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# labor newsletter

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National Lawyers Guild

National Labor Committee

Issue #7

October 1973

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## ***Pulpwood Workers On Strike in the South***

by Abe Weisburd; reprinted from the  
Guardian, Sept. 26, 1973

Some 2500 Black and white woodcutters in the Deep South went on strike September 10 against several giant paper and pulp corporations. The strike was called by the Gulfcoast Pulpwood Association (GPA).

The GPA, a union of Black and white woodcutters, was organized in 1971 in Mississippi and conducted the first strike in the history of the Deep South against the paper industry. In addition to higher pay, one of the important victories of that 1971 strike was the unity forged between Black and white workers.

The GPA has increased its membership, which is 60% Black and 40% white, from less than 1000 in 1971 to some 2500. It has organized locals in four states.

A major demand of the strike is elimi-

cont. on p.2



Photo by Audrey Schirmer

## **Woodcutters Charged Under Anti-Trust Laws**

The Gulfcoast Pulpwood Association (GPA), an organization of exploited Southern workers, has been charged under both federal and Alabama state laws with "restraint of trade" and "interference with business." Its accusers are two multi-million dollar corporations--Scott Paper Co. and International Paper Co.

This absurd legal situation has arisen

because the woodcutters are not considered "employees" within the meaning of the Labor Management Relations Act (LMRA). Despite the fact that their labor is controlled by the giant paper companies and middlemen (dealers) who own the lands where wood is cut, who assign the woodcutters to their lots, and who fix the price of raw wood and

cont. on p.3

# STRIKE

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nation of "shortsticking," a practice which cheats the workers out of the agreed upon price for the wood they cut. Other demands call for an increase up to \$30 per cord from the \$15 to \$25 per cord agreed upon in 1971, accident insurance, and recognition of GPA as the bargaining agent for the woodcutters.

"Shortsticking," GPA president Fred Walters told the Guardian during a telephone interview, "cheats us of up to 50% of the agreed upon price to be paid." The companies weigh the wood or use an arbitrary standard called the "unit" which averages 168 cubic feet, instead of paying on the basis of the standard cord, 128 cubic feet.

Walters illustrated the cheating on the part of the companies by showing that the price for a load of wood he sold 25 years ago increased by only \$1 more in 1973.... "The last few months of inflation have made life impossible for us," Walters said.

Woodyards in 19 counties in Alabama and Mississippi were affected in the first few days of the strike. Sixteen mills have been affected, including five in Mississippi, nine in Alabama, and one each in Florida and Louisiana. The GPA had 17 active locals when the strike began. It expects to charter several more in the next few days. Organizers are signing up members as fast as they can get to the non-GPA cutters who are joining the strike.

"Our strategic position," Walters said, "is good because the mills have no wood reserves at all. And there was a paper shortage before we went out, so they can't ignore us."

On the third day of the strike, the International and Scott Paper companies secured a temporary restraining order in federal district court in Mobile, Alabama, to prevent picketing at their plants. They admitted in court that the strike had cut the flow of wood by 80%.

The monopolies which control the newsprint and building material industries in the South buy or lease huge holdings of private or federal lands. The wood-

cutters are completely at the mercy of the corporations. They have no place other than the corporation lands to use for cutting wood. After cutting the wood, they deliver their loads to "dealers" set up by the corporations at rail-road sidings. The corporations control every part of the operation.

Asked whether the GPA has solid support from the cutters, Walters said that only a few company crews and a handful of isolated cutters have refused to join the strike. He said the union has three times as much support as in 1971.

Asked about unity between black and white workers, Walters, who is white, said that the workers were "in complete harmony. For the past two years, the companies have been trying to break up our union. They discriminated against Black cutters with the hope of winning over the white cutters. They expected to split us up on the race question. The Black and white workers understand that if they don't work together and the union is broken up, the bosses will have them at their complete mercy."

"We walk the picket lines together. We have elected Black and white officers in all of our locals. We, however, recognize that racism exists and that it won't go away by itself. We have

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## STAFF THIS ISSUE

Sue Frey, Sharon Gold, Debbie Honig,  
Wini Leeds, Diane Middleton, Edd Taub  
and Geoff White.



learned that we have to face the problem squarely and we discuss the question at union workshops and meetings. We have also learned that racism breaks down when Blacks and whites engage in struggle together."

Woodcutters work from sunup to sundown. During the rainy season, they must find other work, mainly at junkyards and on other odd jobs.

When they seek work as cutters they are required to have a truck, sawing and hauling equipment. Since very few cutters can afford even a second-hand truck, they usually lease the equipment from the dealer or take out loans.

The monopolies, in their arguments in Mobile federal court, charged the cutters with restraint of trade. They claim that the cutters are businessmen who conspire to set prices through the GPA. But, in fact, it is the monopolies, which not only fix prices for the sale of their products but also conspire to fix prices when they have to buy the raw product from the cutters. The cutters are workers. Their equipment is in actuality an extension of their hands.

Among the multi-million dollar monopolies being struck, in addition to Scott and International, are Masonite, St. Regis Paper Co., Allied Paper Co. and Crown Zellerbach Lumber Co. The cutters supply wood for masonite, hard-

board and building materials in addition to the main product, newsprint.

Walters called for a boycott of all the many products of the struck companies and asked unions not to haul or handle any lumber cut by scabs. He also asked for financial support.

"We are preparing for a showdown with the international corporations which have made millions off the sweat and blood of poor Blacks and poor whites in the Deep South as well as off the poor people the world over," Walters said. "We are united. We will stay until hell freezes over. We will win."

Contributions to the strike fund may be sent to the Gulfcoast Pulpwood Association, P.O. Box 53, Eastabuchie, Miss. 39436.

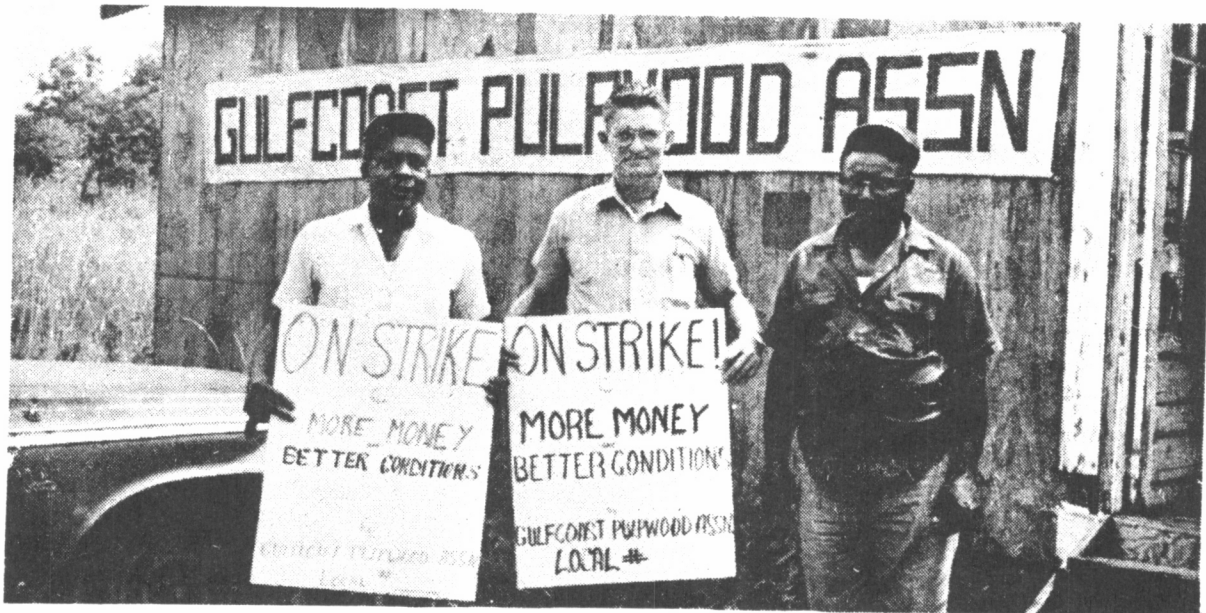
## anti-trust cont. from p. 1

its end products, the cutters are considered "independent contractors". As such, they fall under the jurisdiction of the Sherman Anti-Trust Act, a law which was introduced as a "progressive reform" for the purpose of prosecuting illegal monopolies.

The anti-trust problem was anticipated by the woodcutters' legal counsel who, prior to the strike, organized widespread legal support throughout the South. Attorneys from Mississippi, Alabama, Georgia, Florida, Kentucky, and other states have committed themselves to help not only on injunction

cont. on p.4

Woodcutters leader Fred Walters (center) and other officials at headquarters in Mississippi.



# ANTI-TRUST cont. from p. 3

cases, but with the inevitable legal problems that arise when strikers are busted, denied food stamps, credit, etc. Such support is essential, given the broad scope of the strike.

The paper companies launched an immediate legal attack on the GPA by seeking state court injunctions to restrict picketing and--most importantly --by going into United States District Court in Mobile and seeking to enjoin the entire strike under the anti-trust act. They sought not only an end to all picketing and an order declaring the strike illegal, but triple damages from the striking workers.

Fighting the federal injunction was considered the top legal priority by GPA leadership and their counsel, the Hattiesburg, Miss. office of John Ratcliffe (attorney), Martha Bergmark and Eliot Andalman (law graduates awaiting the results of the Mississippi Bar), and Betsy Goldman (legal worker). They worked together with a team of more experienced lawyers--David Scribner of New York, who came to Mississippi to help prepare legal strategy and to provide a background in areas of labor and anti-trust law where nobody else had experience; and James Blacksher of Mobile and Bill Allison of Louisville who, along with John Ratcliffe, handled the injunction hearings. After several days of intensive hearings in which many GPA members testified--while hundreds of woodcutters packed the courtroom--the U.S. District Judge ruled that the woodcutters were employees in the spirit, if not the letter, of the LMRA. He set aside the temporary restraining order which had halted picketing in the Mobile area, and declared the strike legal. The case is now before the Fifth Circuit, which refused to stop the picketing pending the appeal.

Jubilation over this legal victory was short-lived; however. No sooner had picketing resumed at the Scott and I.P. yards when the dealers that buy wood and sell to those two companies obtained an Alabama state court TRO to stop the picketing, under a statute which prohibits "interference with law-

ful business" (another anti-trust law). The GPA lawyers have removed this case (along with other miscellaneous state anti-picketing orders) to federal court for the hearing on the preliminary injunction. Convinced that the federal judge presently sitting would quickly remand the cases back to state court, they have continued the hearing and are waiting for the judge who handled the federal injunction to return from vacation.

In the meantime, the GPA lawyers are trying once again to get the NLRB to assume jurisdiction over the pulpwood cutters. This would mean that the strike would be completely "legal", since it is protected by the LMRA. And, as the NLRB pre-empts other jurisdictions, anti-trust statutes would not apply. State courts could only limit the "time, place and manner" of picketing, but could not prohibit it completely.

Although the legal status of the woodcutters may appear bizarre, in fact this is just a particularly blatant example of how our laws, regardless of their ostensible purpose, are used and manipulated by powerful owners of capital in their attempt to defeat all opposition. Other labor laws, including the LMRA, are likewise used, sometimes more subtly, in an attempt to thwart and delay the workers and preserve the status quo. This is why it is so important to understand that only the organized power of the workers--not their lawyers--forces meaningful change.

## RECENT DEVELOPMENTS IN THE STRIKE

Regardless of what goes on inside the courtrooms, the woodcutters' strike is continuing and growing in strength as more and more supporters are joining the GPA and refusing to haul wood. The strike is probably strongest along the Alabama/Mississippi border, where there are a large number of yards, and some of the best organizing has taken place. Picketing has temporarily been halted at the Scott and I.P. yards around Mobile. Business at these paper companies has improved somewhat since

cont. on p.10



# WORKERS SHUT DOWN PLANTS

During the month of August, workers in Detroit shut down three Chrysler plants in an attempt to gain control of their own lives and work situations. The first take-over occurred at the Jefferson Assembly Plant when Larry Carter and Isaac Shorter chained themselves in the electrical control room in an attempt to get a racist department superintendent fired. The unity with which the workers at the plant supported Carter and Shorter was awesome. When the company officials threatened to torch loose the cable that Carter and Shorter had wrapped around the control room

fence, workers brought chains and locks to keep the blow torchers away. This action culminated with victory for the workers when Chrysler agreed to fire the foreman and to grant amnesty for the sit-in.

Douglas Fraser, UAW Vice-President and head of the union's Chrysler Department, later made public statements that it was "absolutely a mistake" for Chrysler to give in during the Jefferson lock-in. He said he told Chrysler it had made the wrong decision there but acknowledged it wasn't an easy decision. He added "It was inexcusable if it was

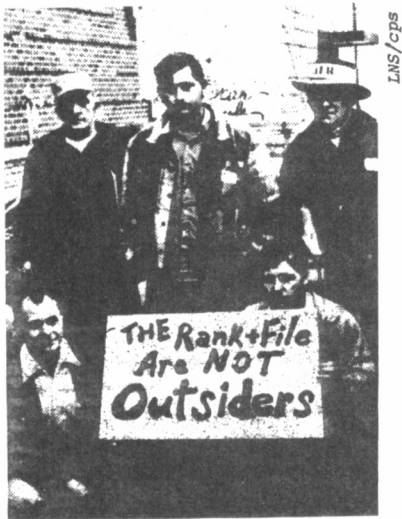
# plants shut

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based on a mad desire to close out the 1973 model run." (Detroit Free Press, August 15, 1973)

Solidarity also made possible the second shut down at the Detroit Forge Plant. This plant is crucial because there are only two forge plants in the country and a certain type of cylinder is manufactured only at Detroit Forge. Workers there, as at all Chrysler plants, have been forced to work amidst oil spills, broken down machinery, inadequate lighting and a host of other dangerous and unhealthy conditions for too long. On August 7th, they said in effect, "NO MORE!!" The midnight shift refused to enter the plant and picketed outside. As each consecutive shift came on, they took up the picketing effort. This take over was not the work of a few "dissidents" or "radicals" as the UAW and bourgeois press tried to imply. It was a struggle that almost all workers, black and white, young and old, men and women, skilled and unskilled, participated in.



On August 14th the third occupation took place at the Mack Avenue Stamping Plant when workers moved to keep another worker from getting unjustly fired. Once again, it was the unity and support among workers that made the plant occupation possible. This action was notable because of the

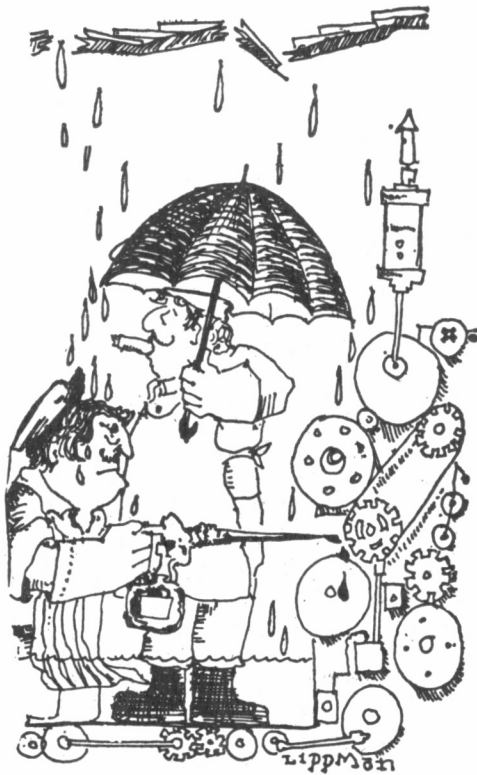
response of the UAW in calling out 1,000 UAW "loyal union men" to intimidate the workers to return to the plant (See p..8 .)

In all three cases the UAW sided with the companies and, as usual, sold out the workers. They responded to the takeovers by attempting to intimidate workers into going back to their jobs and by making false promises. They promised an inspection of health and safety conditions in the plants only if the workers went back to their jobs. When the UAW was confronted by picketers who would not back down on their demands, the officials used such goon-like tactics as fisti-cuffs and name-calling. "Labor movement veterans, including some who were purged from the UAW during the infamous anti-Communist drive, are now calling the young people who are charging the UAW with selling out the workers "revolutionaries", "radicals", "troublemakers", and the "crazies". (Michigan Chronicle, Sept. 8, 1973)

These takeovers have made crystal clear what workers have realized for years - the union which supposedly represents them is in league with management. The Michigan Chronicle (a black weekly newspaper) (article cited above) pointed out what all legal people experience daily: assisting workers' struggles today often means taking on the union as well as the company. In reference to the injunctions sought by Chrysler to halt the work stoppages, the above article noted: "The UAW lawyers were in the courtrooms too - but not representing the defendant employees. Nope, the UAW lawyers conferred with the Chrysler lawyers. The defendant workers, many of whom were immediately discharged, were represented by attorneys named Adelman, Glotta, Reosti, and Taylor - who found they had to battle both the UAW and the company in the courtroom."

This article will attempt to deal with the Detroit Forge Plant health and safety walkout and the legal action taken by the above-mentioned lawyers (all members of the Detroit Chapter NLG).





Chrysler immediately went into state court and sought an injunction to end the work stoppage citing the no-strike clause of the existing contract between the UAW and the company. The work stoppage started on August 7 at 11:00 p.m. The next day company attorneys were in court arguing that irreparable damage would occur in that all company engine assembly operations at three plants would have to stop by the end of the second shift on August 8. "This would mean that by 11:00 p.m. approximately 6,000 employees would have to be laid off as a result of defendants' conduct." Furthermore, lack of necessary parts would force all Chrysler plants manufacturing "Type A and B bodies" to shut down by August 13 - a move that would involve another 35,000 to 45,000 employees. Finally, "by the end of next week all plaintiff's assembly operations would be forced to close."

Could there be any doubt as to what action a judge would take? Judge James Ryan, of course, issued a temporary restraining order as requested by the company and set the matter for a hearing as to a preliminary injunction two days later.

The workers' lawyers removed the case to federal court as a tactical maneuver since the state court judge would not have allowed an evidentiary hearing but would have summarily issued contempt citations. The Federal District Judge, Cornelia Kennedy, never dissolved the state injunction but never issued a TRO - the matter was merely set for a hearing on the preliminary injunction. The hearing went on for three long days during which much evidence was introduced as to safety conditions at Detroit Forge.

The defendants sought to dissolve the injunction on the grounds that 1) there was no allegation of violence hence no foundation for the invocation of the state police power; 2) that the TRO was vague and overbroad and hence an infringement of the workers' First Amendment Rights; 3) that Section 4 of the Norris LaGuardia Act expressly prohibited the issuance of an injunction; and most importantly 4) that the workers' action was a safety strike and hence expressly protected by Sections 8 a 1) and 502 of the National Labor Relations Act.

As to Section 4 of the Norris La Guardia Act, the defendants argued that the company could obtain an injunction in the face of that provision only if they could show that the dispute was covered by the no-strike clause and the defendants were contractually bound to arbitrate the dispute in question. Section 502 of the NLRA reads: "...nor shall the quitting of labor by an employee or employees be deemed a strike under this Act." Thus, the company could not circumvent Section 4 since this was a safety strike and "the law is perfectly clear that Section 502 strikes are 1) not proscribed by no-strike clauses in collective bargaining agreements, and 2) cannot be proscribed

cont. on p. 9



# UAW Muscle Opens Plant

1 0 0 0 G U A R D

## the G A T E S

So read the headlines of the Detroit Free Press on August 17, 1973. On August 14 workers occupied the Chrysler Mack Avenue Stamping Plant in Detroit to protest an unjust firing. This was the third such occupation in one month. The UAW decided that it had to demonstrate its solidarity with management in the face of such uppity rank and file action. Thus they called out 1,000 "loyal union men" (referred to as the goon squad by many workers) to surround the plant.

The UAW maintains that such a show of force was necessary to protect the "democratic rights" of workers to perform their jobs. But if everyone was so eager to get into the plant why was it necessary to use so much muscle? The bourgeois press reminisced that the situation recalled the days of the "flying squadrons" - elite union troubleshooters. But they overlooked the fact that in earlier days, action was directed against the company - not the rank and file!!!

The tactic was accompanied by statements by high union officials that they were "declaring war against radicals." (Detroit News, Aug. 17, 1973) Ken Morris, director of the UAW's Region 18, said: "This is a drive on the part of the members to build and protect the union which we have built over many years." Douglas Fraser, UAW Vice-President and head of the union's Chrysler Department, said: "The union has an 'educational job' to do among the members...we're going to be constantly on the alert from now on - not only at Chrysler but also at Ford and General Motors." (Detroit Free Press, Aug., 17, 1973).

Editorials in the ruling class newspapers demonstrated that they well understood the underlying issues:

"The lawless takeover of the Mack Ave. Stamping Plant - the third unauthorized shutdown of a Detroit Chrysler Plant in the

last month - points to a potential crisis for both the United Auto Workers and the auto companies that must be dealt with immediately.

"The issues and circumstances of the three shutdowns have been different, but in all three instances workers took matters into their own, and out of the UAW's hands. The union must regain control, and there are positive signs that it is beginning to."

Detroit News Editorial  
(emphasis added)

The above statement clearly shows that the bourgeois press understands the class collaborationist role played by the international leadership of powerful unions in this country. Implicit, too, is the fact that the press understands that the workers understand this class collaborationist aspect of trade union leadership today and are refusing to allow themselves to be controlled by a structure that does not respond to their needs.

The recent actions in Detroit make it obvious that business will not continue as usual. More and more workers are realizing that their union representatives are not taking care of their business. Douglas Fraser would do well to be "constantly on the alert." For militant actions by workers will continue until they have gained control of their lives and working conditions.

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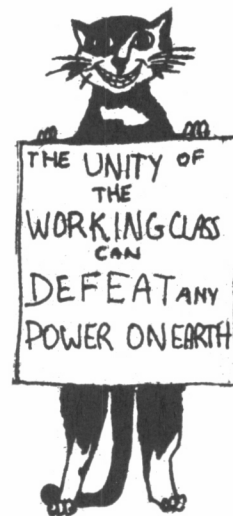
by agreement of company and union. The right to strike over safety conditions cannot be bargained away because the right belongs to each worker over and above the collective bargaining agreement." (quoted from defendants' pleadings)

At issue was whether Boy's Market v. Retail Clerks, 398 U.S. 235 (1970) applied in this instance. Boy's Market held that the anti-injunction statute (Section 4) didn't apply where a collective bargaining contract contained a mandatory grievance or adjustment procedure. The defendants countered this by saying that the protection of safety strikes is broad and its extent could not be over-emphasized. They cited NLRB v. Washington Aluminum Co., 370 U.S. 2 (1962) for the proposition that employees are protected under a safety strike even if they fail to first make a demand on the employer. In short, the workers maintained that their right to act together "in good faith" to better "abnormally dangerous conditions" could not be abrogated either by a no-strike clause or a mandatory grievance procedure clause.

Despite all of the above, Federal District Judge Cornelia Kennedy held that Boy's Market applied and that the defendants' failure to follow the grievance procedure outlined in the collective bargaining agreement made Section 4 of the Norris LaGuardia Act inapplicable and hence an injunction could issue. Her finding as to Section 502 was absurd in that she stated that any one individual could walk out over a health and safety issue but concerted activity by more than one worker would not be protected.

The work stoppages in Detroit were significant because they demonstrated the power of workers' solidarity. The plants were shut down for a time sufficient to let the company feel the strength of the workers. The UAW now understands how these work stoppages deprive them of their credibility and legitimacy with management because they can no longer produce a stable and disciplined labor force.

Workers are continuing the long struggle to gain our basic human rights. These takeovers are not just "their" struggles or victories. Any defeats that they suffer or gains that they make will reflect on all of us as working people. Therefore, the responsibility to support these struggles also fall on us, for it is only when we unite that we will gain our rights as workers. (NOTE: The author of this article wishes to acknowledge liberal plagiarizing from an unsigned leaflet entitled "Chrysler Workers Take Over")



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## anti-trust cont. from p.4

the picketing stopped--they use company crews to haul wood, and pay high rates to scabs who are brought in from ever-greater distances. There is no question but that picketing is a crucial tactic: woodcutters work in scattered, isolated areas; they do not own telephones or newspaper subscriptions; and picketing is the way to get information to them. Nevertheless, the strike still cuts heavily into the volume of business done by Scott and I.P.

Many GPA members have been moving around through the South, organizing other woodcutters and spreading the strike. These are not "professional organizers", but workers who have spent their lives hauling wood, and who have become active in the leadership of their union since the last strike against Masonite.

While the pickets were up in Mobile, railroad workers (individually, not through their union), refused to haul wood from Scott and I.P. However, the unionized employees of the two paper companies have ignored the strike, claiming that the no-strike clause in their contract prevents them from honoring the picket line.

### CONTRIBUTORS TO THE NEWSLETTER

Information on the legal struggles of the pulpwood cutters was supplied by John Ratcliffe and Betsy Goldman, Hattiesburg, Miss., compiled by Wini Leeds in San Jose. Diane Middleton, San Francisco, prepared the articles on the Detroit auto workers, with information and pleadings from Glotta, Adelman & Dinges, Detroit. The article on the French watch factory was sent to us by Karen Hudes, a Guild member spending the year in Holland. Much of her information came from the Dutch press. Paula Roberts and Craig Livingston of the Newark Law Collective provided the write-up on the Action Caucus.

### THE NEWSLETTER NEEDS YOUR FINANCIAL SUPPORT:

This issue #7 marks the beginning of the Labor Newsletter's second year of publication. We have paid our way so far by reader subscriptions plus larger donations. Thanks to the enthusiastic response to issues #4, 5 and 6, we managed to stay almost \$100 ahead of costs each subsequent issue.

However, this issue will almost wipe out our account. There are three reasons for this. First, costs, especially that of paper, have risen alarmingly. Second, our mailing list expands so rapidly that we have to print and mail hundreds more newsletters each edition (and the cost of postage is due to go up soon.). Third, the rising level of activity all over the country increases the cost of keeping up with current events.

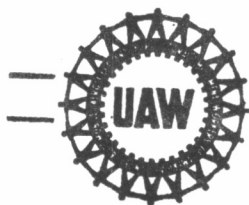
Most of the people who write to us and ask to be placed on the mailing list do send money for a subscription. However, a great many people receive the newsletter because they have signed up for it at National Lawyers Guild and other meetings. To keep us going, we ask that all such people who can afford it send us a subscription.

Those of us who put out the newsletter have other full-time occupations. It is all we can do to keep up with correspondence, the mailing list, news, and production. We cannot afford the time to send out bills and do other time consuming bookkeeping chores. Nor do we want to restrict distribution of the newsletter to only those who pay in advance. We do have records of who paid what, when, and if it's ever necessary, we'll take the time to prepare notices, but that will be a big drain on scarce resources (not to mention the additional cost for postage, mailing, etc.).

One last word...those of you who subscribed early on might want to think of renewing your subscriptions. Help the Labor Newsletter celebrate its first anniversary--send money.

Thank you from the Staff.





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Dear Editors:

I have been a Guild member since 1960, was a member of the Detroit Chapter's Executive Board, helped plan last year's National Labor Conference, and presently am working with the Labor and Womens Committees of the Detroit Chapter. I am also on the legal staff of the United Automobile Workers.

Your August Newsletter applauded the election of alleged anti-establishment UAW officials in Detroit (Eldon Axel), in New Jersey and in California. The NLG correctly presumes that the UAW members in those plants knew what they were doing when they elected those particular local UAW officials. In contrast, the NLG presumes that the UAW members in all other plants around the country did not know what they were doing when they elected their local and International Union officials. This view is elitist and paternalistic on the part of the NLG.

Your Newsletter's articles attack the entire UAW, which would include the leaders in all locals, as well as the International Union. At least one of

your articles was written by a lawyer for the so-called anti-establishment UAW local union president, who was elected. Unless your Newsletter purports to be an organ of and for the various so-called anti-establishment leadership caucuses, then I believe you should attempt to get the UAW's views before making your across the board attack.

There is no doubt that there are competent as well as less than competent local leaders in various UAW and other plants around the country. The competence of lawyers also varies considerably.

The election of three sets of local officers shows that there are remedies for UAW members who believe they are not being adequately represented.

The UAW, as apparently the Guild has, has contributed a great deal to the United Farm Workers and has made other efforts to organize the unorganized. The NLG, in my view, should look to its own house. There is much more which the Guild can do in areas of womens rights law, at helping organize the unorganized and in representing workers in areas such as unemployment insurance, where private practitioners generally do not represent them.

Sincerely,

Jordan Rossen

# French Workers Take Control In Watch Factory

## **BOSSSES & GOV'T FEAR BAD EXAMPLE**

The recent conflict centering around the Lip watch factory has become the most serious social issue in France since May 1968. Lip in Besancon is France's largest watch manufacturer, with 1,300 employees, most of whom are women. After several years of bad management by the owner, who called himself "Baron", the share of Lip watches in the market fell from 60% to 5%. In 1967 Lip sold 40% of its shares to a Swiss conglomerate bank and watch factory with the permission of the French Government. When a deficit of several million Francs was revealed last April, Lip's successor, Saintesprit, stepped down. At that point the IDI, an institution for industrial development, saw only one alternative: the factory, which produced fine instruments and weapon parts in addition to watches, would have to be split into separate firms and sold.

### **REORGANIZATION THREATENS**

It became obvious to the workers that this "reorganization" would mean the loss of a job to hundreds of employees. After the 18th of April, the day which Saintesprit stepped down, everything remained unclear. Government departments studied the problems and visited the factory regularly, where the personnel were told that there was no decision taken yet. On the 12th of June, the personnel locked up a number of government employees in the director's office until they would say what was decided. Then someone came up with the bright idea to look in the briefcase of one of the functionaries. To his surprise, he found there detailed reorganization plans, including lists of the people who would be fired: especially semi-skilled older employees and office workers who would be easy to replace.

### **THE OCCUPATION BEGINS**

On the 14th of June the workers occupied the factory and the confiscated papers were shown on television. On the same night the police came to set the government functionaries free. The next day more than 12,000 residents of Besancon (total population 100,000) along with Lip personnel protested against the plans. The entire city council joined in. That night police brutality turned a group of neutral spectators into Lip supporters.

The factory was thus occupied. The creditors who had a debt of millions of Francs to collect remained out of sight. The government did not dare to begin anything after the large demonstrations. The production was continued on a small scale. When the raw materials were used up, there was nothing more to do since the suppliers had stopped deliveries immediately. To give more publicity to the occupation of the factory and to pay salaries, watches were sold from the production line. The owners, concerned with low stock supplies, then paid the next month's salaries and vacation premiums.



In the beginning of July, when half of France went on vacation, part of the Lip workers went to other businesses and to vacation resorts to organize actions and obtain support. At first during the daily meetings of the Workers Council at Lip, the possibility of continuing the business under workers' control was considered. This idea was rejected for

(continued from last page)

practical reasons (too dependent on suppliers). The government proposed August 1st that Lip be split in three separate firms and that the fine instruments and weapon parts be sold to other manufacturers. The watch department would be discontinued, meaning that 500 workers would be fired. This would result in long unemployment for the older workers, with a 40-50% decrease in income, or retraining for other work with a 20-30% loss.

The next day the Workers Council rejected unanimously this plan. After four months of workers' control, Lip workers firmly believe that a form of self-management and in any case workers' participation is possible. They are supported in this by the political parties on the left, the left wing of the Gaullists, the large ex-Catholic union C.F.D.T., and the communist union C.G.T.

#### COURTS UNLEASH POLICE

A court judgment in Besancon declared the workers' occupation of the factory and the self-management to be illegal. On the morning of August 14th police forces ended the workers' occupation of the Lip factory and closed it down. This was followed by protests in which 26 people were wounded and 10 were arrested. Solidarity strikes were organized in at least 10 major cities in France, including a strike by the railroad workers which completely paralyzed train transport.

In the meantime, Lip workers, refusing to be intimidated by Court action and police invasion, have transferred production to the Jean Zay gymnasium in Besancon. Production and sales have been continued. The Workers Council has a strong position in the negotiations with the government. One vital part from every machine in the factory has been removed and hidden, and all important administrative papers and computer tapes are in the hands of the workers.

"A SINGLE SPARK..."

It is obvious at any rate that the business world is not happy with the state of affairs at Lip. It is feared



that the self-management experiment is a dangerous example which might spread to other factories. Lip is seen as an abscess on the body of industrial relations. The bosses are therefore anxious to see the government carry out its plans for reorganization of Lip as rapidly as possible in order to return to the established order.

But no matter how the Lip affair ends, it has already had an important influence on the social climate in France, if not in the rest of Europe and the industrialized world. This conflict has demonstrated clearly for everyone to see that the owners of capital are not necessarily good managers; and that the workers are capable of taking control and managing production. The Lip affair has also been a reminder that when a firm is liquidated, the rights of creditors are more respected than those of the workers.

#### SELF MANAGEMENT SPREADS

The New York Times Press Service reported recently that new instances of workers' control are greatly alarming European countries.

According to the Times, the example of Lip, where 1300 French workers took over a bankrupt watch factory and successfully continued production for six months until police evicted them by force, has inspired "dozens of similar episodes, not only in France, but elsewhere in Northern Europe." (Sept. 21, 1973)

In Cerizay, France, 90 workers in a shirt factory set up their own production process. In Liege, Belgium, workers took over a bankrupt appliance company.

The French paper, Canard Enchaîné, reported that three large companies (Berliet, Boussac, and Agache-Villot) that employ from 20,000-30,000 workers apiece, are pressing for financial assistance from the government to avoid new "Lips" in their plants.

# ACTION CAUCUS

## How Legal Tactics were used to Support Organizing

In April of 1970, some of the members of Local 736 of the U.A.W. at the New Departure Hyatt Bearings Plant in Clark, New Jersey, formed a caucus they called "ACTION". One of the members, Speedy Gonsalves, was already an alternate committeeman (instead of shop stewards, UAW locals have committeemen). The others were interested in making the union more responsive to the needs of the local membership and realized that the only way to do this was to actually take over the local union. ACTION published leaflets and periodicals which were printed on a mimeograph machine in Gonsalves' cellar. Members of the caucus passed out the leaflets at plant gates, wore buttons with the ACTION sign and began to reach other workers who were dissatisfied with both Management and the local union.

Needless to say, the activities of the ACTION caucus endeared its members to neither management nor the union. In fact, within three months of its formation, nearly all of the members of the ACTION caucus were under attack. They were given unwarranted disciplinary layoffs (DLO's), laid off out of seniority line and harassed on the job. At this point they contacted members of the Newark Law Collective in an attempt to get legal help to deal with these problems. Members of the collective have been working with the ACTION caucus ever since. Our work with the caucus has centered in three major areas: 1) use of the NLRB and state courts to prevent harassment of ACTION members, 2) use of state and federal laws such as Title VII of the Civil Rights Act

of 1964, and OSHA to build membership in the caucus and encourage participation by Black and women workers, 3) use of federal law, particularly Landrum-Griffin and state common law remedies to ensure that union elections are conducted honestly. This article is an attempt to analyze and evaluate some of the legal work we have done over the last three years. If any of you wish copies of papers we have filed or a more detailed explanation of a particular theory we used, write or call either Paula Roberts or Craig Livingston, 108 Washington St., Newark, N.J. 07102, and we will try to help.

### MANAGEMENT ATTACKS

The initial attack on ACTION members came from Management. Gonsalves, who had never before been disciplined by the company, received three DLO's in one day in September, 1970. Two of these charges involved using profanity to a foreman in the course of discussing a grievance by a union member (as a committeeman, such discussions were part of Gonsalves' job). The third discipline was for remaining too long in the bathroom and thus "loitering" on company property. In response, he filed an unfair labor practice charge with the NLRB.

Shortly thereafter, two other members of ACTION, Bill Jandik and Jimmy Zarrello, were laid off on the pretext that their line was being closed down. In fact, the line was kept operating by other employees for two to three weeks after the layoff. Zarrello and Jandik were eventually recalled but not given the shift preference that



they were due. It then developed that several foremen had made threats about getting the ACTION people out of the plant. A second NLRB unfair labor practice charge was filed. The NLRB refused to issue a complaint in the Gonsalves case but did issue a complaint for Zarrello and Jandik. An appeal was made to Washington in the Gonsalves case, but the appeal was denied. A hearing was held in the Zarrello-Jandik case and the hearing examiner found that there was a violation of section 8(a)(1) of the Labor Management Relations Act (LMRA) (threats to discipline because of their concerted activity) but found that the layoffs were not discriminatory and thus section 8(a)(3) (prohibits discrimination against employees to encourage or discourage union membership and activity) had not been violated. This was basically an evidentiary ruling holding that we had not shown by a preponderance of the credible evidence that discrimination had occurred. The company had to post a notice stating that it had violated the LMRA and that it would not harass persons for their union activity in the future.

Jandik and Zarrello received notice that the NLRB had issued their complaint on December 14, 1970. On that same evening, both were again put on notice that they would be subject to discipline because they were "loitering" in the men's room.

Then, in January, Zarrello filed a grievance on behalf of the men in his department requesting a paid lunch period to which they were entitled under the contract. The company agreed to the paid lunches and immediately transferred Zarrello to another shift and a different department on the pretext that he was being put in a training program. This resulted in a considerable salary cut to Zarrello. Then in February, as a result of activities by the ACTION group, the local refused to ratify the local contract and a new one had to be negotiated. Management was getting angry.

In March, when Gonsalves got an intestinal virus and missed several days of work, he was fired. He had received

two additional DLO's in the interim, both related to his defense of fellow employees when processing grievances. A third NLRB charge was then filed on behalf of Zarrello, Jandik and Gonsalves. The pattern of illegal company harassment was clear. What was equally clear, however, was that management's tactics were at least a limited success. The election of union officers was scheduled for May 5 and May 26. ACTION was running a full slate of officers. Yet, on March 25 Gonsalves had been fired and Zarrello was out on a thirty-day DLO--his next discipline would mean that he, too, would be fired. A year of militant action and organizing was futile if ACTION members could not even enter the plant to talk to the workers or negotiate with management. Realizing that the NLRB could not act fast enough to deal with this reality, we filed a suit in state court based on the breach of the union's duty of fair representation.



Plaintiffs, as members of the local union, had a contract with the company. The company's discipline of plaintiffs was in violation of the U.A.W.-G.M. agreement, and the union's processing of their grievances was arbitrary, capricious, and in bad faith. The Chancery Court ordered reinstatement of the plaintiffs pending a full hearing. Our clients were back in the plant for one week when the order was dissolved and our motion for Interlocutory Relief was denied. Four days before the election we were back out on the street. (The court eventually granted General Motors' motion for summary judgment; we appealed and

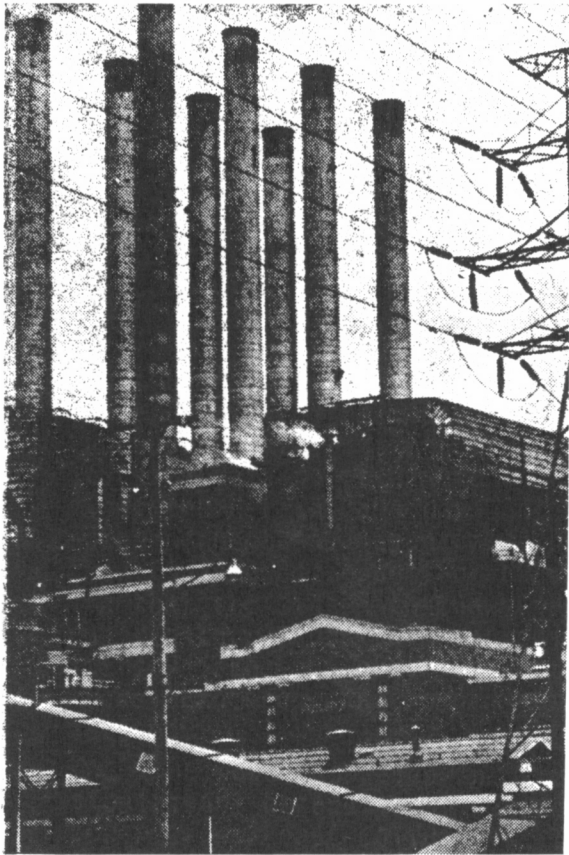
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# ACTION

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lost.) So long as we had the NLRB and a union grievance procedure available, the courts would not interfere.

To no one's surprise, the entire ACTION slate was defeated in the election. However, the NLRB did agree to issue a complaint. In September the Board found violations of 8(a)(1) and 8(a)(3) and ordered reinstatement, back pay, and the posting of notices. Subsequently the U.A.W.-G.M. Arbitrator also ordered reinstatement of Gonsalves. This marked the beginning of an upsurge ACTION. That the company had been defeated and ordered to pay had a profound impact. Those who had been sympathetic to ACTION but fearful for their own jobs began to see a real possibility of fighting back.



## WHO IS THE ENEMY?

While up to this point, our legal activities had centered on the company, it was clear that the union itself was beginning to worry. Each of the DLO's had been the subject of a grievance which was shoddily handled

by the committeeman. At this point, two distinct things happened. First, we began to see the possibility of using legal skills in an aggressive way to recruit people into ACTION. Women and minority group members were encouraged to see the ACTION lawyers about filing state and federal discrimination complaints. This was a positive way of relating to those problems in the plant and encouraging people to believe that there were more ways to fight back. Many of these complaints could have been the subject of union grievances (i.e., refusal to allow high seniority women to bump into traditionally male jobs) but had met with resistance from shop committeemen. In many cases, complaints were drafted which named the union as a respondent. We also filed an OSHA complaint alleging serious safety hazards in the plant. Others, after dragging about in the bureaucratic maze, simply brought about frustration and resentment.

Then, too, the union began fighting back. An election was scheduled for March 1972 to elect local delegates to the International Convention. Five delegates and two alternates were to be chosen, and ACTION ran its own slate. Under 29 U.S.C. §481(c), a local union is required to keep a list of the names and addresses of all members of the union who are covered by a collective bargaining agreement. Any candidate for election can demand to see that list and copy it for the purpose of mailing out campaign literature. This right is crucial in any local where a significant number of the members is laid off or are retirees. We requested that the union produce such a list so that we could send out our literature. They refused. We went to the Federal District Court, citing Conley v Aiello, 276 F. Supp.614 (S.D. N.Y. 1967); Wirt v American Guild of Variety Artists, 267 F. Supp.527 (S.D. N.Y. 1967); Antal v United Mine Workers, District 5, 64 LRRM 2222 (W.D. Pa 1966). Once in court, the union backed down and agreed to allow the inspection and copying of the list they had of members, including those who had been laid off (such a list being separate from the main list).

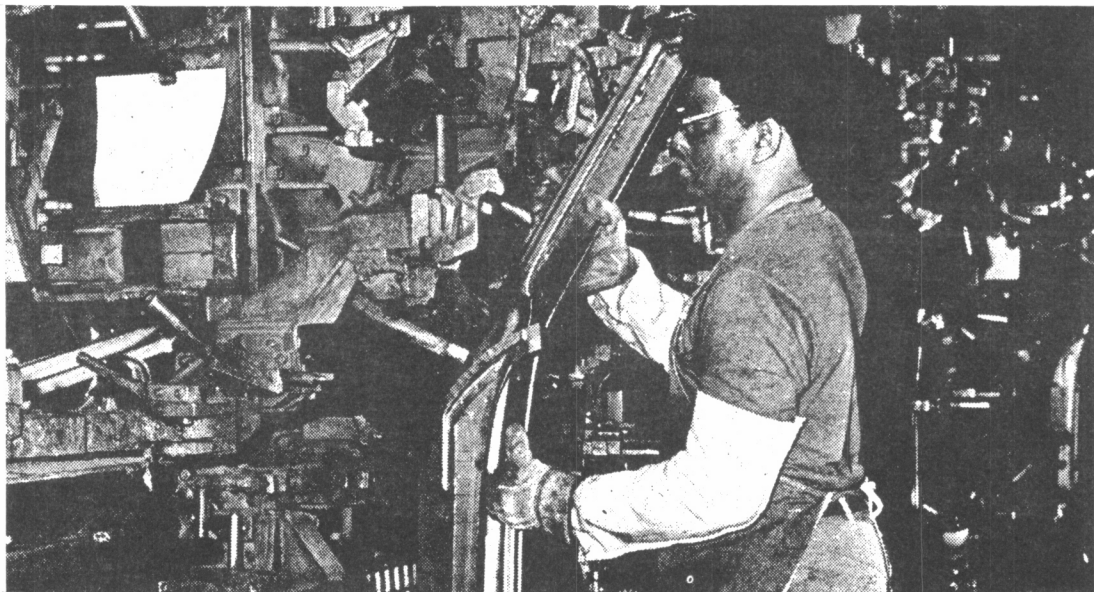
The election was held ten days later, and the ACTION slate was elected to fill four of the five delegates and one alternate.

This was not only the first electoral victory for ACTION, but also struck at the heart of the local leadership since one of those who had run for delegate and been defeated was the Shop Chairman. As a result of this "no confidence" vote, the Shop Chairman resigned. Gonsalves decided to run and in June of 1972 was elected to fill out the term. When Gonsalves took over, however, many problems developed. He now was working on a daily basis with "the opposition"; he inherited a backlog of grievances; working as a member of a dissident caucus as well as an elected official put pressures on time and perspective.

Energy had to be devoted, at this point, to building the caucus and preparing for the elections scheduled for May, 1973. By December, 1972, the local leadership began its maneuverings. Prior to this, all union elections had been held at the union hall. Now a move was begun to hold in-plant elections which would be subject to rules laid down by management. The membership, by referendum, voted against the proposal. The leadership then raised their proposal at a union meeting and had it adopted. ACTION, fearing collusion between union and management, called for a Special Meeting to discuss

the issue. Article IV of the By-Laws requires such a meeting when 150 members of the local so request. At first, the local executive board refused to convene a meeting. Then knowing we were about to go to court, they scheduled the meeting. The meeting was to be held one hour before the regular union meeting and four days before the election. We went to court, and obtained an Order to Show Cause. The basis of the complaint was that failure to call the meeting at an earlier date was a violation of the union officers' fiduciary responsibilities under 29 U.S.C. §501. We included an additional claim that failure to call the meeting was a violation of the By-Laws of the local which were a contract between the local and its members. In support of the 501 claim, we cited Sabolsky v. Budzawoski, 457 F.2d 1245 (3d Cir. 1973); Moschetta v. Cross, 48 LRRM 3226 (1961), and note Union Elections and the LRMDA: Thirteen Years of Use and Abuse, 81 Yale L.J. 407 (1972). On the question of whether the by-laws of a union constitute a contract between it and its members, see Bonnhart v. UAW Local 669, 12 N.J. Super 149 (App. Div. 1951). In addition we dealt with the problem of having to exhaust internal union remedies before going to court. The Sabolsky case, supra, is most helpful.

On the return date, the local's law-  
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# **ACTION** cont. from p. 17

yers came in and argued that if the local voted on April 29 to change the site of the elections, then the site would be changed. The judge, on the basis of this representation, refused to issue an injunction ordering an earlier meeting.

On the 29th, the meeting was convened and summarily adjourned by the local president without considering the issue. He simply ruled the motion to consider the issue "out of order". A similar motion raised at the regular meeting was also ruled out of order.

On April 30, we were back in court. However, we faced a real dilemma: we were unwilling to have the election postponed because the membership was outraged at the local's officer's actions around the location issue. But we did not wish to establish a precedent for in-plant elections. The judge was outraged by the duplicity of the local's officers in refusing to consider the question after its representations in court that the will of the membership would be honored. Since there was no time to act without stopping the elections, we decided to withdraw our suit. In return, the judge indicated to us that he would make himself available throughout the day of the election and at the first sign of tampering he would entertain any appropriate motion from us.

The election was thus held in the plant. However, the ACTION slate swept the Executive Board election, all but one office. In a subsequent election, held three weeks later for the Shop Committee officers, the ACTION slate again won.

Simultaneously with this activity, we faced another crisis. The ACTION slate had called for a demonstration outside the plant to protest arbitrary shift changes, harassment of long hairs, and a variety of poor working conditions. Management said it would consider such a demonstration a "picket" in violation of the local contract. A decision was made to hold the demonstration regardless of management's position. Gonsalves was fired and several caucus members were disciplined. We believed

that management was correct--it was a picket--and held little hope for reinstatement. An unfair labor practice charge was filed and the union took the case to arbitration. To our surprise, the Arbitrator held that while the demonstration outside the plant gates protesting working conditions was a picket, and therefore in violation of the no-picket, no-strike agreement, GM had failed to follow the correct procedures and thus the discipline meted out was illegal.

In addition, the ex-President of the local leadership filed criminal libel charges against the caucus members because of some of the campaign literature accusing him of stealing union money. We are raising truth as a defense and have failed.

## WHAT NOW?

Having won the election, we were in a strange position. Usually, the firm retained by a local does workmen's compensation and defends the actions of the local membership. We were unsure as to how much compensation work we wanted to do and eventually worked out an agreement whereby the union retained us and another firm to split the work.

The election, however, held other traumas for us. There was a split between lawyers and between members of ACTION as to whether the demonstration should be held. Was it a political act or an act of pure macho? From this, we began asking ourselves a lot of questions: to what extent can/should our politics be injected into a labor caucus? what can we expect when a militant caucus actually assumes power when that caucus is not socialist? what role do we play politically or legally once the take-over is accomplished? It is clear that when a militant caucus takes over change occurs. But the

quality and quantity of that change, when members are not political theorists, is mixed. Then, too a local must operate in the context of regional and national union politics. The victory of ACTION is one step in the struggle. But the struggle continues.





# ROOTS OF CLASS STRUGGLE IN THE SOUTH {part two}

This is the second half of an edited transcription of a talk on labor history by Ken Lawrence at a Labor Workshop sponsored by the Southern Conference Educational Fund (SCEF) at Birmingham, Alabama, on May 5-6, 1973. The first part, which was reprinted in the August 1973 issue of the Labor Newsletter, covered BEFORE THE CIVIL WAR, THE CIVIL WAR, HOW TO READ LABOR HISTORY, THE RECONSTRUCTION ERA, THE KNIGHTS OF LABOR, and THE AMERICAN FEDERATION OF LABOR. For copies of the complete transcript, write to Ken Lawrence, SCEF, Box 5174, Jackson, Miss. 39216. Please send money to cover postage plus a 50¢ donation.

## THE ALABAMA MINERS' STRIKE OF 1894

A book has recently appeared called Labor Revolt in Alabama, which is about the great strike of 1894, and I want to deal in some detail with this. This is an interesting book. Almost unwittingly, the authors have told the story of how, step by step, racism was imposed on black and white workers in Alabama. They haven't set out to do it, and I don't think they even realize that that's what they do. But they provide all the evidence, and reading it from that perspective is well worth doing. This is a tremendous book, if you don't expect too much sophistication from the authors themselves. But in terms of richness of detail and just plain good reading, it's there.

To me, this is a very analogous thing. Under slavery, as we said before, the plantation owners hired the poor whites to be patrollers, to go out and brutalize the slaves so they wouldn't run away. But of course no sooner had they done that than the patrollers, not being restricted by owning the slaves, were far more violent and terroristic than the owners of the slaves ever intended them to be. And then, of course, from then on, the plantation owners were always crying publicly about all these white riff-raff--they're so brutal to the blacks and what not--but of course they were the ones who brought this system into being. Well, as we'll see in the development of this strike, this is exactly what happened here. Step by step by step, the people running things managed to impose a little bit more racism each time, but now, today, with that not so clear, they go around saying, it's the poor whites who are the racists, not us. They're the ones because of course once racism had been successfully imposed, it wasn't kept within the bounds that the genteel rulers intended when they first imposed it.

In 1889, 46.2% of Alabama coal miners were black. To me, that's a very striking statistic. That means essentially 50-50, for any sociological purposes. And so I want to compare that fact in the book with the way the book's authors interpret its bearing on the strike. Here's what these authors of Labor Revolt in Alabama said about black workers: "While they did not outnumber the whites, they served as a bar to an effective labor movement and as a strike-breaking force always available to the coal miners." What this book proves, by the way, is that that is untrue. While the whites did outnumber the blacks slightly, they served as an effective bar to the labor movement and ultimately divided it.

The first strikes in Alabama mines--and all of this is right in this area, by the way, in the five counties right around Birmingham--and it's a remarkable history--the first strikes were in 1879 and 1880, and they were broken by convict labor. And as a result, one of the earliest demands of miners in Alabama was the abolition of convict labor, and that was one of the things that they constantly struggled for, over and over again. It becomes a demand in politics, it becomes a strike demand, and so on.

The next major strike was at the Pratt mines, led by the Knights of Labor in 1882. And 500 strikers won their economic demands there. And from this time on, there were frequent and often violent mass strikes in this area. In 1888, there was a meeting held--a convention held, actually--in Birmingham, including two delegates from every county, a third of whom were black; representatives came from the Knights of Labor, the Morgan County Agricultural Wheel, the Farmers Alliance, the Tailors Union, the Typographers Union, and the Carpenters Union. And they established the Alabama Labor Party. The Alabama Labor Party advocated more pay for workers, better working conditions, government ownership of the means of communication and transportation, fairer election laws, and an end to the convict system. And this development, the Labor Party itself, didn't last very long, but there were several political developments which kind of intertwined. One was the Jeffersonian Democrats, which was in opposition to the Bourbon Democrats. Then the People's Party. The Jeffersonians arose about 1890; and two years after that, the People's Party formed; and between the Jeffersonians and the Populists and the union people, there was always an alliance. Frequently, even though they maintained separate identities, they would endorse the same slates of candidates, and they always put forward these basic demands, which I just read.

There were still strikes going on up until 1893, and the economic condition of mining as a whole was deteriorating at the time, because most of the coal was used to produce iron, and the iron industry was in a state of decline, as the country was entering a depression. So the major companies, led by the Tennessee Company, slashed wages. And at about this time, the United Mine Workers of Alabama was formed, not to be confused with the United Mine Workers of America, because it's not the same. They had a statewide convention and they made the following demands. They said they would accept a 10% wage cut, provided that they would get the following: all coal weighed before dumping; a checkweighman chosen by the miners for every mine; and reductions in their rent, their store purchases, their mining supplies purchases, and their medical costs.

At first the company's tactic was to try to negotiate separately with black miners and with white miners. But the black miners, who were invited first, told the white miners about it, invited the white miners to the meeting. The company was furious, and nothing came of the negotiations. And when the pay cut went into effect, the UMW of Alabama voted to strike on April 14 of 1894. And the strike spread immediately throughout the five-county area. The first day there were approximately 6000 on strike and it grew to almost 9000. The vice president of the Tennessee Company called his system of strike-breaking (he came in to break the strike personally) "division" of the workers. He said if he could divide the workers, it would make them easier to handle. And his strategy was to import black workers. He wasn't able to get any of the Alabama black miners to scab, but he figured that he could divide the workers anyway by importing black scabs, because he imported them all the way from Kansas to Birmingham to put them to work in the mines. The first batch of strikebreakers was 100, and next he brought 200 more, and then he kept bringing them in until he had his mines at, not full production, but going, from then on.

At this time, it's interesting to know what was on the picket signs of the strikers, because the newspapers kept reporting it as if it was white strikers and black strikebreakers. Here's what some of the picket signs said: they said, Convicts Must Go. They said, United We Stand. And some of the signs said, We the Colored Miners of Alabama Stand With Our White Brothers. On April 23, after the first week of the strike, there was a demonstration of 4000 miners in Birmingham that was 50% black. And one newspaper, writing about the strike, complained about the stubbornness and unity of black miners, "who seemed as determined in their purpose as the white." But the campaign to try and impose racism on this through the press and through the use of imported strikebreakers continued. A bunch of strikers shot at a black strikebreaker, who then armed himself to defend himself from that. So he was arrested for carrying a weapon. And a great deal of sentiment generated to lynch him, but it didn't happen.

On May 16, a black strikebreaker was killed while recruiting scabs. And interestingly enough, three people were charged with the murder: two were white and one was black. Ten days later the governor called out the troops and the war was really on.

Let me just pause at this point to tell everybody something. At the time this was happening, if you read most standard labor history, what you read about going on at this time is not this trike, as interesting and as big a strike as this was, and racially unified in spite of all the handicaps. The strike you read about is the one led by Eugene Debs in Chicago at the Pullman Corporation, which was lily-white. But this Alabama one certainly gives a much deeper picture to me of the kinds of struggles the workers were confronted with than anything I've ever read about the Pullman strike. But that was the famous one.

Even the labor newspapers--this is a very interesting thing--started equating the terms "Negro" and "blacklegs". "Blacklegs" was the general name of strikebreakers, regardless of color. But the Labor Advocate started equating the terms. The miners themselves, however, didn't. On June 9, the black and white wives and children of the strikers demonstrated against strikebreakers at the Pratt mines when still more blacks were imported to break them. And there were almost no black defections. In fact, one black miner was so incensed by the constant reference, not only in the official press, but even in the labor press, to Negro blacklegs, that he went down into the Pratt mine, and he came out and told people that just from looking around, not all the strikebreakers were black. But it still continued to be in the interests of the mine owners to present that kind of picture. So based on that, I would say that, even as far as I've gone in this, it would be a good idea to revise all the previous statements and say that probably all the references to black strikebreakers should say black and white strikebreakers. But the company kept announcing that it was bringing in 100 Negroes from Kansas, 200 Negroes from Kansas, etc.

The first day that the troops were called out, the commander discovered that one of the bands of Guardsmen called up from Birmingham was unionized, so they were quickly dismissed and replaced by troops from some other part of the state.

To give you an example of how this racist campaign was going on, the Birmingham Age-Herald wrote, flying in the face of all we know about this: "It is simply a cold statement of facts to say that any serious and protracted struggle by white mine labor in the South will inevitably lead to its permanent displacement by Negroes from the plantations." They're just desperately trying to persuade whites: if you don't end your strike, you're going to be ruined by blacks. And over and over again this is the campaign. The union's own paper began printing racist poetry about the strikebreakers.

....When I say the union's paper, it was the union's paper by its own declaration, not because the union decided that or the workers decided that. They had no control over it. It was the Labor Advocate, but it was published just like any other newspaper, by its editor, who owned it, and he decided things. And in fact he complains at one point that the workers were really suspicious of their paper, meaning his paper, and what he wrote in it.

....The vice president of the Tennessee Company announced his policy of "division" when he first entered, when he first came down to break this strike. This is the policy he was going to follow. And he immediately started making announcements to the press, "I am going to bring in black strikebreakers." And over and over again, he kept using this and getting the papers to say that all of the strikebreakers were black and implying that all the strikers were white, in hopes of getting the miners to accept this and thereby in fact dividing them. Just before the strike, some of the mines had been segregated, so that one mine would be white, all white miners, and another mine nearby would be all black miners. This was a very conscious policy.

Nonetheless the workers held firm. There was a meeting on June 18 at Adamsville, where 800 white and 300 black miners met to reaffirm their support of the strike. And one of the motions of the meeting thanked "our colored brothers for standing firm against attempts to divide them." The miners also understood what was going on. And by this time, the political campaign was beginning to steam up, the campaign for governor and for legislature. And several miners were running for legislature, and a candidate jointly endorsed by the Populists and the Jeffersonian Democrats on the platform I read you before, was being supported by the strikers. So then, in order to win this elec-

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tion as well as break the strike, the vice president of the company started advertising that he would give free transportation out of the state to any Northern coal field to any striker who wanted to leave. This whole thing is a step by step campaign of substitution and division.

Another example of the same kind of thing is that the newspapers in Birmingham got quite desperate because the workers weren't buying this story, and so they quoted a black strike leader as saying that he favored the company's offer, even though he never had, and had always voted against it, and continued to speak out against it after that. Finally, the strike was settled as a compromise, and in typical fashion, from every strike I've ever seen in my life, where workers (just like companies) demand more than they expect to get, so that they will get part of what they're demanding. But these authors (as almost all labor historians), when the workers don't get everything they ask for, write it down as a complete defeat. And actually, it was not at all, in my opinion. For instance, the wages they won were somewhere in between what they had demanded and what the company had offered. The price of powder, which was a big issue, blasting powder, was reduced. They were not given any new checkweighmen, but the ones that the companies had tried to take away were kept. Rents on company houses were cut 10%. And there was no discrimination in rehiring strikers and strike leaders. So that's how the strike ended.

As far as I know, that was the last effort that grew out of the Knights of Labor's philosophy of industry-wide organizing of all people without discrimination. The result, in terms of the labor movement, was that the whole period went into eclipse with the rise of the AFL. Racism was built into unions.

#### A STUDY OF RACISM IN THE LABOR MOVEMENT

There is a recent article by Herbert Hill in Society magazine, called "Anti-Oriental Agitation and the Rise of Working Class Racism" which shows, among other things, how Gompers, using the issue of so-called "coolie labor", was able to confuse the whole AFL with racism. In fact, it's interesting that he came from the tobacco industry, from the cigar union. And one of the first things that happened in this anti-oriental campaign was that a new racist institution was introduced into the labor movement--the union label. The union label was first introduced by white cigarmakers in a "buy only white cigars" campaign--"These cigars are made by white union labor. Don't buy Chinese-made cigars." And that was the first union label on record, and was part of Gompers' campaign. And as a result of the anti-Oriental drive, according to Hill, the model was built by which the AFL craft unions then proceeded to expel blacks from all the skilled trades.

And that was accomplished by 1920. Up until 1920, from 1900 to 1920, you found blacks in virtually all skilled trades. But step by step by step they were expelled by the white tradesmen, under the leadership of the AFL and Samuel Gompers. There were exceptions during this period, and they're important, and they're almost all in the South.

The biggest exception was the Brotherhood of Timber Workers, which was very strong in Louisiana and Texas, and also had members in Arkansas and Mississippi. It was formed in 1910, black and white united; it grew to 30,000 members; two years later it affiliated with the IWW and conducted a very militant, quite victorious strike in 1912. Again, this is a situation that historians write up as a defeat, because all they can see is unions and not workers. The IWW did disappear from the scene, but virtually everything that was demanded in those organizing drives, and fought for, was won by the workers. And once again it becomes necessary to separate the two histories in order to see the reality.

There were a tremendous number of successful or unsuccessful strikes, a great deal of proletarian turbulence, up until World War I. After the war, the labor movement (the AFL and the railroad brotherhoods), grew somewhat in the early and mid-twenties. But following about 1925, as the country's economy became more turbulent, the ruling class made a tremendous attack on the working class, slashed wages across the board, smashed unions, etc. The AFL went into a state of decline, and it was just spiraling



downward, not recruiting anywhere, above all collapsing in the South. [See the first part of the transcript for additional information on the AFL.]

#### THE COMMUNIST UNIONS

At that time, in the late twenties, the Communist Party formed a new, nationwide industrial union called the Trade Union Unity League, under the leadership of William Z. Foster. Two of the most important strikes in the history of the South were led by the Communists. One was the Gastonia textile strike, led by the National Textile Workers Union. (It was that strike, among other things, that led to the foundation of the Trade Union Unity League. The NTWU was actually formed before the whole nationwide union and it became one of the first member unions.) And of course following that, the Harlan, Kentucky, miners strike, led by the National Miners Union. The interesting thing about those to me is that even our own SCEF history book has, by only seeing the union, and not the workers, written up the NMU strike as a defeat for the union. And I would say once again, it takes nothing more than a comparison of how long the workers in Kentucky were able to hold out at previous conditions, compared to miners in any of the other coal fields, to realize that that fight protected those miners longer and better throughout the coming depression and what was to come than other miners who did not engage in a similar struggle. And those unions, as vehicles of that struggle, certainly were a great necessity, and were victorious.

And once again, every time there seems to be new real thrust in the direction of organizing the unorganized, the key, throughout the country, was placing the fight against racism at the front of the struggle. It's interesting, there's a book in which one of the Gastonia organizers wrote his own story of what happened, and he often felt that it was a shame that the Communists insisted on putting the struggle against racism at the center. It wasn't so easy to organize workers, he felt, if it did. But in the long run it was absolutely proven, that by making the fight against racism as a matter of principle, the only major strikes that successfully defended Southern workers in that period were the ones that the Communists fought very hard to keep racially unified.

#### TENANT FARMERS AND SHARECROPPERS

Also, in the thirties, and another situation which deserves careful study but I'm just going to mention, were the organizations among black and white sharecroppers and tenant farmers. In Arkansas and surrounding states, it was the Southern Tenant Farmers Union that did the organizing, and it was mostly led by socialists. And in Alabama it was the Alabama Sharecroppers Union, which was a Communist union, which conducted some of the great struggles that protected and advanced the lives of the sharecroppers and tenant farmers. And all of these are above all important in understanding the groundwork of the CIO. Without this it's inconceivable that the CIO could have built itself a base. But the tradition of struggle, of militant unionism when the official labor movement was disintegrating in the South, certainly laid the groundwork.

#### THE FIRST SIT-DOWN IN AUTO

And when the sitdowns hit the auto industry, the first auto sitdown was in Atlanta in November of 1936. And that's really where the famous Flint sitdown began, because it was the auto workers of Atlanta who sat down and called up all the auto workers in the country to come to their defense. And the workers in Flint, Michigan, who have gotten all the attention, came out a full month ahead of their leadership's schedule of struggle, in order to demonstrate their solidarity with the workers at the Atlanta Lakewood plant.

#### THE CIO

The CIO didn't organize in the South with the same vigor that it organized in the North, but finally it was forced to, at the end of World War II, just in order to defend itself from runaway plants. And the remarkable thing is that in the period from 1939 to 1953, in spite of a great deal of reluctance on the part of the labor movement to continue its advance, union membership tripled in the Southern states in that period, and in fact continued to grow up until Walter Reuther took over as the head of the CIO (which coincided with the onset of the full blast of cold war red-baiting of the unions and the expulsion of the left unions). In the South, as in the rest of the country, the

cont. on p. 24



labor movement went into a state of decline, which it's still in today.

### THE NEW MILITANCY

Today, although we don't have a clear pattern, we do see that the new upheavals are taking place in new ways, in many cases outside the official, established labor movement, as they did with the CIO, or with the Communist unions, or the IWW, or the Knights of Labor. The Gulfcoast Pulpwood Association, the United Farmworkers Union (which is part of the AFL-CIO but has had to develop whole new strategies and methods of operating and reliance on its own methods), and the AFSCME unions (which have not had the rights to organize that the manufacturing unions have had, and have been forced to fight much more militantly just for the most minimal kinds of organizations) are examples of this.

The Poultry Workers Union in Mississippi is another example in an area where unions have been defeated over and over again. All of a sudden a new idea comes forward. Militant unionism, following the GPA example, goes out and fights and wins three out of three elections. Some of the more traditional unions are growing in militancy, and their growing strength is a reflection of it. For example, the triumph of the Miners for Democracy. And UE has begun to come alive among electrical workers in the South in the last couple of years and recently won a tremendous victory in Tampa in a Westinghouse plant. And throughout, in these organizing drives, we see what we've seen ever since the times of slavery--that black workers are the most consistently militant leadership of every one of these new situations that I have been privileged to see close up and report on.

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## **BOYCOTT GRAPES! BOYCOTT GALLO!**

Although the United Farmworkers Union and the Teamsters Union appeared to have reached an agreement concerning contracts with grape growers, this does not end the UFW struggle. They still must force the growers to negotiate decent contracts with them. To date, the growers are refusing to negotiate. The grape boycott must continue.

In addition, the UFW has called for a boycott of the products of the Gallo Wine Co., which also signed a sweetheart agreement with the Teamsters. This summer, Gallo attempted unsuccess-fully through use of the local courts to evict striking farmworkers from their homes. Failing that, the com-

pany poisoned the water at the labor camp and discontinued garbage service.

Gallo Wine Co. supplies one-third of this country's inexpensive wines. University students throughout the country are now beginning to organize a boycott of Gallo wines. Gallo produces wine under the labels of Thunderbird, Carlo Rossi, Eden Roc, Red Mountain, Ripple Jack, Boone's Farm, Spanada, Tyrolia, Ripple, Andre Champagne, and Paisano (when in doubt, don't buy any wines from Modesto, California--they're all Gallo). Also being boycotted are Franzia Brothers and White River Farms Wines.

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