THE GUILD
Reporter

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Albany Guild remembers one of its own
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'Forty-nine on the line'

BETTY UDESEN/PACIFIC NORTHWEST GUILD

Reporter Mike Barber, playing "Amazing Grace" and wearing a blue ribbon in support of Times strikers, leads his Post-Intelligencer co-workers back to work following their ratification vote.

Seattle strike ends in strengthened Guild

Forty-nine days after walking off the job at The Seattle Times, Guild-represented employees voted three-to-one to accept a contract whose details had to be hammered out 3,000 miles away.

Resolution of the stalemated struggle required the intervention of several highly-placed officials, beginning with an olive branch to both sides from U.S. Senator Patty Murray, who offered her Washington D.C. office as neutral negotiating turf. It also included a decision by C. Richard Barnes, head of the Federal Mediation and Conciliation Service, to personally oversee the talks, and the direct involvement of CWA President Morton Bahr, TNG President Linda Foley and Times publisher and owner Frank Blethen.

See pages 6 and 7 for related columns.

The result was a final 13-hour marathon that ended at about 3:20 a.m. Jan. 4, followed by a personal appeal by Barnes to the strikers in Seattle that some credited with turning the vote. "I think to stay out on strike any longer would result in a protracted period of time to accomplish anything else," Barnes said, anticipating those who remained upset by the Times' refusal to budge on wages or to provide a 401(k) match.

Key to securing the ratification vote was an acceptable compromise on return-to-work provisions, caused by Blethens' mid-December decision to hire permanent replacement workers and his announcement that the Times would lay off at least 10% of its workforce, ostensibly because of the strike's economic losses. The Times insisted that its 68 replacement workers—now 51, following nearly a score of defections—and employees who had crossed the picket line should be the first to keep their jobs, which would have left some strikers waiting as long as a year for a position to open. The Guild, meanwhile, was equally adamant that jobs be filled by seniority and that everyone be back at work within 90 days.

Employees of the Seattle Post-Intelligencer, where the Guild represents about 130 newsroom workers, had already approved a contract Dec. 28. But the Hearst-owned P-I had not hired perma-

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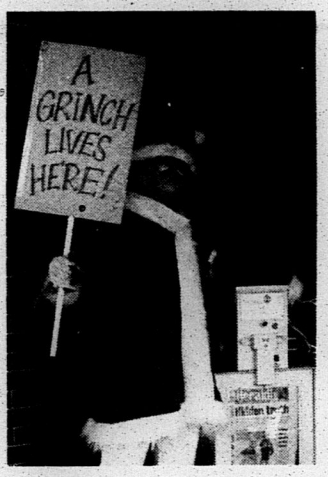
Grinch hauls sack of coal to Boston



Fear not: the Grinch, featured star of numerous parodies during the Florida election follies, has no shortage of work. No sooner had the Supremes warbled to a dissonant closing chord than the Grinch was winging northward, where he (she? it?) found an even bigger job: stuffing coal into the stockings of scores of Boston Herald employees.

For the Grinch, internationally renowned for stealing Christmas and for extinguishing human kindness, going to Boston was like returning home. More than 325 editorial and commercial employees of the Herald have been working some 900 days without a raise, while contract negotiations—now well into a second year—have received short shrift from a management team more intent on acquiring a suburban newspaper chain. The purchase of Community Newspaper Co. was to have been completed last fall, but still had not been consummated by mid-January.

So it was that the Grinch appeared at the Herald Dec. 21. As explained by Boston Guild president Lesley Phillips, "We want to underline how stingy and unfair it is for one of the leading corporate institutions in Boston to provide such a pittance in salary and benefits to its loyal and dedicated employees." Added steward Tom Mashberg, "The Herald is well known for its advocacy of 'family values.' We think it's time the Herald also showed that it values its workers' families."

Aside from its noncompetitive wages—Herald employees are paid less than two-thirds the wages paid by the rival Boston Globe—the Herald provides virtually no health care coverage: under its pre-tax set-aside "plan," employees pay more than 90% of the premiums. Currently, that means a union member who has to obtain family coverage pays an average of $141 a week for health insurance; non-unionized workers at the company, meanwhile, get 50% to 100% of their health care costs covered by the company.

In bargaining, meanwhile, the Herald's richest offer has been annual raises of 2% over the next four years—and no increase in its health plan contribution. It also is seeking to outsource the jobs of dozens of its commercial unit workers.

Whether because of the Grinch's influence or for other reasons, it appears the company is getting serious about contract talks. After refusing to meet more than twice a month for all of last year, it now is meeting in off-the-record sessions two or three times a week. Phillips says she is "cautiously optimistic." Meanwhile, she adds, the local's membership is "motivated like I've never seen them before."

K-R finally pays up: $2.2 million

Seven months after an arbitrator's ruling last May, and seven weeks after the San Jose Newspaper Guild filed suit in federal court to compel its compliance, Knight Ridder started paying $2.2 million to 120 Guild-represented employees. The award includes more than $450,000 in interest that accrued while Knight Ridder insisted the arbitrator had no authority to award interest.

The company finally relented Dec. 20, sending letters to the Guild-represented employees it fired, then rehired without a contract, following its acquisition of the Monterey County Herald in mid-1997. Although Knight Ridder paid severance to another 30 or more employees it did not rehire, the Guild argued that all employees were owed severance because the company had fired everyone so it could cancel the collective bargaining agreements it had inherited.

Those now working at the Herald were rehired at inferior pay rates and working conditions. Both the Guild and the pressmen's union are still trying to negotiate first contracts, but after three years Knight Ridder has yet to make an economic proposal to either union.

Separately, a hearing has been scheduled for March into allegations the Herald unlawfully fired six employees and made unilateral changes in working conditions without negotiating with the Guild. The National Labor Relations Board has ordered the employees reinstated, with back pay. The NLRB is still investigating two other Guild charges against the Herald.

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N.Y. Times' unit chair succumbs to cancer

Tom Keenan, former Guild unit chairperson for The New York Times, died Dec. 12 after a long battle with cancer. He was 60.

The longest-serving Times unit chair in the shop's history, Keenan won election to seven terms and filled numerous other positions, including chairperson of the Guild-Times Benefits Fund, trustee of the Guild-Times Pension Fund and chair of the Times Unit Bargaining Committee, where he helped negotiate five Guild contracts. He also was a member of the local's executive committee for 13 years, attended many Guild conventions and served briefly as a local representative.

The Keenan Award, established in 1999 when Tom Keenan retired from the Times, is presented annually for outstanding service by a Guild member.

Describing Keenan's death as "a deep personal loss," New York Guild President Barry Lipton praised Keenan for his compassion and integrity and cited his "invaluable role" in ending "the political wars of the late 1970s and 1980s that had threatened to destroy our local."

"He helped heal the wounds and convinced both sides to work together for the good of the membership," Lipton added. "Tom was, quite simply, a hero."

Secretary-Treasurer Bill O'Meara, who served as the Times unit's local representative, remembered Keenan's "tireless efforts for the unit, the local and the entire membership. He cared deeply about everybody and did his best to help them—he was a great guy, with a great sense of humor, who will be deeply missed."

The unit's current chair, Lena Williams, who succeeded Keenan when he became ill, noted simply: "Tom smiled, and made the world smile with him. If we want to honor his memory, we should do so with a smile."

New officers' seminar scheduled Feb. 16-19

The Guild's annual seminar for new local officers—sort of a boot camp for union leaders trying to figure out the difference between an impasse and an improper practice—will be held over the Washington's Birthday holiday weekend, Feb. 16-19, at the George Meany Center for Labor Studies in suburban Washington.

The residential seminar, now in its 20th year, is intended primarily for new officers of Guild locals but also is open to officers with "only limited experience" in office and other "active leaders," such as bargaining committee chairs. More than a thousand Guild members have already participated in these sessions, representing most of the smaller locals without full-time paid administrators for whom the seminar is principally designed.

TNG-CWA offers a significant subsidy of room, board and travel expenses for one participant from such locals. Non-subsidized room and board costs are $527.91 for the weekend; with the subsidy, the cost is $211.17. Additional travel subsidies also are available, covering 60%-80% of cost.

The sessions start Friday evening and run through noon Monday, with a heavy emphasis on organizing, mobilizing, contract negotiations and dispute resolution. All sessions are led by TNG-CWA staff. Past participants almost invariably have praised their experience, commenting not just on the content but on their opportunity to network with other Guild activists. "It was a great morale builder for those of us from the lonely outposts," one participant noted in his evaluation. Added another: "Because of the seminar, I know what I'm doing for this union and I know how to deal better with managers."

Amplification

The November GR reported that three unions at the Maui News had ratified a contract that establishes a two-tiered wage scale. Wayne Cahill, administrative officer of the Hawaii Newspaper Guild, advises that although the new contract does establish a lower scale for new hires, the old and new scales converge over the contract's four-year term, reaching parity in 2004.

The Newspaper Guild International
PENSION FUND
For information about your benefits, contact Helen L. Coleman, assistant to the trustees:
1-888-893-3650
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In brief . . . .

Cautious optimism for contract in Portland

The Portland Press Herald/Maine Sunday Telegram, owned by The Seattle Times Co., has signed a five-year contract with the Portland Printing and Graphic Communications Union, Local 22. The pact covers 24 employees in the press and plate-making departments and replaces one that had expired May 29,1999. Its acceptance, together with an end to the Seattle strike, has raised hopes the company is prepared to reach an agreement with the Portland Newspaper Guild, which has not had a contract in two years.

Minnesota exec wins Leuchter Scholarship

John Michael (Mike) Sweeney, executive officer of the Minnesota Newspaper Guild, is the latest recipient of an Irving Leuchter Memorial Scholarship and began his six-week stint at Harvard Jan. 8. A Guild activist since 1974, Sweeney has served as a steward, bargaining and grievance committee member, unit officer and local president, and has been a full-time union employee since 1996. "Full time union work is a second career for me, following 30 years as a newspaper reporter and editor, and I am constantly searching for ways to improve my knowledge and skills," he wrote in his scholarship application.

Time's temps win health care, pension dollars

Time Warner and the Labor Department have settled charges that the company misclassified hundreds of employees as "temporary workers" or "independent contractors" in order to deny them pension and health care benefits. The $5.5 million settlement is to be distributed among those who can provide appropriate documentation of having worked as contingent employees for the company between 1992 and 1997.

Reporter's libel suit settled out of court

Ralph Cipriano, a Guild member and reporter who was fired by the Philadelphia Inquirer soon after he filed a libel lawsuit against the newspaper, has reached an out-of-court settlement for an undisclosed amount. Cipriano took the unusual action after a long-running dispute with management over his coverage of the city's archdiocese, culminating in comments by his editor—published in The Washington Post—that there were "things we didn't publish that Ralph wrote that we didn't think were truthful." The settlement includes an apology from editor Robert J. Rosenthal, who now says his comments "were intemperate."

Globe columnist now a dues-paying Guilder

Yet another embattled newsroom employee, Boston Globe columnist Jeff Jacoby, is back on the job after a four-month suspension—and has signed on as a Guild member. The politically conservative op-ed page writer and former agency-fee payer was suspended for writing an unattributed column last July about the Founding Fathers. A grievance filed on Jacoby's behalf by TNG-CWA Local 31245 is still ongoing.

Canadians grapple with future of public b'cast

The Canadian Media Guild will be hosting a three-day forum in Ottawa on public broadcasting, Jan. 28-30. "Finding Focus," which is co-sponsored by Carleton University's Faculty of Public Affairs and Management, is intended "to generate new ideas about how the Canadian Broadcasting Corporation could be better funded, structured and governed." It also will examine the growing concentration of resources in the private-sector media.

Former Buffalo Guild president back at helm

Barring a last-minute candidacy by a fresh challenger, long-time Guild officer Phil Fairbanks will be elected president of the Buffalo Newspaper Guild late this month, reclaiming a position he last held in 1998. Current president Bob DiCesare announced his resignation last fall, citing increased time demands from a new sports-reporting assignment at a time when the Guild is gearing up for contract talks with The Buffalo News.

Denver Post, News get thumbs up from Reno

The Denver Rocky Mountain News and The Denver Post are set to merge their business and production operations as of Jan. 22, following Attorney General Janet Reno's approval of a joint operating agreement for the two newspapers. The dailies are to maintain separate and competitive news rooms but will share business expenses, profits and weekend editions.

CWA, IUE merger: you win some, lose some

The merger between CWA and the IUE brought an additional 113,000 members into CWA—but it also meant the loss of about a dozen Guild members. The dozen IUE staffers, represented by the Washington-Baltimore Guild, still had 10 months left in their contract, but the consensus was that it would be a conflict of interest for TNG-CWA to represent IUE-CWA employees in contract negotiations and enforcement with CWA.

Seattle strikers return to work

Continued from page 1

nent replacements. And because it is in a joint operating agreement with the Times, which is responsible for the business operations of both newspapers, the P-I did not have similar economic losses and did not contend it would have to lay off striking workers.

Two days after P-I employees approved their contract, the 870 or so Times editorial, advertising and circulation workers rejected essentially the same document because of the layoff threat. That's when Senator Murray stepped in, paving the way for an agreement that all replacements would be laid off or reassigned to non-Guild positions within eight weeks and that all strikers would be returned to their jobs within six months. Union spokesman Ron Judd said, however, that there is an expectation that virtually all Times employees will be back on the job within 90 days, thanks to an early retirement program for which 160 Guild members are eligible; Judd said he expects at least half will accept the buy-out.

Contract terms accepted by the strikers are somewhat improved from the company's last offer, including raises totaling $3.30 a hour over six years, or roughly half of what the union was seeking. But the Times did agree to increase its share of health insurance payments, it bumped scales for some lower-paid job classifications and it agreed to eliminate a two-tiered wage system that discriminates against bureau staffers within three years. In the final hours of bargaining, the Times also agreed to limit the advertising accounts that could be handled by non-salaried, commission-only sales representatives. The company also agreed to provide health insurance for commission-only sales reps.

Also ratifying the contract, by a 70% margin, was the composing room unit, a former printing, publishing and media workers affiliate that is now part of the Guild local.

Although the strike is over, many employees may remain out of work for weeks and need financial help to supplement strike pay. Donations in all amounts are welcomed and may be sent to:

Strike Fund
Pacific Northwest Guild
2900 Eastlake Ave. E., #220
Seattle, WA 98102

But the strike's biggest gain, say many Guild supporters, is that it gave notice to management that the Guild no longer will accept the weak pattern bargaining that has characterized the company's union relationships for at least the past decade. The current impasse, for example, was due in large part to management's insistence that the Guild accept raises similar to those already negotiated by one of its two Teamster locals.

(Although all 84 truck drivers represented by Teamster Local 174 joined the Guild picket line, only a handful of the 400 members of Teamster Local 763 honored the line, even though their contract permits them to do so.)

"Make no mistake—this contract does not fully address our primary goal of better wages and benefits that allow our members to keep up with the increasing cost of living in this community," Judd said at a press conference announcing the results of the ratification vote. "At the same time, this contract—and this strike—provide us with things more valuable than money, things we've never had and that money can't buy. A strong, unshakeable union. An unprecedented bond between workers in all departments at the Seattle Times."

THOMAS JAMES HURST/PACIFIC NORTHWEST GUILD

The strike had many human faces, including this child's at one of the numerous meetings striking Guild members held at the Seattle Center.

The strike also created a lasting impression within the wider Seattle community, which in little more than a year also has weathered an unprecedented strike by engineers at Boeing and the demonstrations—with union support—against the World Trade Organi-zation. Although not as widely known as Detroit's, Seattle's labor history is at least as militant, accounting for the resounding community support Guild strikers say they received—at a cost of millions to the Seattle Times in lost advertising and circulation.

Now Times management, which long nourished a reputation as a "family-friendly" employer, faces an uphill battle to reclaim the trust of both its employees and its readers. Blethen is at least making the effort, sending employees a letter Jan. 8 to pledge "that we will continue to provide you with a professional, respectful and civil work environment." But as he also noted, "The strike has shown how fragile is the future of an independent newspaper in this community and why there are fewer than 300 independent newspapers left in the rest of the country. We have been reminded that our future depends on successful partnerships among owners, employees and the community we serve."

Scrooged

ULPs measured by the score in Providence

Mere days before Christmas, the National Labor Relations Board charged the Providence (RI) Journal with more than 20 unfair labor practices and set a trial date of April 2.

The charges were filed following an investigation into complaints by the Providence Newspaper Guild that the company had illegally imposed a new medical plan, increased medical costs, reduced the number of paid holidays, eliminated discounted parking for part-timers and changed the vacation holiday schedule. The company also is accused of illegally transferring a Guild activist and of refusing to provide information related to contract negotiations and grievances.

The Guild has been in contract negotiations since October of 1999; Journal employees rejected the company's most recent offer last February by a vote of 354 to 28, the most lopsided rejection of a proposed contract in the union's history.

Before the complaint was issued, the NLRB and Guild approached the company with an off-the-record package deal that would have settled both the charges and the contract at a lower cost than the company will incur with a guilty finding from the board. The offer was rejected.

Two other charges by the Guild, comprising more than 20 additional accusations, also are being investigated by the NLRB.

The day before the NLRB filed its charges, Journal publisher Howard G. Sutton was named "Scrooge of the Year" at a Jobs with Justice fund-raiser. Sutton beat out four other contenders for the honor, garnering almost three times as many votes as his closest competitor.

Both the award and the ULPs, says Guild administrative officer Tim Schick, are the result of "a ruthless attack to destroy the union."

Shutdown threat delays union vote

The country's first union representation vote at an internet-only e-commerce company has been postponed indefinitely, following management threats that a successful vote might result in a loss of customers and force the company to shut down.

Organizer Erin Tyson Poh, of the Northern California Media Guild, said management at San Francisco-based Etown was "successful in poisoning the unit, so that we don't feel a fair election can take place at this time." The vote was to have taken place Jan. 12.

Leading to the postponement were charges filed by the Guild with the National Labor Relations Board, accusing the company of illegally trying to influence the election by firing unionization advocates and laying off more than half of the prospective unit. The NLRB may take up to six months to investigate the complaint.

Separately, management at Amazon.com stepped up its anti-union campaign, creating an internal web site that purports to answer questions by employees who have been talking with WashTech about possible unionization. But WashTech organizer Marcus Courtney says the site is intended only "to create fear and intimidation."

The Amazon site answers such "frequently asked questions" as, "How long can a union use an employee's signed authorization card?" and "If employees are dissatisfied with an elected union, what can they do?"

Time, York get contracts

Two TNG-CWA locals recently concluded contract negotiations, including what appears to be a speed record set by the Time Inc. unit of the Newspaper Guild of New York. The unit's unprecedented one-day session Jan. 4 extended the existing pact by three years without givebacks and includes a clause guaranteeing the contract will remain in force after Time completes its merger with AOL.

The agreement includes annual average increases of 4%, including guaranteed raises of 2.4% next month and 2% in each of the next two years. The difference between the guaranteed and average increases will go into a merit pool.

Separately, The York (PA) Newspaper Guild negotiated a three-year agreement with the York Dispatch that gives 2% increases each year and creates an additional merit pay pool equal to 0.75% of the prior year's gross union payroll—$11,250 in the first year. The new contract also replaces a sick leave plan of up to 120 days off for a combination of eight sick days a year and a short-term disability plan that kicks in after the fifth consecutive day of illness.

The new contract was ratified Dec. 23.

'Jonkeados' put NAFTA to the test

By David Bacon
Northern California Media Guild

Plant managers called them the "jonkeados"—the junked ones. They were workers who got so sick, so chronically disabled, that they were given special jobs. But they weren't put on "light duty" to tide them over until they could go back to the line. Instead, these workers were put under even greater pressure and assigned tasks so unpleasant "that we knew they were just waiting for us to quit and leave," says Joaquin Gonzalez.

In mid-December, Gonzales and some of his fellow "jonkeados" went to San Antonio, Texas. There they testified that the Mexican government had allowed their employer, Florida's Breed Technology, to systematically violate the country's health and safety laws, casting workers aside like tissue paper in two border plants: Auto Trim in Matamoros, and Custom Trim in Valle Hermosa.

That San Antonio hearing may be the final test for NAFTA's labor side agreement. After a history of dismal failure in protecting workers' rights and decent factory conditions, the hearing's results (or lack of them) may consign the agreement, not the workers, to the "jonkeado" scrapheap.

Bruno Noe Mantañez Lopez worked in the Matamoros plant for five years, until he was fired in 1998. During that time, spent gluing leather covers to steering wheels, his son was born with spina bifida, a spinal tumor, an enlarged heart and no kneecaps. Montañez struggled to keep his baby alive but when he tried to donate blood for him in the hospital, the doctor turned him away. "He told me I couldn't give it since my blood was contaminated with drugs," Montañez testified at the hearing. "I have never taken drugs. The only things I inhaled were the glues and solvents I worked with."

After six months, his baby died.

Ezekiel Tinajero Martinez went to San Antonio to explain that he, too, had a child that died—a daughter born without a brain, a condition called anencephaly, in 1995. Tinajero documented a series of similar infant deaths and miscarriages among the plant's workers. When he went to Auto Trim's personnel director, asserting the rights of the workers to healthier conditions under Mexican law, he was fired and a security guard instead marched him out of the factory.

In Valle Hermosa, things were no better at the Custom Trim plant. Heriberto Ramos Gomez recalled a 1997 factory fire, caused when sparks from a blow drier fell into a pool of solvents on the floor. Despite their legal obligation to do so, managers refused to order even a partial evacuation.

And at that plant, in May of 1997, workers decided to do something about those problems: They struck for five days, demanding better health protection and an increase in their weekly $35 wage. Their union, a section of the Mexican Confederation of Workers (CTM) affiliated to the state's ruling party, signed an agreement behind their backs with no guarantees of better conditions. Nevertheless, workers extracted a written commitment from the company not to retaliate against anyone.

It was a hollow promise. Days later, 28 workers were terminated.

The fired workers went to the state labor board, which ruled a year later that the terminations had been illegal and ordered them reinstated, with full back pay. To experienced labor activists assisting the workers, like Martha Ojeda, director of the Coalition for Justice in the Maquiladoras, the decision seemed suspiciously favorable for an agency notorious for favoring plant owners and government-affiliated unions. "I suspect a trick," Ojeda said at the time.

She was right.

In March of last year, the first two Custom Trim workers due to return to their jobs showed up at the labor board office. A board agent then accompanied them to the plant, along with one of Breed's local lawyers. But instead of going to Breed's new factory, where the work had been moved since the strike, the workers were taken to the old, closed facility. The government then declared that there were no jobs to return to, and that the company didn't have to pay the $25,000 it owed in back wages either.

That was when the workers and their allies started preparing their case under NAFTA's labor side agreement.

It was not an easy decision for them to make, given the record of previous cases. In the NAFTA process, charges can't be brought against individual companies and instead must assert that governments aren't enforcing their own laws. Since the treaty went into effect in January, 1995, more than 20 complaints have been filed. Almost all have charged that Mexico does not enforce laws guaranteeing workers the right to form unions of their choice or to strike effectively when they do. A few have been filed against the U.S., charging a similar lack of enthusiasm in enforcing workers' rights.

All of the cases have met a similar fate. Hearings are held. Workers testify, sometimes at considerable risk. The National Administrative Office of the U.S. Department of Labor, which hears the complaints against Mexico, concludes in almost every case that serious violations of the law have occurred. And then—nothing.

No remedies have ever been imposed which would have required rehiring a single fired worker. Not one independent union has been able to negotiate a contract as a result of any NAO ruling. In Tijuana last June, independent unionists in the NAO's most publicized case—the strike at the Han Young factory—were even beaten and expelled when they tried to attend a public meeting called by the Mexican labor sub-secretary. This forum on the right of workers to form independent unions was the only remedy sought by the NAO for the extensive violations of workers' rights in the three-year struggle at the plant.

Martha Ojeda, director of the Coalition for Justice in the Maquiladoras, has been called a terrorist by maquiladora owners and by the government officials who protect them for her efforts to help workers form independent unions.

U.S. officials present made no public protest over the violence and expulsions. "How one views what happened in Tijuana is in the eye of the beholder," commented Andrew Samet, Department of Labor deputy undersecretary for international affairs, to Larry Weiss of the Minneapolis Resource Center for the Americas. Labor Secretary Alexis Herman even wrote a letter to John Hovis, president of the U.S-based United Electrical Workers, suggesting that the strikers had provoked their own beatings.

Not one U.S. media outlet covered the Tijuana beatings, the suppressed strike that preceded them, or the inaction of the Labor Department which followed. A similar lack of coverage greeted the hearing in San Antonio. And when the home of a Mexican union leader, Eliud Almaguer, was burned down in October, in what border activists say was retaliation for organizing at a U.S.-owned factory in Rio Bravo, that didn't make the U.S. news, either. All of these stories were covered by Mexican newspapers, but despite the high stakes for workers and unions in both countries, the U.S. media has generally ignored the impact of NAFTA on workers' rights and the failure of the treaty's labor side-agreement.

Despite these odds, however, Custom Trim and Auto Trim workers decided to file a complaint, hoping their case would be different because, instead of focusing on workers' union rights, it dealt only with the issue of health and safety. "A complaint just about health conditions is new, and forces the U.S. and Mexico to take this concern seriously," explains Manuel Mondragon, director of the Young Workers' Pastorate, who helped draft it.

The possible remedy raises the stakes. If Mexico is found not to be enforcing its health and safety laws, it could be fined a percentage of its export earnings, a potentially huge amount of money.

Workers and occupational safety experts converged on San Antonio on Dec. 12 for their long-awaited hearing. Their testimony, documenting personal experience in the Auto Trim and Custom Trim plants, was backed by Mexican health and safety expert Dr. Francisco Mercado Calderon. Mercado condemned Breed for provoking irreversible injuries to workers, but, he declared, "gross negligence, or possibly wanton negligence by government authorities," had permitted the company's actions.

U.S. expert Garrett Brown, a CalOSHA inspector who trains maquiladora workers in health hazard assessment, went even further. "The Mexican government's failure," he said, "is due to the austerity programs imposed by the International Monetary Fund, World Bank and related institutions." Mexico's desperate need for hard currency to pay off loans has undermined its will to enforce the law and risk alienating wealthy foreign investors like Breed, Brown charged.

U.S. unions also offered support. Lida Orta, a health expert from the United Auto Workers, flew in from Puerto Rico to testify. Breed Technologies, with $1.4 billion in sales in 1998, was represented at the hearing by a vice-president for legal affairs, Stuart Boyd, but he did not present evidence. The company also did not respond to interview requests for this story.

In Washington, AFL-CIO deputy director for international affairs, Tim Beaty, was more optimistic about the impact of NAO complaints. The NAO itself is not very effective, he agreed, " but the process has provided a way in which workers can express their solidarity across borders, since these complaints are filed, not in the country in which the violations occur, but by workers and unions in another one."

A flurry of accusations has appeared in the Mexican press along the border, accusing workers at Breed of being pawns of U.S. unions and calling Martha Ojeda a terrorist. Beaty carefully explained that the AFL-CIO favors economic growth in Mexico, including along the border, "but only if the rules make that growth equitable. Instead, NAFTA has created a growing pattern of inequality, and the difference between rich and poor is growing both inside Mexico and between Mexico and the United States."

Ojeda herself calls the Breed case a final test for NAFTA's labor side agreement. "We already know from the other cases that its protections for labor rights are worthless," she says of the treaty, noting that Breed workers have been interrogated by supervisors, lost jobs and received death threats as a result of filing the complaint. "Now we'll see if the language on health and safety can be made to work. If there's no remedy here, we'll have to look for some other alternative for protecting workers' rights on the border."

But the political terrain for that effort looks hostile. Mexico's new president, Vicente Fox, was the candidate of a party with a long record of using low wages and weak, government-affiliated unions as an incentive to attract investment to border states like Baja California. It seems unlikely that he would launch an effort to protect the rights and health of maquiladora workers if it promised to discourage companies like Breed from building new plants.

At the same time, under a new, Republican president, it also seems unlikely that the U.S. Department of Labor will be more enthusiastic about imposing sanctions on Mexico over labor and safety problems in those same plants.

The Breed complaint is, in fact, a good test of this new climate, but it has come at a high price. "They can disguise the reality and hide the dangers we are talking about in this hearing," Mondragon told the NAO in San Antonio, "but what they can neither disguise nor hide are the blood and bodies of all the children left in the road."

Late last year, President Tim O'Brien of the Albany Newspaper Guild found a scrapbook filled with dramatic, often searing photos that had been neglected for decades. He realized that he'd stumbled across this treasure on the 35th anniversary of the photographer's death. And then he realized "that nowhere in the Times Union building is there a place where the story of Bernie Kolenberg is told."
Now, after meeting with a receptive management, the Albany Guild is assembling a display that will be prominently displayed at the Times Union "to make sure that Bernie's story is never forgotten." Here is a chapter in that story.

Remembering Bernie

By Carol DeMare
Albany Newspaper Guild

Photographer Bernie Kolenberg was fearless, energetic and award-winning. For 19 years, his pictures of the fortunate and less fortunate, the celebrities, the leaders and the children enhanced the pages of the Albany Times Union.

Kolenberg had to be where the action was, whether on the streets of the Capital District or in the rice paddies of Vietnam, photographing a war that fascinated him. There he found his niche and enthusiastically shot the heartbreak, the drama and the terror of the battlefields.

There he also died, 35 years ago at the age of 38, the first American journalist casualty of the war. Kolenberg was a passenger in one of two Air Force Skyraiders on a combat mission Oct. 2, 1965, when they collided 250 miles northeast of Saigon. Both pilots and Kolenberg died instantly.

Bernie Kolenberg

"Bernie was one of the most talented, creative and unusual newspaper persons I ever knew," said retired Times Union reporter Shirley Armstrong. "He felt what he photographed, and although he couldn't spell it out in writing, he was living proof that one picture could be worth a thousand words. As an artist with an instinctive sense of drama, he focused on the whole range of human activities and motion," she said. "His work was often offbeat, sometimes humorous and always distinctive."

Kolenberg was on leave from the Times Union when he died, working special assignment as a photojournalist for The Associated Press, but he proudly wore the Times Union name under his own on his fatigues. A lanky, almost gaunt man in fatigues and bush hat, cameras draped around his neck, Kolenberg first went to the war zone in June of 1965 and after several weeks returned home to visit his wife, Mary, and 8-year-old son, Kevin.

During his visit home, his photos were displayed in a public exhibit. "He was eager to go back," Armstrong recalled. "I asked him why. 'Because,' he said, 'that's where the action is.' "

A few months later he was dead.

How picket lines . . .

By Steve Johnston
Pacific Northwest Guild

When I wrote my first column for the Seattle Union Record, I started it out with a simple declarative sentence: I don't cross picket lines.

Mine, yours or complete strangers'. I don't cross them.

I must confess that I am a little picky about which picket lines I won't cross. For starters, I won't cross labor picket lines.

But if you throw up a line to protest a teacher having students read "Catcher In the Rye" or Mark Twain, I won't drive across town to cross it; yet I won't feel bad if I have to cross it to get my kids to school.

On the other hand, if the picket line is for the teachers in a labor beef with the school district, I won't cross it. Or picket lines by the clerks at the local grocery store when they are picketing for better wages. Same goes for Teamsters' lines, although I also won't cross that line because I value my health.

I'll cross picket lines if I am doing a news story on the strike, but I'll explain to the picket captain why I am crossing the line.

A Seattle Times columnist recently crossed our picket line. She said she agonized over the decision before deciding to cross. Apparently this columnist thought her high salary was paid to her because she was individually talented, not because generations of equally talented writers came before her and demanded to be paid fairly for their work.

If newspapers (like any other business) thought they could pay their columnists, reporters, editors and all the other people who go into putting out a newspaper the minimum amount, believe me they would.

I've worked nonunion—a "right-to-work state"—for $1.10 an hour. Even when I moved back to Washington, my first job as a reporter didn't pay much more. Those were also nonunion papers.

Newspapers know the secret to getting reporters and columnists. We get paid to write. We love to write. I sometimes write for FREE!

But if someone is making a buck or two off my words, I want to be paid for it. Not a great amount, but enough to keep me out of the food bank and keep a roof over my family's head. Plus a few more benefits for doing a job that I love to do.

But my walking out the door of a job I love to do and carrying a picket sign has less to do with my personal income and more to do with loyalty to people I know and don't know than anything else. Sure, my father was a union man and so are my brothers, but that has little to do with my striking.

There are people I work with who put their hearts and souls (and time) into their jobs because they love doing it and it is important work. But they want to be paid as much as the night manager at the fast-food restaurant where they buy their hamburgers.

There was a recent newspaper report that said the average salary at The Seattle Times was $63,000 a year. Ha! I write three different columns for The Times and I never saw $63,000 a year in my whole career.

Maybe some columnists are making more than $63,000, but if the price you pay to get that amount means you have to betray the people you work with, then the price is too high.

I may be known mainly as a humor writer, but even humor writers have to look in the mirror in the morning. If I crossed, I don't think I could look in the eyes of the face staring back.

. . . and strikes are finally measured

No, the contract's not perfect, but we have many reasons to be proud. . . . It isn't the best contract. It doesn't have all, or even most, of what we wanted, although it has some gains, including the elimination of the draconian two-tier wage scales. The men and women who work at the Times—and the Post-Intelligencer—deserve more, a lot more. . . .

But that doesn't mean that this strike, or this contract, is a failure.

They are anything but that. For one thing, while this contract is not as good as it should be, it is the best contract the Guild has seen in Seattle in more than two decades. That's a victory.

In the process, the Guild has been rebuilt and has turned itself back into a union. That's a victory. Times and P-I workers have discovered, or re-discovered, why they have a union and why they (most of them) are union members. Those are victories.

And they're proud of it. That's a victory.

Never again will these two newspapers take their employees and their unions for granted. Never again will these newspapers, particularly the Times, show that stingy disrespect for their workers. Never again can these newspapers sit down at the bargaining table and show contempt for the process by saying "take it or leave it." Never again will the collective bargaining process be held hostage to a cozy arrangement between an anti-union Times labor executive and a single out-of-touch labor leader.

Those are victories. . . .

Along with WTO and the SPEEA strike, this strike also has re-energized the labor movement in the Northwest, giving all of us a chance to demonstrate that we truly believe an injury to one is an injury to all. That's a victory.

The strike also has taught, or reminded, the citizens of Seattle and the Puget Sound how much they rely on having two, competitive, quality newspapers. And, through the first-rate journalism demonstrated by the Seattle Union Record and the lack of that kind of journalism in the struck papers, the community has seen with dramatic clarity where that quality comes from—from the workers, not the profit-takers. That's a victory.

The strike and the tremendous support the community has shown for it have proven the community cares about its newspapers. And it cares not about the masthead, or the hypocritical pose of good corporate citizens the Times and P-I paint for themselves, but about the people who work there. That's a victory.

This has been a struggle, true. It has been economically and emotionally difficult for almost everyone. And it has forced everyone to look into his or her soul to determine who's in there and what that person believes. Some failed that test, but most didn't. That's a victory. . . .

Consider what Thornton Wilder said: "I've never forgotten for long that living is struggle. I know that every good and excellent thing in the world stands moment by moment on the razor-edge of danger and must be fought for—whether it's a field, or a home, or a country."

Or a union. . . .

From a message to Seattle Guild members from Administrative Officer Larry D. Hatfield, and International Rep Bruce Meachum before the new contract was ratified.

It Seems to Me
by
Heywood Broun

"You may have heard," writes Reporter Unemployed, "that, although the newspapers are carrying the bulk of NRA publicity, a number of the publishers themselves are planning to cheat NRA re-employment aims.

"The newspaper publishers are toying with the idea of classifying their editorial staffs as 'professional men.' Since NRA regulations do not cover professionals, newspaper men, therefore, would continue in many instances to work all hours of the day and any number of hours of the week.

"The average newspaper man probably works on an eight-hour-a-day and six-day-week basis. Obviously the publishers, by patting their fathead employees on the head and calling them 'professionals,' hope to maintain this working week scale. And they'll succeed, for the men who make up the editorial staffs of the country are peculiarly susceptible to such soothing classifications as 'professionals,' 'journalists,' 'members of the fourth estate,' 'gentlemen of the press' and other terms which have completely entranced them by falsely dignifying and glorifying them and their work.

White-Collar Hacks

"The men who make up the papers of this country would never look upon themselves as what they really are—hacks and white-collar slaves. Any attempt to unionize leg, rewrite, desk or makeup men would be laughed to death by these editorial hacks themselves. Union? Why, that's all right for dopes like printers, not for smart guys like newspaper men!

"Yes, and those 'dopes,' the printers, because of their union, are getting on an average some 30 per cent better than the smart fourth estaters. And not only that, but the printers, because of their union and because they don't permit themselves to be called high-faluting names, will now benefit by the new NRA regulations and have a large number of their unemployed re-employed, while the 'smart' editorial department boys will continue to work forty-eight hours a week because they love to hear themselves referred to as 'professionals' and because they consider unionization as lowering their dignity."

Keeping Hypocrisy Out

I think Mr. Unemployed's point is well taken. I am not familiar with just what code newspapers publishers have adopted or may be about to adopt. But it will certainly be extremely damaging to the whole NRA movement if the hoopla and the ballyhoo (both very necessary functions) are to be carried on by agencies which have not lived up to the fullest spirit of the Recovery Act. Any such condition would poison the movement at its very roots.

I am not saying this from the point of view of self-interest. No matter how short they make the working day, it will still be a good deal longer than the time required to complete this stint. And as far as the minimum wage goes, I have been assured by everybody I know that in their opinion all columnists are grossly overpaid. They have almost persuaded me.

After some four or five years of holding down the easiest job in the world I hate to see other newspaper men working too hard. It makes me feel self-conscious. It embarrasses me even more to think of newspaper men who are not working at all. Among this number are some of the best. I am not disposed to talk myself right out of a job, but if my boss does not know that he could get any one of forty or fifty men to pound out paragraphs as zippy and stimulating as these, then he is far less sagacious than I have occasionally assumed.

Fortunately columnists do not get fired very frequently. It has something to do with a certain inertia in most executives. They fall readily into the convenient conception that columnists are something like the weather. There they are, and nobody can do anything much about it. Of course, the editor keeps hoping that some day it will be fair and warmer, with brisk northerly gales. It never is, but the editor remains indulgent. And nothing happens to the columnist. At least, not up till now.

Bosses I Have Met

It is a little difficult for me, in spite of my radical leanings and training and yearnings, to accept wholeheartedly the conception of the boss and his wage slaves. All my very many bosses have been editors, and not a single Legree in the lot. Concerning every one of them it was possible to say, "Oh, well, after all, he used to be a newspaper man once himself."

But the fact that newspaper editors and owners are genial folk should hardly stand in the way of the organization of a newspaper writers' union. There should be one. Beginning at 9 o'clock on the morning of October 1 I am going to do the best I can to help in getting one up. I think I could die happy on the opening day of the general strike if I had the privilege of watching Walter Lippmann heave half a brick through a Tribune window at a non-union operative who had been called in to write the current "Today and Tomorrow" column on the gold standard.

—The column that started it all, as reproduced from the front page of the New York World-Telegram of Monday, August 7, 1933.

LOOKING AHEAD

Who won strike is a no-brainer

By Linda Foley
President

Happy New Year (sigh . . .). Finally I can stop holding my breath and start exhaling again. The strike against the Seattle Times and Seattle Post-Intelligencer is settled. The scabs who were hired to permanently replace striking Guild members soon will be gone, and all our folks will be back to work shortly thereafter.

The contract is better than the offer on the table before the Nov. 21 walkout, but it isn't as good as the strikers wanted or deserved. Nevertheless, Guild members ended this strike with a little more money, a few more contractual rights and a lot more dignity.

"So," the media hounds wanted to know from me. "Who won? Who lost? What are the long-term effects?"

From my perspective, it's a no-brainer. The Pacific Northwest Newspaper Guild won—a better contract, respect from their employers and the admiration of the community. The Seattle Times and the Seattle P-I lost—thousands of readers, millions of dollars and their reputations. As for the long-term effects, the future portends stronger unions at both papers and labor relations built on honest-to-goodness collective bargaining (not begging).

Both newspapers, but particularly the Seattle Times, will have to change the way they conduct labor relations. The Times has to convince a now skeptical workforce and community that it isn't the evil, anti-union employer it appeared to be during the strike. Both papers must rebuild relationships with their workers, their readers and their advertisers.

Members of the Pacific Northwest Newspaper Guild, meanwhile, proved they could do it all: run a successful strike, produce a professional strike newspaper, bargain a better contract than the companies' take-it-or-leave-it final offer and build a real union.

It was a great time and place to be president of The Newspaper Guild-CWA. I've never been prouder to be associated with a struggle for justice and fairness.

It also was a great time and place to be a Guild member because much of the success of the Seattle strike came on a personal level. From the picket lines to the Union Record's strike paper newsroom, nearly every striker celebrated an individual victory during this struggle.

A group of reporters (who whimsically dubbed themselves "The Wobblies"), despite their misgivings about the strike, stayed out and honored the picket line. The circulation district advisors (who referred to themselves as "The Knuckle Draggers") made it their mission to picket a different distribution center each night. The composing room employees risked their own contract and jobs to join their sisters and brothers in the Guild main unit on the picket lines. Members of Teamsters Local 174 and Operating Engineers Local 286 also walked out and stayed out with us for all 49 days.

A 17-person steering committee met every morning at 7 a.m. to plan the day's strike activities. It represented hundreds of dedicated strikers who made certain the effort hummed along, from ensuring enough wood for burn barrels to distributing the daily Union Times bulletin on the picket lines.

At massive membership meetings of 700 or 800 people, the strikers would share experiences—with both bravado and doubt—amid tears, cheers and occasional jeers. Most important, they took care of each other during this difficult and chaotic time. They made sure everyone got listened to and everyone had his or her say. They propped each other up and stood together. They publicly pledged to support one another and privately hugged the ones who needed it.

Ron Judd, a sports columnist for the Seattle Times and a Guild spokesperson for much of the strike, wrote in his final column for the Union Record:

"No matter how hard you try to avoid it, a strike is one of life's few absolutes: It has only two sides. One's right, one's wrong. Neutrality is not an option. Which is precisely why so many journalists, at first, wanted to climb out of their skin rather than face it. Eventually, all of us did. I won't cheapen the impact of the experience by referring to it merely as a gut-check. It was more of a full-on, slash-the-full-length-of-the-stomach-cavity-and-examine-all-contents examination."

Now that the strike is over, Ron's probably breathing easier, too. As for myself, I have to take a few deep gulps of air just to keep from getting emotional about it all over again.

Decoding the double-speak

Perusing the "help wanted" classifieds? Looking for the next step up the career ladder? Best be careful, then, in how you interpret those innocuous-sounding job descriptions. Herewith some translations, courtesy of the United Auto Workers:

"Competitive salary"—We remain competitive by paying less than our competitors."

"Join our fast-paced company"—We have no time to train you.

"Casual work atmosphere"—We don't pay anough to expect that you'll dress up—although a couple of the really daring guys wear earrings.

"Must be deadline oriented"—You'll be six months behind schedule on your first day.

"Some overtime required"—Some time each night, and some time each weekend.

"Duties will vary"—Anyone in the office can boss you around.

"Must have an eye for detail"—We have no quality control.

"Career-minded"—Female applicants must be childless (and remain that way).

"Apply in person"—If you're old, fat or ugly, you'll be told the position has been filled.

"Seeking candidates with a wide variety of experience"—You'll need it to replace the three people who just left.

"Requires team leadership skills"—You'll have the responsibilities of a manager, but without the pay or respect of one.

"Good communication skills"—When managers communicate, you listen, figure out what they want and do it.

"Ground floor position"—Minimum 60 hours a week and minimum wage.

"Entry-level position"—Your desk is in the basement.

"Challenging environment"—There are health and safety hazards everywhere.

Yes, criticize the court —but gear up for 2002

By Morton Bahr
President, Communication Workers of America

Last night I was invited to the Vice President's residence. He wanted to spend time after his concession speech with some friends. I was honored to be one of three labor leaders there. John Sweeney and AFT President Sandy Feldman were the other two.

In a private conversation, he apologized for letting us down. I assured him that he was a winner and that we were extremely proud of him; that he has been our friend and always will be. It was an evening of teary eyes.

It is one thing when you lose a fair contest. It is quite another when you know you would have won had all the ballots been counted.

So, for the first time in the history of our nation, we will have an Imposter President in the White House. As one Supreme Court observer commented: "Five Justices wore Bush T-shirts under their black robes." The extraordinary partisanship of the Court was obvious. We knew that Al Gore won the popular vote by more than 300,000, and we know that had all the votes in Florida been counted, Al Gore would have won the state and thus the presidency.

As Alan Dershowitz said, we need to obey the court but we should not refrain from criticizing it. I believe the criticism will be long and loud.

But life—and our need to effectively represent our members—goes on.

I want to thank each of you for the extraordinary job you, our local leaders and members, did in Election 2000. We always said that when union families constitute 23% or more of the total vote, we win elections. We reached an all-time high this year, with union households constituting 26% of the total vote. While this high percentage of the total vote resulted in us carrying states like New York, New Jersey, Pennsylvania, Michigan, Illinois and California (as well as others), it demonstrated that in a close election we don't win where the labor movement in that state is not strong. Bush carried only one big state, Texas. (We are not counting Florida.)

Once again, this shows how important organizing is to the strength of the CWA Triangle.

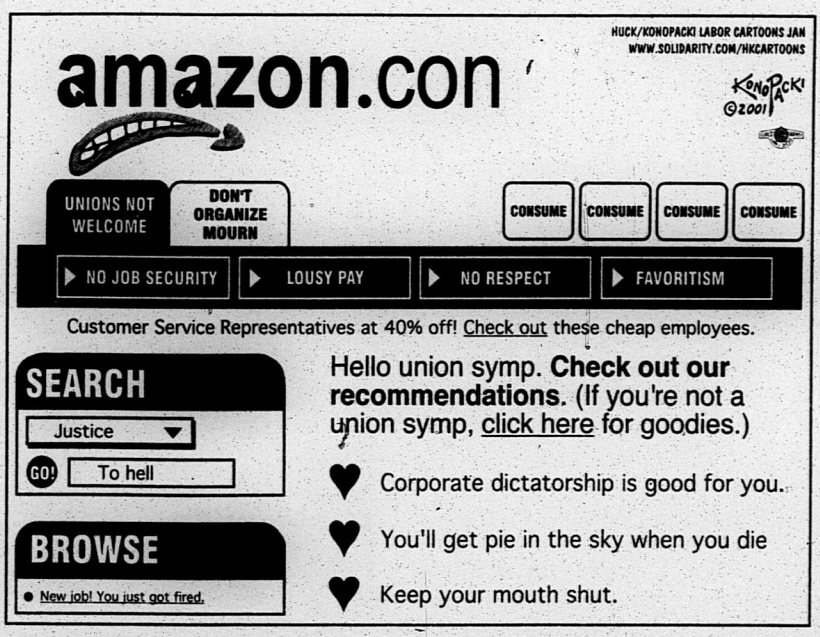
We came within one seat of taking the Senate—a 50/50 tie for the first time in history—and the difference in the House is razor thin. It means that, at least for the next two years, we will be in a holding action, working to prevent harmful legislation from passing. Unfortunately, there is much a president can do: appointments to the bench, the NLRB, FCC, etc., and grant waivers to permit governors to privatize certain government operations. You will recall that at our request, President Clinton denied a waiver to Governor Bush that would have permitted him to privatize welfare and other public service operations in Texas.

The AFL-CIO poll taken after Election Day indicates that when members had three or more contacts from their union, they voted for Gore by 70% to 25% for Bush.

So we know what our work is for the next two years. We need to be in continuous contact with our members, making them aware of everything that is going on at the federal and state levels; and preparing for Election 2002, when the entire House is up, one-third of the Senate and 36 governorships. Our "warm-up" in 2001 will be the gubernatorial races in New Jersey and Virginia, as well as some legislative and big-city mayoral elections.

And, we need to get a majority of our members on COPE checkoff at a minimum of $1 per week. Those who contribute even at that low level are much more likely to be participative and responsive to our message.

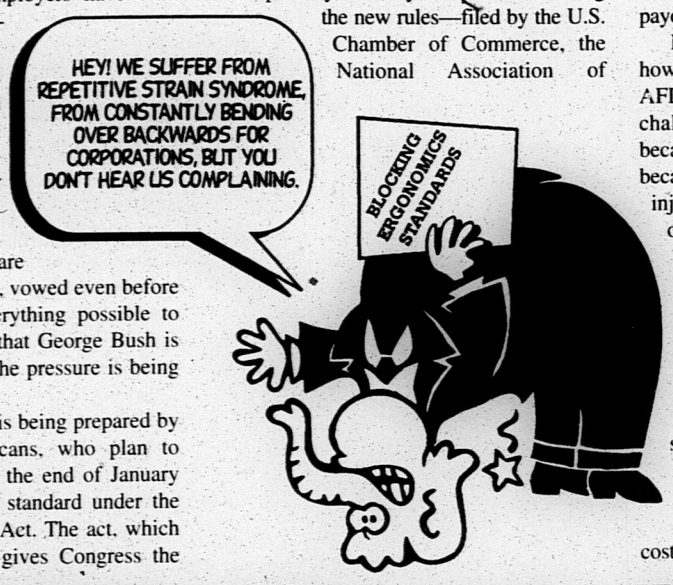
Excerpted from a year-end message from Bahr to CWA staff employees.



By TNG Convention action, letters to the editor shall be limited to 200 words and shall avoid libel and subjects detrimental to the Guild. Members subjected to personal attack shall be given opportunity to reply in the same issue, but publication of either attack or reply shall not be delayed longer than one issue. Deadline: Friday before publication. (Next deadline: Feb. 16.) Letters may be e-mailed to the editor at *azipser@cwa-union.org*.

Ergonomics battle appears far from over

The Guild's two-decade-long battle for improved workplace protection for keyboard users might appear at an end, thanks to the Jan. 16 implementation date of the new federal Ergonomics Program Standard. Although employers have until Oct. 14 actually to comply with the new rules, the payoff is supposed to be a sharp reduction in the risks of workplace injury from repetitive motion and other ergonomic hazards.



But big business, claiming the new rules are prohibitively expensive, vowed even before the election to do everything possible to derail them. And now that George Bush is about to be president, the pressure is being ratcheted up.

One counter-attack is being prepared by congressional Republicans, who plan to introduce a bill before the end of January that would revoke the standard under the Congressional Review Act. The act, which has never been used, gives Congress the authority to revoke a regulatory agency's new rule by a simple majority vote in each house; it also is exempt from a Senate filibuster. And with Bush in the White House, a presidential veto is not even in the cards.

Separately, a volley of lawsuits attacking the new rules—filed by the U.S. Chamber of Commerce, the National Association of Manufacturers and assorted other business groups—has been consolidated in the U.S. Court of Appeals in the District of Columbia. Among the complaints made by the plaintiffs: that the "breathtaking speed" with which the rules were promulgated suggests "a political payoff."

In fact, the only thing "breathtaking" is how long it's taken to design rules that the AFL-CIO and several affiliates are also challenging in court—not only because because they don't cover all workers, but because they don't provide remedies until an injury has occurred. An "advanced notice of proposed rulemaking" for ergonomics was published by the Department of Labor back in 1990; the first draft of an ergonomics standard took another five years to prepare. The past decade has seen an apparently endless chain of hearings, revised rules and Congressional votes for yet another study, all designed primarily to delay implementation as long as possible.

Driving much of the opposition to the ergonomic rules is their expected cost—although cost projections have been all over the map, with the Occupational Health and Safety Administration estimating an annual price-tag of $4.5 billion while business estimates range from $18 billion to $125 billion. But while the business numbers send GOP lawmakers' pulses racing, there's at least a strong suggestion that even OSHA's figures may be sharply overstating the case.

As reported in The New York Times on Dec. 20, the cost of implementing a dozen major OSHA safety rules has been consistently—and wildly—overstated by industry; moreover, even OSHA tended to overestimate the cost of its rules. Those conclusions were reached by the Office of Technology Assessment, a Congressional research agency that was shut down in 1995, after it reviewed the actual costs incurred by safety rules that had been on the books at least five years through 1992.

Whatever the financial costs of the rules, there's little discussion by big business of the costs that are already being created, year in and year out, by ergonomically unsound work sites and practices. But those costs, of course, are borne not by employers but by their employees, and so get left out of the calculus.

Embattled labor gets little help from NLRB

That the deck increasingly is stacked against organized labor is hardly news to any Guild activist or leader. But what may come as news is the extent to which such bias has come not from employers but from the federal agency designed specifically to enforce labor law, the National Labor Relations Board—and that's been under a Democratic administration. With a Republican in the White House, the outlook is even more bleak.

Two recent reports about organized labor underscore the point. The first, prepared for the U.S Trade Deficit Review Commission by noted labor researcher Kate Bronfenbrenner, is focused primarily on the impact capital mobility has had on union organizing—that is, on the extent to which employers' threats to move their operations overseas has derailed organizing drives.

The answer, in a word, is "enormous." As Bronfenbrenner writes, "The study found that not only are threats of plant closing an extremely pervasive part of employer campaigns, they are also very effective." Such threats are most successful, she adds, in mobile industries—including communications—"where the threats are more credible."

Employers who respond to a union organizing drive with unambiguous threats to close a plant generally are violating labor law, but Bronfenbrenner also found great union reluctance to turn to the NLRB for help. Unions filed charges in only 14% of the 1998 and 1999 campaigns where such threats occurred, down by more than half from the rate of complaints filed in 1993-1995 campaigns. The sharp decline, she suggests, can be attributed to organizers who "have much less faith in the NLRB process and are less willing to devote the union's efforts and resources to a process that they are unlikely to win."

Separately, a study recently published in the Loyola of Los Angeles Law Review concludes that employers—thanks to a little sleight-of-hand by the courts and NLRB—have found impasse to be an increasingly useful weapon against unions, perverting the intent of collective bargaining statutes.

Examining all NLRB decisions regarding impasse situations and cases involving permanent replacement of strikers between 1980 and 1994—including the Detroit newspaper strike—law professor Ellen Dannin and a team of researchers found a distinct trend of the NLRB increasingly siding with employers on impasse. This bias begins with a readiness to look the other way as employers make collective bargaining proposals that are clearly unacceptable to unions, then make no movement to improve them—creating a hopeless deadlock, followed by management's imposition of its most recent contract offer.

Although the National Labor Relations Act "was enacted to promote collective bargaining," Dannin pointed out in an interview with the Bureau of National Affairs, NLRB and court rulings that allow such tactics "undermine that goal. Nothing better illustrates this," she added, "than the judicial doctrine that allows an employer to implement its final offer at impasse."

Pointing out that this trend was developed by the courts and the board, Dannin told BNA that unions fighting impasse should argue Section 10 of the NLRA, "which says that the board is supposed to find remedies that will promote policies of the act," not defeat them. But another set of findings in her report makes that recommendation of dubious value: the party affiliation of the five-member board was by itself often predictive of the outcome.

During the period examined, the NLRB had 21 members, including 12 Republicans, eight Democrats and one independent. And while not all votes followed party lines, Dannin found that appointees under Republican presidents Ronald Reagan and George Bush more often favored management over unions on impasse issues.

With another Bush in position to make appointments to the board, the NLRB will once again have three Republicans and two Democrats—and the trends outlined by Bronfenbrenner and Dannin will almost certainly continue, if not accelerate.

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DAYBOOK

New Local Officers Seminar, Feb. 16-19, Meany Center

New England District Council, Feb. 24-25, Fall River, MA

CWA Legislative-Political Conference, April 22-25, Washington, D.C.

Heywood Broun Luncheon, April 24, Nat'l Press Club

TNG Canada Rep. Council, April 28-29, Kingston, ON

CWA National Women's Conference, RESCHEDULED to May 9-12, Las Vegas

Annual CWA Convention, July 9-10, Minneapolis

FROM THE MORGUE

Fifty years ago this month:

Attempting to eliminate three-fourths of its editorial employees from contract coverage, the Cincinnati Post announces that any employee paid more than the top minimum is a professional and therefore ineligible for unit representation. The NLRB disagrees. . . . The New York Guild begins a drive to organize 650 CBS office workers after the network refuses to negotiate with "an amalgamation of leftie unions." . . . The San Francisco-Oakland Newspaper Guild protests the California state legislature's denial of press credentials to a writer for the Daily People's World.

Twenty-five years ago this month:

Press analyst Ben Bagdikian, viewing the bitter Washington Post strike, says it marks a "crucial change" in newspapering: the transformation of a family enterprise into a corporation intent on maximizing profits. . . . In response to Canadian government imposition of wage and price controls, Guild representatives from across the country meet to coordinate bargaining strategy. . . . The New York Guild wins a three-year ban on economic dismissals at El Diario-La Prensa, a Spanish-language daily.

Ten years ago this month:

As the New York Daily News strike enters its fourth month, management says it will sell the paper or close it down . . . . Guild activists revisit a perennial subject—whether to go from annual to biennial conventions—with each side arguing that its position is more democratic. . . . The Pittsburgh Guild petitions for certification at the Pittsburgh Press; the Philadelphia Guild for certification at the Atlantic City Press.