist Party U.S.A. nor a vague, radical mass coalition. The

party which is needed is one in which there is a commitment to struggle and a commitment to Marxist-Leninist principles. This means initially a commitment to political study. Members of the National Labor Committee should become involved in this process.

NATIONAL LABOR COMMITTEE

The Guild's National Labor Committee was formed out of a belief that political change means change in the work place.

This means change not only on the assembly line and in the foundry but also change in the home, in the cotton and lettuce fields, and in a multitude of other work places. This means not only change in the economic structure of the work place but also in human relations, dealing with racism, sexism, elitism, the exploitation of people by people.

There was ~~also~~ also the belief, at least shared by some, that the Guild's political perspective should place less emphasis on the community (grand juries, etc.) and more on the work place where profits are produced. The Guild was, and still remains, reactive in its political strategy while often genuinely creative in its use of legal tactics. It is time to become creative in both.

During the Labor Conference and NEB in Detroit in June, 1972, the labor committee began to take shape. The length of committee meetings was limited by the Labor Conference and NEB schedules. However, despite these limits, or perhaps because of them, much was accomplished. The [#]aim during these meetings was to set up an initial program. Since Detroit, and, by the time of the convention in Austin, the committee will have published three newsletters. This writer has had the opportunity to travel to Mississippi to work directly with the woodcutters and poultry workers. The committee's resource material on labor law, workmen's compensation, health and safety is growing.

Much more must be done in the future.

This writer sees two major goals --

First, the committee must continue, and certainly increase, ~~x~~ its ability to inform Guild members of labor law techniques, developments, practices, etc. This means ~~the~~ continuing and expanding the newsletter, more regional and, perhaps, national conferences, and labor schools on the model ^{of} ~~the~~ one in Los Angeles.

Second, the committee must participate and aid in the struggle to develop an independent labor movement in the United States.

While the first goal is self-explanatory, the second may not be.

At the present time much pessimism and disillusionment pervades in this country. However, at the same time, in many parts of the country there is a growing call for an independent labor movement. Certainly, the woodcutters and poultry workers in Mississippi ~~are part of this~~; the household workers in Detroit and elsewhere ~~are part of this~~; the welfare and civil rights workers who have formed the International Union of Civil Rights and Social Service employees ~~are part of this movement~~; the migrant workers in California ^{and elsewhere} are part of ~~it~~ ^{this} movement.

These movements, separately and perhaps with a unifying structure, are a unique opportunity for the Guild in general and the labor committee in particular. They present the possibility of collective struggle in a period when even the Left seems pervaded by the rancor, factionalism and individualism of the society at large.

Furthermore, the legal work which is needed is of a non-romantic, de-mystified nature. For example: in Mississippi the woodcutters are setting up a cooperative to sell saws, saw chains, sprockets, and other parts at retail prices to challenge the dealers who are at the heart of the woodcutters' exploitation in the South. While much legal work is needed in this regard, it is unlikely to grab headlines. This is also true of election proceedings before the NLRB, unfair labor practices, and other administrative agency practices. Hopefully, this will mean the emphasis will be on the people who are organizing rather than on lawyers and legal workers.

While legal work with Rank and File Caucuses should not be discouraged (perhaps some Caucuses will become part of the independent labor movement), this writer distinguishes between Rank and File Caucuses and the kind of movement described above. Although Rank and File Caucuses often show a greater concern for the needs and rights of individual Union members, they are too often ends unto themselves. They often fall ^{apart} ~~apart~~ because of factionalism or the individualism of members.

In short, Rank and File Caucuses are too often holding actions which do not present the opportunity to build a new and positive organization with a unified base and collective goals.

The rest of this paper will deal with the structure and work priorities necessary to accomplish these goals.

NATIONAL LABOR COMMITTEE

A. Purposes

1. Political change means change in the work place
2. Change political perspective of Guild from community (grand juries, etc.) to work place where profits are produced.
3. To aid development of independent labor movement.
4. To inform Guild members of labor law techniques, developments, and agency practices.

B. Structure

1. Each chapter-local labor committee; with representatives (no. to be determined in Austin) to national committee.
2. National committee would have central office-question of location, hopefully, to be determined in Austin.
3. Finances-either dues or alternative method of financing central office, newsletter, etc.
4. Responsibilities of local representative:
 - (a). coordinate local activities, e.g. labor school in L.A. model.
 - (b). input into newsletter
 - (c). serve on national subcommittee, see below
5. National Sub-committees:
 - (a). Central Office and Finance
 - (b). Newsletter - emanate from central office, with each local chapter representative responsible for *input*.
 - (c). Resource and education

- (1). coordinate ^{regional} regional conferences, agenda, e.q., set up labor schools, organizing programs, etc.
Midwest - e.q. Detroit or Chicago
West - e.q. S.F. or L.A.
East - e.q. N.Y. or Washington
South - e.q. Atlanta or New Orleans
- (2). Coordinate local labor schools on L.A. model
- (3). Supply local chapters with resource material, e.q. briefs, pleadings, etc.-- generate, collect, and disseminate resources as needed (a bank or library may be established in the central office.)
- (d). Organizing - after the national labor committee priorities (see below) are established, this committee must coordinate the work to be done and the people who will do it, e.q.
 - (1). See ^K out information regarding labor struggles and recommend organizing programs.
 - (2). Set up legal work trips where lawyers and legal workers go to location for limited periods of time to work on labor struggles
 - (3). Attempt to establish permanent or semi-permanent legal work centers in areas of labor struggle where legal aid is ^{virtually} ~~virtually~~ non-existent.
 - (4). Work with LSCRRRC and the Reg. Heber programs to obtain lawyers and legal workers to participate in the above programs.

C. Priorities (not in order of preference but the priorities of the committee)

1. Communications

- (a). Newsletter
- (b). Education labor conferences regional-as soon as possible!
- (c). Generation of resource materials
- (d). Dissemination of resource materials
- (e). Local labor schools on L.A. model

2. Independent Labor Movement

- (a). Independent Unions vs. Affiliation
- (b). Independent regional and national structures
- (c). Organizing the Unorganized
 - (1). Early stages of organizing
 - (2). Elections
 - (3). Unfair labor practices
 - (4). Strikes
 - (5). Collective Bargaining

3. ~~Banks~~^o and File Caucuses

- (a). Health and Safety problems
- (b). Failure to represent members
 - (1). unfair labor practices.
 - (2). Sec. 301 - unfair representation suits
- (c). Wildcat strikes - legal representation
- (d). Workmen's compensation, sickness and accident benefits, insurance benefits - failure of existing Union's to deal with these claims.
- (e). Local union elections (Landrum - Griffin actions)

(f). Trusteeship - take over of Local Union by
International Unions (Landrum - Griffin Act)

4. Some Target Areas for committee input

(a). Morgantown, W. Virginia - Miners for Democracy
and Blacks Lung Assoc.

(b). Laurel and Forest, Miss. - GPA and Miss.
Poultry Workers Union.

(c). Danville, Ill - collective with people in UAW
shops

(d). Unemployed committees.

(e). Workers Health Conference to be held in Detroit
dealing with health and safety problems and
insurance benefits.

(f). Independent Union of Civil Rights and Social
Service Employees - Detroit - possible national
structure for independent labor movement.

1263 El Camino Real
Menlo Park, California 94025
September 27, 1972

Dear Labor Committee:

At the next National Executive Board meeting, which will take place in Washington, D.C. October 20-22, time will be set aside for meetings of special interest groups, including labor. The groups will be asked to report back with concrete proposals to the main body of the NEB on Sunday. We would like to suggest that the following subjects (or as many of them as possible) be discussed. To put it more strongly, they urgently need to be dealt with.

1. National program and structure. The national office hopes to have at least one full-time staff person relating to labor programs, and they have written to Diane asking "What can the national office do for you?" This question has to be answered in the context of just what is the Guild's national labor program. A couple of obvious suggestions grow out of our current practice: centralized communications functions; locating and developing legal resources for groups such as the pulpwood cutters and poultry workers in Mississippi; perhaps the newsletter. In addition, people around the country have proposed the following:

(a) National focus on a specific subject area, such as occupational health and safety -- conferences, educational programs, development of materials, affirmative action and organizing.

(b) An affirmative action center to assist rank and file organizations.

(c) Coordinated national response to expected government attacks on working people (anti-strike legislation, new right-to-work laws, Nixon's economic policies, etc.).

In addition, we think a tighter national structure should be developed, perhaps by selecting representatives from the regions and major cities. They might be responsible for collecting news for the newsletter, making interim decisions between NEBs (a function which a portion of the Bay Area labor committee has assumed on an ad hoc basis), and whatever else people think they should do. A national structure probably should not be established in final form until the greatest possible number of us get together at the next convention (Austin, Texas, late February); but proposals should be considered and perhaps an interim structure arranged.

2. Current projects. The newsletter needs criticism and guidance. We see the national body as the ultimate source of policy decisions, and hope that specific recommendations for how to improve the newsletter will be forthcoming. Also, national meetings seem to be a good place to raise money. We have enough left of the donations collected at Detroit to maybe almost scrape through the next issue; but this mailing will eat up some of that money, so another \$15 or \$20 would be a great help. We'll have a complete financial report in the next issue.

PLEASE ASSIGN SOMEBODY TO TAKE NOTES OF LABOR MEETINGS AT THE NEB, AND SEND WINI A REPORT FOR PUBLICATION IN THE NEWSLETTER. And please send me the names and addresses of new people who would like to be on the newsletter mailing list.

As you know, Mike Adelman (Detroit) has been trying to locate full-time legal help for the pulpwood cutters in Mississippi and Alabama. What is needed is somebody who has, or can get, a Mississippi bar card and can spend at least a year down there. Hopefully, somebody at the NEB will be able to report on this. More people should take responsibility to contact Mike and help with this effort.

3. The state of chapter labor programs. Have chapter labor committees been developed, and what are they doing? What kinds of local projects have been undertaken? What has been proposed?

At the recent West Coast regional meeting in Portland, many people expressed a need to learn basic labor skills; they want to work in this area but do not know how to go about it. Since this is probably true in other areas, local committees should be developing ways to share skills and experience by means of classes, conferences, preparation of materials, joint practice, etc.

LABOR COMMITTEE NEWSLETTER

We have had a very positive response to the newsletter and the mailing list grows steadily. We will put together another issue by the end of this month if we get more articles. So far, we have a lot of information about the Los Angeles labor school, an article about organizing household workers in Detroit, and a couple of letters. More. We need more. Here, generally and specifically, is a list of what we want.

1. Basic "how to" articles for people just getting into labor law. Where to find information, how to do an election or an unfair labor practice procedure before the Board, how to protect organizers on the job, how to process a workmens comp claim, a complaint under OSHA. Write about whatever you know best; it needn't be beautiful, just informative.

2. Discussion of organizing strategies. For example, how did insurgent workers relate to an established union (or not relate to it) in a specific instance, and why did they do it that way. Arguments for and against starting independent locals. History of successful rank and file caucuses. Organizing the unorganized. Whatever seems important to you and the people you work with.

3. Political analysis. The role of unions. Dealing with economism. What new attacks on labor we can expect from the federal government and state governments. General economic analysis.

4. Analyses of new decisions by the courts and the NLRB and the Occupational Safety and Health Commission.

5. NEWS. Brief reports from your city or countryside. Subscriptions to local publications that cover labor news. In-depth reports of significant struggles. MORE NEWS.

6. Pictures, cartoons, graphics. We'd like to make the newsletter prettier. Also, anybody got a good idea for a name?

These suggestions are by no means exhaustive. In most cases, they have come from newsletter readers who see us at meetings or write to us. There is so much stuff to be covered and so much that people want to learn about. Won't you please take a few minutes and scribble an article so we can get out another issue.

Have a good NEB -- see you all in Austin.

Wini + Diane

NATIONAL LABOR COMMITTEE: A Projection
for Austin

Michael Adelman

Production, particularly the production of capital goods, is at the heart of the capitalist machine. The work force even while it does not own the means of production, can affect, influence and even on some occasions control production through collective action.

Public service workers, agricultural workers, domestic workers are directly related to the production of capital goods and have shown the ability to severely threaten and shut down the production of capital goods, e.g. the 1970 postal workers strike.

Lordstown and the West Coast dock strike occurred as the direct result of the same economic pressures: the attempt to increase work productivity while "freezing" not only wages but the work force itself. At the same time, collective labor action has emerged in the so-called "backwaters" of capitalism with the United Farm Workers, Gulfcoast Pulpwood Association, Mississippi Poultry Workers Union, to name but a few.

The challenge of labor law for "radical" attorneys, legal workers, and law students is complex, but at least two features stand out immediately. First, labor law, through work with independent unions and rank and file caucuses, represents an opportunity for lawyers and legal workers to become directly involved in a challenge to influence, and seek control, of the modes of production. Second, labor law deals directly with the question of collective action in a time when even the movement has been torn apart by factionalism and individualism.

During the Labor Conference and NEB in Detroit in June, 1972, the National Labor Committee began to take shape. The length of the committee meetings was limited by the Labor Conference and NEB schedules. However, despite these limits, or perhaps because of them, much was accomplished. The aim during these meetings was to set up an initial program, so that the Guild could turn its attention to labor struggles in a much more systematic way than in the past few years.

Since Detroit, and by the time of the convention in Austin, the committee will have published three newsletters. This writer has had the opportunity to travel to Mississippi to work directly with the woodcutters and poultry workers. A labor school has been set up in Los Angeles, and a local labor committee has been established by the Chapter in San Fransico. The National Committee's resource material on labor law, workmen's compensation, health and safety is growing.

Much more can and must be done in the future.

The National Committee must continue, and certainly increase, its ability to inform Guild members of labor law techniques, development practices, etc. This means continuing and expanding the newsletter, more regional and, perhaps, national conferences, and labor schools on the model of the one held in Los Angeles.

The structure of the national labor committee is important in this regard.

Chapters should be encouraged to establish local labor committees along the lines of the one in San Fransico. These committees can coordinate local activities, take responsibility for input into the newsletter, and send representatives to the national committee.

Certainly, a national labor office would aid in the publication of the newsletter, the exchange of resource material, e.g. briefs, pleadings, etc., and coordinating the committee's legal and organizing work.

The national office, or an organizing sub-committee, could also be responsible for such activities as the following:

- (1) Seeking out information regarding labor struggles and recommending organizing programs;
- (2) Setting up legal work trips where lawyers and legal workers go to a given location for a limited period of time to work on labor struggles;

- (3) Attempt to establish permanent or semi-permanent legal work centers in areas of labor struggle where legal aid is virtually non-existent;
- (4) Working with LSCRRRC and the Reg. Heber programs to obtain lawyers and legal workers to participate in these programs.

Two areas of political and legal involvement for the Guild seem imperative: helping to build an independent labor movement and support for rank and file caucuses.

First, an independent labor movement is an increasing reality in many parts of the country. The woodcutters and poultry workers in Mississippi, the household workers in Detroit, welfare and civil rights workers, migrant workers in California and elsewhere are all part of this movement.

These organizing efforts are important precisely because they are occurring in the so-called "backwaters" of capitalism. The survival of capitalism has always depended on a certain elasticity, not only in a social-welfare sense but also in geography and in work force. Since the Civil War, the Deep South has provided capitalism in the United States with a refuge for cheap labor, cheap natural resources, and runaway shops. On the other hand, migrant workers and household workers, while performing cheap labor, also represent a supply of surplus labor.

Many small shops remain unorganized and their employees continue to receive low wages as compared to organized shops. The organized labor movement quickly became so rigid and unresponsive that it only organized a relatively small part of the work force, approximately 25%. Many shops are minimally organized receiving nominal representation from their International unions. These shops contain a restive work force which often explodes with wild-cats, decertification proceedings, slow-downs, etc.

In addition, much of the white collar, service work force remains unorganized. These workers are only beginning to recognize the benefits of organized opposition to their employers. Given traditional opposition to trade union bureaucracies, many of these workers are looking to build an independent, democratically operated union structure.

These areas of unorganized or minimally organized workers actually constitute the bulk of this country's work force. In many cases, they hold the power to halt the economic machine. Their awakening consciousness will demand militant tactics which go beyond the bounds accepted by traditional trade union structures. Legal and extralegal activities will have to be protected by equally militant lawyers.

By organizing these areas, an independent labor movement can help to reduce the elasticity of capitalism and place more pressure on the capitalist engine.

In addition, these movements, separately and hopefully with a unifying structure, present a unique opportunity for the Guild to participate in collective struggle. For example: in Mississippi the woodcutters are setting up a cooperative to sell saws, saw chains, sprockets, and other parts at retail prices to challenge the dealers who are at the heart of the woodcutters' exploitation in the South.

The legal needs of the independent labor movement are immense. Legal work regarding pre-election organizing, election proceedings before the NLRB and state agencies, unfair labor practices, and other administrative agency practices are only a small part of these needs. Individuals involved in an independent labor movement will have legal problems ranging from credit and welfare cases to workmen's compensation and negligence cases.

Two aspects of the legal needs of any independent labor movement should be singled out for special consideration: legal-technical skills involved in collective bargaining and organizing strikes.

Once an independent union has won a representation election and achieved recognition, it is faced with the massive task of negotiating a collective bargaining agreement, usually in an area or industry where there is no history of collective bargaining. Strategy, bargaining and possible strike tactics, knowledge of existing contract provisions and their weaknesses are all an important part of the bargaining process.

Perhaps the most important work of all in this regard is the preparation of the union's initial contract proposal.

Like the negotiating process, organizing strikes require the active support of "radical" labor lawyers and legal workers. These strikes are to be distinguished from economic strikes called by established unions such as the UAW on a periodic basis (perhaps every three years). Often, organizing strikes are illegal and/or without the support of a strike fund. Time is often of the essence and the work of lawyers and legal workers fighting off injunctions and other legal actions aimed at destroying the strike is immensely important. On the other hand, more thought and work has to be put into questions concerning the survival of strikes where there is no "war treasury." Affirmative lawsuits and the use of state and federal funds must be considered in this regard.

For radical lawyers and legal workers, work with the independent labor movement will be an important learning experience, politically as well as legally. Out of each struggle, the defeats as well as victories, new knowledge and understanding will be gained, so that the following struggle will occur on a higher level. It is also important that those who participate in these struggles be prepared to transfer to other lawyers, legal workers and organizers the knowledge which has been gained.

The legal needs of rank and file caucuses present special problems. DRUM, United National Caucus, T.U.R.F., On the Line, Miners for Democracy, the Danville collective--these caucuses focus on the role of democratic struggle within the trade unions as a key toward unlocking the political potential of the organized sector of the labor movement.

These groups face especially difficult adversaries. The International Unions have well seasoned people, rich in political experience. Combined with the power of the companies to break or coopt individual people, the union bureaucrats are able to eliminate opposition by seizing on mistakes which are made. Each of these groups had long struggles with many losses before substantial inroads were obtained.

They involve a number of legal problems and strategies with which left legal people have insufficient familiarity. Some of them are:

1. Fighting injunctions (e.g.-by pre-planning and coaching the "mass line" of the wildcat in language ^{which} with can qualify as an acceptable "work stoppage" under the contract or the NLRA).
2. Intervention in the negotiation and settlement process between the International, local bureaucracy and the company.
3. Imposing and enforcing re-instatment and/or no-retaliation agreements.
4. Creating non-NLRB and/or non-Labor Department strategies to protect caucus members and wildcatters (e.g.-civil rights and Title VII actions).
5. Creative and initiatory NLRB and/or Labor Department strategies and remedies to further the programs of caucuses and wildcats (e.g.-the extension of the democratic rights of individual union members and the exposure of corrupt, undemocratic and/or non-responsive practices by union bureaucrats).

6. Resisting the efforts of the International to "save" a local "threatened" by a rank and file movement by imposing a "trusteeship" on the local.
7. The harmonious integration of political and legal strategies at all levels.

These are some of our primary tasks in this area.

Rank and file caucuses have been instrumental in obtaining those precious few improvements in health and safety conditions, pinpointing grievance machinery weaknesses, enforcing the grievance machinery by putting pressure on the recognized Union and waging a continuing struggle to achieve democracy within the organized labor movement. Obviously, the national and local committees will be vitally concerned with these legal-political issues.

Perhaps, the most important contribution of the rank and file caucuses has been their struggle to eradicate racism, not only in the plants but in the organized labor movement itself. Unfortunately, the caucuses have dealt minimally with questions concerning sexism and individualism in the plants and in the organized Unions. Hopefully, the labor committee will play a vital role in shaping this change, legally and politically.

In summary, the convention in Austin, Texas, will be an important get together for the labor committee. At this juncture the labor committee is at a point where it can consolidate the experiences since Detroit and also further draw upon and consolidate the experiences of the individuals involved in the committee. In Austin, the committee should clearly define its purposes and priorities, hopefully aimed toward more worker control of production, and create structures to meet these priorities on national, regional, and local levels.

Boulder, Colorado nestled in the Rocky Mountains, turned out to be an appropriate place for the National Lawyers Guild to turn its energies to building a new labor movement. Separated from the large industrial centers, Boulder nevertheless sits in the heart of western mining country. Big Bill Haywood and the Western Federation of Miners are a part of the history on which we drew when we resolved that "the working class struggle must totally intergrate the struggle against racism and sexism."

The National Lawyers Guild in Boulder established a National Labor Committee and charged it with the following responsibilities:

- a) Initiate on-going political analysis and discussion within the Guild, at the national, regional and local levels, as to the future political direction of the Guild with reference to working class movements.
- b) Establish a national communication and information-exchange clearinghouse for Guild members involved in legal work relating to working class movements.
- c) To organize a national conference in the early spring of 1972 on legal involvement in working class movements.
- d) To assist, in whatever ways possible the efforts of chapters to serve the legal needs of working class struggles in their areas.

The Detroit Chapter of The National Lawyers Guild immediately turned to the implementation to this program. Individual lawyers were handling labor cases which became political events; collectively the Guild held monthly seminars analyzing these problems.

The James Johnson workmen's compensation case, handled by ^a ~~The~~ Guild Lawfirm, Glotta, Adelman and Dinges, became an important political trial in the City of Detroit.

On July 15, 1970, James Johnson, Jr., an employee at the Chrysler Corporation, Eldon Avenue Gear and Axle plant, was driven to mental breakdown by the working conditions at that plant. The conditions: racism, including racist foremen, unsafe working conditions, inadequate first aid facilities, and an inhuman bureaucracy which controls and destroys workers. The result: James Johnson shot and killed three fellow employees, including two foremen, and has been institutionalized in Ionia State Hospital in Ionia, Michigan.

The first trial in the James Johnson case was the attempt by the State to convict James Johnson of first degree murder. However, a Recorders Court jury found Johnson not guilty by reason of insanity.

The second James Johnson trial is Johnson's attempt to obtain workmen's compensation benefits from Chrysler Corporation including psychiatric care. Although Johnson is committed in a mental institution, he is presently receiving no psychiatric care. The trial in Johnson's workmen's compensation case was recently completed before Referee James J. Conley of Michigan's Workmen's Compensation Department.

At present, Chrysler is attempting to put the economic burden of Mr. Johnson's care on the taxpayers of the State of Michigan. Workmen's Compensation is paid by Chrysler Corporation.

Johnson's attorneys, Glotta, Adelman & Dinges, proved that in the two months prior to the tragic event which occurred on July 15, 1970, James Johnson was the victim of an incredible series of circumstances at the hands of Chrysler Corporation and its agents at the Eldon Avenue Gear and Axle plant.

In May of 1970, Johnson was involved in an automobile accident. He injured his neck and back and received medical treatment on a continuing basis. However, the Chrysler Corporation required Johnson to return to work against his own doctor's advice. The alternative: discharge.

As a result of time missed because of the automobile accident Johnson's benefits under Chrysler's Group and

Accident Policy were terminated. He testified that as of July 15, 1970 these benefits remained terminated.

The following month, June of 1970, Johnson took a legal, authorized vacation. When he returned to work from this vacation, he found that his time card had been lifted from the rack. His white foreman had placed him on a discharge status because he took a legal, authorized vacation. Although Johnson's status was eventually clarified, and he continued to work, the effect of this event on Johnson's psyche was totally demoralizing.

The evidence showed that his same foreman called Mr. Johnson "Nigger" and "Boy".

In addition to the racial slurs, Johnson testified to unsafe working conditions, including excessive flooding every time there was rain and dangerous unguarded overhead conveyors. Johnson testified that he frequently dreamed of injuries on the job and also, after his vacation discharge, constantly dreamed of losing his job at the Eldon plant.

On July 15, 1970, Johnson reported to his regular work at the Eldon Plant as a machine operator in the cement room. Johnson had held this position for more than a year. Prior to working in the cement room, Johnson was assigned to work on the number two oven. This was excessively hot and noisy job and Johnson had considered it an improvement when he had been transferred from the ovens to the cement room.

3

Johnson Not Alone

However, on July 15, 1970, Johnson's foreman assigned him back to the ovens after Johnson had worked approximately 45 minutes in the cement room. Johnson testified that he refused to go to the ovens because the proper gloves were not available. At this point, Johnson was suspended. In short, the final straw had fallen on the camel's back. The subsequent events are well known. The shootings, the arrest, and Johnson's eventual hospitalization.

Now, Johnson and his attorneys await the decision of Referee Conley. If Referee Conley finds in Johnson's favor, it is possible that he will receive psychiatric care and it is possible that Johnson's schizophrenic condition will come under control.

The importance of the James Johnson case is the fact that James Johnson is representative of thousands upon thousands of injured, maimed, and harrassed workers. None of the millions of men and women who go into the plants come out unscathed from their work experiences. The conditions which prevailed at the Eldon plant when Johnson worked there prevail at the vast majority of plants and factories throughout the United States.

The fact of the matter is that it costs the companies less to pay for injuries than to pay for safety. The fact of the matter is that the company, and the company alone, benefits from racism. Racism pits one worker against another. It is in the company's benefit to encourage that type of situation. Finally, the company does not have the capacity, nor does it desire the capacity, to treat individual workers as individuals. Instead, the company and its agents choose to throw its workers into a pit of nightmarish, endless, bureaucratic red tape. When the bureaucrats make a mistake, it is the worker who pays.

This case which is still awaiting a decision illustrates the necessity to take an aggressive position vis à vis the companies, to demand all and accept nothing less.

The Johnson cases (criminal and workmen's compensation) exist in a context of labor struggle in which Guild attorneys have been intimately involved. The Elden Gear and Axle Plant, described by the U.A.W. as the Ghetto of Chrysler Plants, spawned not only ELRUM (Elden Revolutionary Union Movement) but numerous other militant point of production movements for union democracy and safe working conditions. In April and May, 1970, the Elden Plant had three successive wildcat strikes, the last occurring when a young Vietnam veteran was buried under 5 tons of steel.

Many people were fired as a result of these different strikes, including John Taylor, now a Guild attorney who at the time was organizing inside the Eldon plant and J. U. Sims, now an important union dissident, who at the time was chairman of the Shop Committee in the plant. ^{J. U.} ~~John~~ Sims, and John Taylor were not reinstated because the company knew that they were committed to a real labor movement; one official said, "The company is out to break this local union." They reject the under-the-table sell-out approach which the company encourages union officials to take. Chrysler came to understand that they stood for an open militant, democratic trade union movement, and that is what Chrysler fears most.

Neither Taylor nor Sims have been able to work at the Eldon plant since discharge in May of 1970.

Sims' Challenge

Frank McKinnon, the present local union president, is a union bureaucrat. McKinnon went to work in the plants because his career as a bureaucrat in the Democratic Party had fallen apart.

McKinnon went to work in the Eldon plant approximately four years ago, at a time when Jordan Sims had already been in the plant 19 years. By May of 1970, McKinnon was a steward and had taken several steps in his attempt to recreate within the UAW his former role as a political hack within the Democratic Party.

In May of 1971, Jordan Sims took a bold step. Having maintained good standing in Local 961 of the UAW, despite his discharge, Sims decided to run for President of Local 961. His main opponents were Elroy Richardson, the

5

incumbent, who had first supported and then backed out of the walkout which led to Sims' discharge, and McKinnon. Since Richardson and McKinnon were in the plant, the odds were against Sims. At the time of the election, Chrysler had not allowed Sims in the plant for about a year, while Richardson and McKinnon campaigned freely in the plant.

Given these facts, the results of the primary election were extraordinary. Sims led the field, McKinnon followed, and the incumbent, Richardson, came in a distant third. Since Sims only had a plurality, rather than a majority, he faced a direct runoff with McKinnon.

Sims won the primary despite the fact that incumbent Richardson used *armed guards* to patrol the voting area and despite the fact that approximately 255 rank-and-file, production workers, mostly black, were wrongfully disenfranchised during the election. The ballots of these workers were challenged, sealed in envelopes, and never counted. The incumbent administration claimed that these voters were disqualified because of delinquency in their dues payments, a claim which was eventually rejected by the International Union.

Eldon Election

These extraordinary factors became even more crucial during the runoff election against McKinnon in June 1971. Sims lost by 36 votes. The armed guards were again present. This time over 200 rank-and-file, production workers, again mostly black, were disenfranchised. The same excuse was given even though the UAW Public Review Board has said, "Where a member has signed a dues check-off card *but the company's failure to check off his dues has caused him to appear delinquent in Local Union records, he, nevertheless, is in good standing and eligible to vote.*"

In a rare move, 13 of the disenfranchised workers filed a class action in federal court in an attempt to force local officials to open and count the sealed ballots. Their action fell on the deaf ears of District Judge Fred Kaess, a conservative Republican appointed to the

bench by Eisenhower. Kaess dismissed the class action and ruled that the plaintiffs' only remedy was with the Secretary of Labor, a course of action which meant an automatic 90-day waiting period.

If the action before Judge Kaess did not result in a legal victory, it revealed the profound disturbance felt by the rank-and-file membership of Local 961. These feelings reached a climax on June 21, 1971, when the local membership, in an open expression of defiance, voted to reject the results of the election, and demanded that all the ballots be counted, as Jordan Sims was likewise demanding.

The membership's action meant that the election would automatically be reviewed by the office of the International President, Leonard Woodcock. During the interim, McKinnon was allowed to serve as President of Local 961. Naturally, the Richardson-McKinnon-union bureaucracy forces, hovered over by their guardian angel, George Merrelli, the reactionary Regional Director of UAW Region 1, delayed action by Woodcock's office for as long as possible. Finally, on Sept. 30,

1971, hearings regarding the Eldon election were conducted by a two-man committee appointed by Woodcock.

In late October, after the expiration of the 90-day waiting period, Sims filed charges with the Detroit office of the Secretary of Labor. Woodcock as well as the Richardson-McKinnon-Merrelli forces realized that Sims would not fold.

On Nov. 10, 1971, Woodcock ordered that Local 961 begin preparations for a new runoff election. No specific date was set. The union bureaucracy had capitulated, avoiding legal intervention by the Secretary of Labor.

While the ordering of a new election represents a significant victory for union democracy, more importantly, it opens the door toward an even greater victory -- the election of Sims as President of Local 961. Much work must be done. The campaign is on. The union bureaucrats hope that the new runoff will allow them to regain some of the executive offices that were won by decent people, almost all black, during the original runoff. It is important that this be prevented. It is crucial that an entire progressive slate, led by Sims, be elected at Eldon.

This struggle of course continues: The election was appealed through the UAW structure and forced a new election. Guild attorneys helped to process this appeal.

That election was held on January 11, 12, 1972. J. U. Sims lost by 23 votes out of a total of 2,500 votes. Shortly after this election the membership discovered that this same Frank McKinnon used stolen funds in this election. Funds taken from the Local Union were used for such purposes as buying tickets to a charity football game to influence votes in his favor. After extensive investigation charges were brought on March 20, 1972.

McKinnon is the Democratic Party hack who became Acting President of Local 961 by stealing two Local elections (May 1971; January 1972) from Jordan U. Sims with the help of Solidarity House and the Labor Department.

Five members of the Local Executive Board, a majority of those voting, voted to disallow the charges against McKinnon. Interestingly, some of these same officers also countersign all the checks McKinnon gets from the Local. At the April 16 Membership meeting the Executive Board decision was overwhelmingly rejected by the members who also instructed the Executive Board to immediately put McKinnon on trial by a Trial Committee chosen by lot from among the Membership, in accordance with the UAW Constitution.

Meanwhile, a complaint has also been filed with the U.S. Department of Labor under the Landrum-Griffin Act. Local 961 members are watching to see if that agency will again help McKinnon and Solidarity House to some more of the rights supposedly theirs under the statute.

Guild attorneys have provided the legal support for all of this activity.