

# DETROIT REVOLUTIONARY MOVEMENT RECORDS

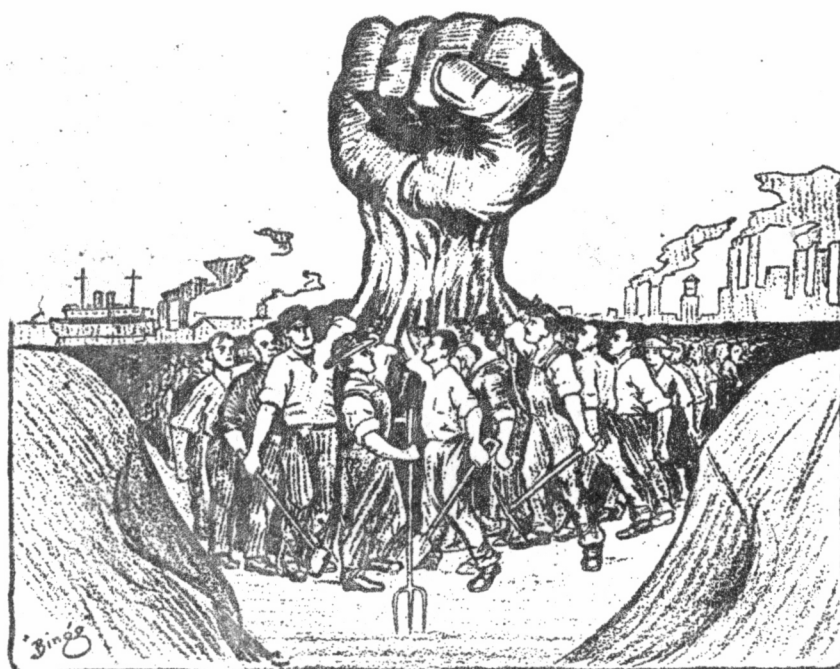
BOX 14 OF 16

FOLDER 20

CLP INDUSTRIAL WORK  
COMMITTEE LABOR  
MILITANCE

***report of the***

# **INDUSTRIAL WORK**



# **COMMITTEE**

***march-1974***



## Introduction

The industrial work committee report has two component parts: the individual workplace reports and the Making Every Factory Our Fortress section which deals with some positions on how we need to move our organizing work forward within the industrial proletariat. Much of our work within the latter section will be struggled around and directed by the future struggles of the production work committee.

MAKE EVERY FACTORY OUR FORTRESS !

ARM THE CLASS WITH ITS GREATEST WEAPON - THE IDEOLOGY OF MARXISM-LENINISM !

BUILD A MULTI-NATIONAL COMMUNIST PARTY !

WORKERS AND OPPRESSED PEOPLES OF THE WORLD UNITE !

IWC Work Report - Lynch Rd. Assembly - ms

The Lynch Rd. Assembly plant is located in the Huber Complex of the Chrysler Corporation and is the only auto assembly plant in the immediate complex. The complex also contains the Detroit Forge, the Huber Foundry, the Eldon Gear and Axle Plant; all of which produce crucially important parts for Chrysler autos.

The plant produces the intermediate range of Dodge and Plymouth autos. There are three main classifications within this range: Dodge Chargers and Coronets, and Plymouth Satellites. The mix of the line (which models produced) at LRA varies somewhat according to the season. Production of Dodge division autos is predominant, taking between 77 to 90% of the production. We know that the Chrysler plants at Dodge Main and in St. Louis make the same size cars, and Dodge Main can also produce the compact size (Valiant and Dart).

The workforce at LRA has changed in the past few years significantly. This results from the addition of an afternoon shift which primarily employs younger Negro national minority workers. The national composition about 4-5 years ago was more like 60% Negro national minority to 40% Anglo-American, while it now appears stands about 75/80% to 20-25%, respectively, with an addition of about 5% other national minorities (predominantly Arab and Puerto Rican). The afternoon shift is a very young shift, average age about 22-25, where on days almost all of the workers are much older, over 50% over 50 years old. There seems to be about 8% women in the workforce, with a fair number being hired recently and therefore will be among the first laid off. We project the production cutback in the first six months of 1974 will be about 25%, although it's not clear how Chrysler will attempt to achieve this.

LRA is one of the oldest assembly plants in the Chrysler empire, nearly as old as Dodge Main. Historically it has been the quietest and least militant of all the Chrysler plants, for reasons which we are beginning to understand. These factors are the manipulation of the age, sex, nationality, skilled work classifications, and other divisions that the bourgeoisie use to control and divide the workforce. I believe that it is the intensification of the age and nationality divisions that cause LRA to be less militant historically. The day shift has many (over 20-25 years seniority) older Anglo-American workers who are the least militant group of workers in the plant (response to repression, interest in production, support of the Woodcock slate in the union). The afternoon shift has many workers who are younger (18-24), mostly Negro national minority; although some are militant in spontaneous activity (heat walkouts, verbal and physical confrontation with supervision) many are heavily into hard drugs and quite downed out as a result. The turnover rate on the afternoon shift is very high, during the Jan. to Oct. period of 1973, of 2500 hourly workers, 1600 new people had to be hired. I believe the manipulation of opposites in these areas is what Chrysler uses to achieve the workforce with the least struggle related consciousness. That consciousness that Chrysler seeks to avoid is found among the middle age groupings who take themselves and their survival more seriously than the younger workers, and who are not at all close to the haven of retirement, have a good deal of life left (and spirit) and certainly couldn't give a fuck about the production that Chrysler gets out.

LRA also historically has a higher proportion of Anglo-American workers than the other Chrysler plants in Detroit. Many of these workers are of nationalities that

live in the Huber area community (Poland and around there are the roots). This sets up intense dynamics of competition where all the nationalities attempt to become "one step up from the bottom" which means that people really toe the mark to get a foreman job or higher and hang tightly together in their nationality groupings. Chrysler is seeking to only strengthen this conflict, and recently has hired large numbers of Yugoslavs, and fair numbers of Arabs and Italians (recent immigrants).

For these reasons we believe that LRA holds some special importance to the overall production scheme of Chrysler. We do not have enough information at this time to make a concrete analysis. It is very possible that the position of LRA being the only assembly plant in the Huber Complex is part of the picture, but we need more data.

### Struggles at the Workplace

The master contract was a gem in the ass of Dirty Doug Fraser and the UAW. Through the mass media the contract was promoted as "historic gains for the worker" and it was all downhill from there. The ratification meetings were publicized almost not at all, were disrupted by leadership who really didn't want to discuss the terms but were forced to by the membership in the meetings, a voting procedure without identification (I voted three times just to test it) and much more. The procedure is set up to extract a yes vote from a membership who cannot get the facts and receive only lies through the media and the UAW News-o-Gram. People's resistance is outspoken and violent sometimes, they understand the contract and the careerists who "represent" us. The same basic procedure is followed around local contract. To this date no local contract has been ratified, the UAW International will probably allow this situation to remain, they have the power at this point.

Nearly universal condemnation of the UAW is present in LRA, and only a few struggle oriented stewards escape this wrath. People understand all the careerism and opportunism of the union at present; but don't have the information or collective power, have been scared through a series of overt and covert threats (front off a steward about speed-up and see if he defends you when you get disciplined by your foreman!) by union and management. The alternative to bowing to this leadership is not present in the shop, there is no militant caucus, educational, social formation of any type at LRA that I know of that has been organized for any revolutionary or progressive political reason.

During the local contract period myself and an IS cadre produced a leaflet which was distributed very sparsely within the plant (see insert #1). Because the content and distribution were analysed as being incorrect and insufficient, respectively, the IWC published a new form of this leaflet with distribution to both shifts at one-half the gates (see insert #2). We believe that the first IWC leaflet provided some good information to the membership about the local contract and was a fair factor in the rejection vote. After the second rejection vote the IWC published a second leaflet around democracy in the UAW locals of the Lynch Rd. Complex, (see insert #3) which was distributed (because of the failure to organize an adequate distribution network) only to the day shift. The fact that the UAW will permit us to work for the coming three years without a local contract angers most all the workers, but it is a fleeting anger among many and only a handful are interested in moving to attempt to correct the situation. For many, trade union experience is positive historically but at this time only serves the careers and production quotas of the few. The skilled workers are organized somewhat, they are outspoken, mildly militant in local meetings and

put out their own leaflet condemning the terms and producers of the local agreement.

The contract period is very important in terms of learning what positions people hold around the UAW, how they view the process of struggling for what one needs, what issues are the most popular - all part of how people view themselves and fellow workers. The anti-democracy of the UAW is most clear during the crisis period when their actual leadership is heavily called into question. Many of the dynamics and aspects of the struggle were very new for me. At this point there are three conclusions that we can draw about the importance of the period of contract negotiation: 1) A & P work during the contract period has a great impact, people are open and thinking; 2) when combined with base building and consciousness raising can be a period of offensives by workers moving on the UAW; 3) it is used by management and the UAW to weed out militants because many communists and leftists in the tradeunions move too openly and can be isolated in the period just after the contract upheavals.

There have been two petitions circulated in my area of the line, one that I only signed and the other that I initiated, requesting the rehiring of fired workers. The response to these petitions has been very mixed, some people sign it and encourage the process, others escape with the "I don't know the worker and what the situation is" line, basically hovering in the "I don't want to get involved" phenomena. Generally the process is an encouraging one because the reactions of people clarifies their position around one level of collective struggle. My position is also laid out in the process and this has only proved helpful and positive in building relations. The petition that I initiated involved some good discussion with close contacts around need to work together, it'll take a fight to get what we need, that unions won't move unless pushed, and a good collective process around how to get the petition around covering the many areas of the line and plant. This type of activity is a form of organizing that needs to be understood from the security aspect, which we are working to clarify later in the report.

During the summer there were a number of abortive heat walkouts attempted, most that were called never came off and others that materialized during mass relief ended when the line started and people drifted back to their jobs. There was one successful walkout from the jungle (metal shop - most dangerous, dirtiest, noisiest, hottest area of the plant) that forced the closing down of the shift; the super oppressed moved in their self-interest. These struggles mostly fostered not the collective power of united workers, but a defeatist attitude because the spontaneous move failed and there was no ongoing struggle. We need consistent leadership with good politics.

At least once a week a foreman is physically attacked, suffering serious injuries and in one case death. Spontaneous response bursts all over LRA, that is the only way many problems get dealt with. The waves of repression that sweep the plant are meant to get rid of all the "angry young militants" and the slackers. From this repression comes the response of the fist or the pipe. That foremen are not the enemy is understood, foremen work along side us on the line much of the time (though the contract forbids it), but they are the enemy's cop up close, and the one who applies the crunch.

#### Summing Up

The consciousness of the people is fragmented and underdeveloped in many ways, in other ways it is moving and advancing strongly. Anti-capitalist conscious-

ness is very high now, Watergate and Vietnam have delivered enough political and economic clout to workers such that the government and corporations hold very little favor among broad strata of those I work with. People are also very divided, the hardships of depression and economic threats fan the flames of class divisions, as each blames the other and attempts to keep one step up from the bottom of the social ladder. Much of this division is smashed by the production line during work, the conditions of extremely socialized labor bring a closeness and interdependence that carries over somewhat to our social relations among one another.

The understanding that capitalism is doomed to failure is not commonly accepted by most of those I work with and have contact with. Struggles are approached on a very spontaneous and fragmented level, although the understanding of the collusion between the corporations and the government is quite devastating. I believe that a long process of education and consciousness raising is the main weapon that we can use to build the workers movement and socialism. However people will not come together through the educational process alone, the divisions among the class are deep and express themselves in many ways, cultural movement is demanded on many levels and we must grasp firmly the cultural aspect in all of our work to move forward. There are no alternatives presently on the horizon - socialism is our greatest weapon to combat the high level of cynicism. We must learn the language and culture of our fellow workers, infuse it with socialist consciousness, and move together towards greater class power.

There are a number of different socialist tendencies represented in the LRA plant. PL, IS, MCLL, RU, Capital Collective, and probably others, all have cadre in LRA. We need to coordinate our activity, struggle to find points of unity and to clarify and understand points of difference. It is ridiculous for two or three strong caucuses to be formed when our unity will provide much greater strength. This must go on among principled Marxist-Leninist groups all over, not just in LRA or in the teachers union, so that an organization can be built that will be the advanced detachment and provide leadership for the class. The party is the highest form of organization of the proletariat.

# A Foot in the Door

The leadership of Local 51 was in a big hurry to get a new local agreement for Lynch Road. They were in such a hurry that they never bothered to hold any union meetings or ask most of us what we wanted before they negotiated. They were in such a hurry to reach an agreement that they were the first in the United States and Canada to settle the agreement and signed it two days before we even went on strike.

They were so confident that they called off the pickets and let management order people to report to work during a national strike. We were forced into working even though we had no local or national agreement to protect us.

We were never provided with copies of the local agreement in advance of the ratification meeting, though the local leadership promised them to us. We hear that there were plenty locked in the union hall. In their usual rush the leaders called the ratification meeting for the following Sunday, September 30. Few of us even saw notices or heard of the meeting through our stewards.

Those of us who came to the meeting found that we had won nothing at all. We were told that the union had gotten its foot in the door. We've had it in the door for 20 years and still have nothing to show for it.

## Gets Only Squashed Toes

The new local agreement is hardly an improvement on the old one. There are slight changes from the '70 agreement, but these are only slight changes in wording.

*We still have a plant that is unsafe.* The agreement gives us 27 fans, 10 heaters and 10 new hi-los. This is not enough. Thirty new electric hi-los were promised in the '70 agreement. These never came and the union and management are still making idle promises. We need a set schedule for maintenance and replacement of all gas and propane trucks written into the agreement. What about the many broken windows and leaks in the roof? It is bad enough that we have to fight the line every day -- the rain and snow are too much. We need scheduled upkeep and maintenance written into the agreement.

*We need to know what an emergency is.* The local agreement states that supervisors can work on the line during an emergency. Foremen are always working on the line since management refuses to hire enough people in the first place.

The new national agreement says that overtime is voluntary after 9 hours, 6 days a week -- *except in case of an emergency.* This means nothing as long as Chrysler can declare an emergency whenever they want. An emergency does not mean a breakdown, stock shortage, excess repairs or increased sales. Why should the company define what an emergency is? The union must define what an emergency is.

*There is nothing in this agreement that protects our health.* We need a set temperature (85, Detroit Weather Bureau) over which no heat pass can be denied. If production is sent home due to heat, then skilled trades and Dept. 9190 must also be allowed to leave.

*We need more and better trained medical personnel in the plant at all times.* We need enough relief people so that we can get immediate medical relief. We want doctors and nurses that treat us -- not harass us. We know best how we feel, better than some Chrysler quack only interested in sending us back to work.

*We need to receive emergency calls when they come in, not hours later.* The basis for granting medical, emergency and heat passes must not be determined on the basis of manpower sheets.

What happened to seniority rights for job and shift preference? Openings need to be posted and canvassed for on strict seniority, not by sex, skin color or favoritism.

*Our rejection of the local contract by a vote of 380 to 142 was a clear mandate to return to the table!*



## WHAT HAPPENS NOW?

Our leaders have limited and denied us information about the agreement, put out very limited notice of the meeting, and then tried to push the agreement over on us. We have won, along with the Mound Rd. plant, a small victory in knocking down the local agreement. We stood together and said to our local leaders, "No, you can't sell us out." This is an important step in making the union serve us, the workers, rather than the interests of Chrysler or the leaders of Local 51.

### WE DEMAND:

- (1) Reopen serious negotiations with management on the local agreement
- (2) Inform the membership about the status of negotiations through the stewards and written information
- (3) An immediate strike deadline from the International Union
- (4) Total explanation of all unresolved grievances

COME TO THE MEMBERSHIP MEETING THIS SUNDAY, OCT. 14, 11:00 A.M.

ONLY OUR UNITY CAN WIN AN AGREEMENT THAT HELPS SOLVE OUR PROBLEMS IN THE PLANT!

LYNCH ROAD WORKERS UNITED

*Labor Donated*

# Only Our Unity Can Win!



# No Democracy/No Rights

## Like It Is

The UAW and Richard Nixon must be getting real close as both have trashed our Constitutions and democratic rights to railroad through their priorities and keep themselves in power.

Richard Nixon ( and those he serves) has in the Watergate investigations:

- blocked investigations,
- fired those who ask too many questions,
- ignored court orders,
- concealed facts and information,
- violated the U.S. Constitution.

Local 51 leaders have around the local settlement:

- refused to renegotiate regardless of two rejection votes by the membership,
- concealed facts and information,
- violated the UAW Constitution.

Article 19, Section 3 of the UAW Constitution includes:

"...After negotiations have been concluded with the employer, the proposed contract or supplement shall be submitted to the vote of the Local Union membership... at a meeting called especially for such purpose..."

The union said in their leaflet that the trailers were put up to, "bring the vote to the workers because only only 10% of the membership voted on the first local election" (rejected 382 to 140).

In fact they knowingly violated the UAW Constitution in an attempt to railroad through the the same NO GAINS FOR THE WORKER local agreement we had rejected before.

But we had informed ourselves, understood what the local misleaders were trying to pull, and thundered a 2nd rejection vote of 822 to 364.

## History Teaches

Violation of democratic rights in the Locals of the Chrysler Lynch Road Complex is nothing new.

Local 961 - Eldon Gear and Axle - a total unsatisfactory local agreement was put into effect by Local 961 leadership and Eldon management with no discussion or vote by the membership whatsoever. Stolen elections, financial irregularities, cancelled membership meetings and other violations of democratic rights became so common that in March, 1972 the membership suspended the Local President, Frank McKinnon, from office, less than a year after he was elected in a very suspicious election.

Local 1744 - Huber Foundry - in May, 1972 was trying to elect it's first Local leadership. Many were prevented from exercising this democratic right when Local and International Union officials closed the polls early after their own supporters had voted and before anyone else could vote.

Local 47 - Detroit Forge - during the recent strike there Doug Fraser switched off the mike and adjourned a local meeting when it appeared that the membership would vote to remain on strike.

It's not the first time, and it won't be the last.

Local union officials in the Chrysler Lynch Rd. complex have a bad habit of too little concern for the democratic rights and interests of their memberships.

We're going to break that habit.

## WHAT HAPPENS NOW?

Democracy at home and at work means much more than just the right to mark a ballot and drop it in a ballot box. Democracy is also the RIGHT to have ALL the information and opinions freely put before us.

Democracy is the RIGHT to freely put our opinions out in open meetings, as required by the UAW Constitution, and to hear the views of others.

Violation of these democratic rights means an attempt was made to take away the the right of working people to make informed decisions about their lives and work.

Ask your steward about this. Remind him that, "the membership is the highest authority of the Local Union." Remind him that he serves the membership, and not the International Union or Chrysler Corporation.

### WE DEMAND:

- 1) NO MORE TRAILERS! NO MORE VIOLATIONS OF OUR CONSTITUTION!
- 2) AN IMMEDIATE STRIKE DEADLINE FROM THE INTERNATIONAL UNION!
- 3) REOPEN SERIOUS NEGOTIATIONS WITH MANAGEMENT ON THE LOCAL AGREEMENT!
- 4) INFORM THE MEMBERSHIP ABOUT THE STATUS OF NEGOTIATIONS THROUGH THE STEWARDS AND WRITTEN INFORMATION!
- 5) TOTAL EXPLANATION OF ALL UNRESOLVED GRIEVANCES!

## Only Our Unity Can Win!

LYNCH ROAD

WORKERS UNITED

GLOTTA, ADELMAN & DINGES

GAD, a consciously multi-national law firm, was and is specifically designed to provide legal support to the proletariat, and particularly the industrial proletariat which we recognize as the revolutionary vanguard for political struggle worldwide and in this country.

Between 2/3 thousand workers have come to GAD since its beginnings in 1970, almost totally from the Service and Production sector. The production workers have been mostly from auto and steel and the service workers from hospitals and the Dept. of Social Services. The cases that are handled result mostly from oppression at the workplace, i.e. grievances, firings, injuries and death. Most of these cases are "small" in the bourgeois sense, but are very large in importance to the survival of the individual workers and their families.

Another important area of GAD work is legal support of workers in strikes and also support of individual activists, dissident caucuses and left organizations, e.g. MCLL, CL, RU & IS. GAD lawyers are "rooted" in the sense that various lawyers are known and called in struggle situations by workers at specific workplaces, e.g. Adelman-Social Services, Taylor-Chrysler, Glotta-Ford Rouge, Metro Hospital, Great Lakes Steel.

GAD relates politically to its clients in several ways. One is through the wall posters, leaflets, magazines and newspapers that are visible and available to clients. Also, the case interviews are often used to discuss and expose the contradictions and oppressions at the particular workplaces and jobs. Of course, the obtaining of the means of physical survival--food on the table, a roof over the head, clothing on the back--is a profoundly political statement.

GAD is a major supporter of the National Lawyer's Guild, and its members function very actively in various NLG forms and activities. Our efforts are consciously concentrated in the NLG Labor Committee locally and nationally and in various National activities, e.g. the International Committee (Davis). The firm recently presented a proposal for a Guild educational program (attached) which was discussed and debated at one of the best attended membership meetings in recent history. We view our activity in the Guild as one means of unifying the TEP & S & P sectors.

Internal to the firm, some of the legal workers are becoming more active politically. Some are active in the NLG Unemployment Comp. program, and most are active in the GAD study circle which was organized by CL cadre and which has been functioning in a very positive way for the past several months. Firm meetings are held each Wednesday morning for discussion and decision on GAD policies, assignments and cases. All persons have an equal vote. (We don't know of any other firm in town that does this.)

Historically, the relationship of GAD and the MCLL has been a relationship of power and politics. The firm has provided important resources such as meeting places, photo-copy equipment, support of cadre, access to information and access to the class. We recognize that political power of the kind that communists seek does not arise from providing legal services to the class. We are quite conscious of the political limitations of a support organization, but we are also acutely aware of its importance. The firm has been



used (correctly) as a base of power in the organization. GAD has been increasingly integrated into MCIL, particularly after the December, 1972 convention, but the parameters of that integration need to be closely examined in view of current and anticipated future developments in the organization. Any relationship, obviously, should be based on comradely trust and respect.

GLS division of National Steel is located in the Downriver communities of Ecorse and River Rouge with Zug Island in the middle of the Detroit River, South of the main plant. The complex contains 2 rolling mills, an 80" slabbing mill, 2 B.O.P.'s (Basic oxygen plants), 2 electric furnaces, a large cold mill, coke plants and much more. GLS also has its own railroad internal to the complex in addition to its own ore boats and docking facilities.

GLS produces steel from the raw materials to the finished product--coil and sheets of steel. The steel produced is mainly for the auto industry with some production for appliances (stoves, refrigerators, etc.) Besides the steel produced for the body of the car GLS also makes heavier gauge steel for axles and frames. At one time structural steel was made at the plant. This particular aspect of production was bought out by another concern (don't know who) and set up elsewhere. I believe this was done within the last 15-20 years.

The related industry surrounding GLS is Detroit Edison, Wyndotte Chemical, Michigan steel and McLouth Steel.

Steel obviously is one of the most important industries in this economy. Steel workers definitely have the capacity to shut it down. At GLS approximately 7,000 out of 10,000 are employed at the point of production. This excludes "salaried personnel, watchmen, guards and confidential clerical positions."

The work force is predominantly anglo-american--at least 65% and 35% national minorities. Among the anglo-american workers there are large numbers of appalachian and southern workers who have come North to make a living. Soem have brought their families with them and live in the surrounding downriver communities. While others have left their families back home and send them money to survive. The national minorities are Black, Chicano, Puerto Rican, Greek, Arab and Italian. I don't have enough information to determine the percentage breakdown of each minority.

In March of 1973, GLS started hiring women for the first time since the end of WW II. This was done because of a series of claims filed against GLS around unfair employment practices and sex discrimination. Presently, there are about 400 women employed at GLS. Although some 800 or more have been through the employment process and have worked for a very short period of time or have been fired for various reasons. Many of the women who have been fired have claims against the company and are struggling with the union around its lack of ability and willingness to deal with issues relating specifically to women such as leaves for pregnancy. Black women are a good percentage of the women at GLS, however I don't have exact figures.

The average age for Male workers is between 36 and 42 and for women 26 and 32.

There are both skilled and semi-skilled trades at GLS. Some are Electricians, millwrights, carpenters, pipe fitters, bricklayers, welders, railroad engineers, switchman, machinists, painters, etc. One of the ways GLS keeps their skilled work force is by offering assistant and helper programs similar to apprentice training programs complete with tests to become a Class A millwright, welder electrician, etc. But these programs are not apprentice programs in which the worker would receive a Journeymen's card upon completion. The staying power for GLS is because many companies do not accept people coming from GLS skilled trades unless they have many years experience. In fact several workers have told me that the only way they could get into some other place was if they went through a four year apprentice program and received a Journeymen's card.

The day-to-day struggles at GLS are mostly around safety, health, the company's improper procedure for "moving-up" workers when there is temporary vacancies, job descriptions and racial conflicts, as well as sex discrimination.

It is well known that there is "No right to strike" written into the contract. Along with that the Union (USWA Local 1299) has a very centralist structure resembling that of the United Mine Workers of America. At the same time that this structure leaves much to be desired, the struggle for basic democratic rights within the trade union has great potential. In fact some agitation around democracy and the u-coming convention will be put out by the Great Lakes Org. Committee. (GLOC).

GLOC is planning a series of informative hand-outs around contract negotiations and the convention concerning four areas (these of course can be struggled around and changed.) 1) being disarmed by the "No strike pact" 2) non-democracy of union 3) Union leadership-who do they really represent 4) what is union leadership demanding for steel workers/what do workers really need? The actual practical work for putting out these hand-outs is a slow process at this time because of a vast range of political experiences both organizationally and non-organizationally; history of GLOC itself and relations to Rank and File Caucus; the leadership of GLOC both past and present and general uneven theoretical development and study of the science of M-L.

Besides GLOC which is not a public group at this time, there are a number of groups doing political work or have people working at GLS such as CL, Rank and File, RU, YAWF, PL, IS and NCLC. Then there are the Union factions like the reformists better known as the "Democratic Slate" and the conservatives of the Chambers Machine (Floyd Chambers is president of Local 1299).

The consciousness of the workers I have day-to-day contact with (around 100 people) around issues facing them is high but development as to what should be done is at best uneven. The same holds true for views on the state of this country. I have noticed several things that workers are speaking out about and are generally out-raged at. These being Nixon, Watergate, FUEL SHORTAGE (it's phyness but the ruling class' capacity to make it happen), energy crisis, cost of living increases, foreign policy, on and on.

My co-workers are thoroughly disgusted and totally mistrustful of the Nixon administration, as well as questioning the validity of the "two-Party system."

What comes across is exploration of what else is out there, confusion, but not total disbelief in capitalism. There is talk about other socialis-communist countries like China, Vietnam, Chile(?) and the view that the USSR is what communism is all about.

The level of class-consciousness of people I work with seems to be developed through the understanding that there is a ruling class (Bourgeoisie) that owns and controls everything including their lives. That there are working people who are all part of a class that sells their labor in order to survive. There is not a lot of indication of the struggle being that of the International Proletariat overthrowing the Bourgeoisie.

As I stated before, I think people are in a period of exploration of alternatives and Socialism/Communism is certainly out there. We must continue to educate ourselves along with, and at the same time the advanced workers which will move us further toward the creation of a Marxist-Lenninist WORKERS PARTY and the defeat of the Bourgeoisie.

MAKE EVERY FACTORY OUR FORTRESS!

WORKERS AND OPPRESSED PEOPLES OF THE WORLD UNITE!

BUILD A MULTI-NATIONAL COMMUNIST PARTY!

\*\*The following statement is a MINORITY POSITION which I intend to do further study and analysis of:

I believe that part of putting forth Marxism-Lenninism as the working class' greatest weapon, it is necessary for ~~for~~ us as M-L to gain a more thorough understanding of the dialectical relationship of theory to spontaneity in the class.

## MAKING EVERY FACTORY OUR FORTRESS

The position of the S and P commission is that the industrial proletariat constitutes the leading force of the revolutionary class struggle given the material conditions in the world and in this country. The reasons for this have begun to be layed out by jt at the convention and will continue to be clarified by comrades. At present industrial workers in the MCLL constitute 20% which needs to be consolidated and expanded along the structural outline put forth in the party building paper.

Study and ideological struggle are the keys to our consolidation and developing unity of will, equally within the production work committee and the organization as a whole. Arming ourselves as professional revolutionaries with the science of Marxism-Leninism will be the greatest weapon in our arsenal as organizers, fully developed through thorough and complete ideological struggle.

The study which is so fundamental to our work internally is also crucial at the workplace. Our primary workplace activity must be the development of Marxist-Leninist study circles. Much of the work committee work must be directed towards the building of these circles, the aspects and contradictions that cadre will encounter during the entire building process. This process is the essence of our party building strategy, that is, developing class consciousness rooted in Marxism-Leninism among the advanced workers whom we work with everyday. These study circles will become study action circles, and form the indispensible core of our industrial work - fractions.

At this point the aspect of study is primary in our work, while the reform work and putting forth revolutionary goals and programs are secondary to the study aspect. What reform work we choose to involve cadre in will be developed in the process of work committee struggle, i.e. activity within the trade unions and the exposure of the reactionary class-collaborationist union leadership. One aspect of this is that the trade union beurocrats will be in the front line of the attacks on the working class which are presently intensifying. But to concentrate too heavily on trade union reform work without an ideological base of Marxist-Leninist study would be bowing to spontaneity. The aspect of study is primary at this time, otherwise the class will be robbed of its greatest weapon - the science of Marxism-Leninism - reform work will degenerate into reformism and the putting forth of revolutionary goals and programs will have an incorrect relationship to the other two elements, that is without a base in the science. When and how to put forth revolutionary goals and programs will have to be struggled around and developed. One vehicle which requires considerable discussion and struggle is a newspaper which will be a collective organizer and agitator. These are the essential and interrelated aspects of "diverting the spontaneous working class movement from bourgeois ideology to communist ideology."

We take Lenin's Letter to a Comrade to be fundamental to building the forms and networks of relationships within the factories, the fractional method of work to be correct. Other written material and the lessons of our practice will be part of this struggle. We will analyse conditions and relationships with workers and strive towards building advanced networks and non-party organizations within the factories and communities where we work. Through this we will further understand the need for and parameters of security, cadre projection, agitational leafletting, role of cultural work, where to place cadre, all of which need to be investigated in the building of factory circles.

MAKE EVERY FACTORY OUR FORTRESS !

## TAKING THE ERC TO THE FACTORIES

Comrades,

Everyone should be well aware of the struggle to build the ERC. Although the work towards this end throughout the area has been beginning slowly, the industrial units failure to take the ERC to the factories has been glaring, with only one exception. Why is this?

One reason can be ascribed to the initial lack of understanding of what the ERC would be, who will join, etc. However, current PT articles as well as numerous internal Party documents (organizers, memos) should have laid to rest many of these unclarities. Therefore, the question must be asked -- since the political unity and understanding around the ERC exists, what is the roadblock preventing the taking of this crucial program out into the factories? In many cases, it lies in the tendency to view the struggle of the national minority workers as merely a class question (as of course it is), but not a national question as well, and glossing over the particular forms of struggle that the struggle against capital takes amongst the national minorities. In order to see how this is happening, let us give the example of the work being done by another organization, PUSH.

Less than 2 years ago, PUSH came to Detroit around the closing of the Jefferson plant. It was quite obvious then that PUSH had no mass whatsoever amongst the Negro workers here in Detroit. Today, however, they have an organized Labor division of over 300 Negro workers in the Detroit area plants and other work-places. Many of the incidents they have mobilized around have been "petty"-- Negro national minority workers being harassed by foremen, discrimination cases, etc. It is these "little" struggles that they have been able to solidify a base off of, and we should look at this example. Many, of these workers had they worked where we had CLP cadre and units, would probably have been labeled "bourgeois nationalists" and ignored, or merely told to put aside their feelings of antagonism and "unite with Anglo American workers". This is a manifestation of our sectarian and idealist search for "laboratory purity" -- a purity which does not exist, in the class struggle or anywhere else. The struggle to defend the rights of the national minority workers, to activate the Fair Employment Practices Commission, struggle over Affirmative Action, the struggle in the UAW regions over Negro national minority executives in leadership -- the Party must get into these struggles. The ERC must be taken into the factories.

How??? The one example of ERC work in the plants in this area is this: One industrial unit has succeeded in their work with a Negro National minority service self help group in the plant, to get them to become part of the ERC. This group does not have to give up its organizational principles or the work that it has been doing. The ERC brochure explains more on this.

Caucuses, social clubs, sports teams and women's groups and even check pools must become part of the ERC. Our efforts to build the ERC will be in vain if only done in the community, where there are many honest workers and organization, but where likewise many petty bourgeois groupings will be attracted. In order for this unity of the class to be accomplished, ERC must be announced in the factories.

TAKE THE ERC TO THE FACTORIES  
BUILD THE FACTORY NUCLEI

For the Industrial Commission,

Lynn



# Regions 1, 1A, 1B, 1C, 1D, 1E Michigan

Region 1 - Detroit, Port Huron, Hamtramck  
Utica, Livonia

Local 3 - Dodge Main, 9446

44 - Mueller Brass, Port Huron, 1661

47 - Forge Plant, Chrysler, 1310

140 - Chrysler Amplex - Dodge Truck, Warren 4020  
Cadillac Engg., Fitzhugh's Mfg., Heidrich Tools & Dies, Walverine Dies

155 - Chrysler Warren Dies, MacDermid Corp, Micromatic Hous Corp, 9885  
Chevro. Eng. Exp. Lab., Parts Fabrication, Tech Center, Enclosed

160 - G.M.C. Fisher Dies Design, Fisher Central Eng., Tech Center, Styling 434

189 - Midwest Waste Material, Udyllite Corp, 2332

203 - Amalgamated, 1083

228 - Ford Sterling, Utica, 5163

235 - Amalgamated Chevrolet Gear & Aple, Hamtramck 5443

262 - Chevrolet Forge, Chevrolet Spring & Bumper, Livonia 3305

306 - Budd Co., 3726

412 - Chrysler Defense Eng, Highland Park Technicians, 3700  
H.P. Eng Staff

490 - Chrysler, Highland Park 2766

681 - Federal Mogul, Lower Roller Bearing Div. 2649

835 - Amalgamated, 1012

909 - Chevrolet, Warren, 3026

961 - Chrysler Gear & Aple, 2970

# Region 1A

- Local 36 - Ford Motor, Lincoln Mercury Div, Wipac - 4450  
 65 - Chevrolet Corvair, Ypsilanti - 1041  
 78 - Kelsey Hayes, Detroit - 3199  
 166 - Fisher Body <sup>Willow Run</sup> Div of GM, Ypsilanti - 1617  
 182 - Ford, Transmission Div, Livonia - 5441  
 207 - Chrysler Export-Import + Glass, Detroit - 1144  
 245 - Ford Research + Engineering, Dearborn - 1366  
 372 - Chrysler Engine, Wrentham - 3969  
 600 - Ford River Rouge - 32,414



Assembly

Engine

Foundry, Iron

Foundry, Specialty

Stamping

Frame

Welding

Maintenance + Construction

Miscellaneous

National - Detroit <sup>Detroit</sup> Parts

Basic Oxygen <sup>Turnover</sup>

Roller Mill

Tool & Die

Transportation

- 735 - GMC Hydramatic Division, Belleville - 6080  
 900 - Ford Assembly + Truck, Wayne - 5067  
 985 - <sup>Dearborn</sup> General - 3706  
 1313 - Burroughs, Detroit - 4351



# Region 1B

- Local 7 - Chrysler Jefferson Assembly - 6187
- 51 - Plymouth Assembly, Motor Engine - 6418
- 205 - Allen Industries, Woodall Industries,  
Miscellaneous Detroit - 1699
- 212 - Chrysler Amalgamated, <sup>Detroit</sup> 11,462  
Vernor Plant North, Vernor Tool & Die,  
8 Mile Plant, Outer Drive Plant,  
Mack Avenue Plant, Garage Plant,  
Office Workers & Engineers,  
Biggs Mfg, Hack Mfg.
- 400 - Ford Amalgamated, 4688  
Highland Park Plant  
Utica Plant
- 417 - Clawson Mich Amalgamated - 1446
- 540 - Pontiac Mich Amalgamated - 1275
- 594 - GMC Truck & Coach Div, Pontiac - 10,102
- 596 - GMC, Fisher Body, Pontiac - 3661
- 653 - GMC, Pontiac Motor, Pontiac - 15,647
- 771 - Amalgamated, Detroit - 3474  
Continental Die Casting, Gen'l Elec  
Metallurgical Products Dept, National  
Twist Drill & Tool Co
- 869 - Chrysler Stamping, Warren - 3073
- 889 - Chrysler Amalgamated, Warren - 3506  
Admin. Office, Dodge Main, Jefferson - Perchman,  
Mopar, Warren Truck
- 1264 - Chrysler Stamping, Sterling - 3058  
Miscellaneous

# Region 1C

- 196 Eaton Yale & Towne, Battle Creek - 1318
- 326 GMC Pernstedt Div - Flint - 4552
- 581 GMC Fisher Body - Flint - 5802
- 598 GMC Fisher Body #2 - Flint - 2440
- 599 GMC Buick, Flint - 15,926
- 602 GMC Fisher Body - Lansing - 4481
- 650 White Motor Co, Lansing - 1352
- 651 GMC, AC Spark Plug, Flint - 9386
- 652 Amalgamated GMC, Lansing - 11,384  
Forge Plant (Olds), Oldsmobile Division
- 659 Amalgamated Chevrolet, Flint - 20,926  
Assembly, Atterburn Unit, Metal  
Fabricating Unit, Engine Unit,  
Manufacturing Unit.
- 724 Amalgamated, Lansing - 2633  
Atlas Drop Forge Co, FMC John Bean Div,  
Melling Forging, Alopson Corp, Tractor Mfg
- 1292 - GMC Fisher Body, Grand Blanc - 2957

## Region 1D

- Local 19 - Grand Rapids Amalgamated - 1554  
 G. R. Metalcraft, ~~Light~~ Light Metals Corp, Misc.  
 113 - Continental Motors Corp - Muskegon - 3944  
 135 - American Seating Co., Grand Rapids - 1068  
 137 - Hupp Corp, Gibson Refrigerator Div, <sup>2349</sup> Greenwell  
 167 - GMC, Diesel Equipment, Grand Rapids - 1746  
 206 - American Motors, Grand Rapids - 3030  
 257 - National Lead, Doehler Jawes Div, Grand Rapids - <sup>1068</sup>  
 330 - Lear, Siegler Inc, Grand Rapids - 1998  
 362 - GMC, Chevrolet Parts, Bay City - 2369  
 403 - Lakey Foundry Corp, Muskegon - 1149  
 455 - GMC Malleable Iron Central Foundries, <sup>2945</sup> Saginaw  
 467 - GMC, Chevrolet Transmission, Saginaw - 1097  
 468 - Clark Equipment Co, Buchanan - 2159  
 488 - GMC Fisher Body Stamping Div, Kalamazoo - 1643  
 526 - Eltra Corp, Prestolite ~~Corp~~ Div, Bay City - 1211  
 539 - Campbell, Wyant & Cannon Foundry, Muskegon - 2430  
 637 - Sealed Air Corp, Muskegon - 1193  
 668 - GMC, Chevrolet Foundries, Saginaw - 5846  
 699 - GMC, Saginaw Steering Gear, Saginaw - 5892  
 730 - GMC, Fisher Body, Grand Rapids - 2193  
 793 - Auto Specialties Mfg Co., St Joseph - 1389  
 1231 - GMC, Fisher Body, Grand Rapids - 2003  
 1243 - Howmet Corp., MISCO Division, Whitehall - 1344

Region 1E

- Lord 2 - Dana Corp, Ecorse - 1220  
15 - GMC, Fisher Body, Fleetwood, Detroit - 4821  
22 - GMC, Cadillac, Detroit - 7692  
49 - Ex-Cell-O - 2058  
157 - Amalgamated - Inkster - 9183  
Essex Wire, C. P. Fittings Div, Commercial  
Steel Trading Corp; Federal Engineering,  
Fisher Body Plant #23; Fisher Body #21;  
Republic Tool & Die; Star Tool & Die Works;  
Whitman & Barnes  
163 Amalgamated Detroit - 4298  
174 Amalgamated Detroit - 17,896  
American Standard Controls; San Sigher  
Anaconda American Brass, Wolverine Tube  
Detroit Universal (Chrysler); Davis  
Tool & Engineering; Federal Screw Works;  
Frestons Steel; Fisher Livonia;  
Vernstedt Product Engineering;  
Vernstedt Mfg GMC; Guardian  
Glass; Avon Tube; Lincoln Brass  
Works; Massey Ferguson Tractor;  
Precision Springs; River Copper & Brass;  
Rockwell Standard; Skatteberg & Son  
387 Ford Stamping, Woodhaven - 2547  
408 Amalgamated Detroit - 1366  
GM Parts Div; Hoover Chemicals

Region 1 E cont'd

Local 723 - Ford Motor, Monroe Mich - 1439  
849 - Ford Motor Co, Ypsilanti - 3319  
892 - Ford Motor, Saline - 1349  
898 - Ford, Ypsilanti - 3369

<u>Local</u>	<u>Plant</u>	<u>Location</u>	<u>Delegates</u>	<u>Votes</u>
228	Ford Sterling Ford Van Dyke	Utica	11	71
235	Chevy Gear & Axle	Detroit	9	61
236	Amalgamated	Roseville	2	5
256	Massey-Ferguson	Detroit	2	4
262	Chevy Drop Forge	Detroit		
	Chevy Spring Bumper	Livonia	7	37
304	C. M. Hall Lamp Co.	Detroit	2	4
306	Budd Wheel	Detroit	7	38
314	Long Mfg. - Borg Warner	Detroit	2	6
329	Fisher Body	Detroit	1	3
351	Fenster, Inc.	Detroit	3	7
	Miscellaneous			
360	Amalgamated	Detroit	2	7
369	Bundy Tubing Co.	Detroit	2	5
375	Chrysler-Marine & Industrial	Port Huron	2	6
	Marysville Parts Depot	Marysville		
412	Chrysler - High. Park Maintenance	Highland Park		
	DeSense Engineering			
	H. P. Technicians			
	Engineering - Hourly Rated			
	Engineering Staff			
	Miscellaneous		12	44
429	New Haven Foundry	New Haven	2	4
471	Hamill Mfg. Co.	Washington	2	4
490	Highland Park Machining	Highland Park	4	21
681	Federal Mogul Bower	Detroit	4	24
727	Midwest Machine Company	Marysville	1	2
789	Great Lakes Products	Lexington	1	1
800	Amalgamated	Columbiaville	1	2
812	Hercules Powder Co.	Harbor Beach	1	1

(9)

<u>Local</u>	<u>Plant</u>	<u>Location</u>	<u>Delegates</u>	<u>Votes</u>
831	Amalgamated	Capac	1	1
835	Amalgamated	Detroit	3	10
909	Chevrolet,	Warren	5	31
961	Chrysler- Eldon Gear & Axle	Detroit	6	39
983	Holley Carburetor	Detroit	1	1
1084	Amalgamated	Richmond	1	1
1114	Detroit Gasket & Mfg.	Marine City	1	1
1149	American Press	Port Huron	1	1
	Stix Tape	" " " "		
1156	Universal Engineering	Bad Axe	1	1
1182	W. E. Warner & Sons	Algonac	1	1
	Algonac Foundry	" "		
1184	Lapeer Metal Products	Lapeer	1	1
1248	Chrysler- Centerline Parts	Warren	2	11
1394	Research Designing Service	Warren	1	2
<hr/>			<hr/>	
45 locals	Totals		179	822

(3)

The only possible<sup>legal</sup> way to remove a Regional Director from office is to vote him out at the Convention. The Constitution ostensibly provides for removal by way of charges, but this route is a practical impossibility, since charges may be brought only by affidavit of 5 or more International Board members, or by a member's affidavit endorsed by his own local and a majority of the locals within the Region.

You can only organize around issues people can relate to. M.C.L.L. should make



George Merrelli an issue in Region 1 and organize workers against him by electing convention delegates who will oppose him at the April 1972 Convention.

Following is a list of the delegates who voted for Merrelli's opponent, George Robertson. (Local 235) at the last Convention.

<u>Name</u>	<u>Local</u>	<u>Known Background</u>
Lee Cain	3	Associated with DRUM. Chairman, Labor Committee to Free Angela Davis. Signed LDC statement supporting LRBW.
Ronald Smith	417	
W. Carr	160	Pres. Local 160. Active in United National Caucus.
Frank Simone	160	
Pete Kelly	160	Founder & officer of United National Caucus.
Kenneth Wizinsky	160	Officer United Nat'l. Caucus.
Jesse Gambill	235	
James Redd	235	
John G. Smith	235	
Nathan Vinson	909	
Jordan U. Sims	961	leader of wildcat strikes at Eldon. Extremely militant.

Contact should be developed and maintained with all these individuals. Further, all M.C.L. members should be ~~constantly~~ aware of the local of any worker they know or meet. If the person's Local is in Region 1, this contact must be developed.



Opposition, dissatisfaction and ferment in Region 1 was mentioned earlier. Following is a brief discussion of some of the details of this dissidence at some of the locals I am aware of.

Local 160. G.M. Tech. Center local. The only local which displayed militance in the G.M. contract negotiations last year. Disrupted traffic at 11 Mile & Van Dyke to prevent entrance of scabs. 23 members arrested by Warren police. President W. Carr & U.P. Pete Kelly high officers in the United National Caucus, a militant group with 200-300 members mostly in the Detroit area. Carr & Kelly voted against Merrilli.

Local 235. Chevy Gear & Axle. Home local of both Merrilli and his opponent George Robertson, a black man. Robertson recently won election as President of that local. My father works there and is a good source of information. Ron Clotta has recently met a worker there; this contact should be developed.

Local 3, Dodge Main. DRUM (ARBW) is active there. Lee Cain should be contacted and this contact maintained. Edie Fox, wife of Art Fox, Local 600, is Committeewoman for the Trim Unit at Dodge. Both Art & Edie Fox have been active in the United National Caucus. Ron Clotta knows both of them and should maintain close contact.

Local 961, Eldon Gear & Axle. An extremely "heavy" plant politically for the past several years. Scene of 3 wildcats last spring and the James Johnson incident. Jordan U. Sings. I have many contacts at ~~this~~ <sup>this</sup> plant.

Local 909 Chevy Warner plant. Local members refused to ratify local contract last year. Merrilli had to come in to personally conduct negotiations, and I believe the local was ultimately put into receivership by the International.

Local 1248 Chrysler Centerline Parts Depot. Scene of a wildcat strike a few months ago in which 100-200 workers were fired. All but 7 are back to work. One of the leaders of the wildcat has recently come to Glotta & Adelmann. This contact must be developed and maintained.

Local 306 Budd Wheel. I worked at Budd most of last year and part of this year and have contacts both in the plant and in the local. Erwin Baur, Committeeman, a Trotskyite, has been ~~an~~ <sup>an</sup> invaluable source of background information. Baur is firmly against Merrilli, believes he can be unseated if 3 or 4 locals are "tight", and is going to run for delegate next spring.

In conclusion, we must all (1) develop as many contacts in the Region as possible; (2) find out as much as possible about Merrill's sins and shortcomings at each plant and (3) agitate at each plant around his failures with the goal of finding & electing enough delegates to destroy George Merrill as Regional Director of U. A. W. Region 1.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RECEIVED MAY 5 1971

RONALD R. MEADERS,

Plaintiff,

-vs-

CHRYSLER CORPORATION, Mound Road  
Engine Plant; UNITED AUTO WORKERS,  
(UAW) LOCAL 51; UNITED AUTO WORKERS,  
(UAW) INTERNATIONAL, jointly and  
severally,

Defendants.

Civil Action

No. 34155

OPINION and ORDER

At a session of said Court, held in the  
Federal Building, City of Detroit, Michigan,  
on MAY 4 1970.

PRESENT: THE HONORABLE TALBOT SMITH  
UNITED STATES DISTRICT JUDGE

Plaintiff, Ronald R. Meaders, has filed suit against Chrysler Corporation, his former employer, and his former collective bargaining representative, UAW Local 51 and UAW International, alleging that he was discriminatorily discharged because of race, in violation of the law and the collective bargaining agreement between his employer and his union. He further alleges that the Union breached its duty of fair representation owed to him by failing to process a grievance over his discharge.

Plaintiff's complaint is divided into two counts. The first count represents a suit against all defendants pursuant to Title VII of the Civil Rights Act of 1964 (42 USCA §2000 (e) et seq.) as well as under 42 USCA §§1981-83 for deprivation of rights guaranteed by the Due Process Clause of the Constitution.

The Second Count of plaintiff's complaint alleges jurisdiction under 28 USCA §185 (Sec. 301, LMRA) for breach of the collective bargaining agreement by all defendants and breach of the duty of fair representation on the part of the Union defendants.

COUNT ONE

Motion to Dismiss by Defendant Union (International and Local)

The Defendant Union seeks dismissal of Count One on three bases:

a) that the union defendants were not named as respondents before the Equal Employment Opportunity Commission,<sup>1</sup> a prerequisite to suit under 42 USCA §2000 (e) et seq.

It is well settled that in order for a "person aggrieved" to bring a civil action "against the respondent named in the charge" under §706 (e) of Title VII of the 1964 Civil Rights Act (42 USCA §2000 (e)), the proposed defendant must have been named in the charge filed before the Commission. Plaintiff now agrees.

Defendant Union's Motion to Dismiss the allegations relating to it under 42 USCA §2000 (e) in the 1964 Civil Rights Act is granted.

b) that if the remedy provided by Title 42, §2000 (e) is not exclusive, it has been modified procedurally to the extent that exhaustion of the administrative procedures of Title VII is required before a resort can be made to an action under 42 USCA §1981.

The defendant Union argues that while there may be a separate cause of action created by the 1866 Act, the procedural requirements of the 1964 act must be complied with absolutely. We cannot accept such an interpretation. The causes of action are separate and independent. We find no evidence of congressional intent to supercede the 1866 Act.

1 Hereafter referred to as "EEOC"

See, e.g. Jones v. Mayer, Co., 392 U.S. 409 (1968); Sullivan v. Little Hunting Park, Inc., 396 U.S. 229 (1969).

The courts have already begun to outline an accommodation between the two Acts so that one Act will not frustrate the intent of the other. These courts have taken the position that there must be some reasonable attempt at compliance with the EEOC procedures set out in the 1964 Civil Rights Act, or a showing that attempts would be futile, before suit may be brought under the 1866 Act. We find this to be a reasonable interpretation since to hold otherwise would encourage wholesale disuse of the EEOC.

As one district court noted:

"Title VII of the Civil Rights Act of 1964 does not supercede the right to contract for one's own labor which is assured by 42 USC §1981. Jones v. Mayer, Co., 392 U.S. 409 (1968). Any administrative procedures that may be prerequisite to bringing a Title VII action in the Federal District Court are inapplicable to suits such as this one, characterized by the facts herein found by this Court, when instituted by proper parties under 42 USC §1981." Washington v. Baugh Construction Co., 313 F. Supp. 598, 605 (DC Wash. 1969).

The Washington court added, however, that

"Under the usual situation, the Equal Employment Opportunity Commission must be given an opportunity to resolve Title VII disputes through efforts to obtain 'voluntary compliance' before Court action is proper. ... Such a procedure would appear frivolous when all previous attempts to achieve such compliance ... have failed to resolve any of the major issues." Ibid.

In a recent case, the Third Circuit rejected the position of the defendants and the district court that that court had been deprived of its jurisdiction in §1981 suits by the 1964 Act and that the procedural requirements of that Act were a jurisdictional prerequisite to suit.

In the course of its opinion, the Court comments:

"Conciliation features of Title VII, implemented by the EEOC, should not be entirely regarded in the course of that suit under Section 1981. There is ample scope, within the

traditional bounds of discretion in the application of equitable remedies, for the district courts to develop on case by case basis an accommodation between their jurisdiction under Section 1981 and the conciliation efforts of the Commission." Young v. International Telephone & Telegraph, 39 LW 2489 (3d. Cir., Feb. 11, 1971).

The Young court concluded that by encouraging in appropriate cases a resort to the EEOC during the pendency of Section 1981 cases, the courts will carry out the policies of both statutes.

This Court finds that the position taken by the Young court is the only rational way to reconcile these statutes without eliminating or constricting rights long guaranteed to the injured litigant.

As another recent decision notes:

"The cases demonstrate that the policy in favor of conciliation should not be transformed into a technical device used to obstruct the enforcement of prohibitions against racial discrimination in employment and to deny relief to those Congress has sought to protect." Waters v. Wisconsin Steel Works, 427 F.2d 476, 488 (7th Cir. 1970).

With this background, the Court finds that, construing the allegations in the light most favorable to plaintiff, he has pleaded reasonable excuse for failure to utilize the EEOC procedures following his second discharge. As the pleadings indicate, the EEOC had not made a ruling on plaintiff's first discharge until shortly after his second discharge. This ruling was in favor of plaintiff but when the EEOC attempted to secure voluntary compliance from the Employer, its efforts failed. Under these circumstances, it would have been a useless gesture for this plaintiff to seek EEOC aid in his second discharge and we find that plaintiff's complaint alleges a cause of action against the Union and the Employer under Title 42, USCA §1981. We might add that although the Union was not a party in the first EEOC attempt, it is reasonable to assume, under plaintiff's



view of the facts including the efforts plaintiff made at enlisting the aid of his union in both instances of discharge, that a complaint against the Union with the EEOC would have been equally fruitless.

In making these observations, it should be stressed that this Court is not commenting upon the merits of plaintiff's cause of action but rather that based upon the pleadings at this early stage in the litigation, it cannot be said as a matter of law that plaintiff has failed to state a cause of action. On the contrary, from the very nature of plaintiff's allegations, they may be most difficult to prove. However, we leave plaintiff to his proofs and will not dismiss these allegations without giving him that opportunity.

c) that plaintiff has failed to exhaust his internal union remedies and that such exhaustion is a condition precedent to any action against the union defendants for breach of the duty of fair representation.

The general rule is, as defendant Union argues, that a prerequisite to suit under §301 for breach of the duty of fair representation, is the exhaustion of intra-union grievance procedures. However, the courts have long recognized that this rule does not apply where such exhaustion attempts would be futile. See, e.g. Vaca v. Sipes, 386 U.S. 174 (1967); Glover v. St. Louis-S.F. Ry. Co., 393 U.S. 324 (1969); Harrison v. Arrow Metal Products Corp., 20 Mich. App. 590, 174 N.W.2d 875 (1969). In this action, the plaintiff has indeed made such allegations. Recognizing that the distance between allegation and proof may be immeasurable, the Court cannot hold, as a matter of law and looking at plaintiff's allegations in the light most favorable to plaintiff as it must do on a motion based upon the pleadings, that plaintiff has failed to state a cause of action. The plaintiff alleges that when he attempted to file a grievance with his steward, it was refused and that this refusal was based upon racial discrimination. The EEOC had found merit in plaintiff's earlier difficulties with the company,



but the Union was able to obtain reinstatement on the most unsatisfactory circumstances imaginable.

Although this Court is impressed by the record of defendant Union in the field of labor relations, we find that the racial discrimination aspects of this complaint indicate that a liberal view of plaintiff's allegations should be taken. We find that there was a reasonable basis for plaintiff's belief that there was justification for his conclusion that further attempts at seeking union assistance would be futile, whether or not the facts upon which he based his belief were correct or not. Cf. Waters v. Wisconsin Steel Works, supra, relating to contract grievance procedures.

While these allegations regarding futility are merely allegations and must be viewed as such, we cannot find that they are without merit at this stage in the proceedings.

The Union's Motion to Dismiss based upon failure to exhaust union grievance procedures is denied.

#### Motion to Dismiss by Defendant Chrysler

Defendant bases its Motion to Dismiss Count One on these grounds:

a) as to a cause of action under 42 USCA §§2000 (e)-5

1. Conduct occurring in May, 1967.

The Motion to Dismiss these allegations for failure to allege facts sufficient to state a cause of action is denied. In view of the fact that the Equal Employment Opportunities Commission found merit in plaintiff's claim based upon the May, 1967 conduct, and sought this employer's voluntary compliance, which was refused,

this Court cannot say on the basis of the facts well pleaded that a cause of action has not been set forth.

The Motion to Dismiss the allegations relating to the 42 USCA §§2000 (e)-5 action concerning the May, 1967 conduct is denied.

2. Conduct in April, 1968.

Defendant moves to dismiss the allegations relating to this conduct because plaintiff has not alleged that he filed a complaint with the EEOC, as to these allegations.

The cases are uniform and the matter appears to be well settled that the filing of such a complaint is a prerequisite to suit under Title 42, §2000 (e)-5.

Plaintiff, however, alleges that both the April, 1968 and the May, 1967 conduct are part of a continuing pattern of racial discrimination. While the circumstances of this case do lend some support to such an argument, in view of this Court's findings relating to the remainder of plaintiff's allegations, and in the absence of supportive authority, we find that the requirements of Title 42, §2000 (e)-5 have not been complied with with respect to the April, 1968, conduct. Cf. Tippett v. Liggett & Myers Tobacco Co., 316 F.Supp. 292 (DC NC 1970).

The plaintiff's cause of action under 42 USCA §2000 (e)-5 relating to the April, 1968 conduct is dismissed.

b) as to a cause of action under 42 USCA §1981.

Defendant Chrysler makes the same argument as those made by Defendant Union, to the effect that the plaintiff has failed to exhaust his EEOC remedies with respect to the April, 1968 conduct.

For the reasons discussed above, the Motion is denied.

Motion by Defendant Chrysler to Dismiss Count Two

Defendant bases its Motion to Dismiss on plaintiff's failure to exhaust his contractual remedies. We find that under the circumstances of this case as pleaded, discussed above, such a failure is not a bar to suit. Waters v. Wisconsin Steel Works, 427 F.2d 476 (7th Cir. 1970); Hutchins v. U.S. Industries, Inc., 309 F.Supp. 691 (ED Tex. 1969). See, also, Glover v. St. Louis-San Francisco Ry Co., 393 U.S. 324 (1969).

Motion by Defendant Chrysler to Strike Certain Allegations

This motion is completely without merit and is denied.

SUMMARY OF RELIEF

1. Defendant Union's Motion to Dismiss Count One

The Defendant's Motion is granted as to the allegations made under 42 USCA §2000 (e)-5. The remainder of defendant's Motion is denied.

2. Defendant Union's Motion to Dismiss Count Two is denied.

3. Defendant Corporation's Motion to Dismiss Count One is granted as to the April, 1968 conduct under 42 USCA §2000 (e)5. The remainder of Defendant's Motion is denied.

4. Defendant Chrysler's Motion to Dismiss Count Two is denied.

5. Defendant Chrysler's Motion to Strike is denied.

It is so ordered.

TALBOT SMITH

United States District Judge

- Page 8 -

A TRUE COPY

FREDERICK W. JOHNSON, Clerk

BY Mary Ann L. Asberry  
DEPUTY CLERK