

# labor newsletter

National Lawyers Guild

Issue #10

April 1974

## san francisco City Strike

*This article was written through the combined efforts of Lee Adler, Arlin Armstrong, Mike Friedman, Barbara Hanfling, Randy Padgett, Laura Uddenberg and Barbara Weiner from San Francisco.*

During the 9-day period from March 7-15, the city of San Francisco virtually shut down. A city employees' strike led by SEIU and supported by many other major unions, took the city by surprise. The media, busy with Patrica Hearst and the SLA, ignored the unmistakable signs that the members of the Service Employees International Union were going to walk out, and intended to take most San Francisco workers with them.

The strike started March 7 in confusion, a wildcat during a supposed moratorium, and continued that way. Tangential issues like Mayor Joseph Alioto's campaign for governor, the near financial bankruptcy of BART, the city's new rapid transit system, and the poor conditions

at SF General Hospital, clouded the strike demands and interfered with negotiations.

But San Francisco was practically shut down anyway. A financial rather than an industrial center, San Francisco depends heavily on both public and private transportation systems to get thousands of workers to the "downtown" area of about 10 square blocks. When the transportation systems shut down, as they did in honor of the city employees' strike, and the workers are late or never arrive international corporations like the Bank of America, can not function.

The city workers closed down or substantially interfered with the Muni-bus system, BART, 2 private commuter bus systems, the schools, the libraries, the zoo, the opera, the courts, the welfare and social services programs, the port, the hospital and the airport. Everybody who lives, works or plays in San Francisco had to change their lives for over 9 days.

This is the strength that striking city workers brought to the negotiations. What SEIU, AFT, the Teamsters and other unions came away with did not reflect that strength. Even in as strong a union

*(Continued on Page 2)*



*SEIU pickets outside SF General Hospital*

# sf city strike

(Continued from Page 1)

town as San Francisco, even with a 9-day city wide strike, city workers barely got cost of living increases.

When you have to run that hard to keep up with inflation, something has to give.

## CITY WORKERS STRIKE

San Francisco's SEIU has a membership of 8,500 city employees, in 4 locals, including janitors, hospital workers, clerical and social service workers. In general these represent the lower-paid strata of city workers. Most of them are women.

The strike, called by SEIU to begin on March 7, was a response to the totally inadequate wage package of 5.5 million dollars offered by the SF Board of Supervisors, amounting to raises between 2 and 5 percent. The 2 percent increase recommended by the Board for the lowest paid workers ignored the devastating effect inflation has had particularly on this group. Maxine Jenkins, a union organizer, pointed out that the pay scale for clerical workers, who average \$464 a month take-home, is so low that a number of these women, who are heads of house holds, qualify for and receive food

stamps and welfare, (Bay Guardian, March 14). SEIU demanded a \$960 a year increase for each worker and a dental plan. The demand for a lump-sum increase for all workers rather than a percentage-pay increase, came from the rank and file pressure of the lower level city employees who are unable to deal with inflation and constantly rising energy prices.

After the city's offer of March 5, SEIU voted 812-87 to strike. The next day the San Francisco Labor Council sanctioned the strike. A last-minute effort to postpone the walk-off for 24 hours by the Labor Council and Alioto fizzled when thousands of city workers formed picket lines on the morning of March 7, the date that had originally been set for the strike. In negotiating the 24 hour relieve, the Labor Council had withdrawn its sanction. But when the workers formed their picket lines the next morning anyway, Crowley, president of the Labor Council, re-sanctioned the strike with the condition that SEIU postpone the picketing of the Muni car-barn for 24 hours.

## MUNI-BUS DRIVERS SUPPORT THE STRIKE

When SEIU did set up its pickets at the car-barn, the Muni-bus drivers of the Transport Workers Union gave them immediate and total support. When the Muni drivers are out, San Francisco shuts down.



MAYOR JOSEPH ALIOTO crosses the picket line at City Hall.

FROM S.E.I.U. #400'S MUNICIPAL REVIEW





The financial and shopping districts, plus all the major streets into them, clogged with traffic most of each of the 9 strike days. Much public pressure was put on the Board of Supervisors and Alioto to settle, simply to get Muni going again. The solidarity of the Muni workers with the city workers, which they have shown throughout San Francisco history, was one of SEIU's major strengths at the negotiations.

#### NEGOTIATION PROBLEMS

On March 9 Alioto declared a state of emergency after strike leaders had rejected a 7.7 million dollar offer from the city. The mayor suspended the City Charter, enabling the supervisors to negotiate directly with union leaders behind closed doors. Until that time negotiations had consisted of offers and counter-offers between the Board and union leaders operating from different rooms, with Alioto acting as the messenger-boy.

Rank and file members of SEIU had insisted that negotiations with the city be conducted by a formal negotiating committee comprised of five rank and file people of each of the four locals involved, as well as the union negotiators. This demand came from a growing awareness by union members that only active participation by the rank and file in the negotiations themselves could avert the possibility of a sell-out agreement between union leadership and the Board of Supervisors. Specifically, city workers wanted to prevent a recurrence of 1970 where, after a 4-day strike, Mayor Alioto announced a settlement for one of the smallest wage increases ever, before the members had had a chance to vote on the

offer.

Board of Supervisors President Diane Feinstein refused to have rank and file members present, a move which unfortunately the Labor Council did not fight. But pressure by the SEIU members did force Crowley and SEIU leadership to confer with a rank and file committee each time a new proposal came up.

#### OTHER UNIONS JOIN IN--THE STATIONARY ENGINEERS

The Stationary Engineers, local 39, were not officially on strike themselves. But the 100 members of the union who operate San Francisco's 3 sewer processing plants, observed the city workers' picket lines and closed the plants on March 9. All 3 plants had emergency plans for supervisors to take over operations in case of a strike, but these were not used until days later. The closed sewer plants became the symbolic block in the negotiations. The workers were made to appear insensitive to the needs of the Bay Area public, because they allowed tons of raw sewerage to flow into the Bay. In fact, the precondition to the negotiations set by the Board, that the unions remove the pickets from the sewer plants, was a strike-breaking tactic. The negotiations broke down over this for a day. But after the sewer plant supervisors started up plant operations again, the issue dropped out of the negotiations.

#### THE SCHOOL EMPLOYEES

Many AFT members honored SEIU school

*(Continued on Page 4)*

### **in this issue:**

<i>Strike in San Francisco</i>	Page	1
<i>Arbitrator Rules on Falsification</i>		6
<i>Labor Law Course in Seattle</i>		6
<i>American Labor Movement in 1974: Problems and Perspectives for the Left</i>		7
<i>Cane Cutters Organize in Louisiana</i>		12
<i>Legal Setback for Steel Workers</i>		15
<i>Economic Outlook: How Bad Is it? How Will Labor Respond?</i>		17
<i>Legal Victory for Gulfoast Pulpwood Association</i>		24

# sf city strike

(Continued from Page 3)

employees' picket lines on Thurs. morning, March 7. That afternoon AFT voted to strike itself, and joined picket lines at the schools, plus set up their own lines at the school bus yards. United Transport Union, the school bus drivers, agreed to honor them. Starting as a sympathy strike with SEIU, AFT teachers and substitutes voted to put forth their own demands around wage increases, class sizes and bilingual programs, plus they made wage and working conditions demands for classified employees who are not members of San Francisco AFT.

But the situation among education workers in San Francisco is seriously divided. On one hand there are two groups fighting over the workers, AFT which is a union, and the Classroom Teachers Association (CTA) which is a professional organization. On the other hand, AFT itself is divided between the local's president Ballard and his followers, and the Teachers Action Caucus (TAC), over question of policy and strategy. These divisions, while showing that education workers are fighting to both organize themselves and to democratize their union, caused much confusion and prevented them from taking advantage of the city-wide strike.

UTU, with justified distrust of AFT stemming from AFT's weak support of a school bus drivers' strike in the fall, did honor AFT picket lines for 6 days. At that point AFT voted to withdraw their pickets to allow the bus drivers to go back to work.

TAC continued to strike, eventually forcing the Ballard AFT forces and CTA members to join in. But they missed catching up with SEIU strength.

During the week of March 11, more and more unions supported the strike and refused to cross picket lines. The BART system shut down on Monday, March 11 when the employees, many of them SEIU members, refused to cross lines set up at the stations. Longshoremen honored lines at the piers, and AC Transit drivers, bussing commuters from the East Bay to San Francisco, shut down the system for 2 days.

## THE TEAMSTERS

The response of the Teamsters to the city strike was mixed. Though they faithfully honored all picket lines, their leadership, most notably Rudy Tham, General Secretary of Teamsters Joint Council 7, was publicly critical of SEIU's handling of the strike.

Local 216 was more directly affected, and the leadership there expressed some disagreement with some of the ways the strike was carried out. Approximately 3/4 of its membership lost 5 days of work as they honored picket lines almost everywhere. One line was crossed when a representative of the local did order the drivers to break lines at the San Francisco Airport because it had no city employees there on strike. One local 216 spokesman criticized the management of the strike, and the final settlement, branding the leadership of the strike "a bunch of red hots" who knew little of what they were undertaking. "If professionals had run the thing, I tell you it would've turned out differently."

Finally, in Teamsters local 860, the Warehousemen's Union, prison guards were affected by the strike, though they stayed on their jobs. In spite of their peripheral connection to the strike, their leadership voiced strong opposition to certain aspects of the strike. They objected to the "unjustifiable inconveniences" to members as well as to the rest of the city in Muni being shut down. And that it was "dishonorable" not to honor the 24-hour extension. (One 860 official claimed that the strike could have been settled during that time, citing the unsatisfactory settlement as proof that the strike gained nothing.)

But Local 860's objected most to what they considered to be SEIU's "power grab," a phrase repeated in many places other than Teamster Halls. An official who directly negotiated with the city claimed that SEIU negotiators would not let Teamsters sit with them at the same bargaining sessions, and that the Teamsters had to go it alone. But the same official also said that the Teamsters got a 2 and 1/2 percent better contract wage than did the city workers. Local 860 fears that the city workers will be reclassified into larger bargaining units and that the

Teamsters, who have only a scattered group will be squeezed out entirely by the more persuasive SEIU. Whatever the mechanics are, it is important to note the concerns of this and other Locals that they will be swallowed up by SEIU's new found militancy.

#### THE INJUNCTION

The San Francisco City Chamber of Commerce was not happy with the strike. Its members, banks, corporations, hotels and restaurants in the downtown area of the city, were losing money. Either their employees could not get to work, or there was no one around to sell lunch to.

The Chamber of Commerce filed a "taxpayers suit" asking for an injunction against the picketing in certain places.

Judge Horn, a Municipal judge from 1954 until 1964 when he won a race for the Superior Court of San Francisco County, is notoriously anti-labor. One San Francisco Supervisor, Terry Francois, called Horn "a first class racial bigot."

Horn granted an injunction on March 11, and ordered the police to enforce the injunction by arresting picketers if necessary. Both Alioto and Police Chief Scott were afraid to order the police, who are members of SEIU, to arrest the SEIU city worker pickets, especially 8,000 of them.

So Horn cited Alioto and Scott for contempt of court. Alioto and Scott then suggested that the police go to the picket lines and read to each picketer the 2 page court order asking them if they wouldn't leave. If the picketer refused, the police would write out a contempt citation, and move on to the next.

Sounds like a joke, it wasn't. Short of massive arrests, possibly reaching thousands, the city strike could not be stopped by court action. Alioto who is presently trying to woo California labor to support him for governor, had no intention of running the goon squads in on SEIU picket lines. And he correctly guessed that he had less to fear from the courts than from angry workers.

On March 14, the day before the strike ended, Scott and Alioto hit on a solution. Two groups of police in an elaborate ceremonial served Tim Twomey, vice president

of SEIU, with a contempt citation at the S.F. General Hospital picket line, and also served Jerry Higgs, SEIU coordinator, at the Muni car barn.

#### SETTLEMENT

Settlement was reached. The final package amounted to \$11 million. The package included a \$600 yearly raise for each of the approximately 15,000 city employees affected, city contributions to the pension program and a \$500,000 dental plan. Included also in the package was an option for hospital workers and some other city employees to transfer into "crafts pay" status (based on pay levels in private industry for comparable jobs), if transfer would mean a pay increase for those workers. The settlement on March 15th also ended the battle between police and Judge Horn.

#### AFT CARRIES ON

AFT and CTA were still officially on strike. Due to the confusion and divisions between school employees, they had failed to strongly link up with SEIU in their demands and tactics, and were left out of the March 15th settlement. Striking alone proved to be a hard task. Public sentiment was no longer with the strike, UTU school bus drivers could not afford to go out again and since none of their demands were included, were not supportive any way. CTA, though officially on strike with AFT, could not pull much of its membership out of the classrooms.

The school boards offers were naturally much lower than AFT's demands. As the strike wore on, a week and a half longer than the city workers were out, sentiment rose for settlement. On March 27, a 6% raise for teachers, a 12% raise for substitutes, was accepted. Most other demands were "referred to committee" in other words, dropped.

#### POST STRIKE LEGALITIES

Shortly after the strike's end, a hearing on the contempt charges was held in Judge Horn's court against Alioto, Scott and the unions. Both Scott and Alioto were dismissed and Alioto emerged from

*continued on page 14*

# ARBITRATOR RULES ON FALSIFICATION

by Bruce Waxman, Washington D.C.

A recently reported arbitration decision may make it harder for employers to get rid of employees on the pretext that the employment application was falsified.

In Hofmann Industries, 61 LA 929 (1973) Arbitrator Clair V. Duff was called upon to decide the grievance of a union activist who was discharged for improperly falsifying his employment application by not revealing his college bachelor's degree, master's degree, and near completion of doctorate. The employee also overstated the length of previous employment in order to account for time spent in school.

The grievant successfully completed the 30-day probationary period and was considered an average employee of the factory. A few months later, after the grievant became active in support of the Steelworkers Local during an economic strike at the plant, the company investigated his background and discharged him for falsification of his application.

The arbitrator found that the discharge was not for proper cause and ordered the employee reinstated with seniority and back pay.

The arbitrator found that the timing of the investigation and discharge indicated the firing was a pretext for getting rid of an "undesirable" employee. Also,

the arbitrator found that the company was not hurt by the grievant's falsification as his work was acceptable. In addition, the arbitrator in noting the need of college educated persons to get jobs, including blue collar jobs, was sympathetic to the applicant's falsification of his application because the company showed no factual basis to support its anti-college discrimination.

Interestingly, the company made a point at the arbitration hearing of proving that the grievant visited the Peoples Republic of China for three months beginning November 1970. On this point, Arbitrator Duff stated, "We reject any attempt to attach to that fact any derogatory innuendo; the political views of an individual are not proper subjects for review by a company or Arbitrator."

The decision in Hofmann should be compared with the decision of Arbitrator Albert A. Epstein in a similar case involving failure to reveal a college degree in an application for a job as a drill press operator. Epstein found that discharge was proper. In Powers Regulator Co., 56 LA 11 (1970), the arbitrator stated that the employer's right to discharge for falsification of a minor nature expires after a reasonable time period. In Powers, Arbitrator Epstein stated that the rule of thumb for a reasonable time period is one year.

## seattle labor law course

The People's Law School, a project of the Seattle chapter of the National Lawyers Guild, recently offered a free course entitled The Law and Your Job. The course was for workers who want to know how the law affects them at their workplace and with their union (if they have one), in order to be better able to protect their interests. Seven sessions were planned:

The Labor Board: Its History, Purpose, and Functioning. The historical and social context in which national la-

bor legislation was passed, the evolution of those laws, the effect labor legislation has had on labor-management relations, the NLRB procedures for filing unfair labor practice charges, representation petitions, and how cases are processed by the Board, from investigation through trial.

The Collective Bargaining Agreement: The effect of the collective bargaining agreement on the individual worker, emphasizing grievance and arbitration procedures. (Continued on Page 23)



# THE AMERICAN LABOR MOVEMENT

## Problems and Perspectives for the Left

*(The following paper was written by Ken Lawrence, a member of SCEF from Mississippi, for distribution at the NLG labor conference of March 22, 1974.)*

This paper is an attempt to analyze some aspects of modern capitalism, and particularly of the modern labor movement, which are new--which have never been faced before. I have stressed these aspects at the expense of others which have undergone less change, in order to unearth the areas in which I believe the left must unload some of its old baggage if it is to be relevant to the coming American revolution.

The bourgeoisie has learned a great deal since 1920. Were Lenin alive today he would have learned a great deal too. I see no good reason why today's communists and progressives cannot engage in a serious discussion of revolutionary perspectives based on today's realities.

### I

The last AFL-CIO convention was held October 18-23, 1973 in Bal Harbour, Florida. Despite the call for Nixon's resignation or impeachment, the AFL-CIO's reactionary reality wasn't even slightly concealed. As one indication, the convention upheld George Meany's suspension of the Colorado Labor Council for having endorsed George McGovern for president in opposition to George Meany's pro-Nixon neutrality.

Its traditional support for imperialism was underscored by the favorable response given to Secretary of Defense, James R. Schlesinger, the only Administration official to address the convention. Delegates enthusiastically adopted a pro-Israel resolution calling on the U.S. government to provide an airlift of military supplies and equipment. Even Cesar Chavez joined in the anti-Arab jingoism. The president of the International Longshoremen's Association, Thomas Gleason, unwittingly

told the truth when he spoke of the "AFL-CIA".

Charles Hayes of the Amalgamated Meat Cutters pointed out that fewer than 2% of the 868 delegates were black, despite the AFL-CIO's approximately 10 to 12% black membership. (In spite of the traditional policies of exclusion and discrimination by most unions, employed black workers are more unionized than white: black men 29.0%, white men 27.6%; black women 13.8%, white women 9.8%.)

While the convention passed a resolution supporting the Equal Rights Amendment, fewer than 20 of the delegates to the convention were women (approximately 2%), though nearly one quarter of all AFL-CIO members are women. The membership of the Amalgamated Clothing Workers is 75% female, yet all of its delegates were men (as are all of its top officials).

But racist, sexist, and imperialist policies and practices, and the lack of representative or democratic structures, are not the only failings of the AFL-CIO. The 1973 convention refused to deal with the fact that the labor movement is being smashed.

Jerry Wurf, president of the American Federation of State, County, and Municipal Employees, offered a very mild resolution calling for a commission to

*(Continued on Page 8)*



*George Meany with Nixon and Labor Secretary Brennan in Miami*

# Labor Movement

(Continued from Page 7)

consider restructuring the AFL-CIO in order to facilitate organizing the unorganized. The resolutions committee recommended against adoption of Wurf's resolution, calling it 'unnecessary and unwise' and the proposal was rejected.

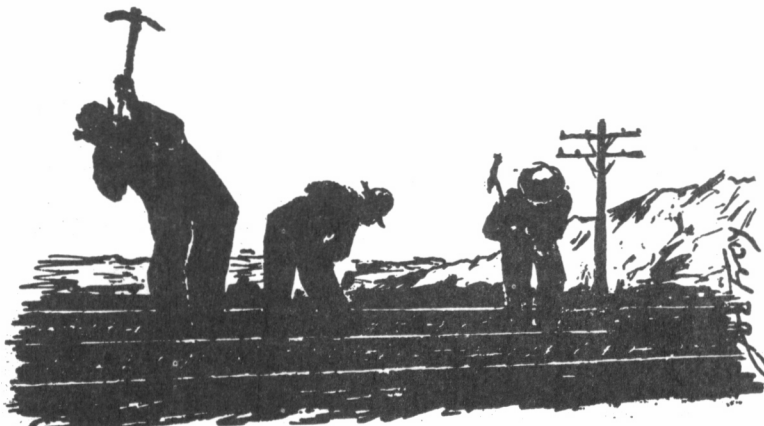
A resolution that did pass called for an 'experimental program of expedited arbitration in appropriate industrial centers' patterned after the no-strike agreement between the basic steel companies and the United Steel Workers' I.W. Abel--another step in the direction of giving up the right to strike.

## II

The labor movement has been in a constant state of decline since the mid-fifties. In 1954, more than one third of the U.S. working class was unionized (34.7% of employees in non-agricultural establishments). In 1972 the figure was 26.7%. If the present trend continues, unions will represent less than one-fourth the working class by the end of the decade.

The decline has been greatest among workers in the manufacturing industries, the most 'proletarian' sector of the working class, where the unions have experienced an actual decrease in membership as well as a proportional decline. One large union, the United Steel Workers, registered a gain in 1972, but only because it absorbed the International Union of District 50, Allied and Technical Workers, which had been expelled from the United Mine Workers a few years before.

The only important growth of unions in recent years has taken place among service and government employees.



Though there have been and continue to be outstanding struggles waged by recently organized workers--farm workers, Farah workers, and Oneita workers are some AFL-CIO examples--none of the organizing drives have kept pace with the increase in the total workforce.

## III

In 1922, describing a similar situation which he called THE BANKRUPTCY OF THE AMERICAN LABOR MOVEMENT, William Z. Foster wrote that Samuel Gompers, the head of the American Federation of Labor,

*"is the undisputed world's prize labor reactionary....In many respects he is more reactionary than the very capitalists themselves."*

The same words could be truthfully applied to the AFL-CIO's George Meany today.

Foster attributed the situation to *"the fatal policy of dual unionism which has been practiced religiously for a generation by American radicals and progressives generally. Because of this policy, thousands of the very best worker militants have been led to desert the mass labor organizations and to waste their efforts in vain efforts to construct ideally conceived unions to replace the old ones. In consequence the mass labor movement has been, for years, drained of its life giving elements...Dual unionism has poisoned the very springs of progress in the American labor movement and is primarily responsible for its present sorry plight."*

Many leftists have attempted to draw parallels between the situation described by Foster in the 1920's and the problems that fact the left today. Let us examine the similarities.

Of approximately 19.4 million trade union members only 16.4 million are members of AFL affiliates. The rest, for the sake of discussion, can be considered "dual". Where are they?

The two largest unions, the International Brotherhood of Teamsters and the United Auto Workers, are outside the AFL-CIO. The International Longshoremen's and Warehousemen's Union, the United Mine Workers, the Distributive Workers of America, and the United Electrical Workers Union (UE) are other important unions outside of the AFL-CIO. There are also new unions like the Gulfcoast Pulpwood

Association and the Mississippi Poultry Workers Union, which have chosen to remain independent.

Why are these unions outside the AFL-CIO? The Teamsters were expelled for "corruption." The UAW left because (ostensibly) of Meany's refusal to organize the unorganized, and because of the clash between Meany's conservatism and Reuther's liberalism. More realistically, Reuther split because Meany wouldn't retire as AFL-CIO president to make way for him.

The UMW has been independent ever since the CIO endorsed Roosevelt while John L. Lewis was campaigning for Wilkie. The CIO expelled the ILWU and UE for being "Communist-dominated," and DWA was too militant for its parent, the AFL-CIO's Retail, Wholesale, and Department Store Union.

AFL-CIO unions refused to organize pulpwood cutters and haulers and many workers in chicken plants. But after they were organized, established union representatives graciously volunteered to sign them up and collect their dues, while giving them little or no control over even their own locals. Under those circumstances, the workers' lack of interest isn't hard to understand.

But realistically, none of these unions could be described as "making efforts to construct ideally conceived unions designed to replace the old ones." The Teamsters are infamous for their attempt to destroy the United Farm Workers Union, as well as their leadership's increasingly fascistic line politically.

It is the "liberal and democratic" UAW that recently mobilized a thousand goons to smash a militant strike of its own members after criticizing the Chrysler Corporation for being too lenient on UAW members in an earlier wildcat. And the racist privileges in the skilled trades rival those of the most backward building trades union.

The ILWU's militant and democratic traditions are found today only in history books. Until last fall, the same could have been said for the UMW, the only difference being that you would have to look farther back in history.

That leaves us the UE, DWA, GPA and MPWU. Wildly exaggerating, you might convince a careless listener that all together they have 350,000 members, hardly a serious contender to replace the

AFL-CIO. Nor has anyone I know suggested that they try. The only shred of truth in the suggestion that any of these unions are "dual," in the way Foster meant, regards UE, which refused to be destroyed when the Communist Party wanted UE members to surrender to the red-baiting attacks during the forties and fifties.

#### IV

In fact, the last genuine dual union movement was the CIO, which not only sought to replace the AFL, but for all practical purposes succeeded. That was a generation ago. It is certainly unfortunate that so many leftists, particularly members of the Communist Party, opposed the formation of the CIO and dragged their feet about affiliating with it. No doubt this "tailism", the failure to anticipate the CIO would become the industrial union movement in the United States, had a great deal to do with the inability of the left to survive the post-war purge within the CIO. Thus, 'labor unity' was only consummated in 1955, after the isolation and destruction of the left had been completed.

And the last revolutionary dual union in the U.S. was the Trade Union Unity League, which existed from 1929 to 1935. It played an important part in laying the groundwork for the rise of mass industrial unionism through the CIO. The TUUL was headed by none other than William Z. Foster, who in other periods was the leading opponent of dual unionism in the United States.

#### V

Actually I think the hue and cry about dual unionism is misplaced today. As I have shown there are indeed some parallels with the situation described by Foster in 1922. But the differences far outweigh the historic similarities.

Back then there was a direct correlation between trade union strength and working class militancy. Not only was the trade union movement in a state of decline at that time, "bankrupt" to use Foster's word, but class struggle itself was at a low ebb. There were fewer strikes in 1922 than in any year of the previous quarter century.

The exact opposite is true today. While the unions have undergone an unin-

*(Continued on Page 10)*

# Labor Movement

(Continued from Page 9)

interrupted decline, the last five years have averaged more strikes per year than any previous period of history. The number of strikes in 1970 and 1973 were exceeded only once since 1890--in 1919, the year of near-revolutionary struggle when 20% of all U.S. workers participated in strikes. Today, while unions decay, the class struggle reaches an all-time high.

## VI

How can we account for this contradiction?

Some writers have shown that "labor relations" today have transformed unions from organizations of struggle into organizations whose primary duty, once a contract has been signed, is to discipline workers to enforce contractual obligations. Uninterrupted work is what unions give in exchange for a particular package of wages and fringe benefits.

When a worker complains about conditions in the plant his committeeman can be counted on to say, "Sorry, Buddy, you've got a gripe but not a grievance." (Meaning, "We didn't write that into the contract so forget it and get back to work.")

Victories such as the dues checkoff (which served to remove company pressure from weaker workers) or full time for union representatives (to protect stewards from company pressure and discrimination), have been transformed. Today they serve to shield unions and union officials from pressure from rank-and-file members.

So workers who can't withhold dues from unresponsive unions, or who have "gripes" instead of "grievances" but who feel just as offended are increasingly resorting to strikes rather than grievance procedures.

Often strikes are precipitated by racial discrimination. Or the issues will be "specific local grievances" such as production rates and standards, scheduling, more or less overtime, health and safety, etc.

## VII

All of the above factors are important, and help to explain the contradic-

tion. But there is another factor which has received practically no attention, one which signals the onset of a new stage in the history of American trade unionism. It developed gradually and quietly, but has finally matured.

In the past, no matter how strong the conservative pressures became, the simple equations of dollars-and-cents business unionism forced unions, albeit reluctantly, to act like unions. In other words, no members equals no dues. No dues, no power. And so on. That explains why the CIO, even as it entered a period of decline, made a feeble attempt to organize the South, and why certain unions still do.

In 1970 the assets of the American labor movement totaled more than \$2 billion. Only a small handful of the world's largest corporations are that wealthy. (And control of that wealth is distributed about as equitably among trade unionists as the control of General Motors' wealth is distributed among stockholders.) Furthermore, liabilities total only 10% of assets.



(I have thought about this often, particularly when members of the United Steel Workers tell me how their union is trying to persuade them to end a strike and get back to work in order to end the "drain" on the treasury--the \$10 weekly strike benefit.)

But something else happened in 1970, a new plateau for the labor movement. For the first time ever, a majority of the income received by national and international unions came from profits on investments--stock and bond dividends, interest on loans and bank deposits, rent on real estate holdings, etc. (The total was approximately \$700 million while income from dues or per capita tax, fees, fines, and assessments came to a little over \$675 million.)

So unions don't have to have members to make money any more, and investing the union's assets in securities actually brings in more profit than investing in organizing, for the first time in history. Actually, members are more expensive to have than it seems, since about half of the money they pay



in (approximately \$333 million in 1970) gets returned in the form of benefits from the national and international unions, whereas none of the other does.

IX

What does all this add up to?

First of all it means stop blaming backward workers and/or ultra left dual unionist conspirators for the sorry state of the unions. They aren't responsible.

Instead, look at the change in capitalism, and pay particular attention to the change in the unions themselves. (It would be strange indeed if the unions had not changed in 50 years, or 25 years, or whatever.) As in every dialectical process a quantitative change which has taken place gradually turns suddenly into a qualitative change. Unions, once labor, have become their opposite, capital.

For those who are ready to jump up with examples to prove that I'm wrong, hold your breath a while longer. Certainly the process is uneven and incomplete. That is an essential element of dialectics. Another aspect is the apparent return to the old stage--the negation of the negation.

What I am striving for here is not a theory that can explain every eventuality, but one which will help us to unlock the door to the next stage of development in the class struggle. If we can succeed in this, we won't repeat the error of so many leftists when the CIO appeared--first to oppose it, and later

to tail behind it.

While we have not seen the full flowering of the new working class movement, a lot of indications concerning its content and direction have already appeared, particularly since the emergence of the Dodge Revolutionary Union Movement and the League of Revolutionary Black Workers.

In the overwhelming majority of workers' struggles of the last few years (as in every other period of proletarian upsurge in the US) black workers have been in the vanguard of the entire class. In many cases they have fought and won major advances entirely by themselves.

In the sharpest clashes the unions have sided with capital, for all the reasons discussed earlier. While workers have often struggled to transform their unions into instruments of struggle, and will probably continue to do so, they have not hesitated to bypass the unions whenever it became necessary, and to develop new forms in the process. The most recent example of this was the wildcat of 27,000 West Virginia miners who struck to protest gasoline restrictions despite Arnold Miller's campaign against wildcats.

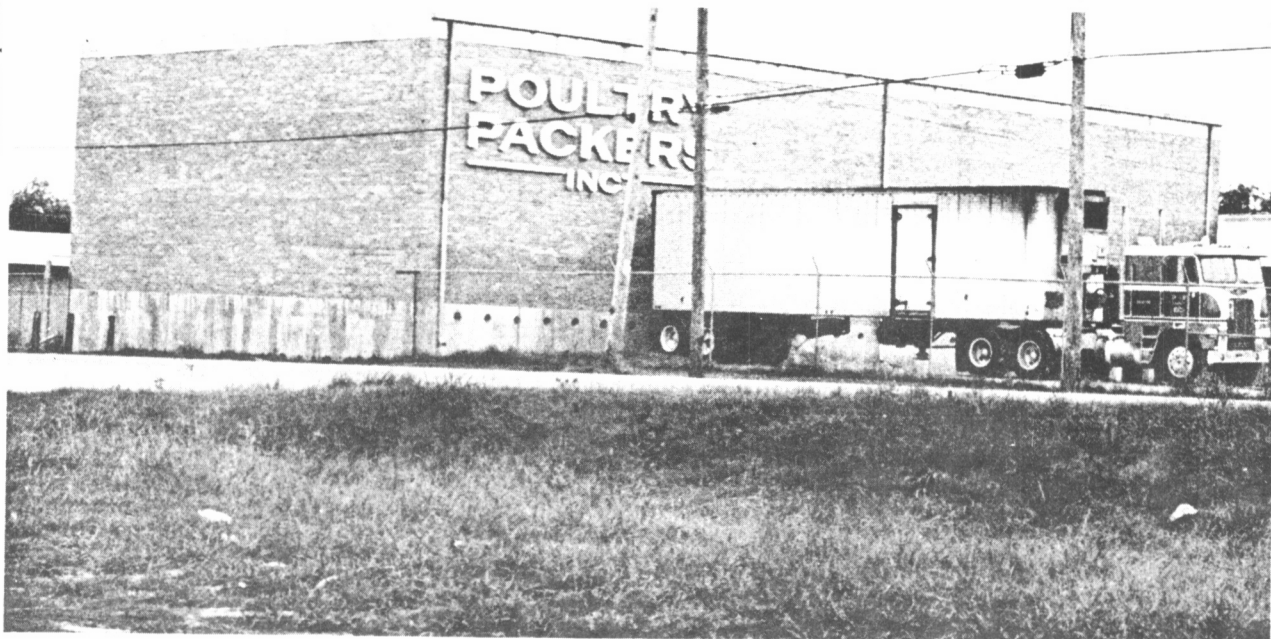
Battles are more and more being fought over control over production itself, and these are the struggles in which the meaning of socialism most clearly emerges.

X

The special features of the South are particularly important to us today.

*(Continued on Page 14)*

Ken Lawrence photo



# LOUISIANA 100 years

*"Fortunately Louisiana is at long last free of the one-arm bandits called slot machines; it will be a happy day when our state will enact and enforce laws strong enough to repress and restrain the small but dangerous minority of business leaders who are white-collar two-arm bandits in their inhuman treatment of their laborers."*

Father Jerome Drolet, Lafourche Social Action Committee,  
*Lafourche Comet*, Sept. 10, 1953

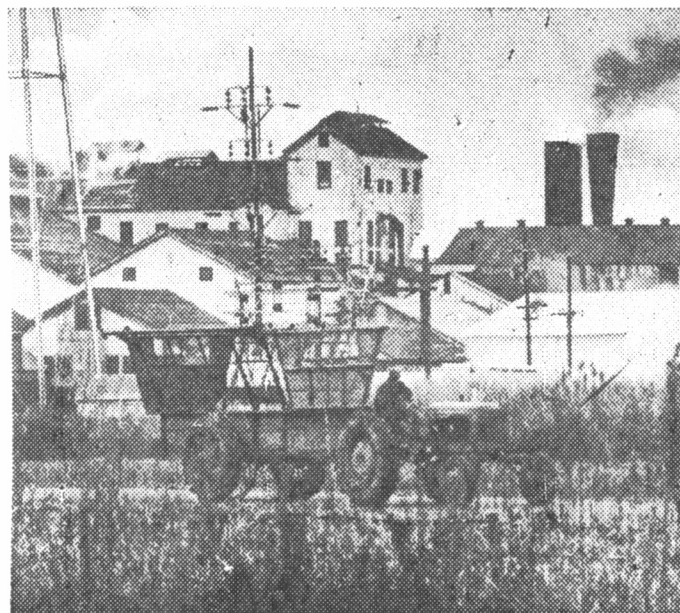
So began a front page editorial in a small south Louisiana newspaper written by a militant labor priest on the eve of the Louisiana Sugar Cane Plantation Strike of 1953, a little known but important event in the history of farm workers. Drolet, a handful of other activist Catholic priests, and organizers from the National Agricultural Workers Union (AFL) had prior to this blast been successful in forging a 2000-person-strong Sugar Workers Local 317, an incredible feat considering the scattered nature of the workforce and the wrath of the nationally powerful sugar planters, all of whom, incidentally, were also Catholic.

The strike lasted for four weeks. Because all the predominantly Black cane workers and their families lived in company housing and traded in company stores, the planters were able to use selective evictions to isolate the more militant workers. Moreover, the support that was being generated among white workers by the union and sympathetic clergy was being countered by a vociferous red-baiting campaign conducted by the American Sugar Cane League.

The ultimate blow, however, came in the form of a well-timed state court injunction. All during the strike, sugar refinery workers, who had previously been organized by the United Packinghouse

Workers (CIO), were staying home from work in an intermittent fashion. They had been joining with Black longshoremen from New Orleans in giving aid to the striking field workers, trying to encourage the various individuals who remained in the fields not to scab. But overall there was no attempt to stage a sympathy strike in the refineries, an act of solidarity which, if accomplished, would have shut down the entire cane industry. In a last ditch effort, members of Local 317 began picketing several refineries asking the workers inside to make the struggle of the field workers their struggle.

The growers, who up to this point had been unable to enjoin the strike in the courts, moved fast, throwing up the "no strike during harvest season" clause in the refinery contracts before the accommodating state judges. It was only a matter of days when the officers of Local 317 issued statements urging workers to return to the fields. Those involved in the strike maintain that the injunction came just as the growers were about to capitulate. Another day, or perhaps even a few hours, they claim, was neces-



# CANE CUTTERS of struggle

sary to accomplish the first collective bargaining agreement for agricultural workers in mainland United States.

Despite what the propaganda of the planters and their newspapers reported, this was not the first time that Louisiana cane workers had struggled against their class. In 1880, Black workers seized control of all the plantations along the Mississippi River below Baton Rouge under the banner of "A Dollar A Day or Kansas." They wrote a Black nationalist manifesto and fought off the planters and local vigilantes until the state militia arrived.

Seven years later, workers in the Thibodeaux-Lafourche area staged a strike under the leadership of the Knights of Labor. As in the '53 strike, the planters responded by evicting strike leaders. When the strike only increased in dimensions following this move, they proceeded to evict every single family. The state militia literally herded them into the town of Thibodeaux where, with the assistance of white vigilantes who called themselves the "Shreveport Guerillas", they maintained virtual concentration camps. Resistance ensued, resulting in the deaths of 30 workers, shot down for the most part by the militia's gatling gun. Except for sporadic work stoppages that had been occurring in the fields since Emancipation, there was no other organized strike effort among cane workers following the Thibodeaux massacre.

In 1937 Congress passed the Sugar Act. Like most pieces of New Deal legislation, the Sugar Act was intended to benefit the appropriate industry, in this case giving the sugar producers of Louisiana and Colorado (sugar beets) protection from foreign competition, while simultaneously providing the workers in that industry with some minimal advantages. Therefore, field workers in the cane industry were to come under the administrative control of the U.S. Department of Agriculture. Franklin Roosevelt



pushed this provision through since he felt that if the growers were to receive the luxurious subsidies and tariff protection under the Act, then they would have to be "good employers."

Needless to say, the USDA has done little to make the wealthy growers "good employers". Under the Act, wages of the field workers are to be reasonable. "Reasonable" to the Department at one time meant taking into consideration such factors as the cost of living, comparative wage scales, and related issues such as the conditions of company housing. In the past several years, however, this concept has developed into simply "growers' ability to pay." And to prove their ability to administer, the Department on one occasion has even gone so far as to prescribe a wage rate for workers that was lower than the one proposed by the growers!

Around the yearly wage hearings held in south Louisiana by the USDA there has been developing a mild resurgence of the fighting spirit that burst forth in 1953. Members of the Amalgamated Meatcutters, which absorbed the National Agricultural Workers Union some time ago, and an anti-poverty organization called the Southern Mutual Help Association have gone before

*(Continued on Page 14)*

*by Louie Robein, Baton Rouge, La.*

# CANE CUTTERS

(Continued from Page 13)

the Department each year attempting to overcome the institutionalized bias that pervades the hearings and the determinations.

Field workers are also beginning to organize around other issues such as coverage for them under the state's unemployment compensation laws. As it stands now the regulated wage of \$2 an hour is largely dissipated by the seasonal unemployment in the cane industry and the lack of non-agricultural jobs in the area. Meetings have been held and contacts have been forming between worker representatives and sympathetic organizations, including National Lawyers Guild people in Baton Rouge and New Orleans. Tentative plans have been made to utilize the political and legal skills of the local Guild in the legislature and possibly the courts.

The possibilities of unionization are still being discussed, although at the present there are several drawbacks. The United Farm Workers had at one time expressed interest in organizing, but since the Teamster problem has arisen, there have been no further contacts. Other AFL-CIO unions cite the great expense involved as the reason for their reluctance to intervene.

Yet, considering the recent struggles of the nearby woodcutters of southern Mississippi, it is not inconceivable that Louisiana sugar cane workers could organize in a few years, and in doing so, "repress and restrain the "two-arm bandits" that have been dominating them and the rest of south Louisiana for so long.

## **sf city strike**

(Continued from Page 5)

the sewage smelling like a rose. Not so the union leaders. Against them, Horn decided to press criminal charges. Victor Van Bourg, representing the unions at this hearing, challenged Horn under a California statute that allows one judge to be removed from a case because of bias. Horn ruled the statute unconstitutional. The unions immediately went to the Calif. District Court of Appeals which stopped the proceedings in Horn's

court. No decision has yet been reached.

Alioto, trying to live up to his pro-labor reputation, has asked the California legislature to pass legislation allowing public workers to strike. Several state legislators, not surprisingly some that are opponents of Alioto for governor, support the idea.

## **Labor Movement**

(Continued from Page 11)

The rural masses of the Southern United States have been forced into the proletariat more rapidly than any other in history. (For example, the proportion of Mississippi's work force engaged in agriculture has plummeted as follows: 1950, 43%; 1960, 22%; 1970, 7%.)

The majority of the black population of the US--51%--lives in the South. Thus the vanguard layer of the working class is most prominent here.

The industrialization has special features not seen before. In 1970, for the first time in history, manufacturing jobs outnumbered farm employment in Southern rural areas (i.e. more than 50 miles from metropolitan centers). Industry did not locate in cities, but increasingly moved to the rural areas.

The type of industry locating in these areas of the South is no longer the traditional labor-intensive variety. A much larger proportion is the advanced, capital-intensive variety, especially electrical machinery, transportation equipment, and non-electric machinery.

XI

Obviously these new realities will require careful consideration in order to develop strategies suitable to the new period of class struggle.

As one example, it will be important to consider the meaning of the first proletariat in history which did not have to suffer the massive trauma of urbanization. What strengths will this arm the workers with? What will be the weaknesses? These are the kinds of questions we have to find answers for.

About the only sure thing is that the old tried and true formulas won't be adequate. The biggest question of all is whether the left will take up the challenge in time.



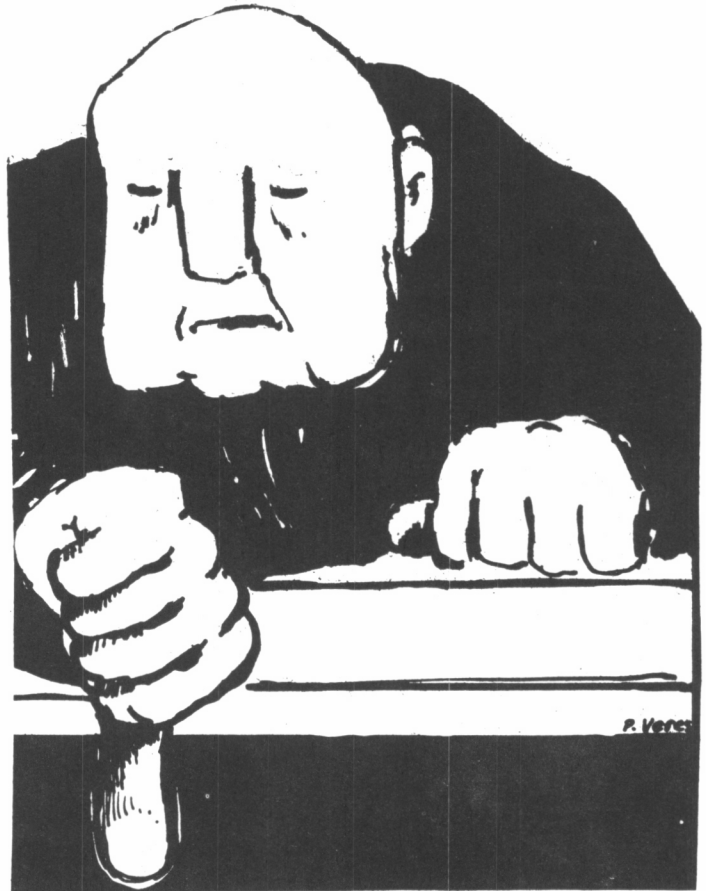
# Legal Setback For Steel Workers

By Laura Uddenberg, San Francisco

On January 7, 1974, a group of rank and file steel workers, some of them representing nation-wide caucuses within the United Steel Workers of America, filed a lawsuit against the USWA in the United States District Court, in Pittsburgh. The lawsuit was filed in an attempt to free steel workers from the "Experimental Negotiating Agreement" entered into by I.W. Abel, USWA President, and the steel companies. The ENA is the famous no-strike pact, which provides that unresolved contract issues be referred to binding arbitration, instead of being resolved through such economic pressures as the strike. The pact was signed after more than five years of secret negotiations, and after pledges by Abel and resolutions by the national convention to the effect that no such agreement would be entered into without being put to a vote of the rank and file.

The suit charged that USWA officials had breached the duty of fair representation, the fiduciary duty of union officials, section 501 of the Labor Management Reporting and Disclosure (Landrum-Griffin) Act, and had violated union members' rights to participate in decision making, guaranteed under the LMRDA. Five USWA members, some representing three national caucuses fighting the no-strike agreement, testified about the history of Abel's secret negotiations and the ENA's probable effect on steel workers (See Labor Newsletter #8, "Steel").

Two factual appendices were filed with the complaint. The first, by David M. Gordon, Joseph J. Persky and others, explained the economic effects of the right to strike. The paper looked at two periods in USWA history: 1949 to 1960, which was a period of high strike activity; and 1961 to 1970, which was a period of low activity, and compared the real wages of steel workers. In the first period real wages rose by an average of 3.76% per year. In the second, real



wages rose only an average of .44% per year. In the last years, 1968 to 1970, real wages actually declined. Through various statistical tests the authors proved that a significant direct relationship existed between steel workers exercising their right to strike and rises in steel wages, independent of other factors like the prosperity of the steel industry or the general good health of the national economy.

The second appendix, written by Alice and Staughton Lynd, traced the legislative and historical background of the right to strike in steel. Different in focus from the first appendix, the second proved as conclusively that the right to strike was crucial in the formation and continued growth and strength of the union.

I.W. Abel, recipient of a \$60,000 a year salary, said he didn't really know anything about the ENA which he had been working on for six years. In his testimony before Judge Hubert Teitelbaum in the Federal Court of the Western District of Pennsylvania, Abel denied that his and USWA General Counsel Bernard Kleinman's talks with the Negotiating Committee

(continued on page 16)

# steel workers

(continued from page 15)

of the major steel companies were a conspiracy to abolish the right to strike. But he knew plenty about why the no-strike agreement would help steel companies. Echoing the companies' arguments about foreign steel prices undercutting the competitive position of domestic steel, and the need in the U.S. to reduce steel production costs, Abel defended himself and the steel companies against the workers' suit.

Judge Teitelbaum chose to believe Abel and the steel companies over the testimony of the plaintiffs. Strictly narrowing his powers, and keeping in mind "what will best further the public interest", Teitelbaum ruled the plaintiffs' request for an injunction against the ENA had to be denied.



Ignoring the report on strikes and steel wages, Teitelbaum repeated the "boom-bust cycle" argument. Steel buyers hoard steel for months before the union contract comes up, in anticipation of a nationwide strike, then stop buying until their supply goes down. Steel companies reduce production for that period. While that cycle does exist, the resulting conclusion that domestic steel customers are forced to turn to foreign steel producers because U.S. steel workers have the right to strike, is false. Purchases of foreign steel are increasing because it is cheaper, and it is cheaper because Japanese and German companies do not de-

mand such exorbitant profit rates.

Now, steel workers will not only suffer from the massive layoffs hitting the whole labor force because of the energy freeze, over-production and lost markets, but they have lost the legal right to exercise labor's only effective weapons against the companies--the strike.

The court dismissed the charges of breach of the duty of fair representation and breach of fiduciary duty of union officers by finding that the negotiation of the ENA nominally followed union contract procedures. He made this ruling despite Abel's violation of resolutions passed at the USWA convention (in the past, courts have held convention resolutions binding, as extensions of the Union's constitution). Further, it emerged in court that the agreement which Abel had submitted for the approval of USWA Local presidents (as opposed to the rank and file) had been altered, so that the form in which it was signed differed in certain crucial respects (concerning the rights of the company to lock out the workforce) from the "approved" version.

Pittsburgh is a steel town, home and headquarters of Big Steel and related Carnegie and Mellon interests. Both the Pittsburgh Steelers and the judges play ball there.

## Friends,

*Tired of getting eyestrain from reading Labor Newsletter articles squooshed into too little space?*

*We get more material than we can print each issue. What with prices rising, and having to run more copies each time around, we can't afford to enlarge the publication.*

*We can't afford to continue printing at all unless you all subscribe, and maybe raise a little extra money for us. Pass the hat at labor committee meetings and law school gatherings. See if your local bookstore would like to carry the Newsletter. It sells well in San Francisco at 75 cents a copy.*

*Otherwise, don't be surprised if you get a bill instead of a June issue.*

*Staff for this issue: Sharon Gold, Barbara Hanfling, Wini Leeds, Randy Padgett, Laura Uddenberg, Ed Taub.*

# Economic Outlook:

## How Bad Is It? How Will Labor Respond?

*(The following paper was written by close to a dozen members of the New York City chapter labor project. It was presented at the Guild labor conference, which took place in Atlanta on March 22, 1974.)*

### INTRODUCTION: THE NEW YORK CITY LABOR PROJECT.

This paper has been the collective effort of members of the New York Labor Project. We are a group of legal workers, law students, and lawyers who have been together for a little more than a year. We work with rank and file groups from longshore and taxi. We had contacts with auto workers at the Mahwah, New Jersey plant during and after a wildcat strike there some months ago. We have had discussions with rank and file phone workers and Con Edison workers and hope to develop the same kind of ongoing relationships with them that we have begun with longshore and taxi. Additionally, we are in contact with community groups who relate to workers in their workplaces, such as the Puerto Rican Socialist Party and White Lightning in the Bronx. We are currently involved with a group of employees in city funded community projects who face firing because of the racist attitudes of the new Beame administration. In the past we have had two sets of classes in labor law at the request of groups of rank and file and community workers.

We have problems that have yet to be solved in the kind of ongoing commitment that we give to the many small rank and file groups that exist in New York and who want a close day-to-day relationship with our project. And we have problems that have yet to be solved in a group which represents diverse political views and in which law students and legal workers participate together with lawyers who represent progressive unions in our city. Yet we share totally the view that there has to be fundamental change in the economic, political, and social structure of our country, and that this will only come about when the working class, both organized and unorganized, becomes a real force for that change.

We are aware that our work and our views are shaped by the experiences which we have had and that these are conditioned to some degree by the fact that we operate in a city where there are progressive, left-led unions with which we have contacts and relationships and who view the Guild as an ally and an asset.

We seek to develop these relationships between the chapter, its labor project and the membership and leadership of these unions. The Guild lawyers who represent them and who are in the Guild Labor Project participate in working with many rank and file groups, and we draw on their experience. Some have a history of decades of involvement in progressive labor work, some are young and new to the labor movement, and originally it was they who organized our project so that rank and file groups would have a larger, committed group of younger and older Guild people to work with. The role these progressive unions play has to be constantly evaluated by those of us in the project. It is clear that together with the rest of organized labor, they have accepted the wage controls of the past period and the super profits of the corporations without much of a struggle and in most instances, a refusal to come into direct confrontation with the government and big corporations. This has contributed to the economic burdens under which the working class is staggering.

In the area of union democracy, these unions seek to involve their rank and file in union decision making and are more alert to the pressures of rank and file needs. They have also participated in the political education of workers and in doing so have played a ground breaking role in a number of political struggles:

*(Continued on page 18)*

those against racism, against the war in Indo-China; in discussions around Wagergate; and recently, in the struggle to save the Carabanchel 10.

These unions participate in and add a much needed and important voice and body to the progressive community in New York and as such are an important factor which has to be understood and dealt with by radicals involved in labor work. We cannot blueprint the future--and we are aware that movements can take place within these unions which will complicate our relationships. When that occurs, we will face it and try to exert our influence to help progressive rank and file struggles.

In no way can we view the problems which face workers throughout the country from the vantage point of our experiences alone. We want to share--but mostly to learn--from the experiences of people who work in a totally different political atmosphere. We know that our conclusions have been shaped by our work and hope that they are valid in the light of work done by other members of the Guild in other parts of the country as well.

In preparation for this report, we took some time out from generalities about the economic situation and tried to examine some of the specifics of what all of us term the contradictions of our capitalist society. It is only possible for us to barely begin to examine the economic conditions today and their effects on the working class, but we are convinced that this has to be an ongoing and essential part of our work.



LABOR RESPONSE TO THE ECONOMIC CRISIS.

Organized labor has responded to the pressures of the current economic situation in diverse ways. For instance, numerous UE locals and district councils are currently engaged in an educational and organizing campaign in UE shops and surrounding communities, using the energy crisis as an organizing tool. Through leafletting, lobbying, public meetings and political pressure, UE groups are demanding fuel price rollbacks, financial disclosure by oil companies, and an end to attacks on the poor, aged and workers. Included are demands for a higher minimum wage, unemployment benefits for strikers, nationalization of oil companies, and support for the Carabanchel 10. Community support has been strong.



The campaign was begun on a local basis by the rank and file in one plant in Pennsylvania, but was then supported by other locals, the area leadership, and the national leadership. Significantly, there has been a link of political issues with economic demands. District 10 in California called for the formation of a political party of workers and minority groups.

As could be expected, corporations have used the economic situation to excuse closing unprofitable operations and reduce their costs, thereby increasing their profits, at the expense of labor. Pepsico, owners of the Rheingold Brewery in New York City, announced plans to close the beer plant, firing 1500 workers. Workers occupied the plant in a massive sit-in, putting forth demands around severance pay and pension benefits. When a court suit asking that Pepsico be ordered to continue operations failed, the union leadership, conferring with city officials and a prospective buyer, agreed to significant cuts in the workforce and accepted lower wages. Rank and file approved the deal, fearful that all jobs would be lost. This pressure enabled the buyer to keep the operation highly profitable and risk free.

Unfortunately, the Rheingold experience is not unique, for workers in other parts of the country have taken voluntary wage cuts after receiving company threats of layoffs or closings.

Still, in some cases, strong rank and file support and pressure has pushed union leadership to take progressive stands. Hospital Workers Local 1199 in the city struck to enforce a previously bargained wage increase which had been vetoed by the Cost of Living Council. Defying a court injunction and police attacks on picketers, the union won the wage increase.

The contradictory attitude of organized labor was summed up by George Meany a few weeks ago while testifying before a Congressional committee. Feeling the pressures of rank and file workers over the cost of living, Meany said, when asked about contract bargaining:

*"If I had to give a figure today for wage increases, it would be at least 10%. That doesn't mean that we would be getting 10% or 12%. We don't believe in putting out of business the guy who is putting money in the pay envelope....I believe in the system, not because it's perfect, but because it's the best that man ever devised."*

#### DIMENSIONS OF THE CURRENT ECONOMIC CRISIS.

Economic conditions are severe. Inflation for 1973 was 10.4% overall, or twice as great as when controls were imposed by Nixon to increase bosses' profits. Retail food prices are up 20.4% in a year and wholesale prices are also up tremendous amounts. The impact of the rise in wholesale prices has yet to be felt. Recent projections in the New York Times predict inflation will be 8% to 9% through 1974.

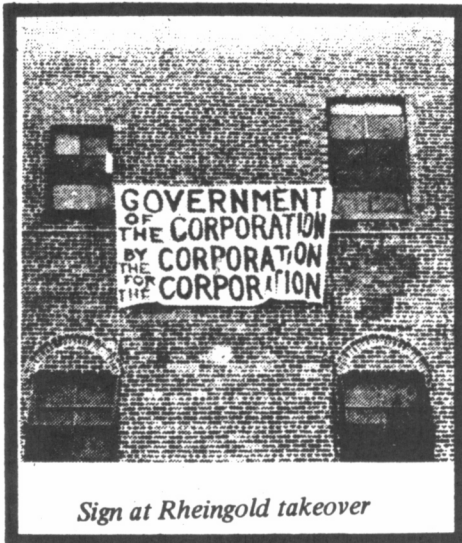
Higher prices affect different economic classes differently. Low income families suffer more from inflationary prices. For instance, the greater the percentage of one's income spent on food, the greater the impact of inflation and the lower the family's real income. Additionally, basic foods, such as flour, rice, beans, chicken and hamburger, have risen in price at greater rates than the food index would suggest.

Workers' real wages are down considerably, at least 6½% from 1971 according to official figures. These figures are misleading, because official figures are weighted to reflect middle-class consumption levels and luxury items are included in their determination.

Unemployment remains high. Again, Department of Labor figures are misleading and inaccurate, but do provide a general picture. The figures, even if honest, do not include the underemployed--persons who want to work full time but can only get part-time work; persons who have given up trying to find a job; and those just missed by government samplers. Still the unemployment levels of blue collar and service workers have remained officially in the 5.5% to 8.5% range. In general, third world workers are twice as likely to be unemployed.

Increased costs and increased unemployment are intentional. Corporate profits were declining in 1968-70, and inflation was increasing

*(Continued on Page 20)*



despite the decline in economic activity. The government response was to increase corporate profits to stimulate the economy, which it did by imposing strict control on wages and allowing escalating prices to reflect the increased cost of raw materials and the corporations' expectations of increased profit margins. Corporate profits are up 47% since 1971.

Government benefits to corporations have remained constant or increased. Railroads and aerospace got loans. Military contracts are way up. Foreign aid to countries supporting the U.S. comes back to corporations in the form of military hardware and of course as profits of imperialism.

The dollar was devalued and exports encouraged during this time. Foreign goods became more expensive for North Americans. Exported goods were not subject to price controls, and industry took advantage of this and exported, creating shortages at home. As an example, steel pipe was sold at high prices abroad, shortages were created here, and that was used by the companies to get a price increase. Parenthetically, this pipe is used to line oil wells, making the production of domestic oil by independent drillers more expensive and difficult. As part of the export program, foods were sold overseas at great profits for agribusiness, and prices at home skyrocketed.

On top of the rising unemployment and sharp inflation, more than 100 programs have been slashed or abolished by the government which provided essential public services. The Emergency Employment Assistance Program, which provided 280,000 jobs, has been ended. Charges for Medicare programs for older persons are higher. The federal housing subsidy programs are indefinitely suspended, affecting 2,500,000 families. There are 515 local mental health centers being phased out. The Economic Development Administration has been eliminated. Dozens of education programs are to be cut. Job training programs, summer jobs for youth, vocational education, housing, water treatment plants, hospital construction have all been slashed. Nixon has impounded about \$18 billion in funds providing for the peoples' needs. Meanwhile corporate subsidy programs total \$19 billion.

The contradictions of our society affect most strongly the most poverty stricken part of the North American people. Poor whites, blacks and Chicanos, native Americans are condemned to substandard living conditions, rotten homes at exorbitant rents, inadequate food, shorter life spans, and the greatest insecurity.

#### OFFICIAL IMPLEMENTATION OF ANTI-WORKING CLASS POLITICAL POLICIES.

The alignment of the government with the corporations has become more overt. Corporations raised \$60 million to elect Nixon and direct pay-offs followed. Look at ITT and the milk industry. The creation of an employer dominated majority in the Supreme Court and the National Labor Relations Board constitutes further proof. In fact, the whole Watergate experience reveals not merely deep-seated corruption but a complete tie-in between government and the ruling class.

The tie-in is non-partisan. Controls were imposed pursuant to Congressional authority, and the Democratic Congress has not exactly been the champion of workers.

The government's opposition to a roll-back of fuel prices is another indication of the corporate-government alliance. It is quite clear that the government intends to reward the oil companies for restricting domestic production by allowing them exorbitant prices and tax breaks as an inducement to relax production restrictions by "encouraging research and development." Thus, the oil industry, which found it possible to extract maximum profits abroad, now finds it possible to extract maximum profits

from the development of oil facilities at home.

Organized workers, limited in what they can do legally by broad arbitration and/or no-strike contract provisions will see--as many already have seen--the role of government agencies and the courts on behalf of the corporations. The already established federal labor law policy favoring arbitration as the means for resolving labor disputes, will be applied by the courts and the NLRB to enforce the no-strike provisions. Apart from damages which can be awarded to struck employers, all courts--federal and state--will issue injunctions, ex parte or otherwise, prohibiting the stoppages.

Unorganized workers, impelled by the pressures they must endure to find collective ways in which to confront their employers, will discover how the National Labor Relations Act and the Board can be used as tools by employers to resist organization. Under the guise of employer free speech, the corporations are able to threaten, intimidate and coerce their employees. Discharging workers for union activities, with or without camouflage, is well worth any cost the employer may be required to pay. Securing redress for an unlawful discharge is difficult and takes too long, and the employer's ability to deter organization is unaffected. Moreover, even a successful NLRB election campaign resulting in a union certification is followed by protracted negotiations wherein well advised employers are able to legally avoid the demands of the workers. The Farah experience is an example of this process, but the result is unusual. It takes tremendous effort and extensive support to sustain such a long term effort and to compel favorable governmental action.

Government has denied unemployment benefits to strikers, including workers laid off due to a reduction in the flow of materials caused by striking workers in another plant. The divisive effects of such policies are obvious, just as limitations on boycotts are intended to weaken cooperative efforts among workers.

## OUTLOOK.

The most certain feature of the present economic situation is instability. Yet, in trying to analyze the role of labor in the next period, we must assume that there will be no spectacular acceleration of the structural economic crisis. Shortages will be left to market mechanisms and prices will continue to rise, particularly in foods. The costs of raw materials, costs which have risen very quickly in the last few months, will continue to go up; the full impact of these increased costs in retail prices has not yet hit. What had seemed to be the clear prospect of an extended export-led boom following the last devaluation is now dim, if not totally extinguished. At best--the economy will not further decline. The outlook for the rest of the year is one of gradually increased unemployment and a certain decline in real wages.

Unemployment and underemployment will have an unequal effect on different sectors of the working class. We expect that women, third world people, youth and the aged will be most severely affected. The small gains that women and third world people have made in organized labor will be erased as those workers with the least seniority are layed off. Women will obtain more jobs that are part time and will be forced back into the pool of surplus labor.

Fear of unemployment has an important effect in preserving the docility of the presently employed. Knowledge that loss of a job means serious deprivation increases the willingness to carry on alienating, non-rewarding work. It also reduces the

*(Continued on Page 22)*



possibility of unionization and strikes: one is always aware that there are many unemployed people willing to take your job. This is noticeable in the increasing frequency of workers acceptance of lower wages rather than risking the loss of their jobs. The racial and sexual tensions which have always served to divide the working class can only be heightened by increased unemployment.

In this context, different possibilities exist for different segments of the North American working class: organized labor; unorganized white collar and service workers; and unorganized unskilled workers. We will suggest some possible directions but we want to emphasize that we are really posing questions and possibilities, rather than answering or predicting.

Organized workers: Unions made up of white, male skilled workers are the least threatened in the coming period. Nevertheless, there is substantial pressure from rank and file groups over economic issues developing. This evolving pressure has forced even the most conservative union leadership to take public positions on issues which are affecting workers in their day to day lives. Entrenched union leadership is in a tenuous position. It is confronted on the one hand with rank and file demands which, if heeded, would place it in direct conflict with its former and present allies, big business and government. On the other hand, big business and government continually remind these leaders of their stake in the status quo. This leadership will be unable to extricate itself by negotiating contracts with large wage increases, not because the bosses can't pay, but because government is pursuing a conscious policy of wage control.

Given the nature and history of American capitalism, the established union leadership can be relied upon to remain within the bonds of legality which gag effective action. While mouthing threats to government and business, it will try to suppress serious rank and file dissent with the support of the bosses through the courts and legislative lobbying. In this area, left lawyers can use their traditional skills to exploit the existing contradictions in labor law, especially using the Landrum-Griffin law. Also, and possibly more important, lawyers can work with rank and file groups in creating new ways of dramatizing their demands and developing new forms of struggle.

Increased tension within the unions guarantees that the racial and cultural divisions that the aging white leadership successfully maintains will be less subject to their control. Growing concern over health and safety issues poses a further threat to the labor bureaucracy. The maze of federal legislation in equal opportunity and occupational safety and health law opens only limited opportunities for rank and file litigation, however. In this area also, it is only through sharp struggles that any gains will be made.

There may be some unions where rank and file will be able to push the leadership into more direct confrontation with capital. Left-led unions do exist but up to now the struggles they have engaged in which distinguish them from other unions have been mainly in the political arena. For instance, UE called for the creation of a worker based political party at their national convention last September, but did not open a real fight against wage-price controls. We think it is important and necessary for us to begin to give real leadership in economic struggles.

The economic situation may cause some potentially progressive movement by established unions. As more companies open plants in unorganized regions, unions may be forced to organize in an attempt to protect their members' jobs. The intense inflation has caused rank and file disenchantment with current contracts. Intense rank and file pressure to reopen contracts could result in an explosion of dissatisfaction, affecting union leadership as well as employers, and possibly leading to an increase in wildcat strikes.

We would like to talk about people like independent truckers, gas station owners and leasees, and various other traditionally independent contractors who have been driven to organize and exert collective economic pressure. The ambiguity of the position of this group makes it unlikely to produce any stable organization or consistent extended action. The same ambiguity, however, makes the possibilities of spontaneous



action, unrestrained by a union bureaucracy, substantial. Such action can have an exemplary effect, showing organized labor the possibilities of militancy with results.

White collar and service workers: The group of white collar and service workers is highly vulnerable in the current situation. With little organization and without a tradition of militancy, they are without existing means to combat a continued decline in their real earnings. New possibilities may be developing. There is a new consciousness among women workers. A month ago in New York, 1,000 women workers attended a full day conference to discuss special economic and social problems of women workers and included a large portion of white collar workers. Now, in New York, there is for the first time, a city wide organizing committee of women workers. Today (March 22), in Chicago, a national organizing conference of trade union women is being held.

Confusion as to questions of status, the insensitivity of most of organized labor to the questions of sexism and racism and the fragmented nature of this work force are all organizational problems which must be confronted.

Unskilled workers: The unskilled workers are the most vulnerable sector of the work force. The high proportion of blacks, national minorities and women in this group

is a centrally important factor. The expected rise in unemployment and the cuts in social service spending, make the situation for unskilled workers completely intolerable. Increased food prices hit this group the hardest. The need for effective organization is great--but it is unlikely that unions will be interested in providing this.

Because these workers have been traditionally written off by industrial unions, there is potential for more creative forms of organization to develop. Lawyers must help these workers develop organizations which provide the maximum amount of protection possible within the work setting. Community organization and support is a vital factor and will only succeed with broad support.



*U.E. members outside White House March 20 protesting inflation*

## **Course** *(Continued from Page 6)*

Union Democracy. The rights of union members within their union; free speech; disciplinary proceedings; trusteeships; union elections; the union's duty of fair representation of its members.

Strikes, Picketing, and Boycotts. How the law does and does not limit workers economic power; how the bosses legally respond--as by lockouts and injunctions and firings; what shortcomings there are in the law.

Health and Safety. How workers can use the new Washington Industrial Health and Safety Act for protection from unhealthy and dangerous conditions on the job; what shortcomings there are in the law.

Job Discrimination. State and Federal remedies for discrimination in employment due to race, color, religion, sex, or national origin. What constitutes discrimination, and the problems of legally proving it. Once you prove it what remedies do you get? The advantages and disadvantages of the different procedures for enforcing the laws.

Public Employees. Public employees often have a separate set of laws governing their employment. How do these laws work?

*For additional information, contact the Peoples Law School, P.O. Box 263, Seattle, Washington 98111.*

# LEGAL VICTORY FOR WOODCUTTERS

by John Ratcliff, Hattiesburg, Miss.

When the Gulfcoast Pulpwood Association went out on strike late last summer, the paper monopolies attempted to have the strike outlawed on the grounds that the woodcutters were "independent contractors" rather than employees, and that they were engaged in illegal restraint of trade under the Sherman Anti-Trust Act. (See Labor Newsletter #7.) At that time, the U.S. District Judge in Mobile ruled in favor of the GPA on the basis that the woodcutters were completely at the mercy of the paper companies and their middlemen, and did not exercise enough control over their own labor power to be considered independent contractors. The companies appealed, and also filed a number of state court actions to enjoin the strike.

On March 18, 1974, the Fifth Circuit ruled in a per curiam opinion by Coleman, Ainsworth and Gee "that there was no abuse of discretion in the denial of

the preliminary injunction" to Scott and International Paper Companies in their anti-trust action against the GPA. (See Guild Notes, Dec. 1973.) Subsequent to the appellate court decision, Judge Pitman of the District Court in Mobile, Alabama, ordered that the plaintiffs in a state court action against the GPA in Mobile County be joined as involuntary plaintiffs in the federal court lawsuit. He will consider at a later date whether to enjoin that state court action.

## HELP NEEDED

It ain't over yet. Discovery on the part of Scott and IP has begun; among other irrelevancies being sought are membership lists and information as to communist affiliation. Discovery on the part of the GPA is in preparation. A full and expensive trial on the merits is expected. (Ed. Note: the outcome of which could have profound implications for the rights of the woodcutters and other similarly situated workers to organize, strike, and engage in other forms of concerted activity.)

The GPA needs money for litigation. A trust account has been established at ANDALMAN, BERGMARK & RATCLIFF (attorneys for the GPA) to receive it. Their address is 224 Second Avenue, Hattiesburg, Mississippi 39401. Donations will be greatly appreciated; if you need your contribution to be tax deductible, contact the law firm by mail or telephone in advance. None of this money will be used for attorney fees or for any other purpose than out of pocket and litigation expenses until the litigation ends. At that time its use will be determined by the Union.



National Lawyers Guild  
LABOR NEWSLETTER  
235 E. Santa Clara #808  
San Jose, California 95113

Bulk Rate  
U.S. Postage  
PAID

Permit No. 2020  
San Jose, Calif.

ADDRESS CORRECTION  
REQUESTED