

The Workers' Advocate

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COMBAT THE GROWING FASCISM OF THE CARTER ADMINISTRATION!

DOWN WITH "LABOR REFORM ACT OF 1977": Repression of the Workers' Movement by the "Friends of Labor"!

It is a curious fact that at the present time, under the Carter administration, every new attack on the working class is announced as a great victory for labor. Such is the case with Carter's so-called "Labor Reform Act". Carter and the other self-proclaimed "friends of labor", along with the labor traitors like George Meany of the AFL-CIO and Douglas Fraser of the UAW, make lying claims that this law will make it possible for the working class to use the government bureaucracy to help it carry through the organizing of the unorganized workers. When the bill was passed in the House of Representatives on October 6 (it will be voted on in the Senate early in 1978), it was hailed far and wide as a "major victory" and a "political comeback for labor forces". But this is all lying propaganda, political deception, meant to hoodwink the working class and "restore confidence" in the capitalist government. In fact

this bill, as amended and passed in the House:

- 1) does nothing to repeal any section of the fascist Taft-Hartley Act or any other anti-labor law;
- 2) strengthens existing anti-labor laws and provides for a series of exceptionally severe regulations against the workers' movement, including forcing unions to pay double back-pay to any scab for every day he is unable to cross a picket line, forcing unions to allow employers to send representatives (labor spies) to union meetings, outlawing roving (stranger) pickets and wildcat strikes, prohibiting even talking about striking to a worker covered by a contract with either a written or an "implied" (!) no-strike clause, etc.;
- 3) enlarges and streamlines the government's administrative apparatus so that the capitalist government can more quickly and flexibly suppress the workers' movement; and

4) grants a small number of minor "reforms", all of which are on minor matters and are subject to innumerable exceptions, qualifications and interpretations by the government bureaucracy.

The "Democrats" and the top labor hacks are trying to prettify the "Labor Reform Act" as a "reform". But it is actually part of the growing fascism in the U.S. It is nothing but a new and more severe Taft-Hartley Act. Carter and the Democrats are the monopoly capitalists' main tool for the deception of the workers and the oppressed nationalities. The "Democrats" present themselves as the "party of the workers and the minorities". They blame all life's evils on the Republicans, who are more open in their role as reactionary tools of monopoly capitalism. But today, with a "Democratic" President and big "Democratic" majorities in both houses of Congress, the millennium has not arrived, the promised "recovery" from the economic crisis is nowhere in sight, and there is no change from the Ford-Nixon administration. No, there is change -- Carter is pushing through fascist legislation that is worse than the original models of these bills proposed by Nixon. These fascist bills will intensify the class war in the U.S. to the extreme. Now is the time for all the oppressed masses to throw away illusions and prepare for struggle!

is not even written down but just "implied".

The workers resort to wildcat strikes because their official strikes are outlawed and the trade union channels blocked. The capitalists block the trade union channels by use of both fascist labor laws and also by their labor lieutenants, the top trade union hacks. The capitalists not only suppress strikes directly with scabs, troops and injunctions, they also use the top trade union hacks to sell out and destroy the struggles from within. Despite these vile maneuvers of the capitalists and the labor traitors, the workers have never resigned themselves to being slaves to the monopoly capitalist dictators. The workers' movement is breaking out into a number of mass struggles. The giant is stirring, breaking the puny legal shackles and sending its false friends running. When the official trade union channels have been closed, the workers' struggles have not stopped but have broken through into wildcat strikes and other forms of struggle. This is sending the capitalists into a panic.

An example of this is the struggle in the coal fields. Every major struggle of the coal miners is attacked through injunctions, fines and jailings of the striking miners. Even to accomplish such an apparently modest goal as to organize one single coal mine, the Blue Diamond Coal Company's Justus Mine in Stearns, Kentucky, the miners are forced to resort to armed struggle. The top trade union bureaucrats like Miller and Boyle before him have collaborated with the capitalists. In the last contract in 1974 Miller sold out the miners' legal right to strike over safety conditions, violations of the contract by the employers, etc. But the miners did not lie down and play dead. With their official trade union channels blocked, they turned to a tremendous number of wildcat strikes. In 1975 and 1976 they even organized national wildcat strikes of 60,000 and 100,000 respectively, demanding that the government and courts stop their repression. With proletarian ingenuity, the miners developed their roving picket movement to organize their movement outside the official trade union channels. The miners' movement is a powerful part of the whole workers' movement and, according to bourgeois statistics, it leads the entire workers' movement in strikes.

The capitalists wish to suppress the coal miners' movement. They tried political deception by replacing the hated aristocrat Tony Boyle with the social-democratic, smooth-talking hack, Miller. But the miners' movement kept surging forward. The Labor Reform Act is especially designed to provide a legal pretext for stepped-up government terror--

Continued on page two; see "LABOR REFORM ACT"

Behind the Lies of the Labor Traitors

ACTUAL PROVISIONS OF THE "LABOR REFORM ACT"

A Bill to Strengthen the Taft-Hartley Act, to Smash Strikes, Further Ban Wildcat Strikes and Roving Pickets, Legalize Labor Spies and Suppress the Coal Miners' Movement

The top labor bureaucrats and big-wigs, men like George Meany, head of the AFL-CIO, and Douglas Fraser, President of the United Auto Workers, are telling the workers the most fantastic fairytales about how the government is going to help the workers organize themselves into unions via the "Labor Reform Act". The official UAW paper *Solidarity* claims that this Act will: "1. Stop the stalling by companies in representation elections... 2. End one-sided election campaigning... 3. Plug up time-consuming loopholes... 4. Take the profits out of violating the act." (July-August, 1977, p. 17). What a dream world! Two pages earlier even *Solidarity* is forced to talk of "...the need for a massive overhaul of the National Labor Relations Act to stop it from being the companies' chief tool to repress the workers". Supposedly the "Labor Reform Act" is that "massive overhaul" which will convert the NLRA from "chief tool" against the workers into pro-labor utopia. The workers are being swamped by a flood of propaganda about how this bill will provide for "immediate re-instatement" of illegally fired workers, stop "unfair labor practices", etc. All these fine words are big lies. These provisions do not occur in the bill, but only in the flood of sugar-coated propaganda. The big labor bureaucrats are hiding the truth about Carter's "Labor Reform Act", which they themselves have written and lobbied through Congress. These labor bureaucrats are nothing but a

bunch of traitors to the working class. They are sugar-coating the growing fascism of the Carter administration in order to make the fascist poison taste good and easy to swallow.

Let us look behind the fine words and fancy talk of the labor traitors at the actual bill itself. The "Labor Reform Act" is HR 8410. We shall deal with this bill as amended and passed in the House of Representatives on Oct. 6, 1977. This form of the bill has been endorsed both by Douglas Fraser of the UAW and by the AFL-CIO convention. The bill is still pending in the Senate. The bill is openly designed to strengthen the government apparatus that hems in the workers from all sides. Even George Meany, a strong sponsor of this bill, admits that "...not a single one of the current restrictions on unions are lifted by the bill. Nor are any new restrictions imposed on employers." What the bill does is, in the bill's own words, "strengthen the remedies and expedite the procedures under such Act (NLRA -- ed.)". As we shall see, that is just what it does. It "strengthens the remedies and expedites the procedures" for suppressing the workers under the Taft-Hartley Act and other existing fascist anti-labor legislation. The Act does provide for the possibility of "immediate" action as the labor traitors say, but they forget one thing -- this is "immediate" action against the workers.

The bill is divided into 12 sections. Below are the Continued on page three; see ACTUAL PROVISIONS

The "Labor Reform Act" Provides for Exceptionally Severe Measures Against the Workers' Movement

In order to provide "labor peace" and turn the entire working class into servile, broken wretches ready to accept any cut in wages and the most dangerous working conditions, the "Labor Reform Act" provides for fascist suppression of the workers' movement. The capitalists want to shift the burden of the economic crisis onto the backs of the workers, and for this reason they are trying to suppress the workers' movement.

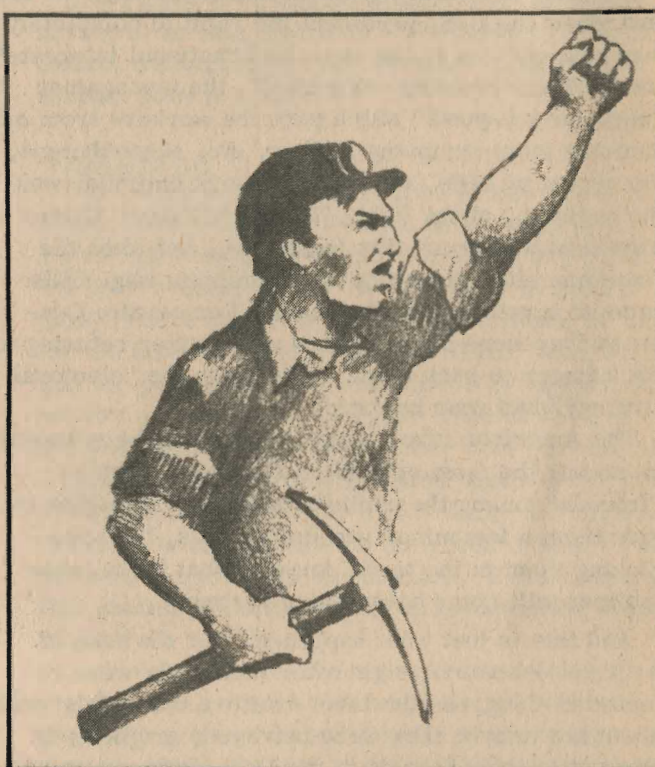
A) The Act outlaws wildcat strikes and roving pickets. In this way the Act seeks to liquidate all the struggles of the workers that take place outside of the government-regulated legal trade unions. The Act seeks to reinforce the hold of the top trade union bureaucrats over the mass of workers. All struggles that begin to break out of the entangling web of the government's rules and regulations are outlawed. The bill even gives the capitalist kangaroo-courts the right to order injunctions, and hence fines and jail sentences, against those who even so much as talk (called "induce or encourage") to another worker about walking off the job where the workers have a contract with a no-strike clause, even if that clause

GLORY TO THE FIGHTING COAL MINERS!

On December 6, 188,000 U.S. coal miners marched off their jobs in a determined strike for a new contract. Their principal demands are the right to strike and the restoration and guarantee of health benefits.

The coal miners' strike is a militant expression of the growing workers' movement which is sweeping the U.S., vigorously fighting the exploitation and oppression by the capitalists. The miners have played a vanguard role in this movement, waging militant struggles such as the 1974 national coal strike, the growing wildcat strikes for the past three years in a row and the present national strike. Under the difficult conditions of winter weather, with funds and savings depleted in the wildcats, facing sabotage and predictions of doom from the scab union bosses of the United Mine Workers and facing blackmail by the capitalist news media, which is claiming that the miners' strike will cause a national energy shortage, the heroic coal miners have marched militantly into battle once again.

Throughout the coal fields, both in the East and the West, the miners have again unleashed the weapon they developed in the wildcats, the roving picket movement, this time to bring out on strike the workers at non-union mines, which now account for nearly 50 per cent of the country's coal production. According to incomplete reports, in the first days of the strike, roving pickets were active in Kentucky, Ohio, Pennsylvania, Indiana, Illinois, West Virginia, Virginia, Tennessee and Utah. In Ohio the workers engaged the capitalist thugs in a gunfight at an unorganized mine. A group of striking miners tried to block Ohio route 93 in Tuscarawas County to stop scabs. Several hundred miners travelled in a car caravan in southern Ohio and eastern Kentucky along the Ohio River to spread the strike. In Indiana a mass picket of 500 miners marched on the non-union mines and the coal-loading docks on the Ohio River, closing them down. State police were called out by the coal capitalists and a fierce clash took place between them and the workers, in which seven workers were arrested. In Lawrence County, Pennsylvania, miners wrecked machinery at a non-union



strip mine. 500 to 600 militant miners were reported active with mass pickets in the area. In Indiana County in that state, roving pickets trapped coal trucks and scabs at two mines. State and local police had to be dispatched by the capitalists to escort the strike-breakers through the picket lines. In Clarion County, Pa., 120 car-loads of miners picketed non-union mines and dumped truck-loads of coal. 800 pickets marched there the next day, smashing equipment of non-union mines and trapping 40 scabs in the headquarters of a non-union coal company until state police came to protect them. The capitalist courts imposed an injunction limiting pickets in Clarion County to three at each mine. In eastern Kentucky, where three-quarters of the coal mined is non-union, mass pickets were active. At the Stearns, Ky., mine of the Blue Diamond Coal Co., where non-union miners have been waging a 17-month strike to organize themselves into the UMW, a roving picket of 200 min-

ers marched on the mine. About 200 miners picketed the Canada Coal Co. in Kimber, Ky., and fired shots at the firm's equipment. A group of 400 miners besieged a non-union mine in Davies County and fought with rocks against deputy sheriffs sent to suppress them. Two policemen were injured and 15 miners arrested. In Utah, part of the vast western fields which the coal monopolies are attempting to open up with non-union labor, the miners waged a fierce struggle against the employers and their governmental apparatus of oppression. The miners burned a bridge leading to a mine, stranding 50 scabs until a road could be cut to get to them. The miners fought the scabs and the employers' agents with rocks. Frightened by the struggle, the coal companies ordered the Governor of Utah to send 90 state troopers to attempt to suppress the miners. When a court order failed to intimidate the miners, the capitalists were forced to close three scab mines during all but daylight hours to avoid clashes with the workers. Miners also blocked trains from entering non-union mines. At least 30 non-union operations were shut down by roving pickets in eastern Tennessee. In the weeks since the strike began, the coal miners have expanded and intensified their roving picket operations, involving as many as 700 armed miners in a single caravan, militantly closing down non-union mining operations throughout the coal fields. The struggle of the miners to close the coal-loading docks handling non-union coal on the Ohio River has escalated to the point that on January 7 800 miners attacked the docks in Indiana with rifles and dynamite. The capitalist police arrested 200 miners.

These powerful mass actions by the miners show the falsity of the cowardly whimpering of Arnold Miller and the UMW bosses that the workers should lie down and beg the employers because "the union is threatened", is "being torn apart", "we are weak", "we are disunited", etc. They show that active mass struggle can stop coal production and defeat the coal capitalists. The powerful coal miners' struggle has thrown the whole capitalist class into a panic. On January 6, the capitalists' gun thugs shot and murder-

ed a picketing coal miner, Mack Lewis of Prestonberg, Ky., a retired miner who was participating in picketing a mine of the Blue Diamond Coal Co. in eastern Kentucky.

The Issues in the Coal Miners' Strike

The coal miners are fighting against being made to bear the burden of the present economic crisis in general and the energy crisis in particular. The monopoly capitalists want to smash the coal miners' movement in order to protect and increase their profits as well as to have a quiet home front and "safe" supply of coal for the war they are preparing against the world's people. The capitalists describe these evil aims of theirs as "the national interest" in hopes of tricking the people into opposing the miners. But these are the selfish interests of a handful of parasites and war-mongers, not the interests of the vast majority of people, the workers and oppressed masses, who are fighting the robber capitalists.

In the present contract struggle, the BCOA (Bituminous Coal Operators Association -- organization Continued on page four; see COAL MINERS

MURDER WILL NOT SUPPRESS THE COAL MINERS!

The capitalists stop at nothing in their efforts to suppress the workers. On January 6 they sent a gun thug to shoot and kill Mack Lewis, a retired coal miner who was participating in picketing a mine of the Blue Diamond Coal Co. in eastern Kentucky. This cowardly fascist murder created the first martyr of the present coal miners' struggle. But murder will not intimidate the workers; it will only further arouse their hatred of the capitalists. The heroic example of the miner Mack Lewis laying down his life for the proletariat will surely inspire the miners to fight still more vigorously until they win victory. It will inspire the whole working class in their struggle against murderous Capital.

"LABOR REFORM ACT"

Continued from page one

ism against the miners. Its outlawing of roving pickets is especially directed at the heroic miners. But the Act will be used against the entire workers' movement.

B) Besides strengthening the laws against the struggles that take place outside the trade union channels, the Act also seeks to break the official trade unions and to prevent the workers from organizing themselves. To this end, the Act provides that the organized workers must pay "double back-pay" to the scabs and gun thugs of the capitalists that are kept out of the workplaces by the workers' mass picketing.

It is a well-known practice of the capitalists to pay huge sums of money to bring scabs and thugs into the workplaces in order to break strikes. Once the strike weapon is broken, the organized workers are powerless. Their unions are either broken or turned into complete playthings of the capitalists. U.S. fascist law already, since 1947, protects this monopoly capitalist practice by virtually all but outlawing mass picketing, by which the workers defend their struggles against the capitalists. This new fascist anti-labor "reform" strengthens the laws against mass picketing. Oh, yes -- the law allows symbolic picketing in legal strikes -- as long as you peacefully allow the scabs to spit in your face and to take your job.

C) Under the so-called "equal access" provision, the Act gives the monopoly capitalists the right to legal surveillance or legal spying on the workers' own union meetings.

The capitalists have done everything to undermine trade unions. They seek to break up the unions even though they have as their agents the top labor lieutenants. They send in labor spies, they bug the workers' meeting places, they use bribery, etc. They especially want to spy out the most militant workers, in order to single them out, fire them and put them in jail. The "Labor Reform Act" requires the unions to allow the capitalists or their representatives to attend and give their lying, slanderous ideas at trade union organizing meetings. This is in reality a legal right to spy on the workers and intimidate them.

A Small Number of Minor "Reforms", All Subject to Innumerable Exceptions, Qualifications and Interpretations by the Government Bureaucracy

Above we have gone into a few of the repressive provisions of the "Labor Reform Act". This act also carries a show of concessions to the workers. These "concessions" are political deception, designed to sugar-coat the fascist nature of the act. All of those provisions supposedly in the interests of the workers are written in vague terms, watered-down, and made dependent on all sorts of conditions. They are all dependent on interpretations by the government bureaucracy. The strike is the central issue in organizing the unorganized, and the "Labor Reform Act" seeks to destroy that weapon and ensure "labor peace".

For example, the act provides that a worker "illegally" fired for trade union activity must be paid double back-pay instead of ordinary back-pay as present law allows. To qualify for this, the worker must abide by various rules and regulations. At the end of a long, drawn-out legal process, which lasts years, he may be reinstated to this job and provided with the double back-pay. This provision which would increase the amount of money to the worker may help various individual workers who succeed in fighting their way through the courts and hearings, but it will be of insignificant effect on any organizing drive. It is well known that the capitalists pay huge sums of money to hire gun thugs, security guards, scabs, spies, lawyers, etc., to break organizing drives. The capitalists will be more than willing to pay double back-pay to a worker, if his firing assists the capitalists in smashing the organizing drive. The ineffectiveness of double back-pay may be judged from the present ineffectiveness of ordinary back-pay.

Another provision allows, but does not require, the National Labor Relations Board (NLRB) to force the capitalists to reimburse the workers for the delay in bargaining, if it has been decided by the NLRB that the capitalists have refused to bargain. This reimbursement would be based on the wages and benefits received at the time of the unfair labor practice multiplied by the percentage change in the average wage and benefit settlements for that quarter of the year. This is called the "make-whole remedy". This remedy is left to the arbitrary whim of the NLRB. At best, it only forces the employer to pay out a sum of money no greater than what he would have had to pay anyway if he had negotiated right from the start. So an employer will still not lose anything by delaying negotiations even if the remedy is applied. In actual practice, the period after a union wins recognition and before it gets its first contract is often quite critical for any organizing drive. The workers are forced to strike to enforce their demands for a contract with increased wages and benefits. This provision will not in the slightest do away with the need to strike or prevent delays.

Another provision concerns debarment firms with unfair labor practices from government contracts. This provision is supposed to convince the workers that the government will pressure employers into negotiating so the workers can give up their mass resistance. The Secretary of Labor is directed by this provision to act upon request of the NLRB against employees who have repeatedly violated NLRB or court orders. This provision is a big sham. First of all, a company must be judged by the capitalist authorities, the NLRB, to be engaged repeatedly in unfair labor practices. The Secretary of Labor then must act. Then the debarment from government contracts applies only to single factories, not to the corporations as a whole. Since today most big capitalists do not own one factory, but many, this provision becomes even more meaningless. Finally, the debarment can't last longer than three years, during which period at any time the Secre-

tary of Labor can revoke it. To make sure that this provision will not help organizing the unorganized, it was amended so that labor unions that violate orders of the NLRB or the courts can also be debarred from government contracts, for example for the job training programs that some unions run.

In the act the only definite provision is the one that sets time limits on when trade union certification elections must be held. But this too is watered-down. The bill sets the limit of 25 days to hold an election after the workers have filed with the NLRB to hold one. But if there are any complications the NLRB can put off the election for 75 days and, further, the NLRB can extend the time limit an additional 21 days if it considers the number of workers involved too large, or the distance too far to the election site, for the election to be held within 75 days. Thus this provision ends up as a 96-day limit. However, as a matter of fact, the question of the time period to hold the initial elections is in most cases not the crucial question in the organizing drives. It is notable that 82% of the 9000 elections held in 1975 were held within the period of 12 to 45 days. Thus the "Labor Reform Act" is no big benefit. As a matter of fact, the act makes it easier to hold up matters after the election is held by challenges to the election. No time limit is set on challenges and certification of the union can be held up pending challenges. So the "concession" is just a sham, which will have little effect in speeding up union certification.

Another provision, which the labor traitors are making a big fuss about, is the "equal access" provision. In this provision the labor organization trying to win union representation rights is supposedly given the right to rebut the anti-labor venom of the capitalists right at the workplace. If an employer addresses the workers against the union at the workplace, allegedly the union has "equal access" to reply. In the first place, this right to address the workers is limited to "an equivalent manner" to the meetings organized by the capitalists. Of course, this is a matter of interpretation for the government bureaucracy. Furthermore, this is "subject to reasonable conditions, including due regard for the needs of the employer to maintain the continuity of production..." As a matter of fact, this provision actually restricts the "equal access" rules and ensures that they will not even be as liberal as the hostile, capitalist courts have already granted labor unions in several court cases.

Furthermore, just in case the NLRB makes a mistake and establishes some rules favorable to the workers, this Act has a provision making these rules subject to veto by either the House or the Senate acting individually.

What are the labor traitors and the false "friends of labor" hiding when they praise these "reforms" and go into raptures of ecstasy? They are hiding the minor nature of these "reforms", which are as flexible as a rubber band. But they are also hiding the fact that the key question in organizing the unorganized is the strike. The employers will not voluntarily agree to higher wages or better working conditions, because these things cost the employer money and cut into his profits. The employer doesn't want to see the workers united at all, no matter how "reasonable" their demands, because he prefers to intimidate them one by one, each one isolated individually. The employers will never agree to anything but a company union or a "sweet-heart" contract at most, unless the threat of a strike hangs over his head. In fact, usually this threat must turn into a reality. This is the central issue. The "friends of labor" are trying to foist upon the workers a "Labor Reform Act" which all but outlaws the strike and the workers' mass struggles. Once the strike and mass struggle is gone, all the other provisions of the Act are just window-dressing. Perhaps if a particular struggle excites the public interest and brings national outrage against the capitalists, the NLRB may intervene at its discretion in order to make the government appear as a savior and perhaps to put a little pressure on one capitalist to yield a little for the benefit of the whole capitalist class. In this way it will hope to take the steam out of the mass struggle and tie it up in legalities and the court. But in the overwhelming majority of cases, the NLRB will use its "discretion" to the utmost to openly smash the struggle.

Strengthening the Administrative Apparatus to be Better Able to Attack the Working Class

Other provisions in the "Labor Reform Act" are aimed at strengthening the government's administrative apparatus (bureaucracy) so that the monopoly capitalists can more quickly and flexibly suppress the workers' movement. For example, the size of the National Labor Relations Board (NLRB) is expanded from five to seven members, to be able to handle the labor law cases more quickly and efficiently.

The labor traitors have hailed this as a most important reform because, they claim, the chief problem in organizing the unorganized is the delays caused by the capitalists and by red tape of the bureaucracy. These labor traitors assure the workers that if only there are more NLRB members, then delays in elections, negotiations, etc., will be gotten rid of and the workers will be able to successfully carry through the organizing of the unorganized.

In fact, the expanding and strengthening of the NLRB bureaucracy will allow it to act more quickly in suppressing the drives to organize the unorganized, act more quickly in fixing the unions under the provisions of the "Labor Reform Act" and in seeking injunctions. For example, under the "Labor Reform Act" it is the NLRB that must seek the injunctions against wildcats and roving pickets. Hence enlarging the NLRB will allow it to see about keeping closer tabs on the workers and getting injunctions faster.

Meany himself has to admit that all the fine words of the government about aiding the struggle to organize the unorganized have only been just that. He states: "The belief at that time (1934, the Wagner Act -- ed.) was that if the federal government told

employers 'you may not interfere with, restrain or coerce employees in the exercise of their rights to organize and you may not discriminate against them for doing so', that employers would no longer misuse their economic power.

"We have learned to the contrary... economic reprisal is as much the order of the day in 1977 as it was for the steel and auto companies in 1934." Thus Meany admits that the illusions which the liberal-labor politicians inculcated in the middle of the revolutionary crisis of the '30's of belief in the government are totally unfounded. His conclusion: inculcate new illusions in the government standing "above classes" and aiding the workers in the present. What a lackey of the capitalists!

Labor Traitors, Servants of the Interests of Monopoly Capital

The top labor bureaucrats, such as George Meany and the other labor traitors, are agents of the capitalists trying to sabotage the workers' movement from within. They not only work to weaken the struggle of the workers, but they are also actively pushing the government to be more forceful in suppressing the workers' movement. Nowhere is this more apparent than in the "Labor Reform Act". This Act is a product not of the Reaganite open reactionaries, but of the AFL-CIO officialdom, of its notorious "electoral strategy". Social-democratic union hack Fraser, President of the United Auto Workers, who likes to parade around as the liberal "alternative" to Meany, is issuing verbal threats to Senators who fail to vote for the House-passed bill. And what a bill. Even George Meany admits that "the fact is labor law reform would not change the union certification requirements in the present law. Moreover, not a single one of the current restrictions on unions are lifted by the bill. Nor are any new restrictions imposed on employers. (But "new restrictions" are imposed on unions and workers -- ed.)

"What the bill does is provide remedies that take the profit out of violating employee rights and to assure that when a substantial number of employees ask for a NLRB election that election is promptly held." In short, the labor traitors admit this bill does not remove any provision of the hated fascist anti-labor laws. The labor hacks aren't interested in fighting the Taft-Hartley Act. They want to add fascist measures under the guise of strengthening the NLRB to allegedly let it take on the companies. But a football player doesn't block his own side, and neither will the NLRB.

Let us examine the AFL-CIO electoral strategy that led up to the "Labor Reform Act". In 1976 the AFL-CIO chieftains pushed heavily for the election of Carter and the anti-Democratic Party. The "Democratic" Party has long posed as a "friend of labor" in order to mobilize the workers against their own interests. The AFL-CIO alone spent \$11 million of the workers' funds in the election and urged the workers to look to Carter to solve their problems.

But what happened after Carter and the Democratic "friends of labor" won the election? Meany set out a program of legislation for their "friends" to pass. But none of it passed. This legislation included the "common situs" picketing bill, which would have returned to individual construction unions the right to picket entire construction sites and thus assist the construction workers in their struggle against the construction capitalists. The program also included a raise in the minimum wage from about 47% to about 66% of the average manufacturing wage by 1978 and also an escalator clause by which the minimum wage would rise automatically with the rise in the cost of living. As well, a top priority of this legislative program was the repeal of the Taft-Hartley 14(b) so-called "right-to-work" provision, which has allowed some 20 states to pass laws that keep workplaces as open shops despite the will of the majority of the workers to be unionized. Repeal of the "right-to-work" law is only the tip of the iceberg as far as the fight against the fascist Taft-Hartley law is concerned. Repeal of 14(b) would leave untouched such provisions as the law against mass picketing, the law that gives the U.S. president the right to completely suppress strikes in the so-called "national interests" for a 60-day "cooling-off period", the law against "secondary boycott" which bars the workers from organizing most sympathy strikes, etc. Nevertheless, the repeal of 14(b), the labor traitors claimed, was the beginning of the fight. "Friend of labor" Carter promised to support this legislation, but when the "common situs picketing" and minimum wage bills came to a vote before the heavily Democratic Congress they were both defeated with Carter refusing to lift a finger to back them. Once again the "electoral strategy" had gone bankrupt.

The American labor traitors have long been known as among the most corrupt in the world. Their "friends" among the capitalists don't even bother to give them a few minor legislative bills, but keep kicking them in the teeth, knowing that these labor traitors will come back asking for more.

And this is just what happened. For the sake of political deception, right after their bills were rejected in Congress the labor traitors made "big" talk about how maybe they were betrayed, maybe their support of their friends in the 1976 elections was a mistake, a mistake which they of course make regularly every election. But this was just sham. The labor traitors had gone crawling to their "friend", last-minute Carter. In July, Carter had taken "mercy" on the labor traitors and a deal was struck in which the trade union bigwigs gave up the attempt to repeal even the "right-to-work" section of the fascist Taft-Hartley Act, and in return for this Carter would back the so-called "Labor Reform Act". What a good bargain! In return for the labor traitors going all out for the "Labor Reform Act", which grants the NLRB and the capitalists new powers to suppress the workers' movement, they should receive in return -- the right to drop even the pretense of fighting 14(b) of the Taft-Hartley Act. And then the real comedy began. In the House one amendment after another was added to the bill, removing even the most minor favorable provisions for labor and adding on such restrictions as banning wildcats and

roving pickets, and making the unions pay double back-pay to scabs prevented from getting to work. The "friends of labor" themselves wrote these restrictions. The labor traitors adopted the "tactical" position of avoiding a "defeat" in Congress by throwing out as fast as possible anything in the bill that could aid the workers. When the open reactionaries put forward an amendment barring wildcats and roving (stranger) pickets, the "friends of labor" didn't fight it. Instead the liberal-labor politicians proposed a counter-amendment which was the exact same except that only the NLRB, and not the capitalists concerned, could ask the courts to issue injunctions against the wildcats and roving pickets. What a marvelous victory for labor!

Having turned the "Labor Reform Act" into a fascist monster and lobbied it through the House, the labor bureaucrats then openly dropped their grumbling at the results of the '76 elections and patted themselves on the back. At the just-concluded AFL-CIO convention a report was given lauding the great political power of the labor traitors and their great successes in electing most everyone they wanted in the 1976 elections. For, it seems, they had gotten what they wanted -- a new Taft-Hartley Bill in the guise of a "Labor Reform Act" to suppress the workers' movement.

Fight Against the Growing Fascism of the Carter Administration!

The "Labor Reform Act" is part of the growing fascism of the Carter administration. Faced with a severe all-round crisis, the capitalists are waging a fascist offensive against the working class and oppressed nationalities. They want to shift the burden of the crisis onto the toiling masses and to secure a "quiet" home front as the most important preparations for plunging the world into the threatened inter-imperialist world war. Carter's program, his energy, welfare, immigration and labor reform bills, are designed to enrich the capitalists and smash the workers' movement. Yet these anti-worker bills are presented by the capitalists and the labor traitors as "victories for labor"! For example, Carter's proposed "welfare reform". This Nixonite "workfare" scheme aims at using the unemployed workers as a pool of slave labor, forced under pain of losing all benefits and starving to work at whatever wages and under whatever conditions the employers and government bureaucracy dictate. Yet it is being presented as a victory for the poor and the minorities, as a source of "better jobs and income". Such is also the case with Carter's proposed racist immigration bill. This bill seeks to step up the inhuman exploitation of the so-called "illegal immigrants" by legalizing a part of them as a special caste of slave-laborers, openly denied all rights and forced under pain of immediate deportation to work at whatever wages and under whatever conditions the employers and the government bureaucracy dictate. This bill is being presented as "compassionate" and "humanitarian". These bills are designed to suppress the entire workers' movement and undercut the wages and working conditions of all workers by singling out different sections of the workers for attack. Yet these bills, together with the "Labor Reform Act of 1977", are being dressed-up as something for which the workers should be grateful!

The top labor bureaucrats are out to hide this growing fascism. They have played the role of creating illusions about Carter in order to paralyze the workers' resistance to the capitalist offensives. They are teaching the workers that the government will help them to organize the unorganized at precisely the moment when the capitalists are going all out to smash the workers. These labor traitors are actually writing the provisions of the Labor Reform Act which will be used to suppress the workers.

The growing crisis is leading to a massive upsurge of the workers' movement. The repression of the Carter administration will lead to drawing millions upon millions of more people into struggle, into life, into the revolution. The American workers will smash the fascist offensive of the capitalists on the road to the anti-fascist proletarian socialist revolution.

Denounce the "Labor Reform Act"! Oppose all the sinister schemes of the self-proclaimed "friends of labor"! Fight the growing fascism of the Carter administration!


Ed.

MARXIST-LENINIST LITERATURE

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main provisions of key sections of the bill and certain comments and explanations of them.

SECTION 1:

This is the introduction. It states that the Act is "A Bill to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such Act". But actually this is already a bit of political deception. By using the name NLRA, the bill tries to paint a picture of some harmless amendments to the NLRA of 1935, the Wagner Act. Even this idyllic picture of the Wagner Act is deception, but the Wagner Act is no longer the issue, for the Wagner Act no longer exists. It was thoroughly "amended" and replaced by the infamous fascist Taft-Hartley Act of 1947, the so-called "Labor-Management Relations Act, 1947". The present so-called "NLRA" is actually the name given to Title 1 of the Taft-Hartley Act (as amended by further anti-labor legislation in 1951, 1958, and 1959). The Taft-Hartley preserved the name "NLRA" for part of its provisions.

The labor traitors make great play on words. When they want to present the government as "neutral" and allegedly standing above classes, they refer to the NLRA and the Wagner Act. But when the same labor traitors want to make a big show of being militants, they talk about fighting the Taft-Hartley, or at least section 14(b). But section 14(b) of the Taft-Hartley Act is one and the same as section 14(b) of the present NLRA.

What is the NLRA and the Taft-Hartley Act? The Taft-Hartley Act banned mass picketing, outlawed secondary boycotts, outlawed the closed shop, revived the use of anti-labor court injunctions on a big scale, allowed states to pass so-called "right-to-work laws", imposed anti-communist pledges and loyalty oaths on union officials, provided for suppression of strikes that cause "national emergencies", and so forth. But, it is one thing to pass a law ordering the workers' movement to go away, and another thing to actually succeed in suppressing it. Faced with the rising workers' movement and the strike movement, the capitalists are going on a fascist offensive to suppress the workers by passing more and more severe and terrorist anti-labor legislation. The "Labor Reform Act" is openly designed to strengthen the procedures for enforcing this legislation under the guise of preventing "unfair labor practices".

SECTION 2:

This section amends section 3 of the NLRA. It has to do with the composition of the national labor court, the National Labor Relations Board (NLRB), and with making certain procedures of the NLRB more flexible.

This section enlarges the NLRB from 5 to 7 members. A quorum of the NLRB is set at 4 (up from 3) members. But panels of the NLRB to hear cases remain set at 3 members, thus allowing more panels to be formed. No more than a simple majority (4 members) of any one party can be members of the NLRB at any given time.

Also, this section directs the NLRB to establish procedures for "summary affirmance" in cases of "unfair labor practices". What this means is that after an administrative law judge tries an "unfair labor practices" case under the NLRA, a 3-member panel of the NLRB may (but is not required to) decide "in appropriate cases" (not in all cases) to "summarily affirm" (i.e. rapidly endorse) such a decision rather than let it go through the usual and very lengthy procedures. The motion for summary affirmance is to be made within 10 days of the original decisions and the NLRB's response or decision is to be taken within another 20 days. Note carefully that the NLRB may decide in those 30 days to not summarily affirm the decision and to go through all the usual red tape. Furthermore, according to the debate in the House, the "summary affirmance" may be appealed to the entire NLRB.

These provisions are bally-hoed by the labor traitors as a way to prevent the long delays lasting years and legal red tape, which are some of the tactics used by the capitalists, in collusion with the NLRB, to smash organizing drives. According to the labor traitors, labor will be helped by increasing the size, power and swiftness of the government apparatus (NLRB). However, this goes against all logic. Since even the labor traitors admit that this apparatus was used against the workers before the "Labor Reform Act", it obviously will be used against the workers afterwards too -- only now the apparatus will be bigger and more powerful.

As for "delays", this section does nothing at all to prevent the capitalists and the NLRB from colluding, as in the past, to tie cases up in red tape as long as they wish to. All the NLRB has to do is to deny the request for summary decision. However, this provision does give the NLRB more flexibility to move swiftly when it is a matter of seeking injunctions against the workers. Bear in mind that, contrary to the impression given by the labor traitors, the "unfair labor practices" provisions apply to penalties against the workers and the unions, and not just to the occasional slap on the wrist against the employers.

If the labor bureaucrats really wanted to stop delays, they would advocate the complete abolition of the NLRB and NLRA and would in the meantime prepare the workers to take matters into their own hands through well-timed strikes and other types of mass struggles.

SECTION 3:

This section amends section 6 of the NLRA concerning the rules of procedure of the NLRB. Its major provisions include:

-- Any rule or procedure set by the NLRB can be vetoed by either the House or the Senate, so that if the NLRB mistakenly makes a rule or interpretation in favor of the workers either chamber of Congress can veto it.

-- The NLRB is directed to make rules, "to the fullest extent practicable", "declaring certain units to be appropriate for the purposes of collective bargaining", i.e., declaring in advance what section of workers are allowed to unite together in one union for collective bargaining. However this is up to the discretion of the NLRB to judge what is "practicable". And, of course, the capitalists can challenge the composition of the bargaining unit after the election.

-- The time limits set elsewhere in this Act on the holding of elections are lengthened by 14 days for directing the elections, 21 days for actually holding them, in cases where the pretext is cited that the distance is too far from the NLRB's regional office to the election or that the number of workers involved makes it allegedly infeasible to stay within the limits.

-- The so-called "equal access" provision. This is painted in every color of the rainbow by the labor traitors. In the House debate, however, a strong backer of the "Labor Reform Act", Representative Ford (D-Mich.), stated that this provision "is actually a limitation on the ability of the Board to write a rule which gives unlimited access of union organizers or spokesmen of the union movement, because it says that the rule will be limited to provide access to do something equal to or equivalent to or in the same manner as the employer does it, not to go beyond that." The sponsor of HR 8410, Representative Thompson, emphasized that this provision is actually less than what the courts (never known for friendship for labor) have already granted unions in certain cases such as the J. P. Stevens case.

The actual provision goes as follows: "(A) which shall, subject to reasonable conditions, including due regard for the needs of the employer to maintain the continuity of production, provide that if an employer representative addresses the employees on its premises or during the working time on issues relating to representation by a labor organization during a period of time that employees are seeking a representation by a labor organization, the employees shall be assured an equal opportunity to obtain in an equivalent manner information concerning such issues from such labor organization, and, with due regard for the rights declared in Section 7, the right of such labor organizations to conduct meetings without undue interference, and the right of the employees to the privacy of their homes, provide also that the employees are assured an equal opportunity over-all to obtain such information from the employer and such labor organization. Provided, the rule shall apply to election conducted pursuant to section 9(c) (1) and 9(e)." (underlining added -- ed.)

Thus the union is given a certain limited opportunity to speak to employees at the workplace provided that the company has already called similar meetings and provided that it does not "interrupt" the "continuity of production". In practice, unions have a hard time getting lists of employees, distributing leaflets, etc., and this provision does not change that. Further it maintains the fiction that the employees are "silent" on the union except during special meetings, which is a mockery of the truth. This provision will be only of minor value.

However, in exchange for this great concession, the union meetings are forced to open their doors to the employer. This is done under the name of giving the employees "equal opportunity over-all to obtain such information from the employer and the labor organization". The only restriction on the right of employers to go to the union meetings at the time of organizing drives is that there not be "undue interference". Thus the employer is allowed to walk in and see who the militant workers are, who attends the union meetings, who speaks up -- in short, he is given the legal right to spy openly on the union. Thus every condition is created for the employer to lay off or fire the militants on one excuse or another and to intimidate the workers. This will be an obstacle for any organizing drive. The "equal access" provision should be called the "labor spy and intimidation and lay-off provision".

SECTIONS 4 - 6 amend section 9 of the NLRA having to do with elections (certification, decertification, authorization and de-authorization). The key section here is section 5.

SECTION 5:

This section sets definite time limits on the holding of elections (both certification and decertification). For simple elections where more than 50% of the workers request it, the election must be held in 25 days. Where only 30% request it, it allows 50 days for the election. And where the NLRB "determines that the proceeding presents issues of exceptional novelty or complexity", a time limit of 75 days is allowed. (Also recall that section 3 of HR 8410 allows a further extension of these time limits under certain pretexts.) Furthermore, a time limit of 5 days is set to object to the election on the grounds that it was not held according to NLRB rules. It also stipulates that challenged ballots must be investigated "expeditiously".

However, this section also prevents a tally of the election (i.e., who won) from being served until all the challenges on the substantive issues have been settled. Further, even if the challenges don't affect who won the election, they must still be settled after the tally is provided to the workers before the union can be certified. No time limits are set on settling the challenges. Thus even if the election is held relatively promptly in accordance with one part of section 5, union certification can be delayed indefinitely by the other provisions of section 5.

In practice, in the majority of cases delays in holding the certification elections are not the main obstacle to union organizing. 82% of the 9,000 elections in 1975 were held in a period of from 12 to 45 days. The key question is the strike to ensure a satisfactory contract. Nevertheless, insofar as delays in certification elections are a problem, this act doesn't help much because of the delays in the challenge procedures.

SECTIONS 7 - 11 amend section 10 of the NLRA having to do with unfair labor practices. The key

sections here are sections 8 and 10.

SECTION 8:

This section is supposed to strengthen the remedies available to the workers for the unfair labor practices of the employers. It contains three specific remedies: debarment from government contracts, double back-pay, and the "make whole" arrangement compensating the workers for the employers' refusal to negotiate. These provisions may, at best, result in increasing the financial settlements received by the very few workers who manage to win legal judgments against the employers, but the provisions are so weak and hedged in with restrictions that they will not be of much help in organizing drives. And in return for these favors the workers are supposed to give up striking, because the bill also makes the unions liable for double back-pay for scabs. Thus this section strengthens the penalties against the workers' main organizing weapon, the strike, under cover of playing around with minor pinpricks to be used against exceptionally naughty employers.

First, consider the provision for debarment from government contracts. This provision is highly touted by the labor traitors as very significant and effective, yet actually it is hedged in with so many restrictions and qualifications that it is virtually meaningless against companies, but it can be applied against unions. (For example, some unions hold government contracts concerning job-training programs, etc.) To begin the debarment procedure, the NLRB must determine that a company (or union) is repeatedly willfully violating NLRB or court orders. The NLRB then requests the Secretary of Labor to debar the violator from government contracts. The Secretary of Labor may refuse to debar the employer on the grounds that "because of unusual circumstances the national interests require otherwise". Also it is up to the Secretary of Labor to determine the length of debarment, which may range up to three years but may be less. Furthermore, at any time the Secretary of Labor may reduce the period of debarment or remove it entirely. The bill states: "A debarment may be removed or the period may be reduced by the Secretary of Labor upon the submission of an application, supported by documentary evidence, setting forth appropriate grounds for the granting of relief, including without limitation compliance with the final order found to have been willfully violated, bona fide change of ownership or management, a fraud or misrepresentation of the charging party...". Even if the company remains debarred, it may still receive contracts if the "agency of the United States concerned... certifies to the Secretary of Labor that there is no other source of material or services furnished by the person affected by the Board order..." Furthermore, the debarment does not apply to the whole company, but "solely to the products or service performed at the particular facility or facilities where the willful violation occurs or of the business entity legally responsible for the willful violation or to the local, intermediate, national or international labor organization legally responsible for the willful violation." Thus, if a company owns several different factories, which is normal for any large firm, the debarment only applies to the individual factory concerned. That is quite a lot of qualifications and conditions for an act that is being trumpeted as closing "loopholes".

Next, there is the double back-pay provision. According to this, workers who are determined to have been fired illegally for union organizing will be paid double back-pay, with the amount of money that they earned at other jobs before being given a valid offer for re-employment by their original employer being deducted from their "double back-pay". Naturally this double back-pay only goes to workers who manage to thread their way through the morass of hearings and legal red tape and who manage to refute the lies of the employers, who always find some innocent-sounding pretext for firing a worker for union activity. This provision does not make it any easier to get re-hired or to get a financial award than at present; it only somewhat increases the present penalty of ordinary back-pay to double back-pay minus wages earned in the interim. Since the employers are willing to spend huge sums of money to smash a union organizing drive, this added slap on the wrist will have little effect in helping to organize unions. It will be no more effective than the present law on ordinary back-pay.

However, the double back-pay penalty is also given to scabs who are prevented from getting to work by "unfair labor practices" of the unions. Thus this provision forces workers on strike to finance scabs and thugs who try to cross their picket lines. This is a provision to strengthen the existing laws aimed at smashing strikes. The union is allowed to strike -- so long as the scabs are allowed to replace the workers. In this way the "Labor Reform Act" strengthens the anti-picket line provisions of the Taft-Hartley Act.

And there is the "Make-Whole remedy". This provision allows, but does not require, the NLRB, after it has been decided that the capitalists have unlawfully refused to bargain for a first collective-bargaining contract, to reimburse the workers for the delay in bargaining. The reimbursement to be paid is based on the difference between the wages and benefits received during the period of delay compared to the wage and fringe benefits they received at the time of the unfair labor practice increased by the average percentage change in wages and other benefits for that quarter of the year. This provision does not force the employer to negotiate a contract, since even if this penalty is assessed against him (and the NLRB is not required to assess this penalty even if it determines that there has been illegal delay), the amount of penalty is not any more than he would probably have been forced to pay the workers under a contract which ensured merely "average" wage and benefit increases. So the employer can go all out to smash the union -- and even if he fails he only loses by this penalty no more and probably less than what he would have had to pay the workers anyway. And, for that matter, what is an "unlawful refusal to bargain"? This is left completely to the arbitrary deter-

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mination of the NLRB, which is composed of agents of the capitalists appointed by the President. The capitalists and the capitalist labor court, the NLRB, naturally believe that it is the workers who are unreasonably refusing to bargain when they resist having their real wages cut, working in dangerous working conditions, and bearing the full burden of the crisis on their backs. It is only the mass workers' movement and the strike movement that forces concessions from the employers, not abstract moralisms that the capitalists should "bargain in good faith" with the union.

SECTION 10:

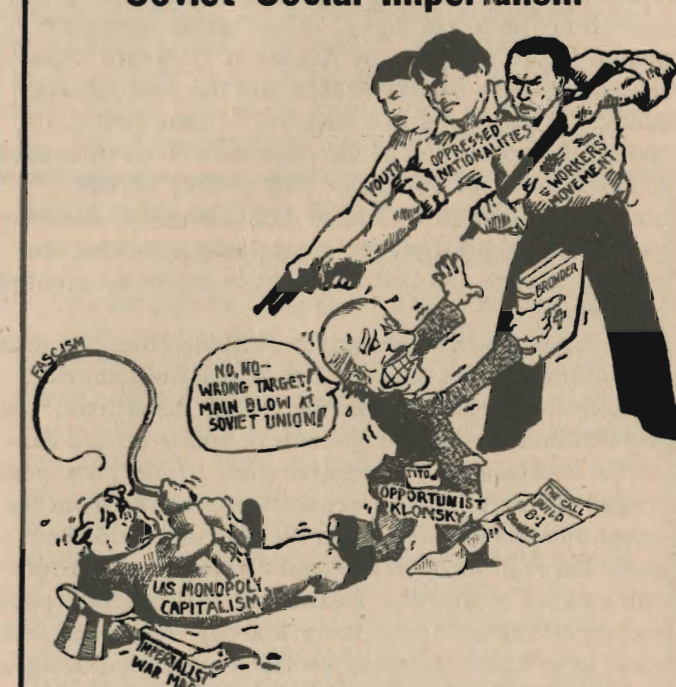
The AFL-CIO claims in its lying praise of the "Labor Reform Act" that in the case of workers being fired illegally for union activity this bill "directs the NLRB to seek injunctions for immediate reinstatement". What nonsense. This is nowhere contained in the act. However, this section does require that in such a case "the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred." (underlining added). What the Act directs is not "immediate reinstatement" but "preliminary investigation". From the preliminary investigation to the order for reinstatement, even if the NLRB does rule in favor of the workers, can and does take years.

SECTION 12:

The main part of this section is an amendment to the original form of the "Labor Reform Act". This strengthens existing laws against wildcat strikes and roving pickets by providing for injunctions that are allowed to be as powerful "as it (the court) deems just and proper". The first Representative to offer this amendment to the Act, Mr. Erlenborn of Illinois, specifically stated that the purpose of this provision was to suppress the miners' movement in the coalfields. Mr. Thompson, the sponsor of HR 8410 in the House, completely agreed with Mr. Erlenborn's amendment, with minor alterations, mainly providing that only the NLRB, not the employers directly, could ask the courts for an injunction under the amendment. Mr. Thompson's amendment passed. It reads as follows: "(n) where there exists an agreement between an employer and a labor organization, whether express or implied, not to strike, picket or lock-out, the Board, if it finds that the public interest would be served thereby, shall have the power to petition any district court of the United States (including the District Court of the United States for the District of Columbia) within any district where either or both of the parties reside or transact business, for such temporary injunctive relief or restraining order as is necessary to prevent any person not authorized by a representative of employees of the employer being struck or picketed within the meaning of subsection (a) of section 9 from engaging in, or inducing or encouraging any employee of the employer to engage in conduct in breach of such agreement, irrespective of the nature of the dispute underlying such a strike, picket or lockout, and such court shall have jurisdiction to grant to such a party or the Board such temporary injunctive relief or restraining order as it deems just and proper." (underlining added -- ed.)

This section is to suppress the miners' struggle, but it will be used to suppress the entire workers' movement. It is so severe that it not only prohibits wildcat strikes and roving pickets, whenever there is a no-strike clause, "whether express or implied", in the contract, but even prohibits talking about engaging in such action. By prohibiting wildcats (which are strikes by workers who are "not authorized by a representative of the employees", i.e. not authorized by the union) the provision vainly tries to force the workers to capitulate completely to the labor traitors trying to suppress the workers' movement from within. By prohibiting roving pickets, who also fall under the category of not being authorized by the NLRB-approved union, the provision tries to take away from the workers a powerful form of struggle devised by the proletarian ingenuity of the workers. This provision also outlaws most sympathy strikes and makes it harder for workers in one union to respect the picket lines of another union. In this way the Act strikes at the mutual solidarity between the workers. End.

**Against the
Social-Chauvinist Theory
of "Directing the Main Blow at
Soviet Social-Imperialism"**



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COAL MINERS:
Continued from page one

of the coal capitalists) has launched a new attack on the miners. The BCOA is demanding that a no-strike clause be written into the contract and that there be numerous provisions inserted to punish the coal miners who go on strike. At the same time, all medical benefits have been stopped for the duration of the strike and threats are being made of the complete collapse of the health fund. Although the price of coal has sky-rocketed with the energy crisis, this has not satisfied the coal capitalists who wish to extract the absolute maximum profit by destroying the coal miners' movement.

For their part, the miners have demanded the restoration and guarantee of health benefits. They have also demanded the right to strike. As miners use their strike movement to defend themselves from over-work and very hazardous working conditions, to organize the unorganized, and to fight the capitalists in general. Without the strike, the miners cannot enforce the national contract, which becomes a scrap of paper. The capitalists use the excuse that the miners' strikes are wildcat strikes to slander the miners, fine them, fire them and put them in jail. The demand for the right to strike is aimed at taking away this excuse from the capitalists, so as to promote even more vigorously the miners' struggle against all capitalist attacks. The capitalists, of course, will abide by no agreement, such as one recognizing the right to strike, which is not enforced by mass struggle, but nevertheless the stipulation of such a right would allow the miners a wider field in which to develop their struggle. The demand for the right to strike is therefore both an expression of the miners' will to continue their mass resistance to enforce their just demands against the coal capitalists and at the same time a measure to defend this resistance and expose the attacks of the government. Thus the coal miners' demands are aimed at defending the life and limb of the miners and at defending and strengthening their movement for their vital interests.

The present strike struggle of the coal miners is a focal point for the whole class struggle of the working class against the shifting of the burden of the capitalist economic crisis onto its shoulders. It is an expression of the growing revolt of the revolutionary U.S. proletariat against its class enemy. As such the coal miners' movement is a powerful inspiration to the entire working class to rise in struggle. The capitalists are well aware of this and have undertaken a major national effort to smash the coal miners. This is the issue in the present national strike of the coal miners.

The Coal Capitalists Have Stepped Up Their Attacks On the Miners' Strike Movement Since the 1974 Contract

The coal miners' struggle has grown especially sharp since the signing of the 1974 contract. No sooner was the ink dry on the contract than the capitalists broke it. In their drive for maximum profits through exploitation of the workers, the coal companies continually violate safety procedures. In the most jobs, the coal miners' work site changes with the face of the mine, advancing some 30 yards deeper every day. The constantly changing conditions, with the threat of explosions from gas seepage, rock falls, etc., bring added danger to the miners' work. From January through November of last year, 124 coal miners have been killed on the job by the hazardous conditions in the mines. Non-fatal injuries continue at a high rate as well. Especially rigorous safety conditions must be enforced if the miners are to protect their very life and limb. But the monopoly capitalists realize no profits from investing money to enforce safety conditions. A ton of coal with or without coal miners' blood on it sells for the same price. Therefore, every day the capitalists violate safety procedures and carry out frequent suspensions and firings of miners who justly resist these violations.

For example, in the 1974 contract it was agreed, on paper anyway, that individual miners could leave their jobs if they saw conditions of danger to their safety. But the coal operators simply fire any miner who does this. Then the matter is taken to the arbitration board where the miner must prove to capitalist officials that he was justified in walking off the job. Even if the miner wins his grievance, it can be one, two, or even three years before he gets his job back. Against such outrageous oppression, the coal miners have had no recourse but to go on strike to enforce their contract, to enforce safety conditions and to defend and protect their fellow workers.

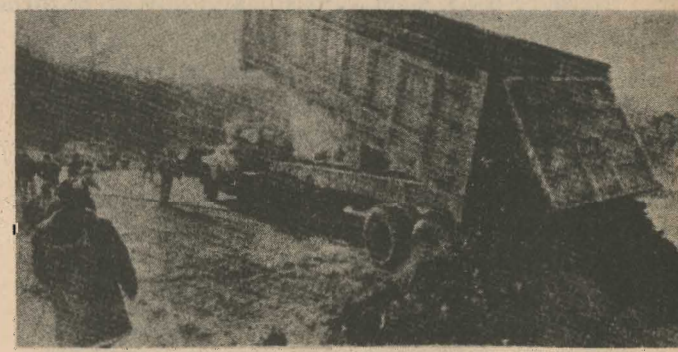
But when the miners go on strike, the monopoly capitalists immediately go upon their government, which is nothing but an annual instrument of theirs for suppressing the workers, to attack the miners. The courts issue orders limiting pickets, firing striking miners, police are sent to arrest and jail strike leaders, etc. The capitalist courts have even gone so far as to put many mines under injunction against future strikes. By August of 1976 this situation had become so intolerable that the coal miners walked off their jobs in a national wildcat strike, against the opposition of the coal union bosses headed by Arnold Miller. For some five weeks, 61,000 miners continued their strike demanding that the contract be enforced, that the courts stop attacking the striking miners and that the right to strike be granted to the miners.

But the monopoly capitalists continued their attacks on the miners. Not only do they attack the miners' life and limb with deteriorating safety conditions, but they continually attempt to enforce speed-up and barbarous overtime. To maximize their profits, the coal companies try to get the greatest production from the fewest number of workers in the shortest period of time. Through much of the coal fields the capitalists have started continuous operations, working the fewest number of miners compulsory six-day weeks and additional long hours. In other sections of the coal fields, particularly in the operations that produce for the steel industry, the capitalists follow the procedure of working miners at maximum labor intensity and with extended hours for a few days, and then they lay off the

majority of the miners and work a handful at the highest intensity to load the coal. In both of the above cases the intensity of the work and the barbarous long hours are destroying the miners' health and increasing black lung problems.

In violation of the 1974 contract, the coal capitalists have designed new, extremely strict, absentee, sick-leave and personal-leave policies in an effort to enforce their speed-up and overtime. In some mines, workers who miss two days in a row are fired for "extended absenteeism". As well, the companies increasingly try to leave jobs vacant or change work rules to multiply the work-loads on the individual miners.

When the miners oppose these contract violations and arbitrary rules of the capitalists through the grievance procedure, the capitalists' arbitration review board, of course, never settles them in the miners' favor. But even on those rare occasions when the miners win a grievance, the coal companies simply violate the decisions of the capitalist arbitration review boards. For example, in one case in 1976 the miners won a grievance over safety at one mine. But the coal company simply ignored the arbitration decision and continued to violate the safety needs of the miners. The miners then took the matter to court, demanding that the company be forced to abide by the arbitration decision. But the capitalists' judge would not even hear the miners' case. So the miners went on strike to enforce this decision themselves and the very same court imposed an injunction and heavy fines against the striking miners. Because this same sort of practice was going on throughout the coal fields, 109,000 miners walked off their jobs over this issue. For five weeks in 1976 they waged a wildcat strike, again without the approval of the union bosses, demanding that the capitalists abide by the contract, that the government stop its attacks on the miners through the courts, and for the right to strike.



Mass roving picket line of striking coal miners force a strike-breaking coal truck to dump its load near Gateburg, Ky. The miners were part of a 140-car caravan that traveled from Ohio to eastern Kentucky.

Due to the hazardous conditions, the miners' health is in constant danger and protection of it is a life-and-death matter for the miners. This summer the capitalists cut the miners' health benefits to punish them for their heroic resistance struggle and in an effort to pressure them to give up their wildcat strike movement. Claiming that the funds were depleted by the wildcats, the trustees of the UMWA Health and Retirement Fund who are coal capitalists and scab bosses of the UMWA slashed the benefits drastically. This vicious attack on the miners was "justified" by an equally vicious fraud. The fund was being depleted -- not by the miners' wildcats, but by the inflation and soaring prices through which the monopoly capitalists have been robbing the entire working class and people. The other reason it was going broke was that the coal companies are shifting production away from the UMW-organized mines in the East to the non-union strip mines in the West, so that the royalties, which are based on the tonnage produced and man-hours worked by the union miners, are declining. Thus it is the capitalists, not the miners, who are the cause of the depletion of the health fund.

Additionally, while the health fund is low, the trustees absolutely refuse to transfer funds into it from the well-funded retirement fund, which is arbitrarily considered a separate account. Revealing the real purpose behind the health fund cuts, president of the Bituminous Coal Operators' Association -- Bennett stated: "To reallocate now would be to ask the industry to subsidize and continue wildcat strikes... The effect would be to encourage wildcat strikes and to destroy any effort to bring them under control." Thus the coal capitalists slashed the miners' health benefits with the express purpose of destroying the militant strike movement with which the coal miners were defending their very health, their life and limb and their vital interests. This past summer 85,000 miners waged a 2 1/2-week wildcat strike demanding the restoration of their medical benefits and succeeded in preventing a further cut. This strike marked the first time in a row that the miners have carried out national wildcat strikes. It shows the high level of the miners' mass resistance.

The monopoly capitalists and their government have been thrown into a panic by the powerful mass movement of the coal miners. They have launched an all-out assault on the coal miners. The Bituminous Coal Operators' Association (BCOA) began this year's contract bargaining by the attack on the health and possible extinction of the United Mine Workers of America as a force in the national labor movement. The capitalists also threatened that if the miners were to strike over this contract, they would cut back the pensions of the retired miners and cut off the medical benefits of all the UMWA members. In mid-October, the capitalists' arbitrator review board proposed a ruling giving the coal operators the right to fire any worker who so much as passes out information relating to a grievance in public places anywhere in the country -- this is clearly outlawing wildcat strikes and roving pickets. Not to mention, the government is also passing laws to outlaw wildcat strikes and roving pickets. On October 6 the so-called "Federal No-Work Act of 1977" was passed in the House of Representatives and is now pending in the Senate. This law, which pretends to assist the organizing of the unorganized workers, actually gives the courts the right to order an end to wildcat strikes and roving pickets, to threaten jail sentences and even to crush

as "induce or encourage" another worker to walk off the job. This law has as its first target the fighting coal miners but it will be used against every section of the working class. The government has also threatened to invoke the Taft-Hartley Act to outlaw this year's contract strike. And as a further threat to the miners, the government sent 80 Kentucky State Police to attack and attempt to break the strike of the Stearns coal miners in eastern Kentucky, arresting over 100 miners and their supporters and jailing 11 leaders of the strike for six-month sentences.

The Miners' Movement Has Grown Steadily In the Face of Capitalist Attacks

In the face of all the attacks of the monopoly capitalists and their state machine, the strike movement of the coal miners has continued to grow, vigorously combatting the heartless exploitation of the kings of coal. The 1974 national contract strike was a major battle. In 1976 the miners waged wildcat strikes for 1,417,000 man days, amounting to 5.30 per cent of their available workdays. In 1976 their struggle grew to 1,950,000 man days or about 6.75 per cent of the available workdays. In just the period of January to August of this year, the miners have already waged wildcat strikes lasting 2,274,000 man days, an amount equal to 10.33 per cent of the workdays available. The present national contract strike is the most intense and massive struggle by the coal miners in recent years.

Despite daily safety violations by the capitalists, through their struggle the miners have put a limit to the deterioration of conditions in the mines. They have enforced certain safety provisions such as that requiring an extra man operating the continuous miner at the mine face, where a single operator is blinded by the dust. Despite the capitalists' continual attempts to intensify the miners' overwork to the maximum, the miners' mass resistance, including slow-downs, etc., has actually cut the productivity in the coal industry yearly since 1969. All this has hurt the capitalists' profits. Despite suspensions, firings, fines, jailings and all-around reactionary violence by the capitalists and the government, the miners have yearly strengthened their movement and extended it more widely. This has damaged the monopoly capitalists' plans for secure domestic energy resources in preparation for imperialist world war.

To carry out their struggle and enforce their demands, the coal miners have been forced to resort to the tactic of wildcat strikes on a large scale. This is because the top labor bureaucrats have closed off the official trade union channels, especially since the 1974 contract. Therefore, in order to strike the workers have had to defy the labor traitors and wage wildcat strikes, sending roving picket squads widely from mine to mine to call the workers out, and even confronting armed troops sent by Miller to suppress them.

In order to discredit the miners' movement the capitalists cry execrable tears about a "handful of radicals" whose roving picket lines allegedly "force the majority" to strike against their will. Let us put an end to this myth. When the miners strike they are opposed by all the forces that Capital can muster. Every day the capitalists run lying propaganda in their newspapers aimed at convincing the miners to return to work. The capitalists bribe, suspend and fire striking miners in order to break their will. The capitalist government levies heavy fines and throws strike leaders in jail. But not only this. Arnold Miller and the UMWA International Executive Board consistently order the miners back to work, order the district officials to break the strike, order the local officials to hold meetings to order the miners back to their jobs. In this summer's national wildcat strike Miller and the International Executive Board sent fifty gun thugs to one mine in order to force the miners back to work. Under these conditions, where virtually every force is brought to bear against the miners' strikes, no handful of people can be responsible for the majority of miners marching into battle in wildcat strikes. The trusted militant workers can and do lead the miners' struggle, but only because they express the actual will of the miners, because they know what the miners want and because they have gained the trust of the miners through years of struggle. The roving pickets can shut down a mine, but only the majority of the miners at that mine can keep it closed down. The roving picket is an excellent method for beginning, spreading and organizing the strike struggle of the miners, but it can never substitute itself for the will of the majority of the miners. It is effective only when it is expressing that majority's real interests. The miners' wildcat strikes are militant actions by the mass of coal miners, in their fundamental class interests.

UMW Labor Traitors Led by Miller Sabotage the Miners' Struggle

While the miners' movement against the capitalists' attacks has grown stronger than ever, the miners have had to fight against the sabotage of the top labor bureaucrats of the UMWA led by Miller. The labor traitors echo the line of their capitalist masters. When the BCOA threatens "decline and possible extinction" of the UMWA, Miller does not issue a call for militant mass struggle to oppose this attack but means that "we are work" and the "union is being torn apart". They have spent so many years looking up in reverence to big payments from the table of the kings of coal that they are afraid of the powerful coal miners' movement that has grown up right under their noses. They obviously attack it at their master's bidding. When the BCOA threatens to cut the pensions and medical benefits still further, Miller does not call for struggle but telephones the capitalist press to echo that the benefits are being cut, surrendering to the attack. When the BCOA demands that "this agreement must help restore stability and improve productivity in coal", Miller parrots his masters, saying that the miners must "bring stability to the industry". And when the BCOA and the government call for the defense of the "national interests" for "country independence", in preparation

for a war of slaughter of the working people, Miller means that "we have to solve the problems in coal mining and produce the coal necessary to get us in the position of self-sufficiency" -- for what? For the very same aggressive war to enslave and massacre the peoples, Arnold Miller and the top union bureaucrats are mere echoes of the bourgeoisie, agents of the capitalists in the working class movement.

Miller, taking his cue from the capitalists, regards his main problem as ending the strike movement. In order to disguise his objective, Miller calls for a "limited right to strike". In this formulation, the "limitations" are everything and the "right to strike" just window-dressing. Miller revealed this in an interview in the Louisville Courier-Journal. He was asked by the capitalist press: "How do you propose to end the wildcat strikes that have plagued the industry and cut coal production in the last two years?" Miller answers: "By establishing majority rule at the local level. This can be accomplished by the limited right to strike, based on the contract and 51% of the vote affirmative. And the same procedure can be used by neighboring locals if they want to support neighboring locals. The situation we have now is that two or three pretty valid problems can effectively shut down a number of operations. This is what limited right to strike can do... I think it is in the national interest. I think it would bring stability to the industry."

Thus Miller admits that he is not interested in solving the "pretty valid problems" but in using the "limited right to strike" to "end the wildcat strikes that have plagued the industry..." What belly-crawling before the capitalists!

Miller claims to be interested in "establishing majority rule at the local level". Actually, under the signpost of "majority rule" Miller wants to cripple the local unions and subject them to the full control of the top labor bureaucrats. If Miller were so interested in majority rule, then why is it that when the actual majority of the working UMW membership, 100,000 miners, struck in 1976, that Miller did not abide by "majority rule" and call the entire union out on strike? And when 85,000 miners (again a majority) went on strike this past summer, why didn't Miller abide by "majority rule" instead of ordering the men back to work and even sending thugs in an attempt to suppress them? If Miller is so interested in procedures for formal voting, then why didn't he organize a vote on whether or not to continue the strikes? This shows that Miller is only interested in suppressing the workers' movement under a thin veneer of "democratic" gloss. He proposes that every local strike must be approved not by the workers "voting" in action by walking off and staying off, nor even on the authority of a majority of a mass meeting of the miners, but only by a 51% majority of the entire local union membership. Miller intends to establish procedures to rig the vote and violate the will of the fighting coal miners. Miller's idea of the procedures for "majority rule" can be seen in such things as the 14-point program of the International Executive Committee for the suppression of wildcat strikes, adopted in September 1975. This program was full of devices to intimidate the miners and force them back to work. For example, it specified that locals should hold meetings as soon as possible after walkouts and that "an officer of the district attend the meetings and have the responsibility to direct the men back to work". President Little here about the "officer of the district" saying "the majority rule". And the program contained a number of measures against the miners. Miller did not think to submit this anti-miner program to the "majority rule" of the membership. Miller's "majority rule" is as fake as Nixon's "silent majority". It is just a device to suppress the miners' movement from within.

Victory to the Heroic Coal Miners!

The class war in the coal fields is but a herald of the class warfare which is now spreading through the U.S. The attacks against the coal miners' movement fall on the entire working class movement. Fascist legislation such as the Miller-Reform Act directed against the coal miners will oppress all the workers. The heroic struggle of the coal miners has the support of the entire working class and oppressed people. The fascist offensive of the capitalists is giving rise to an upsurge of the revolutionary mass movement. Today's resistance to the effects of the international economic crisis is part of the preparation for the coming anti-fascist proletarian socialist revolution by which the workers will overthrow the source of these crises, the monopoly capitalist system itself.

VICTORY TO THE HEROIC COAL MINERS! End.

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