

THE GUILD Reporter

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E-mail as
a high-tech
water cooler
page 5



For unions, *deja vu* all over again

Demonstrating yet again that old wine in a new glass still tastes the same, e-commerce companies in recent weeks showed that the new economy—at least as it relates to employees—is no different than the old.

Etown.com, at which TNG-CWA had petitioned for a representation election, completed the job it had started last fall by firing the rest of its staff and closing its doors. Although the company claimed it didn't have enough money to pay its workers any kind of severance package, it also acknowledged it was transferring assets to Best Buy—one of its investors—and contended the shutdown was only "temporary."

At Amazon.com, meanwhile—where TNG-CWA also has been leading an organizing drive—1,300 employees were laid off as "a matter of economics." But that

doesn't mean Amazon.com is going to follow the example set by Etown.com: rather than go out of business, it is outsourcing some of the work its employees were doing to New Delhi, India.

What all this means may have been summarized best by John Holt of The Cobalt Group, whose employees thus far have shown little interest in unionizing—but one can never be too safe. Which is why Holt sent Cobalt employees an e-mail in late January, as the business press percolated with news about Etown.com and Amazon.com, "expressly stating Cobalt's position that a union is not needed here." And Holt, as Cobalt's chief executive, certainly should know.

But at least Holt is forthcoming. At Amazon.com, where the ax will fall most heavily on the Seattle-based customer ser-

vice reps who joined TNG local WashTech, chief executive Jeff Bezos flatly rejected any implication that the layoffs were retaliatory. When his company first announced the lay-offs, on the other hand, it tried to force its employees to sign a separation agreement with a "non-disparagement clause" in exchange for severance pay. The clause was excised after employees kicked up a fuss about being forced to sell their free-speech rights.

Those affected by the Amazon.com layoffs are among the best-educated \$12-an-hour employees in the country, most of whom bought into the modern version of "you'll get pie in the sky by and by," exchanging low wages and long hours for stock options. But the e-retailer, which one analyst has estimated loses \$139 for every \$100 worth of electronics it sells, has been

pummeled by a stock market that seems to have lost its patience; the share price is off 88% from its peak more than 14 months ago.

The Amazon.com layoffs had been rumored for some time, but employees had been assured as recently as late December that the company had no immediate plans to cut its workforce. "For the past few weeks we've been lying at the whims of management we may have never met," says Alan Barclay, a WashTech supporter. "Without a contract or recognized voice we were totally left out of the decision to close the Seattle site."

The severance package includes 12 weeks' salary plus a \$500 bonus and possible relocation to one of Amazon's other customer service sites—in North Dakota or West Virginia, where the wages are even lower than in Seattle.

Can society have public broadcast in a private age?

As governments everywhere embrace privatization as a cure for all social ills, a strong shove in the opposite direction was provided by the Canadian Media Guild in a three-day conference that drew national attention.

"Finding Focus: Public Broadcasting in a Private Age," drew 120 participants to discuss the challenges facing the Canadian Broadcasting Corporation. One of the biggest may be the CBC's seeming

reluctance to help itself, as exemplified by President Robert Rabinovitch, who rejected two invitations to attend or speak at the forum and forbade his senior vice-presidents from participating. According to Guild president Lise Lareau, Rabinovitch begged off because "he did not want to advocate for funding or governance changes with any group."

Not as bashful was author John Ralston Saul, who waded into the fray by declaring that private broadcasters are "dinosaurs in panic mode." The much-lauded conglomeration of media is in reality little more than the dinosaurs getting "bigger and bigger because they can't feed themselves," he explained, but in the long run "the bigger they get the more impossible it becomes for them to survive."

As a result, Saul added, the need for public broadcasting is greater than it has been in 50 years because it is "one of the most important remaining levers that a nation state has to communicate with itself." Others apparently agree. As the conference was wrapping up, Canada's Governor General Adrienne Clarkson (who, it should be noted, is Saul's spouse) announced in the Speech from the Throne that the government will increase its support for the CBC to



KEITH MASKELL/CANADIAN MEDIA GUILD

Serving on a panel discussing the realities of public service broadcasting around the world are, left to right: Jerry Starr, Citizens for Independent Public Broadcasting (US); Dieter Weirich, director-

general, Deutsche Welle (Germany); Adrian Blake, McKinsey & Company (US); Arnold Amber, vice-president, Canadian Media Guild; and R.H. Thomson, panel moderator.

help it "fulfill its distinct role as a public broadcaster serving all Canadians." The Speech from the Throne, delivered at the beginning of each session of Parliament, outlines the government's priorities for the upcoming session.

"While there's no link between our forum and the Speech from the Throne," said Lareau, "I hope there's growing recognition about the absolute role and necessity for our national public broadcaster."

Carleton University co-sponsored the event, held Jan. 28-30 at the Chateau Laurier in Ottawa, with additional support provided by the

Syndicat des Communications de Radio-Canada. But the conference took a substantial bite out of the Guild's budget nonetheless, with \$160,000 budgeted last August, making this one of the most ambitious ventures undertaken by any Guild local.

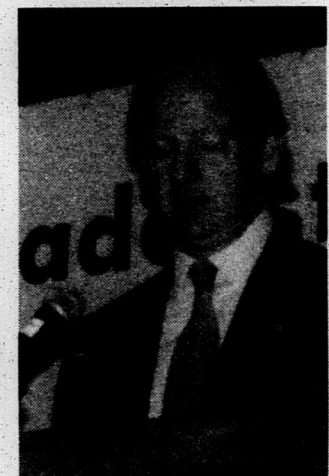
Still, the subject merited the expense. The CBC, employing approximately 85% of the Canadian Media Guild's membership, "has been dying of a thousand cuts" over the past decade or more, wrote CBC columnist Judy Rebick. More than \$400 million has been cut from its appropriations, drying up funding

for independent projects.

But it wasn't just the shriveled public purse that came in for criticism. Some producers blasted the CBC's closed bureaucratic corporate culture—exemplified by Rabinovitch's refusal to participate—with one confessing she no longer knows even how to pitch an idea. Representatives of various public interest groups complained that no one at CBC ever asks them for their ideas—or their support.

The broadcaster's lack of diversity also came in for especially heavy criticism, with freelance producer Clifton Joseph claiming "there are too many white people on the CBC."

Conference organizers said they hope its legacy will be a new alliance of individuals and organizations supporting public broadcasting, perhaps partially modeled on the Citizens for Independent Public Broadcasting.



Canadian John Ralston Saul, author of "Voltaire's Bastards: the Dictatorship of Reason in the West," gives the keynote address at the Canadian Media Guild's recent conference.

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Boston, Massillon ratify new contracts

Two difficult contract negotiations have been concluded successfully in recent weeks, at the Boston Herald and at The Independent in Massillon, Ohio.

The four-year contract at the Boston Herald, retroactive to Nov. 13, 1999, ends a particularly onerous set of talks that saw more than 325 editorial and commercial employees go approximately 900 days without a raise. Although the privately-owned company historically has dragged its heels at the bargaining table—scheduling only one session a month, for example—this year it was further distracted by its purchase of Community Newspaper Co., a chain of four suburban dailies and 88 weeklies.

(Earlier this month Herald Media announced the additional purchase of Suburban World Newspapers, adding another seven newspapers to its portfolio.)

Still, says Local 31032 President Lesley Phillips, the new pact "is the best contract we've had in probably two decades." Guild members apparently agreed, with more than 90% of the local turning out to ratify the contract by a vote of 108 to 4 in the editorial department and 90 to 21 in the commercial end. Highlights include:

- Wages increases of 2.75% retroactive to Nov. 1999, 2.68% effective this April and 2.55% effective August next year.
- An increase in the company's health plan contribution—for the first time in 25 years—from 1.8% of costs to 23%. The change still means a hefty bill for Herald employees, however: the weekly payroll deduction for HMO family coverage, for example, will now be \$115.50—down from \$141.83.
- Upgrades for certain classifications, including

some clerks, four library positions, TV editorial and photo editorial assistants, and ad solicitors.

On the down side, the unit agreed to company demands for outsourcing the customer service department, eliminating 14 positions, and for cross-selling of ads between the Herald and the non-unionized Community Newspapers; the agreement also waives Guild jurisdictional claims to CNC work. Other give-backs include elimination of one paid holiday and an end to indefinite accrual of unused vacation, which must be used by April 15 of the year following the year in which it is earned or be forfeited.

Members of Local 34001 in Massillon, meanwhile, have ratified a two-year contract that includes two 3% raises, the first retroactive to August 1, 2000.

The Independent, a former Journal Register property, was bought by Copley Newspapers last year, leading Guild members to wonder how much of a battle they would face across the bargaining table. But the apprehension was worse than the reality. The new contract restores the union security clause, for example, and returns the advertising sales force to pay parity with reporters—up from 90% plus a guaranteed incentive plan. Other changes:

- A reduction in excluded positions.
- A reduction in the severance cap from 20 weeks to 8, but with no change in severance due current employees.
- Adoption of new grievance/arbitration language—cribbed from the nearby Canton Repository contract—that eliminates time limits.
- An insurance and hospitalization plan, also modeled on Canton's, that reduces weekly co-pays for employee-only and employee-plus-family coverage.

Byline strike proves it's still an effective weapon

When reaching into their arsenals for an effective weapon, TNG-CWA locals shouldn't overlook the newspaper workers' equivalent of shunning: the byline strike.

After more than a year of numerous contract violations that management refused to resolve at the grievance table, Guild-represented employees at The Union-Leader in Manchester, New Hampshire, voted unanimously to form a job-action committee and to implement a two-week byline strike. And when it appeared a two-week action wouldn't be long enough, the job-action committee voted to extend the strike indefinitely.

The committee also presented management with a petition, signed by 149 of the local's 175 members (the majority of non-signers being out sick or on vacation), presenting a dozen demands, most having to do with inadequate staffing and overwork. Moreover, the committee launched a sticker campaign with a message that changed each week.

With every reporter and photographer honoring the by-line strike and with near-unanimous participation in the sticker campaign, it wasn't long before the Union-Leader's publisher proposed creation of a joint union-management committee to discuss the membership's concerns. The

result was a company offer that the local approved just two weeks after the by-line strike started. Among the union's gains:

- Withdrawal of the publisher's unilateral attempt to change two reporters' job titles, working hours, conditions and benefits;
- Creation of a new Guild position in exchange for the Guild's consent to a new management position the publisher previously had insisted was not subject to bargaining;
- Filling of a premium advertising position which the company had insisted for several years it would not fill;
- Hiring several part-time and temporary employees in classified advertising and circulation, two areas the Guild had identified as suffering speed-ups;
- Removal of disciplinary letters from two members' personnel files;
- Settling an arbitration, scheduled for a March hearing, involving changed time cards of two circulation employees.

"This may have been the first mid-contract job action the Manchester Newspaper Guild has ever approved, and certainly the first in a long while," said local President John Whitson. "But it was successful only because we were organized, we acted in solidarity and we believed in our cause."

In brief . . .

Canadians honor two of their own

Two long-time activists in the Canadian Media Guild were honored by colleagues at the local's recent biennial convention. Percy Hatfield of CBET in Windsor was presented with the Guild's Meritorious Service Award for his years of service to both CMG and TNG-CWA. Jerry MacDonald, who for many years served as the lone staff representative of the Canadian Wire Service Guild—founding union of the CMG—was presented with the local's first Lifetime Achievement Award.

CMG, CEP contend for 'one big union'

Hearings by the Canada Industrial Relations Board to determine whether only one union should represent workers at the Canadian Broadcasting Corp. are scheduled to begin in March. CBC workers currently are represented by the Canadian Media Guild, which sparked the review through its efforts to consolidate its two CBC bargaining units, and by the Communications, Energy and Paperworkers union, which is opposed to the "one big union" concept. If the board concludes that a single bargaining unit is more appropriate, a second set of hearings likely will be needed to determine which of the two unions it will be.

Scholarship forms due by March 31

Completed applications for one of 30 partial college scholarships from the CWA's Joe Beirne Foundation must be received by March 31. The awards, of up to \$3,000 each, are given to CWA members, their spouses, children and grandchildren for graduate or undergraduate work; second-year scholarship awards also are made, subject to demonstrated achievement in the first year. For forms and application guidelines, contact your local or call Karrie Adams at 202-434-1158.

Gentlemen, start your presses!

Hawaii's newspaper war begins March 15, when the first edition of the new Honolulu Star-Bulletin is scheduled to roll off the press. The repositioned Star-Bulletin, snatched from its

planned demise by Canadian publisher David Black, is being converted to a seven-day morning paper that will compete head-to-head with the Gannett-owned Honolulu Advertiser.

Lavender workers turn to Guild

The Minnesota Newspaper Guild/Typographical Union has filed a petition to represent a dozen employees at Lavender magazine, a bi-weekly publication that serves the gay, lesbian, bisexual and transgender community in the Twin Cities area. The local's new organizer, Martin Demgen, collected representation cards from all 12 workers.

Writer fired for Gannett e-mail

The Indianapolis Guild has filed a grievance on behalf of longtime sports columnist Robin Miller, who got peremptorily sacked by The Indianapolis Star after his supervisors claimed he was using company e-mail to communicate "offensive" and "derogatory" opinions to co-workers. The target of Miller's ire? His new employer, Gannett, which bought the Star last August and has been doing the kinds of things for which Gannett is renowned. (See page 5 for an analysis by TNG's lawyers of employees' rights to use company e-mail.)

Eugene affirms faith in leadership

As the Eugene Newspaper Guild approaches the end of a second year without a contract, its members unanimously re-elected Suzi Prozanski as president and added four new faces to the executive board: Kim Gilbert, Jim Dockery, Joe Mosley and Lisa Hollingsworth. They join returning board members Greta Sorenson, secretary; John Heasley, treasurer; Scott Maben, membership co-chair; and Lance Robertson, chief negotiator. Gilbert is the local's new vice president.

New slate elected in Manchester

The Manchester Newspaper Guild recently elected a new slate of officers, including John Whitson as president; Pat Kissell as vice president; Cathy Tarnawski as secretary; and Wendy Caswell as treasurer.

The Newspaper Guild International



For information about your benefits, contact Helen L. Coleman, assistant to the trustees:

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Seattle Times wages guerrilla warfare

More than a month after Guild members and The Seattle Times reached an agreement ending a 49-day strike, Times managers apparently remain on a war footing. Their unspoken message: It's not business, it's personal.

While the rival Post-Intelligencer immediately brought back all its workers after the Dec. 28 contract ratification vote, the Times had still not recalled 56 newsroom strikers and an additional 76 employees in advertising and circulation as of Feb. 16. The rate of callbacks has slowed to a trickle, and many employees are likely to be out until May, June, even July.

For all the angst suffered by those still on the outside, though, life is no picnic for those back on the job. More than 50 grievances have been filed against the company, with many more transgressions still to be pursued. Among these, as reported by strikers:

- One advertising worker, a cancer survivor, was told she had to work four 10-

hour shifts despite telling her supervisor that this would not allow her the rest she requires for her recovery.

- Advertising sales people have been taken off accounts they had cultivated. Some veterans were moved to the "sub pool," which is pretty much what it sounds like: a degrading step down. Others in advertising were reassigned to small, cramped work stations, while nonstrikers took the cream of the crop.

- During the strike, an advertising supervisor threw out all personal belongings of strikers. Coffee mugs, family photos, transistor radios, books, letters, old maps, award plaques—you name it. The supervisor reportedly explained that his actions were "standing orders" given to all departments, although other supervisors have denied such an order was given. No apology has been offered.

- A no-congregating rule was implemented in the advertising department after a

bargaining-team member was seen chatting with a fellow striker in the hallway.

- Reporters have been assigned to new beats, moved to other departments or forced to work nights; columns have been eliminated; revenue-generating features and local sections are slow to return. Fewer than a dozen reporters and only one downtown photographer are still out, but roughly 50% of copy editors are still waiting and many of those who were recalled have been assigned to other newsroom departments. In some cases, supervisors are alleged to be working in Guild positions.

- A copy editor with 33 years of seniority has yet to be called back, and another with 31 years reluctantly opted for voluntary retirement. Reports abound that the chair at the former editor's work station was burned on a loading dock during the strike; in any case, the chair is nowhere to be seen. The latter is so strapped for cash that he had to put his home up for sale.

- In circulation, some district advisors have been reassigned to routes 20 to 30 miles from their homes.

- The Times counseled at least two strikers for "shunning" co-workers—that is, for not smiling and engaging in small talk. The company backed off when the Guild took issue.

- Guild bulletin boards were dismantled during the strike; most were not back up until mid-February. Guild materials continue to disappear from the boards.

"The Times learned nothing from this strike, except perhaps that Guild members would walk," complained a striking employee still waiting to be recalled. "The company, determined to dish out punishment, has taken its lack of respect for workers to a new level. Call it contempt. The question is, when will somebody call a halt to this self-destructive, mean-spirited childishness and take the wheel—before the ship sinks?"

Knight Ridder ax starts swinging

As the U.S. economy hits a series of speed bumps and ad revenue growth slows—although it's not clear it actually will decline—the "L" word is being heard more frequently. And one of the newspaper chains where it is being heard most frequently is Knight Ridder.

Having made repeated promises to Wall Street that it will plump up its profit margins, Knight Ridder is resorting to the time-honored expedient of trimming payrolls. Just how many layoffs will result is anyone's guess, but here are some early returns from Guild-represented papers:

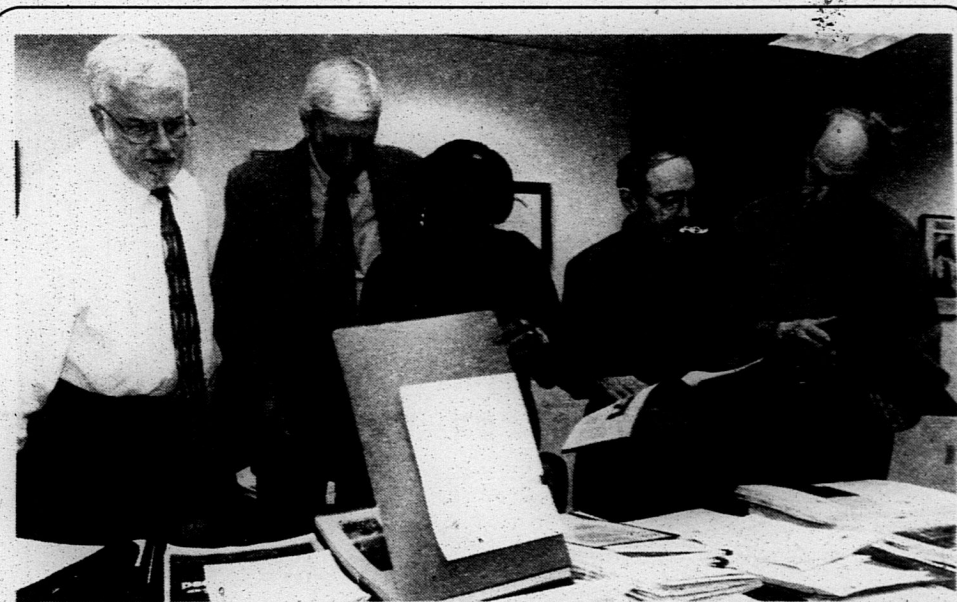
- The Akron Beacon Journal is laying off an undetermined number of people—including as many as 10 in the newsroom—because "the business is just not growing here." But that doesn't mean the paper is having financial woes: indeed, publisher John L. Dotson Jr. said the Beacon Journal is "heartily and profitable," just not as

profitable as corporate headquarters is demanding.

- The Philadelphia Newspaper Guild recently lost 69 members to a buyout/early retirement program at the Philadelphia Inquirer and Philadelphia Daily News. "However, we believe they're looking to make additional cuts—it's just that the other shoe hasn't dropped," reports Frank Santafede, the local's administrative officer.

- Staffers at the Duluth News-Tribune have been told they won't have layoffs, but five open positions have been eliminated and two more are on the chopping block.

- Mercury News publisher Jay Harris, saying he'd learned from the last business downturn that it's smart to keep employees as well informed as possible, issued a memo Jan. 26 warning of belt tightening ahead. "We do not know yet whether layoffs will be necessary," he added. "We will do everything in our power to avoid them."



BILL BURKE/WASHINGTON-BALTIMORE GUILD

Searching for Broun

Poring through 208 entries in this year's annual Heywood Broun competition are, left to right: William McLeman, the Guild's former director of field operations; Marvin Kalb, executive director of the Washington office of the Shorenstein Center on Press, Politics and Pub-

lic Policy; New York Times reporter and unit chair Lena Williams; Sanford "Whitey" Watzman, retired reporter for the Cleveland Plain Dealer; and Alan L. Otten, former Washington bureau chief for the Wall Street Journal. The winner will be announced in the March issue of The Guild Reporter and on the TNG-CWA web site.

Youth workers triumph in six-month walk-out

A 177-day strike by one of the Guild's smallest units ended Feb. 1, following acceptance by the Ontario Labour Relations Board of an application from TNG-CWA Local 30232 for first-contract arbitration. The board's decision came after the unit's employer, Northern Lights Program, followed legal advice by withdrawing its opposition to the arbitration request.

More than 30 child and youth workers walked off the job last August, following seven months of fruitless negotiations. But the unit's problems began much earlier, with Northern Lights—which operates highly labor-intensive youth homes—firing two employees who had led the initial organizing drive and engaging in a variety of other unfair labor practices; several ULP charges remain outstanding. The company also closed two of its four homes, eliminating Guild-represented positions, and working conditions continue to be unacceptable.

"Our members can take pride from the fact they have won their first contract, after such a lengthy battle against this employer," said Local President Denis St. Pierre. "At the same time, many of them don't

have jobs to return to, at least for now, so obviously there are mixed feelings within the bargaining unit."

Board acceptance of the arbitration request means a two-year contract will be imposed on both parties within a few weeks. Additional hearings were scheduled for this past week to guide the board in deciding numerous outstanding issues, including wages, benefits, staffing levels, employee safety, hours of work and scheduling and a grievance procedure. The two sides earlier had agreed on some less contentious matters, such as job descriptions, union membership and a non-discrimination clause.

Pending a final contract determination, local members are working under the old terms and conditions of employment, which Denis succinctly summarized as "leaving much to be desired." But with a new contract in the works, he added, "the union is hoping Northern Lights will seize the opportunity to begin a new era of cooperation and mutual prosperity."

One hopeful sign: The two sides signed a peace agreement that includes the employer's pledge to do everything possible to reopen the two homes closed during the strike.

The Washington-Baltimore Newspaper Guild (TNG-CWA)

... seeks an administrative officer with significant experience to bargain and defend the contracts, guide the organizing, run the office and oversee the staff of one of the largest locals in the CWA's Newspaper Guild sector.

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Labor round-up

Check out employers' safety records

February is the month, under U.S. federal law, when employers must post a record of all workplace injuries and illnesses reported the previous calendar year. Employees may request these records for review at any time during the year, but the annual summary of the injury and illness log—also known as OSHA-200 Form—must be posted in full view of all employees from Feb. 1 to Feb. 28.

Ergo rule affirmed by Nat'l Academy

Fast on the heels of the effective date for implementing OSHA's new ergonomics standard, the National Academy of Sciences issued a report confirming that the rule is the most effective means of protecting U.S. workers from musculoskeletal injuries caused by ergonomic hazards. The report, ironically, had been requested by industry groups and conservative Republicans seeking to delay implementation of the OSHA standard.

Union membership dips in 2000

Despite a larger commitment to organizing the unorganized by some AFL-CIO member unions, overall union membership in the U.S. declined by 200,000 last year, to 16.3 million. Much of the drop-off was attributable to a loss of 160,000 manufacturing jobs. The dip followed a membership increase of 240,000 in 1999 and lowered the country's overall unionization rate to 13.5%. The decline would have been even steeper were it not for union growth among government workers, whose unionization rate is now 37.5%, up from 37.3% in 1999; the rate among private sector workers fell to 9% from 9.4%.

Past Teamsters prez pleads not guilty

Former Teamsters president Ron Carey pleaded not guilty to federal charges of perjury and of making false statements during an investigation into his 1996 re-election campaign. Carey was indicted in late January, following last year's conviction of the union's political director on charges of embezzlement, fraud and perjury in the indirect diversion of union funds to the campaign. Carey has denied knowing anything about the scheme, but his scandal-tainted expulsion from the Teamsters paved the way for James P. Hoffa's ascension to a position long held by his father.

If you love re-runs, you'll love summer

Looking for a good way to spend your leisure time this summer? Pick up a good book. Television and movie producers are bracing themselves for an actors' and writers' strike that has been forecast for almost a year, but which seems to be gathering certainty with each passing week: the Writers Guild contract expires in two months, the Screen Actors Guild contract in four, and neither is signaling any optimism that an agreement will be reached on such issues as residuals and new technologies. The standoff is further complicated by well-publicized conflicts within SAG's leadership, summarized by consultant Towers Perrin as "organizational chaos."

Image aside, Wal-Mart is no friend

Wal-Mart's PR-promoted image as a worker-friendly employer notwithstanding, its workers' compensation program in Washington has been taken over by Washington state officials because the retailer delayed payments, paid less in wages and benefits than its employees were entitled to receive and had more than 300 claims outstanding. Wal-Mart's poor track record dates back at least to 1994, when it was cited for the first of more than 60 violations of state law over the manner in which it handled compensation claims. It is compiling a similar record in other states, with West Virginia hiking premiums by 15% because of Wal-Mart's poor safety record.

Steel union warns of industry collapse

As subsidized foreign competition and cheap overseas labor keep battering the U.S. manufacturing sector, the United Steelworkers of America is crying foul and has proposed a federal "Steel Revitalization Act." The proposal would restrict imports for five years and would shift the burden of retiree health benefits by imposing a surcharge on steel sold in the U.S. Without such assistance, the union warns, the domestic steel industry—with 13 companies already in bankruptcy—is "virtually collapsing before our eyes."

Unions brace themselves for anti-labor initiatives

Despite one notable victory to its credit—the defeat of Linda Chavez's nomination as U.S. Labor Secretary—organized labor can expect heavy going in the legislative wars of the next two years, at both state and federal levels.

Nationally, several employment-related bills introduced last year were still in some kind of legislative limbo as this year's Congressional session began. Still pending, for example, was a two-step increase in the minimum wage, to \$6.15 from the current \$5.15 an hour—a level so inadequate that more than 50 state and local jurisdictions have already adopted higher "living wage" minimums. Sen. Edward Kennedy and Rep. David Bonior recently introduced new legislation to increase the minimum by \$1.50 an hour over three years.

Also left hanging was the "Notice of Electronic Monitoring Act," which would forbid employers from secretly monitoring employees' electronic communications except when there are reasonable grounds to believe such communications violate the employer's or another person's legal rights and involve significant harm. Business lobbyists succeeded in derailing the bill by arguing that it would result in more employment litigation—suggesting that perhaps such a bill is indeed long overdue.

Meanwhile, one of the Clinton administration's most aggressive attempts to police lawbreaking contractors has been shunted aside by its Republican successors. The new rules, which would have prevented companies that have a track record of violating labor, environmental, civil rights and other laws from getting government contracts, have been suspended by the Bush administration without public notice or hearings. Opponents of the rules, issued in December, labeled them a "blacklist" and claimed 23 of the government's 25 biggest contractors could have lost work because of them.

A reversal of a different sort may be threatened by the naming of Robert Zoellick as U.S. trade representative. Zoellick announced during his confirmation hearing that he will "promptly" seek to re-establish what he euphemistically described as "trade-promotion authority" for the president—the same "fast-track" authority Bill Clinton failed to obtain after organized labor launched an all-out campaign to defeat enabling legislation. The push for fast track,

which would allow expedited approval of new trade deals, has been opposed by unions—among others—for fear it will result in trade treaties that ignore workers' rights.

State legislatures also are contemplating several anti-union initiatives, including two perennial favorites, paycheck deception bills and "right-to-work" (for less) legislation. Paycheck bills, which would prohibit or sharply limit the use of union dues for political activity, have been introduced in North and South Dakota and in Utah and are expected in Michigan, Oklahoma and Virginia. In Florida, Governor Jeb Bush has added similar language to the state's proposed contract with AFSCME-represented employees.

"Right to work" legislation, prohibiting employers from requiring their employees to join unions or pay union dues or fees, has been introduced in Connecticut, Hawaii, New Hampshire, Oklahoma and South Carolina.

But the biggest threat to organized labor may have come with Senate ratification of John Ashcroft as U.S. attorney general—the country's top law enforcement official, and therefore the person who ultimately decides when and how vigorously to prosecute labor law violations. Ashcroft's record on such matters is not reassuring.

As governor of Missouri, Ashcroft vetoed two bills establishing a state minimum wage and signed a third only when it became clear another veto would be overridden. He vetoed a state maternity-leave law that would have provided women eight weeks of unpaid leave after the birth or adoption of a child. He vetoed a workers' comp bill that would have raised minimum temporary disability benefits from \$40 to \$100 a week—a bill, ironically, that was even supported by the state chamber of commerce.

Nor did Ashcroft change his tune once he reached the U.S. Senate, where he led the fight to gut overtime pay by sponsoring legislation that would have weakened the 40-hour workweek. He also voted against increasing the federal minimum wage, against a universal Medicare prescription plan and for legislation that weakens "prevailing wage" laws for federal construction projects.

No wonder unions are leery of what the political future holds.

DAVOS DIVIDE

Backlash—or birth pangs?

Least anyone had confused "internationalization" or "globalism" with "hands across the sea" or other sentimental notions, the six-day gabfest at Davos, Switzerland should have set the record straight. While barbed wire, riot police and soldiers shooting tear gas, rubber bullets and water cannon kept protesters at bay, the world's political and business elite munched on shellfish, sipped champagne and discussed the policies that increasingly widen the gap between rich and poor.

The World Economic Forum, now three decades old, is not an official government function, or even a formal business alliance. It is instead a meeting of like minds—what might, in rougher circumstances, be called a conspiracy—seeking to advance their mutually beneficial relationships. Those relationships, according to U.N. statistics, have increased the wealthiest classes' share of world income from 69% to 86% between 1960 and 1994, while the share going to the world's poorest slipped from 2.4% to 1.1%. So extreme is the range that the average daily income of a Davos resident equals an Ethiopian's income for a whole year.

Relentless criticism has had some effect on the forum's insularity, resulting in limited invitations to labor leaders and others to address the gathering. But as AFL-CIO President John Sweeney told the forum this year, its theme—"Addressing the Backlash Against Globalization"—demonstrated its ongoing misunderstanding of the protests that have swept over

the World Trade Organization, the International Monetary Fund and other pillars of the new global corporatism. "What we witness is not a backlash, but birth pangs," he told the 2,000 or so forum participants. "And it is not *against* globalization, but *for* a new internationalism."

That point was simultaneously driven home, at greater length but half a world away, at the first World Social Forum. Pulling an estimated 4,000 participants from 122 countries to Porto Alegre, Brazil, the social forum tackled the very issues that the economic forum was wont to deride as obstacles to economic development: workers' rights, environmental protection and the human right not to be treated as a commodity. Or as summarized by one participant, quoted in the Washington Post, "Today we have people serving capital, instead of capital serving the people. It's a matter of priorities."

Global protests against economic and trade abuse are expected to continue April 20-22 in Quebec City, when trade ministers throughout the Americas are to put the finishing touches on an agreement known as the Free Trade Area of the Americas. Scheduled for implementation in 2005, the FTAA is an ambitious expansion of the North American Free Trade Agreement that would prohibit virtually any restrictions on hemispheric investments, including currency speculation.

More information about the upcoming protests may be found at www.infoshop.org/octof/ftaa.html.

FIGHTING THE CENSORS

Your e-mail rights on the job

By Barbara Camens and Marissa Jacobson
TNG-CWA Legal Counsel

The same computer technology that helps make businesses more efficient is useful to unions, too—much to some employers' dismay. So it should come as no surprise that as TNG-CWA locals and their members increasingly rely on company e-mail to communicate about workplace issues, those same employers are trying to prohibit such use, often by unilaterally imposing new computer-use policies. Many such efforts, however, are illegal and should be challenged by TNG locals.

The Washington-Baltimore Newspaper Guild, for example, recently won just such a dispute with the Bureau of National Affairs, which had ordered the unit chair to stop using its e-mail system for distributing bargaining bulletins. Similarly, management at the Knoxville News-Sentinel tried to impose a ban on all union communications at the workplace other than postings on newsroom bulletin boards. When the Guild protested that the policy was illegal, the employer backed down. Other Guild locals have related comparable stories.

Unilateral employer bans on e-mail usually run afoul of Section 7 of the National Labor Relations Act, which assures employees of the right to communicate about the workplace, union representation and terms and conditions of employment. The right to communicate on company property must be balanced against the right of employers to maintain discipline and productivity and to require that work be done during paid working time. But Section 7 also protects employees' rights to communicate orally about union matters (to "solicit") during paid, non-working time, and to circulate written union material (to "distribute") during paid non-working time in non-working areas.

Employers cannot legally prohibit employees from communicating on "company time" because the NLRB has found such pronouncements to be vague and overbroad—employees might mistakenly think the prohibition includes breaks, lunch or other periods when they are not actively working. Moreover, past practice may define "non-working time" more broadly than the minimum standards set by the NLRB. For example, if Guild employees generally are permitted to deal with personal matters after meeting an advertising or editorial deadline, those employees should be permitted to communicate on union matters during those "non-working moments."

Furthermore, while employers may ban union discussions during working hours, even that discretion can be overturned if a union can show that the prohibition was adopted or applied in a discriminatory or anti-union manner.

The Knoxville News-Sentinel's proposed ban, for example, appeared to be a knee-jerk reaction to union activity and therefore was challenged successfully as discriminatory. Likewise, one of the challenges to BNA's policy took note of the company's use of its e-mail system to present its own version of how contract negotiations were progressing—an approach that obviously discriminated against the union.

E-mail gets additional protection from employer interference because it more closely resembles speech than text. That position, first staked out by the NLRB general counsel in a 1998 legal memorandum, was echoed more recently by the board's current general counsel in a report titled "Project 2000." His analysis, quoting from a Yale Law Journal article, noted that even "where an initial (e-mail) message is neither informal nor personalized, it is still not merely equivalent to a flyer because e-mail allows the reader to talk back. This ability to exchange ideas and discuss what action to take collectively is the key to the effective preservation of labor rights and the equalization of bargaining power."

Assuming that Guild employees use computers and e-mail with sufficient frequency to characterize the employer's computer network and e-mail system as a "work area"—an easy conclusion for the majority of employees within the Guild's jurisdiction—e-mail use during non-working time for union-related purposes is, in the Guild's view, a protected activity. A Guild employer cannot lawfully prohibit the use of e-mail for all non-business purposes because that would implicitly ban the use of e-mail for union activity during non-working time. Nor may the employer prohibit e-mails pertaining to union matters while allowing employees to use e-mail for personal or other non-business matters.

It's worth remembering, however, that the board's general counsel only prosecutes complaints—it is up to the politically-

appointed NLRB to adjudicate the cases. Aside from examining the fundamental issue of employer bans on e-mail use, the board has to determine what constitutes "working time" for employees who work on computers at flexible times and places; whether the computer network is a "work area" if the system is used infrequently; and what reasonable limitations may be placed on e-mail use to preserve productivity.

In addition to employers interfering with Section 7 rights, there looms the issue of whether a union may properly waive such rights in exchange for other concessions by the employer or for other reasons. But here, too, the NLRB and the courts have held that a union may not contractually waive employees' rights without compelling business reasons to justify the restriction.

For example, the court upheld a contractual ban on discussing union matters on working time in patient areas at a health center. The rule, intended to restore labor peace and avoid disruption to patient care, had been accepted by labor and management following a bitter, divisive strike. Its focus on union affairs, the court concluded, was not discriminatory because no other subject had the same disruptive effect. Moreover, the employees could discuss union matters during non-working time on the employer premises so long as they did so outside of patient areas.

But barring such exceptional circumstances, unions are not allowed to bargain away their members' communication rights. As summarized by the Supreme Court in a case

known as *NLRB v. Magnavox*, in which it invalidated a collectively-bargained, blanket no-distribution rule, "The place of work is a place uniquely appropriate for dissemination of views concerning the bargaining representative and the various options open to the employees."

The court further noted that while a union may waive other protected rights—such as the right to strike for economic reasons—in exchange for an employer's concessions, such an agreement "rests on the premise of fair representation and presupposes that the selection of the bargaining representative remains free." Thus, the court distinguished between the lawful waiver of "economic rights" (including wages and employment benefits) and the improper waiver of communication rights regarding employees' choice of a bargaining representative and their evaluation of that representative.

Subsequent decisions have expanded the non-waivable communication rights to include the right "to engage in activities by which employees may seek to change their bargaining representative, to opt for no bargaining representative or to seek to retain the present one." These decisions have recognized the employees' right to discuss candidates for union office as well as to engage in constant re-evaluation of their designated collective bargaining representative. For example, the union may not waive the employees' right to distribute—and an employee may not be punished for distributing, during non-work time and in non-work areas—literature pertaining to:

- the candidacy of individuals for union offices;
- the employees' concern over the potential for layoffs by the employer and disagreement with the union's efforts to avert the layoffs;
- a critique of negotiations for a new contract as well as the terms of the contract;
- a dues increase by the union.

Subsequent cases have extended the reasoning in *Magnavox* to ensure that employees may discuss or solicit co-workers' support on matters affecting the terms and conditions of their employment, regardless of whether the union supports their position. Thus, employees must remain free to discuss ongoing contract negotiations, wages and other employment benefits, issues affecting their workplace, management supervision, and their general support for collective bargaining.

On the other hand, while a union may not waive employees' communication rights, the NLRB has consistently held that a union may waive the right to distribute its own institutional literature. Thus, a union may contractually limit the right to distribute information at the workplace about union meetings, social affairs, union elections, union membership and dues payments.

What is unclear is whether a union may waive its right—as opposed to the individual employees' right—to solicit employees or distribute material on matters involving their Section 7 rights. TNG-CWA believes a union must be permitted to communicate and distribute material to unit members about their terms and conditions of employment, in order for those members to critically evaluate the effectiveness of their bargaining representative. Union members could not, for example, intelligently evaluate their union's position in collective bargaining without access to basic information from the union regarding such bargaining. The Guild therefore believes that employees' unwaivable right to communicate on collective bargaining matters is dependent on a similarly unwaivable right on the part of the union to communicate on these issues. Unfortunately, there is no case which directly decides this issue.

Finally, there remains a question of whether a union may be forced to bargain about a waiver of e-mail communication rights, even in the face of an employer's argument of "special circumstances." The NLRB has not yet decided whether e-mail and computer use policies are a mandatory subject of bargaining. There are strong arguments for such a holding, on the theory that e-mail communications may be likened, for example, to an employee bulletin board. One might also argue, however, that because any restrictive communications policy would involve the waiver of employees' fundamental statutory rights, such a waiver must be considered a permissive subject of bargaining. On this theory, an employer could not take the issue to impasse and could not implement the communications restriction without the union's consent.

A thumb-nail guide to workplace rights

1. All employees have a Section 7 right to discuss (or "solicit") union activity during non-working hours and to distribute Guild material during non-working hours and in non-working areas unless there is a compelling business reason to justify time and place limitations. An employee may not be disciplined or discharged for soliciting other unit members during non-working hours or for distributing union materials during non-working hours and in non-working areas.

2. While an employer may limit solicitations or distributions during working time, it may not do so for discriminatory reasons.

3. E-mail communications regarding Guild matters may be sent and read during paid non-working hours, typically defined by past practice. To ensure that union e-mail is read during non-working time, Guild members should consider noting in the "re:" area of the e-mail that the communication regards union business and should be opened and read during non-working time such as breaks.

4. An employer may not ban all non-business or personal e-mail use, which would by implication prohibit protected communication during non-working time. Put another way, an employer may not limit use of its computer systems to business purposes.

5. In no circumstance may an employer act unilaterally in issuing an e-mail communications policy. At the very least, the employer must bargain with the Guild. Arguably, the employer could not take the issue to impasse and could not implement such a policy without Guild consent.

6. The union generally cannot bargain for a waiver of employees' Section 7 rights to communicate on matters pertaining to the selection and evaluation of a collective bargaining representative and issues involving terms and conditions of employment. Thus, a Guild local generally cannot agree to a total ban on employees' e-mail communication rights, even in exchange for other concessions.

7. The Guild may contractually restrict its right to electronically distribute institutional literature such as meeting notices, social calendars, dues collections and membership material. It is unclear whether it may also negotiate limitations on its own ability to communicate with unit members about matters affecting their employment, such as electronically distributing bargaining briefs. Given the absence of clear case law, we recommend that bargaining briefs and other electronic transmissions be sent by a unit member to fellow employees.

8. As this is a rapidly evolving area of law, TNG recommends that all Guild locals review both existing and newly proposed communications and computer use policies—regarding electronic and other forms of communication—to determine whether any statutory rights are being compromised. Locals should call Marian Needham at 202-434-1270; or at mneedham@cwa-union.org.

How the NLRA puts labor in a box

By Andy Zipser
Editor, The Guild Reporter

First of two parts.

For fair reasons or foul, and despite one of the highest turnouts of unionized voters in many years, the November elections have produced a Republican White House that is unusually responsive to business and corporate interests. Both George W. Bush and Dick Cheney have strong and varied business ties, both received outsized corporate campaign contributions—and both may be expected to remember that organized labor waged an all-out effort to defeat their candidacies.

Early signs of what awaits labor were provided by the nominations of Linda Chavez for Secretary of Labor and John Ashcroft as Attorney General. But other, less headline-worthy appointments also are coming—and their mischief potential is as great. Chief among them: the five positions on the National Labor Relations Board, whose future makeup was summarized Jan. 12 by The Wall Street Journal under the headline, "Labor-Board Changes May Alter Policies: Replacements Will Present The Chance to Reverse Rulings Favoring Unions."

Which is as much of an admission as you'll find in a headline that the game is rigged.

It wasn't supposed to be this way, of course. Back in the primordial years of the Great Depression, when the country teetered on the edge of anarchy and was menaced by the spectre of militant communism, the National Labor Relations Act was hailed as a sane and progressive way of resolving workplace tensions. The NLRA would promote reason over rancor, would create a set of rules under which labor and management could play fair and would be monitored by an impartial panel of referees to ensure a level playing field.

Although the NLRA obviously required some management concessions, it also repudiated the philosophy that had guided the country's foremost exponent of organized labor, the American Federation of Labor, for nearly 50 years. With one legislative victory after another overturned by a conservative judiciary, the AFL had turned its back on government and pursued a policy of dealing directly with individual employers, securing through its contracts what it couldn't obtain from legislation. But the AFL approach benefited only the small segment of the working population that was unionized; moreover, as a tactic it relied on the coercive threat of a strike—and the same conservative courts that had defeated labor legislation were all too willing to provide

employers with injunctions that made strikes a problematic weapon.

So the Wagner Act—as the NLRA was more familiarly known—required the AFL to accept some government oversight, too. Both sides had to agree to give up a certain amount of autonomy in exchange for the promise of fair play.

But the Wagner Act did more: it also extended to millions of unorganized workers the hope of greater dignity and workplace democracy by making it easier for them to join or start unions. Senator Robert Wagner, charging that the non-unionized workplace was little more than institutionalized slavery, promised that his bill would bestow upon workers "emancipation from economic slavery and . . . an opportunity to

the importance of manufacturing—toward which most labor law was geared—and created whole new categories of employer-employee relationships that the NLRA had never contemplated.

Other, more mundane obstacles have further limited the act's effectiveness, including inadequate staffing and reluctant Congressional funding. And to add insult to injury, the courts defanged the beast by ruling that the NLRA does not empower the board to punish employer misbehavior: at best, it can order that employees damaged by unfair labor practices be made whole. Without having to worry about punitive damages, an increasing number of employers have grown to regard such remedies as a perfectly acceptable cost of doing business.



walk the streets free men in fact as well as in name." Congress agreed, asserting in the act that employees had the right "to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."

That promise, however, began unraveling almost as soon as the NLRA was passed. New legislation, notably the Taft-Hartley Act of 1947 (described by unsuccessful presidential aspirant Adlai Stevenson in a Guild Reporter article of the time as "a tangled snarl of legal barbed wire, filled with ugly sneers at labor unions"), the Landrum-Griffin Act of 1958 and various "right-to-work" state laws significantly curbed various aspects of the NLRA. Corporate and business interests appealed to their old friends, the courts, receiving numerous decisions that further narrowed the act's scope. And changes in the workplace, including globalization and a shift toward a service economy, reduced

The result, nearly 70 years later, is that the NLRA has been so contorted and poked full of holes it bears scant resemblance to the ambitious law adopted in 1935. The workplace it attempts to regulate has changed so much—from the evolution of "virtual companies" to the marginalizing of as much as 30% of the workforce in non-full time, non-permanent positions—that the NLRA is in too many cases as useful as snowshoes in Guatemala. And the referees charged with promoting collective bargaining and ensuring fair play increasingly have revealed themselves as partisan advocates for a corporate agenda.

(Recent examples of this last point were reported in last month's *GR*, including a report for the U.S. Trade Deficit Review Commission by labor researcher Kate Bronfenbrenner and an analysis of NLRB rulings published in the *Loyola of Los Angeles Law Review*. The former found, among other things, that employers making illegal threats against union organizers are being challenged significantly less often than just a few years ago, apparently

because organizers "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."

(The latter, meanwhile, concluded that the NLRB is more often looking the other way when employers approach the bargaining table with the obvious intent of forcing an impasse. Moreover, the study found that the political makeup of the board is all too indicative of how it will resolve disputes—with a predominantly Republican board having produced a preponderance of decisions favoring management over unions.)

The irony of this evolution is that the AFL-CIO and its affiliates, which began the last century fiercely determined to avoid the trap of entangling laws and punishing court decisions, have started this century firmly enmeshed in just such a web. And while federation leaders clearly understand their predicament, their responses continue being shaped by the same narrow view that formed AFL-CIO Secretary-Treasurer George Meany's response to passage of the Taft-Hartley Act. "We know it's a bad law," he acknowledged, "but it was placed on the statute books by our representatives under the American democratic system, and the only way it is going to be changed is by our representatives under that system."

Fifty years later, that change still hasn't occurred and the "bad law" is even more deeply entrenched within the system. Although organized labor tried to amend the NLRA in the 1970s to make it easier to organize workers, the effort failed—as did the 1991 effort to get legislation preventing employers from hiring permanent replacements for strikers. Instead, employers generally stepped up their efforts to stay union-free or to break the unions already in place, as with the 1977 formation of the Council on a Union-Free Environment.

While mainstream labor has continued to stress political action and lobbying in an effort to fix the mechanism that's already in place, a growing vocal minority has concluded this is a wasted effort. Forget the rickety Rube Goldberg device known as the NLRA, it argues. It's time to return to basics—to the constitutional principles that underlie all other law.

"For almost 65 years, the U.S. labor movement has fought a losing battle to amend the NLRA—the cornerstone of U.S. labor law—to make it more favorable to workers," contends Elaine Bernard, director of the Harvard Trade Union Program. "But should we really be fighting to restore 'fairness' in the NLRA? After all, a victory in this campaign would simply bring us back to—1935."

Next month: *Breaking out of the box.*

Checking the Bill of Rights at the office door

Written before the industrial revolution trumped many of its provisions, the U.S. Constitution describes rights and privileges that current law frequently requires to be surrendered in the work place. Among them:

- **Freedom of speech:** Under current law, freedom of speech is guaranteed only on public property. The U.S. Supreme Court has ruled, for example, that employers may bar union representatives and co-workers from other enterprises from speaking to employees at their worksites. And while employers are barred from interfer-

ing with employees discussing "mutual aid or protection," the Supreme Court has created an exception for "disloyal" speech—which may be as mild as impolite criticism of the employer.

- Finally, by prohibiting secondary picketing—in which workers picket or boycott a customer or supplier of a struck employer—the NLRA inhibits unions from informing a wider public of their grievances and thereby soliciting additional support.

- **Freedom of association:** Under the NLRA, it is up to the government—not the workers themselves—to determine which

workers may associate together to form a bargaining unit. Moreover, the protections of the NLRA are not extended equally: until recently, for example, a member of a non-majority union could be fired for insisting that a union steward be present at a grievance conference—although the NLRB decision reversing that interpretation may be reversed again by Bush appointees.

- **Freedom of labor:** Under current law, a worker's true "right to work" (as contrasted with the meaningless "right to work" in some state laws) is subordinated to an employer's property rights, which

include the right of permanent replacement of striking employees.

Meanwhile, the ban on secondary boycotts also bars workers from striking against an employer's other economic interests. For example, employees of a Hearst newspaper are barred from striking against a Hearst-owned radio station, even if the profits from such enterprises are used for anti-strike activities. Similarly, the ban on secondary boycotts prohibits sympathy strikes and solidarity strikes across national borders, even when the struck employer is a multinational conglomerate.

LOOKING AHEAD



Gore: feeding the hand that bit him

By Linda Foley
President

Hey, Al Gore. You just lost the closest presidential election in U.S. history (actually, you got the most votes but you still lost), now what are you going to do? Go to Disney World?

Not exactly.

The former vice president has been going to New York to teach at Columbia University's journalism school. Ironical, considering how he found himself available to accept such a position.

Understandably, I'm usually not one who blames the press for the rise or fall of political leaders. Neither, apparently, is Vice President Gore. Otherwise, why would he choose to spend his first hiatus from elected office in more than 25 years training would-be reporters?

As a former journalist (and Guild member), Gore certainly can identify with reporters who are required to dog candidates for a good story, but at least one independent study indicates he has ample reason to complain about how the press treated him.

The Committee of Concerned Journalists, a Pew Foundation-funded initiative of the Project for Excellence in Journalism, found that in the critical culminating weeks of the 2000 presidential race, press coverage of Gore was "decidedly more negative, more focused on the internal politics of campaigning and had less to do with citizens" than articles on George W. Bush.

CCJ, along with the Princeton Survey Research Association, examined 1,149 stories from 17 news publications, broadcast programs and websites from the last week of September through the third week of October. It found that while almost one-quarter of the stories about Bush were clearly positive, only 13% put Gore in a good light. Likewise, 56% of the stories about Gore were negative, compared to 49% of those about Bush.

In addition, 10% of Gore's coverage focused on his problems with stretching the truth or campaign fundraising, while only 4% of stories on Bush dealt with his record and lack of knowledge. Even stories that focused on both candidates were more slanted against Gore. According to the study, 12% of them were negative towards Gore, 8% towards Bush.

These conclusions were consistent with CCJ findings in two earlier studies (one during the primaries and another on the internet) that Bush benefited more than Gore from news coverage. For example, the study on primary election coverage found the press more likely to feature subjects that Bush wanted to run on—such as the idea that he was a different kind of Republican—rather than the qualities Gore was emphasizing, such as his knowledge and experience.

Part of the problem was the press's tendency to focus on the presidential race itself rather than on the issues. Of all the stories studied by CCJ, only 3 in 10 related to policy. And, again, Bush got an edge over



"Well, basically we just lay our eggs on a rock and forget 'em... so that about solves your family leave problem right there."

Gore, with 31% of stories focused on the Republican candidate, versus 28% on the Democrat. (See: www.journalism.org.)

Bill Kovach and Tom Rosenstiel, the co-founders of the Committee of Concerned Journalists, noted in a recent Washington Monthly article, "Covering the mechanics, strategies and performance of the campaigns allows reporters to become more subjective and interpretative. Assessing a campaign's strategy is safer than making judgments about a candidate's plans for Social Security."

"The result of this lens is that we have a sophisticated understanding of the intricacies of media buying, push polling, the techniques of consultants, the nuances of ad-making and other tactical considerations. In the process, however, reporters became adjuncts of the campaigns they covered."

Even now, months after a U.S. Supreme Court ruling gave the election to Bush, Gore still doesn't get a break. His attempt to focus

on his new calling as a journalism teacher has been criticized because he wants to keep his classroom lectures off the record and out of the press. Bush, meanwhile, receives good press because his first few weeks in office have exceeded the rather low expectations of him going in.

All this while other members of the Fourth Estate still are focused on the presidential race. Several newspapers, led by the Miami Herald and The New York Times, are examining thousands of ballots in Florida that were left uncounted by the Supreme Court's decision. The Orlando Sentinel reported in early February that inclusion of hand-recounted ballots in Republican Orange County would have put Gore 32 votes ahead of Bush in Florida. Presumably that lead will grow as hand counts continue in counties with more Democratic voters.

Orange County is adjacent to Disney World. Maybe Al Gore should reconsider his post-election destination.

LETTERS

To the Editor,

I was pleased to see the stirring Vietnam photos by the late great photographer Bernie Kolenberg and the text by Carol DeMare [Jan. GR]. The only bad part was that the photo identified as Bernie—wasn't. Please insert a photo of the real Bernie in your next edition.

Bernie was unique in a profession of many standouts. It was my great pleasure to have worked with him on many assignments back in the late 1950s at the Albany Times-Union.

He would take a routine assignment and turn it into a brilliant photo feature. Riding with him rated hazardous-duty pay. He would bring the car to a screeching halt in the middle of traffic and dash off to snap a photo of a worker doing something unusual or a couple walking hand-in-hand on a spring day or simply a baby smiling. The photos would end up on the front page the next day.

One particularly scary day I remember him driving up on the sidewalk for a couple of blocks to get around a traffic tie-up. He was on deadline, and he made it.

In addition to being the best news and

feature photographer I met in nearly 50 years on newspapers, he was a kind, compassionate and very funny guy.

I agree with my friend Shirley Armstrong that Bernie returned to Vietnam a second time because "that's where the action is."

However, just before returning to the war the second time, he came to visit me at the state capitol newsroom where I was working for the Buffalo Courier-Express. When he talked about going back to Vietnam, he was uncharacteristically somber. He seemed worried and concerned. He knew what was happening over there, and he knew that he could be leaving for his last assignment. Sadly, it was him.

—Phil Joyce
Philadelphia Inquirer

To the Editor,

I'm afraid I have to take issue with my local union president, Lou Mleczo, regarding the question of starting a strike paper in Detroit (letters column, Dec. 15 GR).

While Lou is accurate when he says that the TNG International didn't provide funding for a strike paper until several months after the strike started, he leaves out some significant facts.

TNG International support for a strike paper, The Sunday Journal, coincided with the election of Linda Foley and Bernie Lunzer to office. The previous administration rejected the idea of a strike paper. When Foley and Lunzer took office, they

immediately urged TNG Local 22 and the other striking locals to start a strike paper.

Until Foley and Lunzer urged a strike paper, Brother Mleczo and retired administrative officer Don Kummer vehemently rejected the idea. In fact, I had conversations with both of them on this subject and sent memos urging a strike paper. At one point, Brother Mleczo told me that a strike paper was not feasible and could not be supported. I was a member of the local's Representative Assembly at the time.

As many in and out of the Guild have pointed out, the lack of a strike paper from day one was a big mistake in Detroit—one that fortunately was not repeated in the recent Guild strike in Seattle.

—Michael Funke
Retired Local 22 member, Detroit, MI

[In an effort to prune our overgrown subscriber lists, we recently asked non-paying subscribers if they wanted to continue receiving The Guild Reporter gratis and to write a brief note "explaining the virtues that elicited this generosity." Among the responses was the following jolly missive.]

To the Editor,

I'm one of those who receives a complementary subscription to The Guild Reporter—and have for at least a couple of decades. But... virtues?? Me???

When I first started receiving The Guild

Reporter, in the late 1960s or early 1970s, I was a professor of communications at Temple University. Later I moved to Emerson College. Technically, I'm retired, but...

My father was a member of the ITU for God knows how long (he died in 1976)—I have his 50-year pin on my dresser, but I'm pretty sure that at one point he had the oldest working card in Local 6 in New York. (He also apparently worked as a reporter and editor early in the 20th century, but there isn't any decent documentation of this.) (And, unfortunately, he was one of those counting on a pension from the union that evaporated even as he reached for it.)

Do I still want to get The Guild Reporter? Damn right! I still send parts of it off to former colleagues, who otherwise would only get the management side of what is going on. I hope that they further pass the Guild point of view off to their students—as I did.

And yes, I'm old enough to know most of the words to many of the old labor songs—even though (a) I can't carry a tune, and (b) because of the structure of the academic game, I was a union member for only half of my career.

I hope that you'll consider some of the above as "virtues" and keep sending The Guild Reporter to me. [Editor's note: Done.] If I were still earning good money, I'd offer to subscribe—but I don't and I can't.

—John M. Kittross

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: March 16.) Letters may be e-mailed to the editor at azipser@cwa-union.org.

CUTTING OUR OWN THROATS

The vicious cycle of soft news

Politicians and journalists have much more in common than either will readily admit. The unfortunate corollary of this observation is that when one is in trouble, so is the other.

Consider, for example, the long downward trend in electoral participation, reversed only slightly in this last presidential election; voter turnout is significantly below 50%—and so is newspaper readership, down from nearly 60% less than a decade ago. Nightly network news has been hit even harder, losing half of its audience since 1993, and local TV news and news-magazine audiences are likewise shrinking at a rapid clip.

Or consider the general disrespect in which both groups are held by the general public. Trust in government is at roughly half its level in 1965, while the percentage of people who believe "hardly any" government officials are crooked has likewise dropped almost by half, to a bit more than 10%. As for journalists, well... if the messenger is judged by his message, the view is bleak. By a 5-to-3 margin, Americans think news coverage is getting "worse" rather than "better"; 84% of the public thinks the news is depressing.

These and a plethora of other numbers are thrown around in a—yes, depressing—report out of the John F. Kennedy School of Government, "Doing Well and Doing Good," that makes two main observations and reaches one significant conclusion. The observations are that the trend toward soft news is driving away the news audience, as is the trend toward ever more critical reporting; and that the latter trend in particular is responsible for the decline in American civic participation. The conclusion is that a loss of civic participation leads to a decline in news interest—that an interest in politics and in the news media are mutually reinforcing.

Or as the report's author, Thomas E. Patterson, writes: "Interest in news and interest in politics are inextricably linked. Very little sustained attention to news exists outside of a sustained interest in politics. The news is a window onto the world of public affairs. Without an interest in that world, there is little reason to follow the news. And people who do not have much political interest do not, in fact, consume much news."

Journalists like to think of themselves as democracy's handmaidens, of course, so

perhaps Patterson's summary should come as no surprise. But the observations and supporting data that he marshals deserve reflection nonetheless.

For example, one measure of the trend toward soft news—and away from the hard variety—was provided by a computer program that Patterson used to identify changes in the vocabulary of reporting. In comparing the frequency with which collective (crowd, humanity, army, county, etc.) and self-reference nouns and pronouns (I, me, my) were used, he found that "reporters' use of collectives, which are part of the vocabulary of hard news, has declined substantially" in the past two decades. Conversely, use of words in the self-reference category exploded. A similar computer analysis found a decline in subject complexity.

Soft news, like sit-coms, may initially attract an audience but eventually loses its appeal. It becomes tiresome in a way hard news does not, because the latter is a daily unfolding of a people's history: the plots and characters are constantly changing, and the stakes can be high. Although soft news has its place, it is unsuitable as "a foundation for a news program or newspaper," Patterson writes. "To build the news around

something other than public affairs is to build it on sand."

But public affairs reporting has been poisoned by a constant barrage of negative, even cynical coverage. "The real bias of the press today is not a partisan one, but a pronounced tendency to report what is wrong with politics and politicians rather than what is right," the report observes. "This type of reporting passes for watchdog journalism but is nearly ideological in its premise: most politicians are presumed to be incompetent, venal or deceptive, and it is the journalists' role to let everyone know that's the way it is."

The same observation could be made of most press coverage of unions and of many grassroots groups of activists, but that doesn't invalidate the criticism. Rather, it reinforces the notion that the media increasingly avoid stories that discomfit the corporate elite while viewing any groups that pose a populist threat to such elites with suspicion and distrust. The irony, as "Doing Well and Doing Good" underscores, is that this approach—by shrinking the news audience—is counterproductive from a business perspective.

Or from the perspective of democracy.

Employers confident about bargaining in 2001

As news of one mass layoff after another shakes up the American workforce and the mass media are rife with stories speculating about the hard times ahead, a Bureau of National Affairs survey of the decision-makers responsible for shaping the economic landscape—management representatives who negotiate labor contracts—tells a different story.

Published in early January, the survey is handicapped by its use of questionnaires that were returned through last September—just before the economy caught a chill. But while most of today's anxiety is the result of broad-stroke descriptions and the thrashing about of mega-employers, the view from below is usually a bit less extreme. And the view of the 126 employers responding to the BNA survey—69% of whom have fewer than a thousand employees—was downright upbeat.

"Management will approach the bar-

gaining table with little trepidation in 2001," BNA reported, with 32% saying they are "very confident" about achieving their bargaining objectives and 62% describing themselves as "somewhat confident."

Precisely what those objectives might entail is not described by the survey, but apparently they don't preclude some sharing of the wealth: nearly 60% of respondents expected to settle on wage increases of at least 3% in the first year of new contracts, up from 40% a year ago and 30% in 1998. On the other hand, lump-sum payments—often offered in lieu of wage increases—are on the decline, with only 18% of respondents saying their current contracts have such a provision, down from 27% a year earlier.

Where unions can expect to see bargaining pressure is in health care cost sharing, which BNA describes as "a hot topic at the bargaining table in 2001." A bit more than

half of the respondents—up from just 35% a year ago—said they will push for higher premium contributions by workers, higher deductibles and higher employee copayments.

Regarding other benefits, survey respondents foresaw little major revamping of pension plans and no big changes in paid time off (holidays, vacations, bereavement leave and the like), although a small but growing number indicate a desire to revisit sick leave policies: 12% of respondents said they will try to reduce or eliminate them altogether.

On the other hand, job security was flagged by the survey as a major union concern even last fall, and undoubtedly is of still greater importance today. Roughly a third of the respondents expected to address the issue in their next contract talks, with a slight plurality saying it would seek to scale back or abolish such safeguards. A significant minority (21%) of respondents with

contractual limits on subcontracting also indicated they would try to reduce or eliminate such restrictions in the next round of bargaining.

What's it all mean for union negotiating teams? If they're successful, probably a three-year contract (expected by 64% of the respondents), although a bit more than a quarter of the respondents will be looking for longer pacts. If they're not and local members hit the streets, just a faint whiff of permanent replacements is in the air: while only 19% of the surveyed employers would flatly rule out using replacements during a strike, more than half think use of replacements is "not very likely" (31%) or only "somewhat likely."

Then again, there's that nasty 25% who signaled that striker replacement would be "very likely"—probably the same hard-core group that would like to eliminate those pesky limits on subcontracting.

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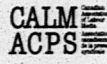
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DAYBOOK

- Great Lakes Dist. Council,
March 10-11, Erie, PA
- TNG-CWA Exec Meeting,
April 22-24, Washington DC
- CWA Legislative-Political
Conference, April 22-25,
Washington DC
- Heywood Broun Luncheon,
April 24, Nat'l Press Club
- TNG Canada Rep. Council,
April 28-29, Kingston, ON
- CWA Nat'l Women's Conf.,
May 9-12, Las Vegas
- TNG Sector Conference,
July 5-7, Minneapolis
- Annual CWA Convention,
July 9-10, Minneapolis
- CLUW Biennial Convention,
Oct. 4-7, Las Vegas
- AFL-CIO Biennial Convention,
Oct. 22-25, Miami

FROM THE MORGUE

Fifty years ago this month:

A sample issue of a daily labor newspaper, the National Reporter, is published in Pittsburgh; its 10 pages are assembled by volunteer editors and a nationwide network of correspondents under the supervision of the Guild's executive vice president, Sam Eubanks. . . . The first tentative steps are taken toward forming a new world federation of journalists' organizations, supplanting the Prague-based International Organization of Journalists, widely viewed as a front for the Soviet bloc. . . . Right-wing Congressman Richard Vail introduces a bill "to deny the benefits of the national labor relations act" to newspaper employees.

Twenty-five years ago this month:

TNG's ranks are sharply divided over the executive board's constitutional interpretation invalidating charges against members who crossed picket lines at the Washington Post. . . . A Guild Reporter editorial laments one thing made "perfectly clear" by Watergate: "Election-campaign financing in the United States is a national disgrace—a giant ripoff." . . . Thirteen St. Louis Guild members receive 25-year membership pins.

Ten years ago this month:

A 19-month struggle at the bargaining table finally yields a first contract at the L.A. Daily News, raising wages an average \$52 a week. . . . New York Daily News management and nine unions on strike against the paper since October accept a mediation offer from William Usery, a former U.S. labor secretary. . . . Ballots go out to more than 29,000 Guild members on a proposal that union conventions be held biennially instead of annually.