labor newsletter

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"If we adopt a don't-give-a-damn attitude, we risk becoming a second class economic power." *I.W. Abel, President, United Steelworkers of America, at the invitation of U.S. Steel Corp., in Newsweek, Oct. 22, 1973.*

steel

What does Abel mean by a "don't-give-a-damn attitude"? Who are "we" that are adopting it? And who is the "we" that might be reduced to a second-class economic power?

U.S. Steel paid for the ad that allowed Abel to elaborate on what he calls the "co-operative venture" between labor and management in steel production. Abel carries the title of the President of USWA, but he speaks for U.S. Steel. The "don't-give-a-damn attitude" he condemns is the stand against work speed-up that many workers are taking in defense of their jobs, wages and health. The first "we" means the working people of America, who no longer believe that "workers and employers share a common problem." The second "we" refers to U.S. corporations who are having a hard time competing in world markets because of the high profits they insist on. Their solution to the problem is to increase worker productivity, while keeping wages static, rather than reduce their profits.

Abel said during his first campaign for International Union president, "The union can not serve two masters at once." It would have to serve either the membership, or the corporations. He said then, in 1965, "We must look after the membership." But now in 1973 he has switched sides. Abel and other USWA officials have decided that their interests lay with the steel corporations rather than the union membership. Their decision is expressed in the no-strike provision they negotiated last March. This conflict between the interests of the union membership and the interests of the steel corporations is what steel workers are protesting. Through leafleting, petitioning, participating in elections and bringing a legal suit, the membership of USWA is protesting an agreement which takes away their basic right, and most powerful weapon--the right to strike.

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This article was written by Laura Uddenberg, Golden Gate Law School, who drew on numerous materials supplied by Kingsley Clark, Staughton Lynd, and Earle Tockman, Chicago.

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abel's obligation

The legal suit, brought by the Defend the Right to Strike Committee, is aimed at the conflict of interests in the union bureaucracy. The suit maintains that USWA union officials have breached their fiduciary obligation and their duty of fair representation toward the union membership by signing away the right to strike without submitting it to a membership vote.

The suit is based on Section .501 of the Landrum Griffin Act, which states that the officers of a labor organization "occupy positions of trust in relation to such organization." The section goes on to delineate various duties relating to the money and property of a union. But courts have held that the list of fiduciary duties in the Act is not complete and that the section may apply to matters not involving money or property. A 1962 case held that some activities around intra-union political objectives (in that instance, ousting union officials who were charged with corruption and blocking a local's reunification with the international), were protected under section .501 and other sections.

The objective of the suit is to enlarge the scope of the rights of union members under this section, enabling them to force union officials to be responsive to membership wishes. The history of the Landrum-Griffin Act supports this extension.

In the 1950's, while witch hunting for communists in the CIO, Congress repeatedly came across evidence of organized crime in the more favored AFL unions. So in 1957 Congress turned to an investigation of illegal activities in the AFL. It resulted in the Labor-Management Reporting and Disclosure Act of 1959 (Landrum Griffin). Records of the hearings on the Act make it clear that most of the Common Law rules of agency were to be incorporated into federal labor law. The fiduciary obligation of union officials, or their "position of trust" in relation to union membership, is a matter of contract. The terms of the contract are to be found in convention resolutions and policy statements made by membership bodies. Section .501 allows legal remedies for breach of that contract. The intent of this specific section was to make union officials who enter into transactions which conflict with the best interests of the membership legally subject to the control of the membership.

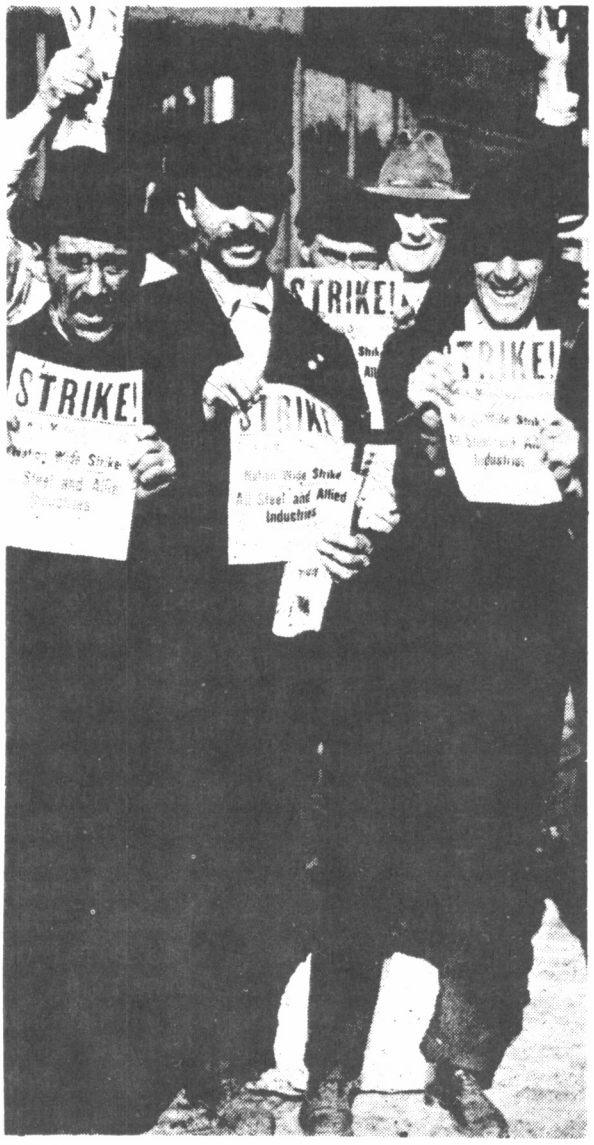
history of a conflict of interests

If any union membership needs this power, USWA does. The union has a tradition of top-down control. U.S. Steel signed its first contract with the Steel Workers Organizing Committee (SWOC) formed by John L. Lewis and the United Mine Workers in 1937. This "Big Steel" contract probably was a result of the General Motors sit-down strikes of 1937. Morgan interests, which controlled both corporations, feared engaging in that kind of fight again in steel. Lewis and the SWOC seemed the lesser of two evils.

SWOC inherited its organizational structure from the United Mine Workers, and it got the UMW's rigid, centralized control along with it. From the start, steelworkers had neither the right to ratify their contracts by a membership poll, nor the right to strike without the consent of the International President. Even at this point in its history, USWA was likened to a business corporation. Union officials operated under a "good boy" theory of labor relations. By cooperating with management and by not striking over disagreements in a contract, they hoped the company would "give" them their demands.

The militant tradition in USWA came mainly from workers in "Little Steel". The hard line of the smaller steel companies unified the Little Steel workers in a way never attained by US Steel employees. Walkouts and wildcats over specific plant issues provided a better grievance procedure than SWOC members enjoyed. The power that came out of the

unified workers in Little Steel convinced those companies to sign contracts in 1940. It proved to be an easy out for the companies. Contracts and USWA offi-



cials turned Little Steel workers around and down the primrose path with Big Steel.

The separation of union management and union membership has been evident almost from the start, and has grown ever since. At the 1942 convention there was protest over three issues. The first was that the power to appoint and remove all union staff was centralized in the presidency. The second issue concerned dues. The union had started a dues check-off program where dues were automatically deducted from paychecks by the company. The day-to-day contact between union officers and workers was practically cut off. The third issue was also over dues, many locals protesting the fact that most of the money went to the International. The locals maintained that since organization of the industry was for the most part complete, the money could be better spent in supporting local programs.

When organization around these issues became too strong, the International officers retaliated by red baiting, putting locals into trusteeship, and by voiding local elections. Later moves by the union bureaucracy increased the number of local endorsements required to place a candidate for International office on the ballot, and members were expelled on charges of dual unionism. These reactions increased the alienation of the membership from the union officials.

In 1959, International President McDonald, in calling the last and longest strike in USWA history, may have been trying to reverse the separation process. The steel companies were demanding freedom to change working conditions, crew sizes and job descriptions. They maintained that union wages and working conditions were the cause of inflation in the United States and the reason why American steel could not compete with foreign steel. In reality, the high rate of profits taken by U.S. companies, 10% as opposed to 3% by Japanese companies, was the cause, as USWA pointed out. The strike lasted four months, ending with a government en-

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forced settlement. What came out of the strike was the Human Rights Committee--endorsed by LBJ and hailed by the corporations and union officers as the wave of the future in labor/management relations.

Made up of top management people of both the companies and the union, the HRC nearly completed the separation between the union hierarchy and membership. It ignored the crucial problems of racism in hiring and seniority, subverted the regular procedures of union government and produced bad contracts. The last bad contracts were what finally did McDonald in, allowing Abel to take the union presidency.

"Congratulations! Our goals have been attained...we're laying off half the force!"

Abel, a member of the International Board, ran on a "serve membership, not management" platform in 1965. But even the rhetoric didn't last. By 1967 he was advocating a no-strike clause in steel contracts. However, this was opposed not only by the membership, but by the Executive Board as well. A resolution was passed in 1967 requiring any such agreement to be submitted to a membership vote.

Abel took a compromise step. In the 1971 contract a productivity clause was included. It required that in every plant a committee be set up to work out ways of increasing production by establishing "orderly and peaceful relations with employees." This was the start of Abel's "co-operative venture". For something co-operative, it had very one-sided effects.

The results of the productivity clause have been disastrous. Because of crew reductions, people performing jobs they were not trained for, and extensive overtime, the plants are much more dangerous. Work injuries were 25% higher in 1972 than in 1971. In two years, 40,000 jobs in steel production were lost. Profits went up 67%. The productivity clause proved to be a midway step, a "softening up" tactic, in readiness for the no-strike clause.

Rank and file USWA members did not take all this lying down. Some locals moved to abolish the productivity clause and substitute a job security provision instead. And the Rank and File Team (RAFT), a national caucus based in Youngstown, was formed to combat the effects of the productivity clause with nation-wide activities. Only 230 local unions had functioning productivity committees. The rest had refused to set them up, or they simply did not meet.

In 1971 and 1972 Abel and the union officials started an "education" program designed to shift emphasis from the contradiction between workers and management to competition from German and Japanese workers who were "stealing" American jobs. Should U.S. workers begin to believe that foreign workers, as opposed to U.S. corporations with their high rates of profit, were the real cause of lost jobs, a no-strike clause would seem to be in the interest of steel workers as well as steel companies. Increased and cheaper production would be good for both--or so the theory went. This was one part of a push to get pro-Abel people elected from the districts.

Right after the February 1973 union elections, Abel convened a meeting of union officers and set out his plan: (1) Wage increases of 3% plus cost of living per year; (2) All other issues, including wage increases and fringe benefits, are subject to arbitration if

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stop that union!

by Sharon Gold, San Francisco, with an assist from an anonymous friend on the East Coast

Bank of America is one of the largest multi-national corporations in California. With assets of over $34 billion, and 997 branches throughout the world, the Bank is a major architect of the "Pacific Rim Strategy" which has made San Francisco the West Coast financial center for U.S. domination of South East Asia and Latin America.

The Bank is also aggressively anti-union. Last year, an independent union called Bank Employees Date Processing Association (BEDPA) conducted a militant organizing campaign among the Bank's 1800 data processing workers who form the core of the Bank's assembly-line computerized operations in San Francisco. Sixty percent of the data processors are women. The data processors work on day, swing and graveyard shifts, are underpaid, have minimal health benefits, no maternity leaves, no chance for promotion, no job security. Their jobs are routine and mindless.

BEDPA gained a strong following among the data processors. Its demands included training programs for women and minorities, and a bank-financed child care center for working parents. When the Bank cancelled its taxi service for women working on graveyard shift, BEDPA formed a coalition with two progressive working women's organizations (Union W.A.G.E. and Change) and the taxi drivers Teamsters local whose jobs were threatened by the cut-off of the Bank's taxi service. The coalition brought several hundred pickets to the Bank's downtown headquarters.

As union election time neared, the Bank began to panic. Being careful not to intimidate individual pro-union workers (it's illegal), the Bank accused BEDPA of lying to the workers about unionizing procedures, raised starting salaries of new workers and fired the union's most active organizer. (All of these tactics, including raises at election time, theoretically are outlawed under section 8(a)(1) and (3) of the National Labor Relations Act, as interference with workers' rights to engage in union activities and concerted activities protected in section 7 of the Act. However, the NLRB refused to reinstate

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ORGANIZING THE BANKS OF AMERICA

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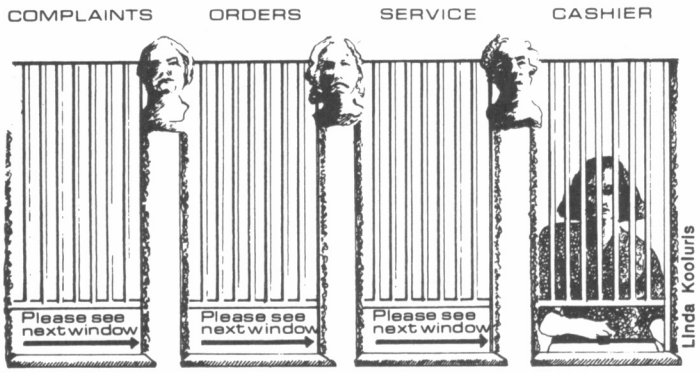
the fired worker.)

But the Bank's most sophisticated move was the production of a "shop sheet" for Bank supervisory staff. Its subject: how to use the law to stop the union.

The "shop sheet", widely distributed to supervisory staff throughout the Bank's hundreds of branches, may be a model for corporate legal offensives against efforts to organize white collar workers. For this reason, we are excerpting large portions of the document so that organizers and legal people may prepare themselves for tactical counter-offensives.



PREAMBLE TO SUPERVISORS

The Bank carefully states that it *"is not anti-union and will always comply with Federal Labor Laws."* However, its real position on unions is clear: *"We will, however, to the extent permitted by those laws, strongly resist any efforts to organize any of our employees. We feel it is in your best interest, in the best interest of all of us, that management retain the freedom to hire, to promote those best qualified, to innovate change and to create programs for the benefit of our employees and our customers."*

The Bank warns the supervisors that *"your position on the firing* (sic!) *line will mean that you will be the key to successfully resisting unionization of our staff. You can expect the complete and unwavering support of management in your efforts. Should an attempt be made to organize your employees, professional staff assistance will be made available to help you immediately."*

HOW TO STOP THE UNION BEFORE IT STARTS

Step #1 "Preventive Measures" (or, how to co-opt individual grievances before they get out of hand):

"Most often a union gets a lead from a disgruntled employee who has grievances that his supervisors have ignored or handled poorly. The employee typically joins a union as a protest or under pressure." (emphasis added)

The best way to deal with a disgruntled employee is to listen to his grievance, *"real or imaginary,"* explain Bank policies patiently and act on the grievance immediately if it has merit, but *"politely refuse to deal with intermediaries or groups."* The Bank clearly realizes that its self-interest lies in a divide and conquer policy; once the workers begin to organize,the bank's in trouble.

Step #2: Legalized Snooping:

"It is in the first few hours of a campaign that the most serious errors, both legal and political, are made. These errors may result in long, expensive litigation, or in the union becoming the bargaining agent for our employees, or both."

Therefore, Pinkerton detectives are out. The supervisor must be the inside snoop. If he notices any of the following suspicious events, he is to report to Management immediately:

--Any evidence to indicate union presence, such as authorization cards, leaflets in parking areas, or a visit or letter from a union representative.

--Strange behavior by employees, for example: meeting and talking in out-of-the-way places; increases in complaints; complaints by delegations rather than by individual workers; unusual curiosity about bank affairs and policies; or *"employees develop an unusual social consciousness or begin using a strange vocabulary."*

Step #3: Keep it Legal!

The Bank warns against doing anything that might unwittingly result in an adverse NLRB decision in favor of the union. Under the heading *"Don't Panic"* is the following list of what not to do:

"Don't look at any list of employees;

"Don't look at any cards with names on them;

"Don't agree to discuss with a union representative alleged complaints regarding employee grievances or other employee matters;

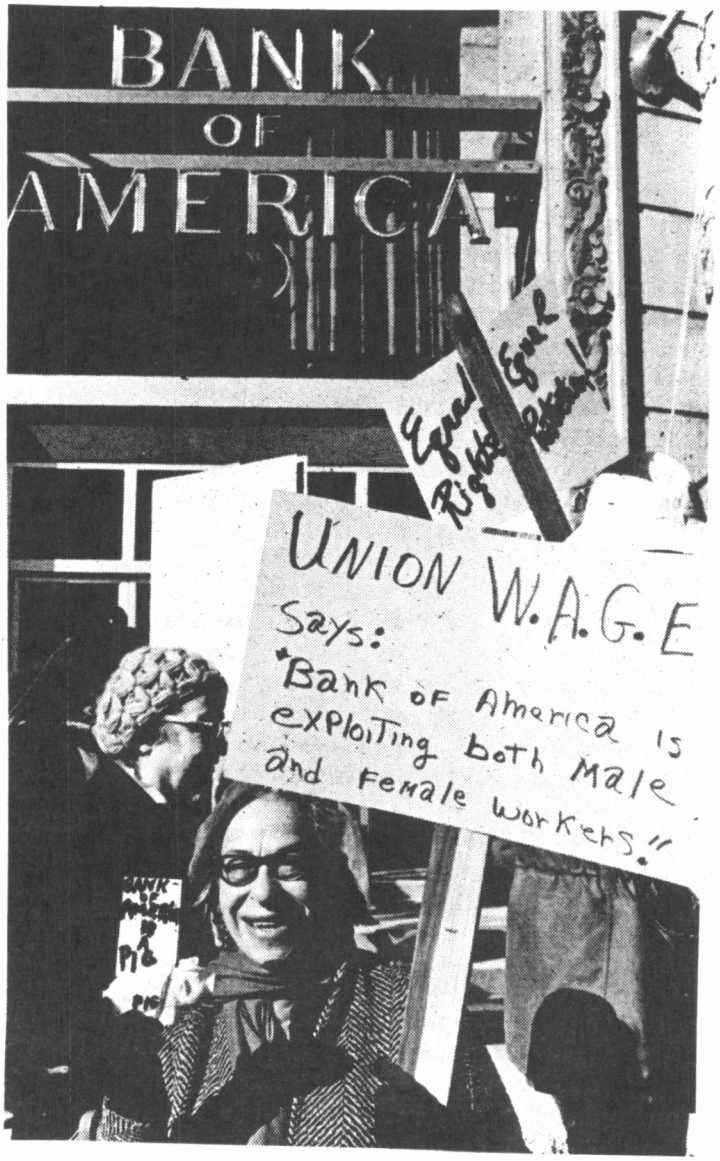
"Don't threaten subordinates participating in union activities with reprisals such as: reducing staff, reducing employee benefits, firing the employee, or threatening physical harm -- directly or through a third party;

"Don't interrogate employees regarding union activity or spy on employee activity such as: meetings, how they intend to vote, whether they have signed up for or belong to a union, what they think about the union or a union representative;

"Don't promise benefits to those who do or may oppose the union. Don't promise wage or benefit increases, promotions, or any other future benefit.

Step #4: Don't Talk to the Union:

Supervisors should say, in the presence of a witness, *"I have no authority with respect to union matters. I will refer this to my superiors who will be in touch with you immediately."* Then the supervisors should run to their superiors with the tale.



WHY IS THE B OF A SO UPTIGHT ABOUT THE UNION?

Bank of America is the largest bank to be hit with a unionizing drive since 1969. According to an article in Bank Administration (May 1973), organizing of bank workers is on the upswing. Nineteen banks in the country are already unionized; fifteen more have had union elections since 1969, with eight resulting in favor of a union. This may seem to be a tiny number of banks, but the authors of the article (a bank manager and an economics professor) are extremely concerned. They analyze conditions in the banking industry and in the society as a whole as being conducive to increased union efforts and receptivity of bank workers to joining a union.

Working conditions within banks have changed in the last ten years. "Banks," they acknowledge, "have become data handling factories filled with frustrated employees." Because bank policies emphasize production and cost control, bank jobs have become routinized and mindless, a clerical assembly line.

Furthermore, clerical workers see no possibility of advancement at the bank. Whereas ten years ago, internal promotion might have been a reward for a loyal clerk, now the clerk stays in the

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banks

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same job, while management brings in college grads to train as supervisors.

In addition, workers' jobs are constantly threatened by automation, as the banks strive to maximize profits by increasing efficiency. Job security in the banks is a thing of the past. Ironically, the drive for efficiency has made it easier for workers to talk and organize. Centralized banking operations (such as the data processing unit at Bank of America) require large numbers of workers to be in the same place; communications about grievances and the union are relatively simple.

OPEIU

The Office and Professional Employees International Union has spearheaded the drive to organize bank workers. "Howard Coughlin, OPEIU President, has urged the 300 locals of this 85,000 member union to make banking their prime target...." Judging by the Bank of America's shop sheet, OPEIU will be in for some stiff, coordinated resistance by the banks.

But the union's efforts will probably succeed in the near future, particularly if OPEIU gets support from other unions and from community-support depositors. "The labor movement is involved with an estimated $50 billion is pension and welfare funds, and an annual deposit volume of $3 billion. Until now, the vast bulk of this money has been placed in non-union banks..." The OPEIU recently convinced tha AFL-CIO Executive Council to ask all of its member unions to deposit their wealth only in unionized banks. If the unions choose to demonstrate their solidarity by heeding this request, America's banks, large and small, may be forced to re-evaluate their anti-union policies.

Women Delegates from the Knights of Labor, 1886

And what about the bank workers? "Three fourths of the 660,000 organizable employees in banking are women. In the past, women were not first class prospects for unionization. However, this reluctance is changing." Part of the reason for this change is economic: 43% of American women have to work, whether or not they are married. Part of the reason is political: rising consciousness among women has paved the way for increasing resistance to sexual exploitation on the job, as well as in personal life. Most of the organizing drives among bank workers have been led by women.

Workers Fired Over Wounded Knee

We received this article from the firm of Doyle, Donnelly & Kehoe, Cambridge, Mass.

Among the repressive after effects of the occupation of Wounded Knee has been the firing of a number of women who worked in a Community Health Program on the Pine Ridge Reservation. The women fired were of course all active opponents of the corrupt tribal president Dick Wilson, and had participated in legal demonstrations (approved by the Bureau of Indian Affairs Superintendent) in support of Wounded Knee, and in gathering names for petitions to change the form of the tribal government from a BIA run organization to the traditional tribal form of consensual government by traditional chiefs.

The women were discharged by the Executive Committee of the Oglala Sioux Tribe (a three-person committee presided over and controlled by Dick Wilson) for allegedly "advocating the overthrow of tribal government." The Wounded Knee Legal Defense/Offense Committee (in which there are many Guild members) filed a complaint in the federal district court in South Dakota alleging violations of free speech, due process, and equal protection, rights purportedly guaranteed to Native American people under the Indian Civil Rights Act of 1968. The women also attempted to exhaust any administrative procedures for tribal employees under a tribal ordinance without success. They were fired without notice in violation of the ordinance, and were of course refused a hearing on their discharges. Dick Wilson also attempted to have unemployment benefits cut off for ten weeks, saying the women were fired for "misconduct". A rousing hearing was held before a commissioner from the state unemployment board with the women and other witnesses and members of the Wounded Knee Legal Defense Committee. The Commissioner found, in a detailed opinion, that the women had not engaged in any "misconduct" within the meaning of the unemployment law, and ordered full benefits from the day of their discharge.

Dick Wilson et al. have submitted a Motion to Dismiss the complaint in federal court, alleging that the federal court has no jurisdiction over the tribe in spite of numerous cases which have held to the contrary. Also, Wilson and his attorney say that the women have failed to go through tribal court procedures to litigate their case. Of course, the tribal court is also controlled by Wilson, as was indicated by the ready issuance of a tribal order against the women at the time of their discharge.

The legal arguments for getting jobs back are very strong. Since the Indian Civil Rights Act gives the equivalent of Bill of Rights protections, cases interpreting the Bill of Rights in employment situations should be applicable. Public employees have free speech protections. Pickering v. Board of Education, 391 U.S. 563, 574 (1968); Perry v. Sinderman, 408 U.S. 593, 597 (1972).

Also, duly enacted ordinances must be followed. It has been very convenient for Dick Wilson to use his dictatorial powers on the Pine Ridge reservation, and ignore any tribal laws protecting individual rights. Furthermore, the women were for the most part long term employees with a substantial interest in their jobs; thus, due process guarantees should be required before discharge. Perry v. Sinderman, supra; Ferguson v. Thomas, 430 F.2d 852; Johnson v. Fraley, 470 F.2d 179. Due process

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Wounded Knee

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protections are also required where the reasons for discharge (political) and the control of the boss (tribal president Wilson) over employment make it clear that these women will never again be employed on the reservation. Board of Regents v. Roth, 408 U.S. 564 (1972); Joint Anti Fascist League v. McGrath, 341 U.S. 123, 185.

Help is needed on this case, especially a trial attorney to go to Rapid City some time in the future and put together the offense. An extensive memo in opposition to the Motion to Dismiss has been filed, but no decision has come down as yet. Legal research has been done and a memo written on the free speech, due process and equal protection issues in the case. The women involved have been part of the backbone of the resistance to Wilson and the BIA on the Pine Ridge Reservation, and deserve and need any support and help that may be available.

Please contact: Cary Playter, National Lawyers Guild, 595 Mass. Ave., Cambridge, Mass. or Ken Tilson, P.O. Box 991 Rapid City, South Dakota.

Tha name of the case is Janis v. Wilson.

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not settled by the contract date, August 1, 1974; (3) Local strikes would be allowed only if arbitration failed and Abel agreed to it; and (4) All members would receive a $150 bonus. The Executive Board and 300 of the 800 local leaders agreed to the clause in March. Essentially, they sold the union out for an extra 96¢ per member per week.

Since that time many locals and other intra-union organizations have begun to move against Abel's Experimental Negotiation Agreement, as the no-strike agreement is called. RAFT and other Abel opponents ran in the June union elections, with mixed results. A petition has been circulated and signed by over 10% of the membership. Opposition is shown in the picketing of Abel himself in Chicago by the District 31 Committee to Defend the Right to Strike and other groups; and in articles in plant and local newspapers. Three national caucuses have formed to fight the no-strike agreement: RAFT, the Ad Hoc Committee of Concerned Steelworkers, and the National Rank and File Committee.

Legal action also will be taken. The main contention is that Abel and other union officers violated the Landrum Griffin Act when they negotiated the no-strike agreement without consulting the membership through a vote as a 1972 convention resolution bound them to do. The suit will be filed around January 8, 1974, in the United States District Court in Pittsburgh. The lawyers are David Scribner, Arthur Kinoy, and Michael Tigar.

The Experimental Negotiation Agreement is not a betrayal of steelworkers only. The USWA is one of the largest and strongest unions in the United States. If the right to strike can be taken from its members without their approval, without even consulting them, the rest of organized labor is in no better position. Supporting steelworkers in their protest is supporting every working person in America.

CAUCUS LEADS STRIKE IN ATLANTA

by Brooks Franklin, Atlanta

On November 16, 1973, workers at Warren/Sherer Refrigerator plant voted to accept a new contract after a militant 16-day strike which raised serious questions about how rank and file caucuses should deal with bankrupt unions which are doing all they can to work against the workers.

Warren, the third largest refrigerator company in the world, produces refrigeration units mostly for industrial purposes. The 500 workers at Warren, of whom 90% are black and 5% are women, are represented by Local 288 of the International Brotherhood of Firemen and Oilers. In June, efforts were made by the workers at Warren to organize a rank and file caucus. By August, a caucus called the Warren Workers Concern Committee (WWCW) had been formed. The WWCW organized around shop floor issues and also as a means to attack the union bureaucracy.

The caucus began to move on several fronts. For example, the workers had been complaining for years about the condition of the bathrooms and the breakroom. The WWCW began efforts to organize a boycott of the two areas; and the day before the boycott was to begin, the company cleaned and refurnished the areas. The caucus also began organizing within the union. Before the caucus was organized, as few as eight people attended the monthly local meetings; but since September, each local meeting has been packed with 150-200 workers. The caucus began a union membership drive which increased the local membership from 250 to 420 workers in less than two months time.

All this did not go unnoticed by the union bureaucracy, which began an extensive campaign of red-baiting, scandalizing, and FBI harrassment against the leadership of the caucus. James Skinner, the recognized leader of the caucus, was fired for talking to someone off of company premises for three minutes.

The contradictions became intense at the October meeting of the local. This meeting was supposed to deal with preparations for contract negotiations with the company. The union bureaucracy had always insisted that Roberts' Rules of Order be strictly followed at local meetings, and this time the rank and file workers were prepared. The workers quickly won two victories. They were able to change the local by-laws on how a new contract is ratified, and place three members of the WWCW on the workers' negotiating committee. The union bureaucracy panicked and before all of the agenda items had been considered, turned the meeting out.

This set the stage for a local meeting called for October 31st, which was the day that the existing contract ran out. The union bureaucracy came to the workers with what it said was the company's "last offer" and the "best contract they could possibly get." The union did all it could to ram the contract down the workers' throats, but the workers overwhelmingly rejected the contract and voted to go out on strike, at which point the union leadership walked out of the meeting. This left the workers (most of whom are young and who had never been in a strike situation) without any strike strategy, coordination or strike headquarters.

The caucus leadership took over control of the meeting and immediately began to formulate strategy for the strike.

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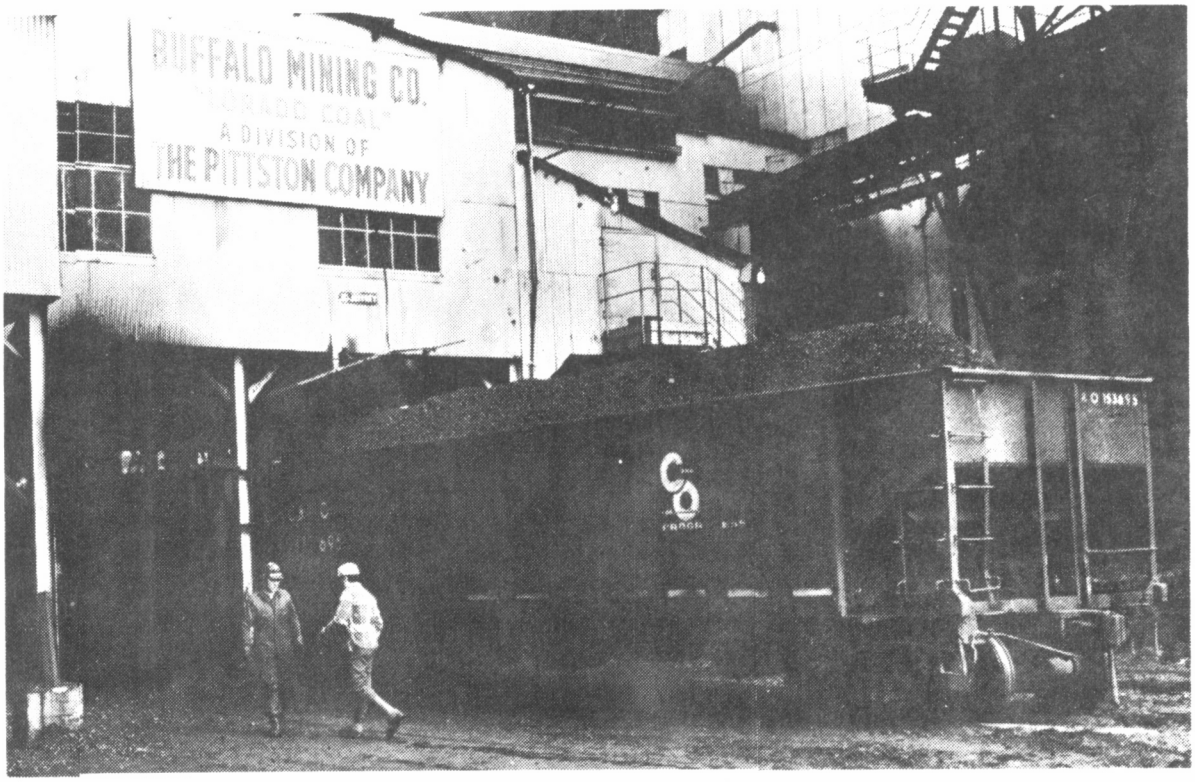
ENERGY MONOPOLY

In the old days it used to be that the United Mine Workers would strike, figuring that the coal companies were going to hurt. When they hurt bad enough, they settled; if they didn't hurt much, they didn't settle. Although it was never a fair match, everyone knew what the game was and how you won and lost.

However, times have changed. In 1950, John L. Lewis negotiated the first industry-wide coal contract. During these negotiations, Lewis seemed faced with an impossible dilemma. He could either accept the rationalization of the coal industry, or the industry's profit base (and thereby the industry) would be destroyed. As a result, since the 1950 contract, certain trade-offs have been made by the Union: good wages in exchange for increased mechanization and unemployment; a solid Welfare and Retirement Fund (based on a royalty for each ton of coal produced, and thus tied to increased productivity) in exchange for concentration of ownership; a fat Union hierarchy in exchange for the abandonment of the strike. Work stoppages on a large scale were eliminated; the labor pool shrank; no new federal mine safety laws were sought. Union membership fell--unemployment rose. Profits continued.

Even so, despite the passing of the old days, the game between the companies and the Union continued. The strike was an antique postol, crudded with rust and dirt, jammed down in the Union's mildewed holster. A curiosity piece amidst the engraved briefcases. Yet even rusty guns can fire,and the companies remembered even if the Union's leadership didn't.

When Arnold Miller leads the UMWA into negotiations next year, the game itself will have changed. The trusty pistol can be cleaned and oiled, loaded and cocked, but the targets are bigger and further out of range than ever before.



AND THE UMWA

The strategy of the UMWA must change to take into consideration the new situation, or it will fail utterly in the 1974 negotiations and probably jeopardize the progressive elements which led to Arnold Miller's election.

The basic change in the coal industry that has taken place since the good old days is one of increasing concentration of ownership--concentration in hands other than the coal industry. The ten largest coal companies, in terms of 1972 production were: Kennecott Copper, Continental Oil, Occidental Oil, Pittston, U.S. Steel, American Metals Climax, Bethlehem Steel, Eastern Gas and Fuel Associates, North American Coal Corporation, and Standard Oil of Ohio. These ten companies--four based on oil and natural gas, four based on metals and only two based on coal--control over two-thirds of coal production in the U.S.

How did this change come about? Who was responsible for it? The responsibility for this change, like that for almost all the changes in the coal industry over the last 25 years, must be jointly shared by the coal companies, the UMWA,and the government. The contract of 1950 obligated the Union to accept mechanization and thus benefitted the big coal companies at the expense of marginal operators who could neither afford the expensive machinery nor the contract provisions. Lewis reasoned that in order to assure uniform working conditions, the small, non-union companies must be closed down. As Lewis tried to impose the Union contract on small operators, he sided with the interests of the largest and most mechanized operators. At one point the UMWA even obtained control of one coal mining company (and a non-union one at that) in order to strengthen its bargaining position. Even so, despite sweetheart contracts almost without number, it was state and federal policies which enabled the coal companies to turn their ability to mechanize into

higher profit (and thus made the industry more attractive for larger corporations).

Under federal policy, a coal operator can take advantage of a 10% depletion allowance which can include not only the cost of mining the coal, but also the cost of preparing it, breaking and sizing it, and transporting it up to 50 miles. Exploration and development costs, such as sinking a new shaft, can be written off over one year. New mine safety equipment can be amortized in five years rather than in the more customary 15 or 20 years. Finally, those indi-

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This is a condensation of an article by Curtis Seltzer of West Virginia. It was originally sent to the Labor Newsletter by Penny and Grant Crandall, LA law students who spent the summer working in West Virginia. It has appeared elsewhere in its longer original form. Randy Padgett, Golden Gate Law School, shortened it for use in the Newsletter.

CAUCUS

(continued from page 11)

The next day, November 1st, there was massive picketing at the plant gates.

On November 2nd the workers began to more fully understand what the union was doing. The company got an injunction limiting picketing to two workers at a gate. The union claimed they weren't notified, but it was later learned through the court that the union had agreed to it. The union also refused to allow the workers to use the local headquarters as strike headquarters. It also became evident as the strike progressed that absolutely no strike benefits would be paid.

Shortly after the strike began, a city-wide Warren Strike Support Committee was organized with representatives from such organizations as the Black Labor Action Committee, Black Workers Congress, Atlanta Anti-Repression Coalition, October League, National Lawyers Guild, and others. This group, in cooperation with the workers, raised money at plant gates, collected food for the strikers' families, helped publicize the strike, and towards the end of the strike when a large scab movement appeared to be forming, organized a large car caravan which rode up and down in front of the plant at shift changes. Also, in a show of solidarity, the owner of Mammy's Kitchen across the street from the plant allowed the workers to use a vacant house on his property as strike headquarters.

The WWCW called meetings of the workers for November 3rd and November 6th. Both were well attended, and at the first a list of nine demands were ratified to be the terms upon which they would return to work. The second meeting dealt with the advantages and disadvantages of the strike, and organizational problems. A representative from the law office of Franklin, Johnson & Morawitz (which had been working with the caucus since August) explained to the workers their rights as strikers, the legal and political implications of the temporary restraining order, and that there was only one "legal" court in Atlanta and that was in the streets and not downtown. All of the meetings were run in a very democratic manner, with each worker given a chance to express his/her opinion. The bankrupt union leadership was conspicuously missing from all of these meetings, the picket lines, and the strike headquarters.

The union bureaucracy was far from asleep. They were doing all they could possibly do to subvert the strike. They cornered individual workers, telling them that the only reason they were on strike was because of some black militants who were trying to take over the local and run it for their benefit. They circulated a rumor that the company had asked the union to come back to the negotiating table, which later turned out to be a complete lie. They refused to turn over any strike funds or other money even though the local had voted three years ago to increas union dues by $2.00 expressly to build up the strike fund.

The union called a meeting for November 8th to once again present the company's "last offer." This latest offer was substantially better than the company's first "last offer," but it did not deal with many of the workers' most basic demands, such as voluntary overtime and a cost of living clause. The meeting was a classic. The International Vice-President flew to Atlanta to run the meeting. He quickly ran through the offer, emphasizing only the few gains (most of which are illusory) and constantly told what a great offer it was. He then orchestrated to the

podium three or four workers who parrotted what he had just said and then quickly called for a vote. The workers wouldn't stand for it and demanded that their questions be answered. It quickly became obvious that the union didn't have any satisfactory answers to their questions or that the questions weren't going to be answered. A vote was taken by secret ballot and the offer was rejected.

This didn't stop the union though. They called a meeting for the next morning to have a re-vote, and that night called all of the white workers in the plant in an attempt to split the solidarity that had grown up during the strike between the black and white workers. The meeting was a repeat of the day before--workers were not allowed to ask questions or present their opinions. This time the workers said "hell no, we ain't going to vote" and the union leadership walked out.

These meetings caused great confusion among the workers. Many could not understand how they had gotten into the position of fighting both the company and the union. Although the strike was still 100%, many workers were feeling it just wasn't worth it.

The bankrupt union wasn't through. The union called another vote "in order to give each individual an opportunity to vote without interference," this time under the auspices of the Federal Mediation and Conciliation Service. This time, though, the vote wasn't going to be held at the auditorium next to the plant where all of the other meetings were held, but at a National Guard Armory across town and in the middle of a federal enclave which is that statewide headquarters and training center of the Georgia National Guard and the Georgia Highway Patrol. On the day of the vote, National Guard personnel prevented any cars or individuals with picket signs to enter, and even tried to prevent workers from talking to each other outside of the gates. This move broke the spirit of the strike and the workers voted to go back to work.

Even as the workers were going back to work, the union leadership and its brother the company weren't through. Three of the most militant workers have been fired because of falsified applications and other trumped up charges. James Skinner, the leader of the caucus, was pulled from his bed at 4:00 a.m. by the Atlanta Police and arrested on the completely unfounded charge of "pimping." Members of the WWCW have been constantly harrassed since going back to work. Two union meetings at which new local officers were supposed to be elected have been cancelled.

The WWCW and worker solidarity is stronger than ever. The WWCW has substantially increased its membership since the strike; a demonstration in support of Skinner was held at the plant gates; the law offices of Franklin, Johnson & Morawetz are bringing a failure to represent suit against the union and are exposing the trumped up charges against Skinner in the courts; and the workers are demanding a union meeting to elect new union leadership.

PEOPLE THIS ISSUE:

Sharon Gold, Wini Leeds, Randy Padgett, Ed Taub, and Laura Uddenberg

COMING ATTRACTIONS:

The next issue of the Newsletter (Feb. 1974) will feature a major article on Title VII cases concerning departmental seniority; and an interview with Terry Karl on Cuban workers.

UMWA

(continued from page 13)

viduals and companies which lease coal lands can, because of an IRS loophole, consider this income as capital gains and pay taxes at half the going rate. State practices, such as under-assessment of mines for property taxes, or the lack of a reasonable severance tax, also contribute to the profitability of the coal industry.

Additionally, coal operators are also subsidized by the lack of money devoted to health and safety, both within the mine shafts and in the coal regions as a whole. Many of the costs of production are externalized--acid draining, siltation, flooding, slate dumps, gob dams, stripping erosion--all are paid for by the people who live in the coal regions. Sometimes these costs are paid by peoples' lives. In 1972 a coal waste (gob) dam owned by the Pittston Co. gave way at Buffalo Creek, killing 125. Through the under-assessment of coal company property, the tax-paying public must assume more of the burden for their share of public services. The coalfield paradox--great poverty amidst the extraction of great wealth--is explained in part by the coal industry's ability to weasel out of the costs of production.

Health and safety in the mine shafts is a life and death cost all too often not absorbed by the coal companies. Because the industry refuses to make full use of dust control technology and methane reduction procedures, or to meet roof support requirements, coal mining continues to kill and disable its workers. Although the General Accounting Office states that nine out of every ten underground accidents can be traced to inadequate safety precautions in the part of the mine operators, the Bureau of Mines made only 31% of its required safety and 1% (!) of its required health inspections in 1970. Is it any wonder with all these advantages going for it that the coal industry in 1968 had a profit margin of 15% with a 16.8% return on invested capital.

Oil companies were attracted to the coal industry for several reasons besides its profitability. The first reason was their fear that the coal industry might make good its threat to build refineries and turn coal into gasoline. Standard Oil of New Jersey (Exxon) purchased the patent rights for coal gassification from I.G. Farben (a German firm which developed the process during World War II) but has yet not tried to put it into practice. Second, in the mid-1960's, the IRS published certain regulations which made it possible for the cash-heavy oil companies to buy other mineral companies and pay no taxes in the process. Third, the supply of coal is much greater and much more certain than the supply of oil. It makes sense to hedge against future uncertainties by buying out the competition. Finally, if an oil company could establish itself in other energy fields (including natural gas and uranium as well as coal), it would have control over the full spectrum of America's energy market and would be protected from disruptions that might occur in any one fuel. One fuel can be played off against another when bargaining with a militant union. On the East Coast, power plants can be converted from oil to coal in less than a week. Supply, price and employment can be juggled at the whims of the increasingly powerful energy conglomerates.

In 1974, the coal contract will be up for re-negotiation. The strategy of the oil/metal/coal conglomerates seems fairly obvious. They will view with alarm the increasing "energy crunch" and demonstrate how union demands for better wages, safer mines, less noisy and dusty conditions and so on will increase the costs of coal production and perhaps even drive some companies out of business. If the energy situation continues as it has for the past few months, popular support for union demands which might result in higher costs of coal could be very scarce. Additionally, a prolonged strike would be too effective for the government not to protect the interests of the coal companies with an injunction.

However, the other side of this coin is that the Union, by virtue of this position of strength, is in a situation to win unprecedented gains. But it can only do this if it pursues its goals in

a militant, class-conscious fashion, and refuses to knuckle under to the demands of the government and the coal companies. Even so, given the present nature of the system, a union victory will mean a higher cost of coal. And even a major victory will not be a final solution.

What both the Union and every energy consumer in this country must realize is that only if coal is not mined for a profit can it be mined safely and with minimum environmental impact.

THE MONEY QUESTION

Please, everyone who would like to see the Labor Newsletter continue publishing at least every other month . . . who would rather see it printed and distributed nation-wide instead of mimeographed (ugh!) and circulated only among a small elite group . . . who prefers that we concentrate on getting the newsletter to people who need it, not merely people who can pay for it (in advance) . . . who thinks bundles should be distributed for caucuses and labor committees . . .who would like to see the staff spending its time writing and investigating and preparing shopsheets and doing research and trying to improve the newsletter (in addition to going to law school, working in legal offices, organizing for the Guild, doing political work, etc. etc. etc.), rather than finking around with bills bills bills . . .

SEND MONEY.

At least $4/year for a subscription, $5 or more if you feel generous. If you sent money last year, remember, now it's this year.

NLG Labor Newsletter
c/o Smith & Johnson
235 E. Santa Clara #808
San Jose, California 95113

This is URGENT! We are out of money again, and an awful lot of you haven't subscribed yet. (Make checks out to NLG Labor Committee.)

southern labor committee forms

At the Southern Regional Conference of the National Lawyers Guild in Tugaloo, Mississippi in early November, it was suggested that a Southern Labor Committee be formed. It was felt that with the tremendous increase in labor organizing in the South in recent years both by established unions and rank and file caucuses, the time had come to build some type of South-wide organization to facilitate this struggle.

Several suggestions were made at the conference as to the organization and the purposes of the Labor Committee. One suggestion was that a complete mailing list be circulated of legal people who are dealing with labor law. This list should include not only the address but any area of labor law (e.g., practice before the NLRB, injunctions, workmen's compensation, Title VII, etc.) which the particular person had expertise in. This would hopefully facilitate the exchange of ideas and tactics, especially in emergency situations.

Another suggestion was that a Southern Labor Conference be held sometime in the near future.

The temporary coordinator of the Committee is Brooks Franklin, 41 Exchange Place S.E., Suite 302, Atlanta, Georgia 30303. He would like people who are interested to contact him, to let him know about others (Guild or non-Guild members) who might be interested, or to give others the above information. Also, he wants ideas on how the Labor Committee should function, suggestions as to what should be discussed at the Labor Conference, and a list of any areas of experience or expertise in the labor area that legal people in the South have.

The Long Hot Summer

This article and the one in the box on the opposite page were taken from "New Morning", the newsletter put out by the Committee For Unity, the caucus at Samsonite. The newsletter was sent to us by the Denver Guild chapter.

Have you ever noticed how quickly visitors to Samsonite are hustled through a department? Perhaps the reason is that management does not want the vistors to have time to become aware of the heat and the constant noise. We are all aware of how many millions of dollars went into building this "factory of the future," and I put it to you, brothers and sisters, how much of that money was spent on decent ventilation and air-conditioning?

As long as management can keep up their facade of an ultra-modern exterior, everything is just fine. But what about you and me working in temperatures that run as high and over 100 degrees in the summer?

We heard a lot last summer about the reflectorizing on the roof that was supposed to cut down on the interior heat. What were the results of this test? Strange, no answer was given by management. Was the test a sorry waste of time? Was it to no avail? Nobody knows. All we know is that it is still hotter than all hell inside the plant.

When will management get out of their air conditioned offices and come join their "team" and see what all the complaints are all about.

Peter Franck, Berkeley, sent us a copy of the Samsonite decision, which was researched and written up by Ed Taub, Golden Gate Law School.

New Morning Decision

Section 7 of the National Labor Relations Act protects the rights of workers "to form, join, or assist labor organizations, . . . and to engage in other concerted activities for the purpose of collective bargaining or for other mutual aid or protection. . . ." It is an unfair labor practice for an employer or a union to "interfere with, restrain or coerce employees in the exercise of the rights guarangeed in section 7."

Over the years, in the course of litigating these portions of the Act, the Board and courts have defined the rights of workers to distribute literature, discuss and solicit membership in labor organizations, circulate petitions, etc. In Republic Aviation Corp. v. NLRB, NLRB v. LeTourneau Co., 324 U.S. 793 (1945), the Supreme Court affirmed the NLRB's standard for protected distribution and solicitation. Republic says a worker may distribute union literature or solicit union membership in non-work areas when on a break or off work. The recent decision of the Board in Samsonite Corp. and Leon C. Wikoff, 206 NLRB 91, 1973 CCH 25,682, extended this protection to workers engaged in distribution of non-union propaganda and/or non-union solicitation.

In Samsonite, the Union (United Rubber Workers) and the employer agreed to a shop rule allowing dismissal for the distribution of unauthorized literature on the employer's premises. However, workers still could pass out union literature under the Republic rule. There was a similar rule regarding solicitation.

During a subsequent negotiation period a caucus formed as a result of dissatis-

faction with working conditions in the plant (especially the extreme heat). Three workers were fired for handing out the caucus newsletter, "New Morning". Unfair labor practice charges were filed in July 1972. Last month, the Board concluded that the firings violated section 7 rights to engage in concerted activities around working conditions and wages. Even though the newsletter engaged in social comment, the Board felt these comments didn't detract from the newsletter's purpose of improving working conditions and wages. The newsletter was further viewed as a "lawful" and "peaceful" attempt to get the union bureaucrats off their asses, rather than as an attempt to undermine the union.

The reasoning in Samsonite brings out three pertinent issues:

1. There is a presumption that a no-distribution rule is invalid. Thus, the burden of showing the rule is a legitimate employer practice fell on Samsonite. Samsonite's lame contention that the rule's purpose was to control litter and prevent fire hazards didn't cut it with the Board.

2. The no-distribution rule was not

Protects Caucus Rights

validated by the Union's waiver of the workers' right to engage in non-union distribution and solicitation. The Magnavox Co., 1972 CCH 23,869, which held that the validity of a waiver depends on its impact on the workers' statutory rights, was applied here. Since there was no showing that the Union needed that waiver to be an effective bargaining agent, and the Union made no showing that it had a special need for the waiver, it was declared invalid.

3. Only one of the three workers got his job back. The other two were fired for allegedly falsifying applications. These firings were upheld as there was

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Another Personality Clique?

We think we should clear up some possible misunderstandings. First, the group responsible for this newsletter is not at all connected with the old union administration that got thrown out last November.

Right now, unions are led by a collection of bureaucrats who have no stake at all in the things we need to fight for.

Their working conditions are the same as management's. Their salaries are closer to management's than to the wages we get. Their contact with us (once they reach office) is generally no closer than management's.

It is no wonder, then, that they think like management.

Perhaps this is why the phrase "union-company cooperation" comes so easy to them, even when we in the plant are hopping mad.

We offer a drastic suggestion: that we abolish the office of union president and any other full time office which separates us from our leadership. Those duties could be taken over by an in-plant committee which could spread tasks around so the stuff could get done during or after work.

Union policy should originate from the most basic nitty gritty unit we've got: departmental meetings. Here, amoung the people we know best, we can learn to speak up with some ideas on how to build a fighting organization that can deal with the problems we face and share.

This is no ordinary period for American workers. We are being bled dry by increasing taxes, run-away shops, limits on the right to strike, a government wage freeze, and the vicious continuation of racial and sexual discrimination.

Another personality clique? We hope not--instead the small beginnings of a new movement.

Communications

Need for analysis....

Letter from Reese Erlick, Oakland

Dear Comrades,

I've been reading the last few issues of the Labor Newsletter. There is a lot of useful information about workplace struggles going on around the country. A number of articles, including the one about the Okinawa general strike and "Roots of Class Struggle in the South" attempted to deal with the importance of national liberation struggles to American workers.

But the newsletter rarely analyzes the rank and file struggles. Militant trade union caucuses are nothing new. Fights around undemocratic unions, bad working conditions and poor wages happen all the time. The key question is how do we link up these rank and file movements with the larger struggle of all workers (unemployed workers, workers on welfare, etc.) and the oppressed nationalities (blacks, chicanos, Puerto Ricans)? How do we combine these struggles in order to overthrow imperialism and bring about a socialist revolution? Without dealing with the long term struggle, many of these rank and file caucuses will be crushed or funneled right back into the union bureaucracy.

I think a correct strategy is to form anti-imperialist core groups at the work place. These core groups develop a fairly high level of political unity and then they can relate to a larger trade union caucus or organize a union in a non-union shop. For example, at National Can in San Leandro, California, we formed a core group of workers who basically agreed on the following: (1) the need to hook up shop floor issues like speed-up with issues affecting workers around the world like Attica and the Vietnam War. (2) The need to attack the racism of both the company and the union. We demanded preferential seniority and hiring for minorities. (3) Fighting sexism by demanding equal pay for similar work and the right of women to work any job they choose. The core group put out a monthly newsletter, carried on struggles in union meetings, and on the plant floor. The group is no longer together because we didn't do enough internal education about socialism, the right of oppressed nationalities to self-determination, and similar political questions. We didn't understand that to effectively unite all workers, white workers should primarily organize other whites, and minorities should organize primarily workers of their own nationality.

The revolutionary movement's experiences in workplace organizing are still very limited. But there are thousands of workers across the country anxious to read in-depth analyses of factor organizing, particularly examples of multinational organizations. Hopefully, the Labor Newsletter can help out.

Revolution in our lifetime,

Reese Erlich

from Readers

Working for a union....

by Lance Compa, a law school graduate presently working as a UE field organizer in eastern Massachusetts.

While the patrician pols and press applaud the "restraint" and "cooperation" of organized labor during the recent past, many signs of renewed rank-and-file militancy provide hope to labor radicals. The Detroit actions. The steelworkers' challenge to Abel's no-strike agreement. The mineworker reforms. The farmworkers' resistance. The survival and occasional successes of reform and radical caucuses. Instances of black-white unity in the South: poultry workers, woodcutters, textile workers, Tampa Westinghouse workers.

There have always been sparks at the grass-roots level. They've been snuffed out quick, or died for lack of tinder. Now they're catching. This is encouraging, and it raises important issues for radical lawyers and law students interested in labor. How can we work with workers in a more-than-marginal way--fulltime if possible?

Let's face it: with normal practice (even normal "radical" practice), there's not much we can do on a sustained basis. We cling to our contacts in the shops, who are often ex-students, themselves estranged from many of their co-workers. Title VII and LMRDA cases provide some outlet, but they rarely generate the kind of coalescence we hope for as a result. Big cases come along from time to time, like the Briggs case described in the August Newsletter, but not often enough to make a living. We still have to spend the bulk of our time taking on conventional cases to finance our political activity.

For all their problems, the unions are still the principal forum for collective rank-and-file action. Workers' fights are union fights, whether against bosses, regressive union leadership or, sooner or later, the government. The Sims, Brotherhood and Action Caucus victories reported in the August Newsletter were union victories. They won by going back to the basics--wages, working conditions, union democracy.

We ask ourselves: what does loosening a rate, or improving the grievance procedure, or electing a better steward, or making sure a pension plan covers past service liability, have to do with making a revolution? Give us a wildcat!

We agree that wildcats and other forms of spontaneous militancy are vital for arousing a revolutionary spirit among workers. At the same time, the development of careful, sustained control over the day-to-day life in the shops, of understanding and involvement in various benefit programs, and of active and responsive local leadership are vital preparation for the revolution--a "school for socialism," as Marx described trade unions. The fact that traditional union

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union....

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functions will have to be transformed under socialism does not detract from the importance of making them work now.

With this in mind, lawyers and law students interested in labor struggles should consider working full time for unions. Not in the legal office of union headquarters, but out in the field as organizers, service representatives and business agents.

Before we choke on the idea of being a "labor bureaucrat," let's consider whether dealing with workers' day-to-day problems is any more "bureaucratic" than straight legal work, even in its radical form. We can stand having certain things de-mystified for us, like the "laws" of work in America.

How many of us can help fight a time study that makes a rate too tight? Help get an upgrading or challenge a boss's job evaluation? Protect a senior worker's rights over an employer's "more qualified" favorite? Check the accuracy of a company census for pension or medical benefits? Arrange for credit from local merchants in a strike? Conduct an organizing campaign in a non-union shop?

These and other grass-roots problems require just the kind of skills a legal background can provide. Contract analysis and interpretation. An understanding and creative use of procedure. Negotiating skills, experience in representation, powers of persuasion, rapid and effective writing. We shouldn't be ashamed of such skills. We shouldn't hesitate to put them to the fullest use on behalf of workers in organizing campaigns, contract negotiations, third-step grievances, arbitrations, safety tours, strikes, Labor Board or Workmens Comp hearings, etc. The workers will never resent it. And for those worried about manifesting a savior complex, forget it. Only the workers know the jobs, the machines, the products, the history of past practices and all the other elements that make or break the quality of our representation. The workers' material experience is the foundation for whatever skills we can provide.

This is not to say that such work is free of contradictions. It is carried on in the framework of conventional labor relations and all its restraings. Recourse for problems is largely to the collective bargaining agreement and its grievance procedure, to an agency of the Government, to an insurance company, or the like. Most contact is with local union officers and stewards rather than rank-and-file. As an employee of the union, a field organizer or representative is tied, to a certain extent, to the policies of the International. In much the same way, a Business Agent is tied to incumbent union leadership.

With some initiative and imagination, these tendencies can be fought. Union field workers can promote conferences for women workers, young workers and other non-officer union members. Rank-and-file members can be urged and helped to put out shop papers that shake up both management and the union. Members of different locals can be brought together to discuss community issues, to make contacts with other community groups, perhaps eventually to develop a program for meeting community problems.

This is getting ahead of ourselves. The point is, that with a union, even a bad union, we already have the indispensable element of any social force: an organization. It's there and functioning. All the qualities of working people are there, too--discipline, solidarity, willingness to sacrifice, physical strength and endurance, resourcefulness and ingenuity. All this can move into action when conditions are right. Conditions are not right at this time; it's a down period. But we can work now to prepare for the movement that will have to come.

The challenge is to go into the field and start dealing with day-to-day union problems. There are independent, progressive unions looking for good people--UE, the West Coast longshoremen, the new Mineworkers, the Autoworkers. That's right. The UAW deserves criticism--so do the others--but it remains open enough for a Jordan Sims or Brotherhood Caucus to win local control. Let's not put it in the same boat with the real piecard outfits.

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New book on UE....

Robert Lewis, staff counsel for UE and a member of the Guild labor committee in New York City, asked us to make available to Newsletter readers pre-publication information on Them and Us, a new history of the UE. Among other reasons, he believes it's an important book because it recounts how a major Communist-led union survived the combined attacks of the government, industry, and the labor establishment.

On Christmas Day of 1969, toward the end of a long and bitter General Electric strike, a young strike leader said: "They've been trying to tell us there are three separate groups in GE: the company, the employees, and the union. We have to show them there are not three groups, but just two: the company and the union. Them and us."

In early 1974, Prentice-Hall, Inc. will publish THEM AND US: Struggles of a Rank-and-File Union ($6.95). Written by UE General Secretary-Treasurer James J. Matles and journalist James Higgins, the book describes the experience of workers in the electrical manufacturing and machine industries in organizing and maintaining a militant, democratic union from the early 1930's to the present. It is also the first time that a national union leader tells the story of the continuing epic struggles in the mass production industries as he saw them and lived them.

Matles and Higgins also discuss major challenges facing the labor movement of today:

*Organization of the 75% of the workers still unorganized

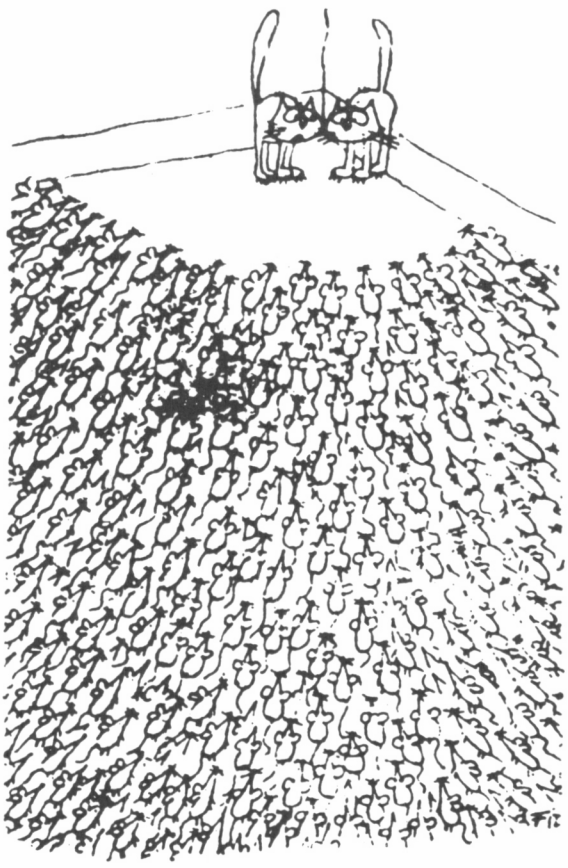
*The need to build an independent political movement

*Automation, speedup, and "monotony on the job"

*The redistribution of national income and wealth

*Improvement of the quality of working class life.

THEM AND US has relevance to the present -day struggles of American workers to control their own destinies and to contribute through militant, democratic organizations to the betterment of the general welfare of the people.



Transfusion/cps

'Well, don't just stand there--negotiate!"

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union....

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There are several new, growing unions that are also looking for talented staff additions--1199 [hospital workers], the Farmworkers, Southern Poultry Workers and Woodcutters. Others are just getting started--Household Workers, Waitresses, Farmworkers in the Northeast.

A number of AFL-CIO unions are engaged in important organizing efforts--the Amalgamated Clothing Workers Union and Farah, the Textile Workers Union and J.P. Stevens, AFSCME and Southern municipal employees--where legal skills are a necessary organizing aid. Even the big, bad Teamsters should not be anathema. There are good Teamster locals, good officials and good members. And we'll need the Teamsters someday, because we'll have to have the transport system.

Nor should we overlook the possibility of work as a Business Agent for a group of local unions or a single large local. Many veteran B.A.s are retiring these days. Their unions would likely consider young, energetic persons with legal backgrounds as replacements.

There are plenty of opportunities for union field work if we are willing to forego being strictly lawyers and apply for the jobs. It's important work. Something is in the air, something that says organized labor might again become a Movement, this time with a political character. We'll have to be ready for both the movement and the inevitable reaction. Helping to build democratic, rank-and-file unionism now is a way to prepare for both.

NEW MORNING

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no evidence to indicate that the employer knew that these particular workers were distributing the newsletter. (The fact that detectives were hired by the company to investigate the records of these two workers either did not make it into the record, or was ignored). Thus, it couldn't be proved that the firing was linked up to the exercise of section 7 rights by the workers.

In sum, Samsonite helps caucuses by protecting their right to distribute propaganda and solicit membership. It also makes the point that a union seeking to waive workers' protected rights must be able to rationalize its waiver.

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