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NLRB expands definition of supervisor

By Mark Gruenberg
PAA Staff Writer

WASHINGTON (PAA)—By a 3-2 vote along party lines, the five-appointee majority on the National Labor Relations Board expanded the definition of supervisor to include millions of workers out from under labor law coverage.

A ruling in the so-called Kentucky River cases, announced Oct. 5, were widely awaited as the board’s management battle with the AFL-CIO led a protest march to the board’s offices earlier this year, urging its members not to deprive workers—union and non-union—of their labor law rights.

President John J. Sweeney and other leaders blasted the rulings, while the California Nurses Association said 30,000 of its members had signed strike authorization cards should their hospitals try to impose the rulings on them, stripping their right to unionize and declaring them supervisors.

"While the Supreme Court [Kentucky River] decision cracks open the door to a redefinition of who is a supervisor, the decision by the NLRB virtually kicks it in," Sweeney said of the main ruling, the board Inc. v. UAW.

Quoting the two dissenting NLRB members, Sweeney added that the Bush-named majority’s rulings “threaten to create a new class of workers under labor law: workers who have neither the genuine prerogatives of management nor the statutory rights of ordinary employees. In that category may fall most professional workers, and other workers—who by 2012 could number almost 34 million, accounting for 23.3 percent of the workforce.”

David Cohen, an attorney for the AFL-CIO’s Dept. for Professional Employees who worked on the cases, pointed to that number.

"These are unusual times. When they vote this November, they should remember who appointed the people who will make this decision," he added, referring to Bush and the GOP.

Management anticipated a board decision that would define supervisors to include some of the lower-level workers who are part of unions, as well as some professionals. The board majority split the difference, and said charge nurses who are in that role full-time are supervisors, while others only incidentally in it for short periods are not. But it then noted that past rulings said a worker who manages others as little as 10 percent—15 percent of the time is a “supervisor” and not protected by labor law.

The case the board used to expand the definition of supervisor involved the Oakwood Heritage Hospital, of Taylor, Mich., that UAW was trying to organize. Its managers argued the union could not include “charge nurses” who do such things as see to care and direct orders. Oakwood has 12 fulltime charge nurses, but most of its 181 registered nurses also serve as charge nurses on occasion. Oakwood wanted them all to be supervisors. Then there was a union recognition vote at the hospital, but the ballots were impounded until the board could decide the issue.

Had the board ruled all charge nurses are supervisors, it would have opened the door to declaring other lower-level workers as supervisors, according to its AFL-CIO NLRB General Counsel Fred Feinstein.

"The board broadened the category of supervisor by writing new definitions for several terms such as National Labor Relations Act, as amended, by the GOP-passed Taft-Hartley Act, used to define "supervisors." One such new definition was that anyone who assigns other workers to various tasks, and the board’s GOP majority said the duty of assigning had to be more than just intermittent. But the two dissenting board members said the board left the words so open that any group any person gives an assignment to another at any time could be considered a supervisor. This "threatens to sweep almost all staff nurses outside the [National Labor Relations Act’s] protection," the dissenters said.

The second definition the board majority broadened said a supervisor was a worker with the duty to responsibly direct others. That means, in plain English, the worker who direct ed the others could be held responsible for their actions.

The third expanded definition said more workers who exercise "independent judgment" on the job are now supervisors and thus outside labor law. It was that definition that would throw most professionals out from under the coverage, according to the Dept. for Professional Employees President Paul Almeida.

"Almost any professional and technical employee, explained that in many professions, including his own and construction, even lower-level workers often instruct and monitor apprentices and first-timers. Under the third expanded definition, they’re now supervisors.

Bush Backs Down on Workplace Rules for Homeland Security

The Bush administration has backed down—for now—in its ongoing attempt to gut the workplace rights of 160,000 fed eral workers in the Department of Homeland Security (DHS).

Bush had announced it would not appeal to the U.S. Supreme Court a ruling in June by the U.S. Court of Appeals that threat ened the new workplace rules.

"This is the smartest thing DHS has done in quite some time," said AFGE Counsel Mark Roth. "DHS management was in a battle they knew they couldn’t win. The decision not to appeal was the right thing to do. The court agreement asset tively, for DHS employees."

The appeals court said the new Homeland Security personnel system unilaterally imposed on the workers last year by the Bush administration not only defines the well-understood meaning of collective bargaining, it also defines common sense.

The appeal court judges also noted the new personnel system “does not even give the illusion of collective bargaining” and that part of it “are simply bizarre.”

The Homeland Security rules are just part of a Bush administration move to revamp rules for the entire federal workforce. Federal judges, as well as a number of workers, have challenged other federal agency rules issued by the Bush administration, and have stopped the rules from being enforced. Federal workers have warned the new rules by gutting pay, eliminating bargaining rights, rendering whistleblower protections and backing millions of dollars.

The Bush administration also has moved to impose similar rules, known as the National Security Personnel System (NSPS), on more than 700,000 Defense Department workers. Those rules were blocked by a federal judge earlier this year after a coalition of federal workers—United DoD Workers Coalition—filed a law suit. The Defense Department has appealed that ruling.

"We are confident that DoD ultimately intends to follow DHS precedent," both Roth added. "The NSPS rulings thus far have gone the way of the DHS rulings, so DoD would be smart to hold off.”

Mike Hall, AFL-CIO

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DISPATCHER

October 2006

The DISPATCHER

ILWU JOINS MARCH AGAINST KOREA-U.S. TRADE DEAL

Blue Diamond Organizing Committee members Leza Almanza and Ann Hurbut joined South Korean sisters in carrying one of the lead banners at the Seattle march against the Korea-U.S. Free Trade Agreement (KORUS-FTA) Sept. 6. Talks on the KORUS-FTA opened in Washington, D.C. in June and continued in Seoul in July, dogged by spirited demonstrations in both cities. The U.S. Trade Representative tried to keep the site of the third round secret as long as possible, but that didn’t squelch the protests. The opening march and rally Sept. 6 kicked off a four-day whirl of pickets and marches, educational and social events, capped by civil disobedience on the last day. Day by day and minute by minute, the actions rolled.

"You don’t pause," Almanza said. "While we were running we were yelling, Down, down, FTAA! You’d be yelling while you lay down in the street for a minute, then you’d get up and walked, chanting and yelling. You were exhausted, but it was exhilarating."

The Koreans sent a 75-person delegation to Seattle, made up mostly of members of unions, farmers’ and women’s groups. About 750 U.S. labor and community activists joined them in the streets for the opening rally Sept. 6, including about 250 members of ILWU locals 4, 5, 8, 9, 23, 52 and the IBU.

"People ask why the ILWU opposes free trade when it makes more work for us," Local 23 President Conrad Spell said. "We don’t oppose trade, but it has to be responsible. The agreements have to include workers’ rights, human rights and environmental protection."

Blue Diamond Growers shows why. Sacramento-based Blue Diamond runs the world’s largest almond processing plant. It has responded to its workers’ efforts to join ILWU warehouse Local 17 with a nasty anti-union campaign. The National Labor Relations Board found it guilty of more than 20 labor law violations. And while it fought the right to organize, Blue Diamond asked for special treatment under KORUS-FTA. It asked that duties on almonds imported into Korea be dropped.

At the end of the Sept. 6, march and rally, about 30 South Korean delegates and 25 members of the ILWU family called on a Seattle customer of Blue Diamond, locally owned Fran’s Chocolates.

"We couldn’t all fit in their small office," Almanza said. "We asked for the manager. He came out in a hairnet like he just came off the factory floor, eyes wide, looking scared." After hearing their story, he agreed to send a letter to Blue Diamond asking it to sign a neutrality agreement with the ILWU.

Mary Reen

Published monthly except for a combined July/August issue, for $5.00, $10 non-members, $500 to Dept. for Professional Employees. The DSPA welcomes letters, photos and other submissions to the above address. © ILWU, 2005.
Sailors get back pay, flights home

October 2006

Solidarity wins Endless struggle

By Steve Stallone

W

e Stefan-Mueller-Dombois boarded the break bulk cargo vessel, the Endless, in the Port of Long Beach on Labor Day, Sept. 6, he didn’t know why the crew had summoned his presence. But as soon as he, and the vessel’s captain he knew this case would be different from any other he’d known in his time as the Southern California Inspector for the International Transport Workers Federation (ITF).

As the Endless had approached Long Beach’s Pier G212 to pick up a load of petroleum coke to take to Japan, the crew had text messaged the ITF inspector in the Puget Sound, Lila Smith, who had checked their ship and gained their trust the last time it had called on Seattle. The message simply asked Smith to have the Southern California inspector come down. Smith forwarded it to Mueller-Dombois.

Like most of the ships Mueller-Dombois inspects, the Endless was a Flag of Convenience vessel, owned by a Greek company, crewed by Filipino sailors and flying a Panamanian flag to avoid tax, environmental and labor regulations. But unlike many such ships, the Endless’ quarters, food supplies and safety equipment were all in good condition.

“This was a group of real professional sailors who took pride in their ship, and the vessel seemed honest,” Mueller-Dombois said.

This time the ship had other complaints. They had been aboard the ship much longer than usual, most of them two to three years. The captain, chief officer and chief engineer had been there 18, 20 and 21 months respectively.

“Top officers are never on a vessel as long as that,” Mueller-Dombois said. “This was a group of real professional sailors who took pride in their ship, and the vessel seemed honest.”

The sailors had made requests to get their money, and the company, ironically named “Sea Justice,” kept telling them it couldn’t find replacements and made them stay. Besides, they had been being seriously underpaid. The discrepancy was between what they were supposed to be paid under their standard ITF contract and what they were getting based on a personal contract the manning agent in the Philippines required them to sign to get the job.

The crew knew they were being paid less than half what they deserved, but conditions on board were good—so they put up with it. But then the Greek owners—in an attempt to squeeze more money out of the Japanese company that was to get the petroleum coke—wanted them to lie about an equipment failure on the ship causing delays.

“That was the flash point,” Mueller-Dombois said. “They were basically honest guys. It was bad enough they were being cheated out of their wages, but now they were being forced to lie too.”

The crew gave Mueller-Dombois the “double booking” pay records and he tabulated what they were owed. Including overtime and penalties it came to $327,000. After meeting with the crew and realizing they were solid and determined—17 of the 18 crew members including the officers were ready to act—Mueller-Dombois made his initial claim to the Greek owners.

The following day, Tuesday, Mueller-Dombois discussed the situation with his boss, West Coast ITF Coordinator Jeff Engels, and the ITF London office, devising a game plan. The next day, Capt. Stephanos Granporane of the Port Captain for Sea Justice, arrived along with local attorney Frank Bruculeri and some private security guards. Seeing that the physical and psychological intimidation these officers were doing not intimidate the sailors. Nonetheless, that night Capt. Granporane and Bruculeri began threatening the crew, telling them there would be repercussions when they got home, that they would be blacklisted and never work again, and that they would get sued for the ship’s losses while stuck in port.

Thursday Mueller-Dombois made preparations, meeting with Local 13 Vice President Kevin Schroeder and the local’s BAs, whose unflinching solidarity proved invaluable as the days wore on. Mueller-Dombois continued consulting with Engels and ILWU Director of International Affairs Ray Familite, the former West Coast ITF coordinator. The International officers in San Francisco offered legal and press relations assistance.

That afternoon the nastiness began in full force when Mueller-Dombois confronted Bruculeri about his attempts to intimidate the crew. Bruculeri got up in Mueller-Dombois’ face and ordered him off the ship. But Mueller-Dombois stood his ground—he was not going to abandon the sailors who were standing up for their rights.

Mueller-Dombois, the crew and the ITF London office consulted and decided to give the company until 6 p.m. to provide a written guarantee to pay the crew, fly them home and give them indemnity against being sued, or they would strike. As the crew prepared picket signs, Granporane and Bruculeri refused to agree.

Mueller-Dombois kept trying to take the discussion away from the ITF and personal contracts and back to the document an arbitration is supposed to be about.

continued on page 8

The Endless crew picks on the vessel.

ILWU longshore Local 13 Vice President Kevin Schroeder (second from right) talks to the Endless crew.

Mueller-Dombois was strong-arming them and they dug in their heels. In reality, the dock’s computer operated conveyor belt was having one of its periodic malfunctions, the timing just helped make Mueller-Dombois seem a more formidable foe.

So at 6 p.m. the crew put up their picket line and the ILWU longshore workers honked it. All loading ceased.

On Friday the company brought in another attorney, Bradley Rose, and Mueller-Dombois called Engels and asked him to fly in to provide back up. In the meantime, with ships backing up in need of unloading the petroleum coke dock, the Pacific Maritime Assn., the longshore employer group, called for an arbitration that afternoon to determine the legality of the picket line. In consultation with ILWU attorney Rob Remar in San Francisco, Mueller-Dombois, Engels and Local 13 Vice President Schroeder prepared their case.

At the arbitration the employer representative, Brian Heeart from K-Line, tried to hang the case on the personal contract the sailors had been forced to sign by to get the job instead of the ITF contract. He claimed the personal agreement was an arbitration at the ship, which he kept referring to as a collective bargaining agreement. The company general counsel, Brian Heeart, tried to hang the case on the personal contract the sailors had been forced to sign by to get the job instead of the ITF contract. He claimed the personal agreement was an arbitration at the ship, which he kept referring to as a collective bargaining agreement. The company general counsel, Brian Heeart, tried to hang the case on the personal contract the sailors had been forced to sign by to get the job instead of the ITF contract. He claimed the personal agreement was an arbitration at the ship, which he kept referring to as a collective bargaining agreement.

IN section 33.1 of the ITF contract it says that if the agreement is breached, the crew has a right to use any means necessary to obtain redress and that’s what they were doing. Schroeder said “That’s a true collective bargaining agreement.”

Schroeder, who presented the case for the union, pointed out that the ITF contract was the real collective bargaining agreement.

"In section 33.1 of the ITF contract it says that if the agreement is breached, the crew has a right to use any means necessary to obtain redress and that’s what they were doing. Schroeder said “That’s a true collective bargaining agreement.”
The most important vote any Member of Congress will ever cast is for majority leader.

Should Republicans cling to their hold on Congress, the foibles will be even more exposed in the budget battle. The Senate Committee on Environment will continue to be chaired by Senator Inhofe, who blindly and completely denies the threat of global warming while conveniently pocketing hundreds of thousands of dollars of campaign contributions from the oil and coal industries. We oppose the Bush administration's efforts to silence every policy discussion in Congress.

Workers across this country, seeing the ever-growing power of mega-corporations, are recognizing the need for union protection. In 2005, independent studies found that 53 percent of nonunion workers would be willing to join a union. Unfortunately, because of fear tactics and intimidation from employers, most employees will not cross the picket line. The most important vote any Member of Congress will ever cast is for majority leader.

The history of Democratic-controlled Congresses shows that they are not afraid to ask questions, regardless of where the answers will take them. The last year that the Democrats controlled the House (1993-1994), the Government Operations Committee held 135 oversight hearings. In the last session, Republicans held just 37, avoiding the tough questions that would shine a bright light on Bush accountability.

Despite their history of failure, the Republicans will not go quietly into the night. They will use their $85 billion giveaway to fund their smear machine will be operating on overdrive to scare the public into re-electing Republicans. Campaigns across the country have acknowledged their intent to go negative—early and often—on their Democratic challengers. There are doors to knock on, phones to call, envelopes to deliver. The Karl Rove Republicans will not go quietly into the night.

THIS IS NOT A FAITH-BASED INITIATIVE, IT LOOKS LIKE!
ILWU achieves major gains in port security bill

T rying to deflect criticism for its lack of action on port security matters before the mid-term election, Congress rushed to pass the Security and Accountability for Every (SAFE) Port Act. The Senate and the House passed two different versions of the bill, requiring a conference committee to hammer out a final version. The Senate version of the bill had major flaws and the union went into action.

On Sept. 29, 2006, the day before Congress was to break and members return home to campaign for the November election, the conference agreed on a final act that President Bush is expected to sign. The ILWU's lobbying efforts were successful and achieved a number of important objectives.

The Senate version contained an amendment sponsored by Sen. Jim DeMint (R-SC) that would codify in law a long list of felony crimes that would disqualify a longshore worker from obtaining a Transportation Worker Identity Credential card (TWIC). The Senate version of the bill also made a simple mistake during a work action. There are other laws that make an employee-related action not related to terrorism and resulting from an employee -employer dispute, but the union was concerned that if two or more individuals got into an altercation in a non-life-threatening protest action during a labor dispute that they would lose their jobs for making a simple mistake during a work action. There are other laws that make an employee -related action not related to terrorism and resulting from an employee -employer dispute from obtaining a Transportation Worker Identity Credential card.

The Senate version had an amendment by Sen. John Kerry (D-MA) that required a port security training program and exercise program for longshore workers. It would also make the union eligible for grant money for such training. The ILWU was able to retain that amendment in the final version.

While it was a mixed bag for the ILWU it was an extremely successful year.

PORT OF SACRAMENTO EXPANSION

In the spring of 2005, after years of declining business and mounting difficulty in the Port of Sacramento itself, the Port Working Group was established. Through meetings between members of longshore Local 18 and warehouse Local 17 further confirmed that immediate action was needed. Informal meetings between the locals continued through the summer and by October of 2005, an advisory group was established by the California Legislature to work with the Port Working Group consisting of, among others, union representatives, community leaders and a coalition of interested parties.

In June 2006 a partnership was established between the Port of Sacramento and the Port of Oakland. The Port of Oakland's management skill and marketing expertise could significantly return the Port of Sacramento back to its once formidable role as a major regional player in the northern California goods movement industry.

As 2006 began, the ILWU faced an uphill battle to have the Port of Sacramento from closure. AB 2839, a bill by Assembly Member Lloyd Doggett (D-Texas) was introduced in the Legislature. The bill would have allowed the City of West Sacramento to take over the port and sell valuable port property to developers. The situation looked grim.

The Port Working Group, under the direction of ILWU Secretary-Treasurer Willie Adams, put together a program combining legislative advocacy and public relations to resist this effort. The group built alliances with other unions, business interests and the local community. By the time the smoke lifted at the end of the 2006 legislative session, it had been successful in amending AB 2839 so that port property necessary to support an expansion could be sold or leased for non-maritime use.

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The next major piece of the puzzle was to ensure dredging the deep water channel that runs between San Francisco Bay and Sacramento. Again the Port Working Group was successful in getting language inserted into the port security infrastructure bond (Proposition 18 on the November ballot), which specifically authorized funding the port's share of the dredging. Also in the bond is millions of dollars earmarked for port expansion, port security and associated highway expansion projects to accommodate the expanded growth in trade.

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This is the second of a three-part series highlighting the recollections of ILWU activists about their contributions to the building of the union in Hawaii. Last month's article focused on Frank Thompson, the union's chief field organizer in the Islands during the great 1944-1946 unionization drive there. In this issue the spotlight is on David E. Thompson, who served as an education director and International representative in Hawaii between 1946 and his death at age 60 in 1979.

Although they shared the same last name, Frank Thompson and Dave Thompson were not related and were very different kinds of people. Frank was a tough field organizer who got his schooling as a teen-age worker in California logging camps. Dave was a University of Hawaii student and a marine lieutenant during WWII. Yet both were thoroughly committed unionists who played important roles in the ILWU's success in Hawaii.

Dave Thompson was originally from Salem, Ore. He first went to Hawaii shortly before WWII. He led a rifle platoon at Iwo Jima (1945), was wounded and lost part of his right leg. Subsequently he became a strong peace advocate.

Thompson recovered his strength, went to work for the ILWU and became a highly innovative union educator. For years he directed Local 142's outstanding adult education and leadership training programs and edited the Hawaii organization's monthly newspaper. The Voice of the ILWU.

Most of Dave Thompson's testimony here deals with the union's struggles between 1946 and 1958. Although known as an educator, it is clear from Thompson's account of those years that he also contributed heavily to the union's early survival.

There is one story involving Thompson and the ILWU's then delegate to the Smith Act. In 1947 Thompson directed Local 142's outstanding adult education and leadership training programs and edited the Hawaii organization's monthly newspaper. The Voice of the ILWU.

The organizers needed people who had a little education and who they felt they could trust. They brought in Dave Thompson to do that Smith Act stuff that his Smith Act indictment would be dropped if he would lead a revolt against the ILWU. What the agents did not know was that before Thompson got in, he was a young union supporter who became a prominent ILWU figure.

Early on he also met Jack Hall, who became the ILWU's famous long-serving regional director in the Islands. I knew a number of other activists before WWII, when I went to school with Jack's wife, Yoshiko. We were campus sympathizers of the labor movement.

I remember marching on the picket lines at Honolulu Rapid Transit when the workers were on strike there, and walking on an organizing picket line at Matson Terminals. I still recall seeing Jack Hall coming into an Inter-Professional Association meeting in Honolulu. The Association was an activist group of some us belonged to. Jack was in from the island of Kauai, where he was a United Agricultural, Packing and Allied Workers of America (UCAPAIA) organizer.

So I knew all these people and had all these friendships when I landed in a hospital at Hawaii in 1946. That was after I got shot up on Iwo Jima. The medical officer in the hospital thought he was going to do me a big favor and ship me out to the U.S. mainland the next morning. I told him that was the last thing I wanted.

So I got a lot of friends here, I desired to stay. So the medical officer picked an excuse for keeping me and did a little preliminary surgery. I got to stick around for about six weeks and see a lot of everybody I knew. Many of my friends were in the military. At some point the ILWU organizing that was going on. The union was short-handed, too.

The organizers needed people who had a little education and who they felt they could trust. They asked me if I would come back and join the work. I told Mr. Goldblatt, the ILWU International secretary-treasurer, was here at the time. He had an understanding that I would come back after I got some additional security on the mainland.

I went to the military hospital at Mare Island in Vallejo, Calif., gained and was put on out-patient treatment for a few months. I was in close touch with the ILWU's San Francisco office, paying lots of attention to the program, and it got International staff involved.

After the fellows from Hawaii left, I stayed on with the International staff working for the research department up to the middle of months. Then, in June 1946, I went to Honolulu. My new title was assistant to the international director. We moved into headquarters at Pier 11.

At Pier 11 we painted signs on all the cubicles we had for various activities. Everybody was a director, including the janitor. He was the called director of sanitation. I worked up to about that director until 1947.

The '47 pineapple strike was a fiasco. We lost Islands-wide bargaining and didn't get it back for four years. Something had to be done to correct the weaknesses that had become apparent. We started organizing all kinds of labor, trying to develop a rank-and-file understanding of the need for solidarity on a territory-wide basis and solidarity between industrial groupings.

We did a lot of talking about the pineapple strike. We wanted the workers to have solidarity on a territory-wide basis and to support a strike. But the sugar workers were smaller. They didn't get to the state until 1959.

The problem was that the pineapple workers had not been properly prepared for a strike or locked out. Most of the attention of the union had gone into the sugar and longshore workers. As a result we were very close to an agreement.

We started with the pineapple workers who had no solidarity with the union. They were encouraged by the employers to cross their picket lines and they did. As our weakness showed up, we called in the entire territorial leadership from all the industries and raised the perspective of saving the pineapple strike by fighting on all fronts. But the sugar leaders said they couldn't do this because their members would not understand why they should support a strike in another industry.

The lesson of this was that we had to get closer to our rank and file and show them that the only way to do any big thing was on a consolidated, territory-wide basis. We were even helping to convince our members to back consolidating our various early locals into one strong

The Hawaiian contingent at the labor education program hosted by the ILWU International in 1946. Thompson was a participant and facilitator. This was his first job with the ILWU after recovering from wounds he sustained at the WWII battle at two Jima. Standing (left to right) Elias Domingo, Leoacadi Baidova, Thomas Yagi. Seated (left to right) K. K. Kam, Yoshikazu Morimoto. Dave Thompson (with cane), Harry Kamoku, Webb Ideue, ILWU International Vice President J. R. (Bob) Robertson.

Dave Thompson, 1969
Island in December 1947 Ignacio announced what Ignacio was doing was wrong and that it would be they could have a union, the only way they could the mainland longshoremen.

the territory-wide delegate convention, which is exactly Filipino guys that understood what had happened stand up to the powerful Big Five corporations we didn't work.

One of the first things I did was call Lou to set up an independent union. At an important meeting in Hilo on the Big Island in December 1947 Ignacio announced what he was going to do. There was bailing out very successfully. Clearly, there was much work to be done.

The period from 1948 to 1951 was one of consolidation and rebuilding on the Big Island. There was a long series of events with the "47 pine strike to over- come. And damage had been done by the "47 Pineapple Revolt," which was a red- baiting movement led by Amos Ignacio, a former Big Island ILWU officer. In 1947-1948 Ignacio tried to assume the ILWU. He wanted to set up an independent union. That vote was a wonderful thing to see, because the guys had figured out for themselves that there wasn't anybody in government that knew what was good for them as well as they did. They believed this rank-and-file stuff we'd been preaching all these years.

When Jack and six others known as the Hawaii Seven were tried in the United States, who had never even heard of the United States, with strong backing from Hall and our union, even the Hawaii Seven trial, Jack Hall's strength as an outlaw took form after U.S. House Un-American Activities Committee hearings were held in Hawaii during 1950. The ILWU was mentioned often in that McCarthy era spectacle. Unfortunately for the employers, they selected a very un-Hawaiian sort of devise—that is, to say, "You can't talk to these people and still be respect- able." It didn't work.

That whole McCarthy era experience developed leaders and members who were self-reliant mor- ally and intellectually, which has served us in good stead in the years since. Certainly the McCarthy period had a blighting effect on the nation as a whole, but it in a sense of fire that hardened the steel in our case.

In that same time frame—1952 to 1958—despite our troubles, we made some great strides. The resolution of the problem of how to protect our membership from the impact of agricultural mechanization was worked out then. The idea was to shrink the work force from the top by making it attractive for people to withdraw from a mechaniz- ing industry.

There were wage gains as well, although the real fight over a big money increase came in 1958, when we struck the sugar industry successfully. Throughout this whole difficult period, too, despite the Hawaii Seven trial, Jack Hall's strength as regional director was remarkable. We were even able to develop wide community understanding of what we were fighting for dur- ing the '58 strike. We had great strike organiza- tion after 12 or so years of unionism, and we had a lasting change in our relationship to the community. Finally, we felt, we'd broken out of the wall that the bigots had tried to build around us. Since the mid-1940s, too, there has been a con- tinuing process of development of an effective two-party system in the Islands. And, of course, it was the ILWU that had made this possible.

There was a lot of intense bun sessions and discussions then.

That probably wouldn't have happened if the union had been split and accompanying anarchy developed in 1949, but the devise of trying to characterize the union as an outlaw took form after U.S. House Un-American Activities Committee hearings were held in Hawaii during 1950. The ILWU was mentioned often in that McCarthy era spectacle. Unfortunately for the employers, they selected a very un-Hawaiian sort of devise—that is, to say, "You can't talk to these people and still be respect- able." It didn't work.

I'm sure that the reason the union was able to withstand all this red-baiting, including the Smith Act trial of 1952 that targeted Jack Hall and others as individuals who supposedly wanted to overthrow the government, was because people knew each other here. You live in a neighborly sort of way in Hawaii and you just can't tell lies about guys like Jack Hall and so many other people as we did and get away with it.

As to the impact of this sort of thing on our rank and file, well, the membership had become insured even to the state apparatus being used against the union. That had been going on a long time. For example, during the '49 strike President Harry Truman sent a personal plea to the Hilo dockers to go back. I remember very vividly because there was such a godforsaken looking little bunch of guys down on the Hilo dock the day we were meeting to consider Truman's request.

Our guys were bare-footed. They had rugged pants. The morale committee was playing ukule- les and guitars and it was real country stuff. And here comes this message from the president of the United States, who had never even heard of the longshoremen in Hilo before. Boy, those guys must have been caught by me that was a real solid vote.

That vote was a wonderful thing to see, because the guys had figured out for themselves that there wasn't anybody in government that knew what was good for them as well as they did. They believed this rank-and-file stuff we'd been preaching all these years.

When Jack and six others known as the Hawaii Seven were tried in the United States, who had never even heard of the United States, with strong backing from Hall and our union, even the Hawaii Seven trial, Jack Hall's strength as an outlaw took form after U.S. House Un-American Activities Committee hearings were held in Hawaii during 1950. The ILWU was mentioned often in that McCarthy era spectacle. Unfortunately for the employers, they selected a very un-Hawaiian sort of devise—that is, to say, "You can't talk to these people and still be respect- able." It didn't work.

That whole McCarthy era experience developed leaders and members who were self-reliant mor- ally and intellectually, which has served us in good stead in the years since. Certainly the McCarthy period had a blighting effect on the nation as a whole, but it in a sense of fire that hardened the steel in our case.

In that same time frame—1952 to 1958—despite our troubles, we made some great strides. The resolution of the problem of how to protect our membership from the impact of agricultural mechanization was worked out then. The idea was to shrink the work force from the top by making it attractive for people to withdraw from a mechaniz- ing industry.

There were wage gains as well, although the real fight over a big money increase came in 1958, when we struck the sugar industry successfully. Throughout this whole difficult period, too, despite the Hawaii Seven trial, Jack Hall's strength as regional director was remarkable. We were even able to develop wide community understanding of what we were fighting for dur- ing the '58 strike. We had great strike organiza- tion after 12 or so years of unionism, and we had a lasting change in our relationship to the community. Finally, we felt, we'd broken out of the wall that the bigots had tried to build around us. Since the mid-1940s, too, there has been a con- tinuing process of development of an effective two-party system in the Islands. And, of course, it was the ILWU that had made this possible.

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...
Endless continued from page 3

"I told him the only contract we needed to discuss is the longshore contract and whether we met the three criteria for a bona fide strike," he said.

Nonetheless, at this, Muduo's first intervention, he began to assure the ILWU and instructed the crew to restart loading. Immediately Schroeder filed for an appeal, knowing he had documents coming from the London ITF office showing extensive case law precedents that the ITF contract trumped the personal ones. Muduo got off another attempt for the longshore workers to call a meeting on safety concerns and the employers did not offer labor from the dispatch hall anyway.

Friday night proved long and eventful in its own right. Familathe arrived and met with Mueller-Dombois to plan their next moves in the strike. The next day, as the sun was setting, a company security guard came up the gangway with a pistol. When the longshore workers threatened to shut down the entire terminal as unsafe, the guard relented, left the ship and returned without the gun.

The International Vice President of the ILWU, Zacharias Starnatakis, tried to hold another captive audience meeting of the remaining workers with the crew, but they had no more threats. He told the sailors that if they didn't end the strike, the company would not fire the workers. They were told they had to abandon them in Long Beach with no money. Engels crashed the gathering and, in a time of great pressure, was impressed that through the whole campaign and mobilization, the crew remained unfazed.

"They just sat there silent,Engels said. "The company represented its interests in the right way, with class, in a way that would allow the crew on strike, it couldn't meet minimum manning regulations.

Saturday was another day full of threats and bad faith bargaining as the company tried to intimidating the crew to go home. The crew finally voted the offer down. The inspectors then went to the bridge to get Mueller-Dombois' wage calculations. The crew took the offer, but the company would not accept their counter offer to go to the next day he came ashore with them whenever a guard approached. But the sailors intervened, circling them whenever a guard approached.

"The crew became an organization," Engels said. "They didn't have to talk and everyone knew. Everyone knew when they were smart. It was like a union. Everyone was united. Everyone had the power. You have to deal with us."

Engels and Mueller-Dombois maintained an all-night vigil at the gangway and late that night had to fend off another attempt by the guards to forcefully remove them. But the sailors intervened, circling them whenever a guard approached. The TV cameras set up outside the terminal showed the guards to forcefully remove them. Back on board the ship the crew was not giving up. They continued trying to break the crew's solidarity, making individual threats and offering deals.

At 3:30 p.m. a host of police cars, guards and attorneys appeared at the gangway with an undisclosed sum of money. Rose finally offered a written counteroffer to the company. Everyone was hyper-sensitive to one another. The next morning the two ITF inspectors told the crew they would get the promised counter offer. Once again they were met with abusive language, elusively bargains and more stalling tactics. Meanwhile, newly elected ILWU National Secretary Joe Radsich, along with Schroeder and Familathe, was preparing to hold a press conference at the terminal at 3 p.m.

Engels moved to the door. Mueller-Dombois started a chant and the crew picked it up.

The demands thunded and echoed in the wheelhouse, and Rose, burnt from days of stress and little sleep, was ballasted. The crew filed out and, just as the last one exited, the chant ended with a definitive and defiant "Now!"

"It was like a Hollywood movie," said Mueller-Dombois. "You couldn't have scripted it better."

"When we walked back up and down the ladder, the guard officers were smiling. They were like a team. It was kinda magical," Engels said. "We were saying, 'We are united. We have the power. You have to deal with us.'"

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Large scale growth continues in the Port of Long Beach as more new facilities come on line and union jobs multiply.

Through loan times the ILWU held on to jurisdiction in small ports with the help of a collective bargaining unit that has maintained a minimum of 10 registered longshore workers at each port. Now, with the decline of the jurisdiction has paid off in jobs for longshore workers and their community in the ports of Everett, Olympia, and Vancouver, Wash. The Port of Everett, located on the mouth of the Snohomish River about 40 miles north of Seattle, recently activated two gantry cranes, hands-down from the Port of Seattle that will bring new container work and additional vessel calls.

The port lost aluminum ore shipping, but has recently found new uses for some aluminum facilities.

“We loaded alumina (ore) out of here for years,” longshore Local 32 President Mark Sullivan said. “We have a machine that sucked out ore out of ship. Now they believe it can suck out cement.”

The Port of Everett signed a 20-year contract with Lehigh Northwest Cement to lease the 120-foot high dome that formerly held alumina. The facility will directly employ 35 people and create 100 jobs for tug operators, truck drivers and longshore workers when the dome was last moth-balled according to the port.

The port also signed agreements in April with two shipping lines to take backhaul loads, including large-scale equipment to Russia and empty containers to Japan.

“We’re booming, compared to four or five years ago,” Sullivan said. “We came away close to the 10-man limit. We were able to increase causal hours to get to six B registrations, added 12. Now we have 18 or so B registrants and are looking at up to 30 people in five years. We have even have hang time.”

The Port of Olympia, on Budd Inlet, 30 miles south of Puget Sound, was once a major log port. Back in 1970, longshore Local 47 worked to unload a million tons of cargo, 98 percent of it wood. Now timber dredged up and the port fell on hard times.

But the port refused to die. Longshore workers worked with the port to diversify cargo options and lobbied union-issued Washington U.S. Senators Maria Cantwell (D) and Patty Murray (D), plus U.S. Representatives Adam Smith (D-WA) and Brian Baird (D-WA). Last year, with their help, Congress appropriated $32 million to improve rail service at the port that will reduce congestion along Interstate 5 and nearly double the port’s cargo processing capacity. Longshore workers will discharge containers directly to rail cars, and the port is studying increased barge loading facilities.

Last July the port signed a deal with the Port of Tacoma to lease a 745-acre site near Olympia that Tacoma had recently bought to set up a logistics center to handle cargo overloads and transfer cargo to trains and trucks. The two ports will share in the cost of the facilities.

“We just finished on dock rail for terminals and, in phase two, we will increase our rail car storage capacity,” Local 47 Secretary-Treasurer Robert Rose said. “We are paving the berths and we will have a new log carrier.”

Local 6 organizes recyclers and builds area standards

by Tom Price

Washington small ports growing

WILMINGTON—ILWU longshore workers and pensioners marched by the hundreds in the 27th annual Harbor Area Labor Solidarity March and Rally.

“This is our day, to celebrate workers,” longshore Local 13 President Mark Mendoza said.

“Members of the ILWU longshore Local 10 Drill Team gave a special pre-march performance in front of the Local 13 Dispatch Hall. Later, Mendoza and former’s Local 94 President Danny Miranda gave Drill Team founder Josiah Williams a plaque on behalf of Locals 13, 63 and 94 to commemorate the 40th anniversary of the group’s first public performance. The Drill Team, formed in 1965, marched for the first time in a solidarity parade down San Francisco’s Market Street when Cesar Chavez and 1,000 farm workers came through the city, as part of the UFW founder’s legendary 40-mile Delano-to-Sacramento march.

The annual Harbor Area march and rally drew participants from Los Angeles and Orange Counties and more than 40 labor organizations. Thousands of area residents lined the 1.7 mile route to watch the parade, led by Local 13. At the subsequent rally, ILWU Coast Committeeman Ray Ortiz, Jr. told workers “to get ready to rumble” for the November election. —Bill Ortiz

Supporting laws requiring contractors to pay the “prevailing wage” in recycling have gone with county and city contracts. If enough of the industry is organized, this can mean the union wage becomes the standard. But the recycling industry has a long way to go.

“Non-union workers in the industry now make minimum wage or worse,” Pecker said. “At one place the ILWU was organizing workers lived in the scrap yard in plywood shacks covered with plastic sheeting—and their boss charged rent on the sheds.”

I wish every organizing drive was that organized and one,” Alarcon said. “It makes a big difference having a strong, well-established union that feels political pressure. We would run across more of these challenges and stay and remain political.”

While this is a big step up for one group of workers, others still need a union.

“Public policy mandates recycling, but non-union workers in the industry get treated like the garbage they sort,” Pecker said.
**PCPA holds 39th Convention in Tacoma**

**By Arne Auvinen**

The ILWU Pacific Coast Pensioners Association held its 39th Convention and Pre-Conference Executive Board meeting Sept. 17-20 in Tacoma, Wash., at the Tacoma Sheraton Hotel, a gathering attended by 196 members and guests. Tacoma Mayor Bill Baarsma welcomed the delegates to Tacoma and complimented Local 23 for its efforts in making the Port of Tacoma the success it is today. He also praised the U.S. Representative Adam Smith (D-WA) who gave the delegates a report on how difficult it is to get anything done in Congress with the Republicans in control. He congratulated the ILWU for what they have done to make sure working people get decent wages and benefits.

“We need a lot more people like you,” he said.

Smith went on to criticize the Republicans for policies that only benefit 10 percent of the people who control all the money, while everyone else is seeing their health care disappear, pensions disappear and wages go down.

“All this has not happened by accident,” he said.

Guest speakers included ILWU International Secretary-Treasurer Willie Adams, newly elected International Vice President, Mainland Joe Radich and newly elected Coast Committeeman Leal Sundet.

Adams also criticized Bush’s policies on taxes, health care and Social Security.

“Politics in this country have ignored reality for six years,” Adams said. “My question is to you is, now that the party is over, how bad will the hangover be?”

Adams went on to urge everyone to get out the vote for the Democrats.

All three officers expressed the need for the pensioners’ continued participation in the union. In their remarks they asked pensioners to commit themselves in a new effort to take a more active part in politics and other social causes, to attend union meetings and help new members learn about the history of the union and the labor movement.

The Convention elected former International Vice President Rich Austin as the new president of the PCPA. Austin rallied against the current political situation where the rich don’t have the same concerns with health care, pensions, housing and education that working people do. He created a resolution opposing the disbanding of the party and giving them good reason to do so.

Austin went on to list the four priorities of the organization:

1. build the membership of the PCPA
2. get out into our communities and follow the ILWU programs and policies. Elect Democrats so we can have people friendly to labor in leadership roles in Congress.
3. Let the International Officers know the PCPA is ready, willing and able to participate in the way it can and its members are willing to go to union membership meetings and teach the history of the ILWU to the younger people.
4. Work with the International Officers as they request petition the AFL-CIO and other labor organizations to take the kind of action that the heritage of organized labor requires, that is to fight for social justice.

**Resolution #1**

Be it resolved: The PCPA find a way to get voluntary donations from clubs, locals and individuals for the financial support of the Harry Bridges Center for Labor Studies Discretionary Fund and the Harry Bridges Institute.

**Resolution #2**

A PCPA pensioner is a member of the Education Committee.

Therefore be it resolved: The Pacific Coast Pensioners Association offers its further assistance to the International, to the Education Committee and to the Education Committee as they work to inform the membership about the history of the ILWU, its phases of development, and its programs and policies.

And be it further resolved: We offer the PCPA the opportunity to present membership meetings when requested to do so in order to present educational programs that are desired by the International Union, and look forward to continuing to assist in developing such valuable programs.

Officers and committeemen elected for the coming year are:

- President, Richard Austin, Everett
- Vice President, Joe Lucans, San Francisco
- Secretary, Arne Auvinen, Port Angeles
- Recording Secretary, Ray Arvime, Westport
- Treasurer, Barbara Lewis, Columbia River

**Executive Board:**

- Ian Kennedy—Seattle Pensioners
- Darryl Hedman—Tacoma Pensioners
- Ken Swicker—Longview Pensioners
- James Davis—Local 12 Pensioners
- Don Birrer—Columbia River Pensioners
- Cleeophas Williams—S.F. Bay Area Pensioners
- Michael Mullan—Eureka Pensioners
- Lou Lovernig—Southern California Pensioners
- Leonard Meneghelli—Vancouver B.C. Pensioners
- Rich Austin—Coast Benefits Committee
- Al Perisho—Coast Education Committee

On Sunday all delegates and guests enjoyed a seafood barbecue and an evening of dancing at Local 23’s hall. The food and music were provided by Local 23. Monday afternoon delegates had a choice of either visiting Lernays Antique Car Museum or a trip to a local casino. Tuesday evening was the traditional banquet and dancing to social causes. Monday night was a special treat for the delegates to the Jesse and Lois Stranahan Award. The annual award is given to a union activist or a pensioner who has been particularly active in serving the ILWU pension fund to the ILWU. This year it was given to John and Emma Ely and to Arne Auvinen for their many years of dedicated activism.

The Executive Board meeting and Convention was dedicated to the memory of Joe Jakovac, Southwest Oregon Pensioners and Paul McCabe, Seattle Pensioners. These two Brothers were both dedicated union activists and members of the ILWU.

The next PCPA Convention will be held in San Pedro, Calif. Sept. 17-19, 2007.

**THE CONVENTION ADOPTED THE FOLLOWING RESOLUTIONS:**

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Elias “Dutch” Schultz, Local 19 retiree and Spanish War vet

By Tom Price

Many in the ILWU family remember Elias “Dutch” Schultz as the guy who told stories at Bloody Thursday picnics about the Spanish Civil War and the old days of longshore.

But Schultz left behind a much deeper story when he died Aug. 29 at age 96—an eight-decade legacy of deep involvement in the longshore Local 19 retirees, Schultz joined 2,800 other longshoremen in a picture frame factory. In order to make money, he started working as a longshoreman in New York shortly after high school.

“On the docks he had a very interesting history,” Schultz’s friend and fellow Spanish Civil War vet Abe Osheroff told The Dispatcher. “He was the subject of silent and sometimes open anti-Semitism. But this little guy stood up to them, just dealt with it very directly and won their respect, not just acceptance, of the guys on the docks.”

Like a large number of longshoremen, Schultz joined 2,800 other Americans in the Abraham Lincoln Brigade to fight fascism in Spain during that country’s revolutionary civil war between 1936 and 1939. In all, about 40,000 volunteers, including 1,250 Canadians, went to Spain in the unsuccessful attempt at stopping fascism.

Schultz served Spain and joined the Army when the WWII broke out. He served in the 87th Mountain Infantry Brigade of the 10th Division, and in the Aleutians, where he received the Purple Heart for his wounds. The 57th then sailed for Europe to liberate Italy. His unit was among the first to cross the Po River in 1945, one of the last acts of the destruction of Nazism and Fascism in Italy.

Schultz also served on the Local 19 Executive Board and was active in the printers’ club.

“Other than being a wonderful friend and a caring person, he was a person who lived his ideals, didn’t compromise his convictions or political beliefs otherwise,” Nelson said. “He was one of the truly dedicated people to progressive causes.”

He had very little formal education, at the same time he possessed an enormous amount of wisdom that came from life experience, Osheroff said.

“He was one of the very few working class artists,” Osheroff said. “There are guys who are poor artists, but Dutch was a working class guy, he worked, not only on the docks, but when he retired he worked every day on his wood sculpture.

“Wood is a very hard material to do sculpture. They come out kind of ‘wooden’ and occasionally too solid. He was able on occasion to make wood almost fly, or gently flow.”

In his sculptures, he portrayed social themes, including a statue of a longshoreman shot in the 1934 strike, dying in the arms of his mates. Among thousands of other sculptures, he did one of his comrades killed in Spain and another of a man holding a kestor loosely in his hand, just as it flies off.

“I love birds and hate to see them tied up or trapped, just like I hate to see people trapped,” Schultz said in his lifetime. He was elected to the ILWU’s Executive Board in 1995 until he retired in 1998. He was elected to one term as secretary of Local 19 in 1975.

After retiring, he served as Recording Secretary of the ILWU, Local 19. During the Korean War, Castle was active in the anti-war movement, as editor of the Rusty Hook, the news-letter for Seattle’s retired longshore workers, from 1995 until, at age 89, he felt it was time to step down.

Castle will be remembered for his feisty courage, his warm sense of humor and the intellectual companionship and challenge he provided for so many of his friends. He is survived by his daughters and one granddaughter.

Del Castle departes

By Art Mink

Born Oct. 22, 1915 in Spokane, Wash., Del Castle died on Sept. 12, 2006 after 90 eventful years and of it working for the rights of working people as a union activist. Castle graduated from the Broadview High School in Seattle and the University of Washington. Despite his heavy workload he turned to blue collar jobs, working in lumber mills, railroad yards, steel mills, shipyards and longshore.

In the 1930s he first became involved in union organizing, participating in strikes with the Sawmill and Timber Workers Union and with the early farm workers union. In 1937, as co-chair of the King County Workers Alliance, he helped organize a two-week occupation of the King County Council chambers by hundreds of the unemployed seeking benefits. In 1942, he was elected secretary of the Shipwreck’s Union. After WWII, he organized lumber workers

Secretary-Treasurers Conference

Dear Brothers and Sisters:

I am pleased to announce the fourth training program for local union financial officers, known as the Secretary-Treasurers Conference. We have scheduled the five day event for January 29-February 2, 2007, in San Diego, California on various aspects of financial administration, election rules and record keeping. The program is designed to help ensure ILWU compliance with federal regulations and internal union procedures. Instructors include ILWU legal and fiscal consultants, union staff and local officers.

Subjects to be covered include:

• Reporting requirements of the Labor Management Reporting and Disclosure Act (LMRDA)
• Reporting to the International Union
• Fiduciary responsibilities of the local union and its officers
• Bookkeeping procedures
• Appropriate union expenditures
• Bonding requirements
• Role of trustees
• Local union election procedures and regulations
• Records management and retention schedules
• Understanding and conducting an audit
• Fiscal guidelines for political action funds and committees

Each mainland local and affiliate is invited to send two participants: its secretary-treasurer (or other officer in charge of finances and record keeping) and the office manager or clerical employee who fills out and maintains the union’s financial and administrative records. Depending on the number of official participants, space may be available for a limited number of trustees selected by their local union.

The conference will be held at the Cathedral Hill Hotel. The International will cover hotel accommodations (based on double occupancy for the nights of January 29-February 1). This means individuals willing to share a room with another participant will have no hotel costs. Complete information, including the program registration form, is available at the ILWU website: http://www.ilwu.org/education/Sec-Treas/2007/index.cfm. If you have any questions, please contact me or ILWU Education Director Gene Vrana here at International headquarters.

In solidarity,

William Adams, Secretary-Treasurer
BOOKS:

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NOTE: TWO IMPORTANT BOOKS ARE NO LONGER AVAILABLE TO THE ILWU LIBRARY AT A SIGNIFICANT DISCOUNT, BUT MAY BE PURCHASED FROM BOOKSTORES, INCLUDING THE ILWU LOCAL 5 WEBSITE (powerilunion.com).

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