

THE BORDER

Runaway shops at the Mexican border

By Thomas Angotti
and Belinda Sifford

Liberation News Service

MATAMOROS, MEXICO—Brownsville, Texas is a boom town, part of the fourth fastest-growing metropolitan area in the U.S. It boasts a prosperous business district, fancy new residential communities and luxury tourist facilities.

Just across the Rio Grande River, the Mexican town of Matamoros is also growing by leaps and bounds. But the resemblance ends there. The sprawling "colonias" or slums of Matamoros, with their unpaved roads and ramshackle housing and schools, contrast starkly with modern Brownsville on the other side of the river.

But where the resemblance ends, the relationship barely begins. For the rapid growth of both Brownsville and Matamoros is a result of the same process—the flight of American corporations to the border region, where runaway shops can take advantage of the low wages and compliant government-backed unions in Mexico.

There are 463 runaway shops along the U.S./Mexican border, employing 76,000 workers. Most of the factories, called "maquiladoras," are assembly operations using lots of cheap labor and imported material and components. A numerical breakdown shows 188 electronics firms, 103 in textiles, and clusters of others in food processing, leather goods and toys.

Matamoros, the fastest-growing center for maquiladoras, is a prime example of the role American corporations play in Mexico's "development." Most of the 42 maquiladoras in Matamoros, employing 1,500 people, have twin shops in Brownsville where products are finished, packaged or labelled.

While growth in Matamoros consists of spreading shantytowns strung along dirt roads, Brownsville's booming business district draws half its retail trade from Mexican workers who come across the border to shop.

So even the wages of Mexican workers wind up back in the pockets of American businessmen who run downtown Brownsville. The higher standard of living on the Texas side also attracts the executives from the maquiladoras to make their homes in the U.S.

Little wonder then that cities like Brownsville have vigorous programs to woo twin runaway shops. In fact, the Brownsville Chamber of Commerce's campaign to attract maquiladoras is generally credited for the rapid "development" in Matamoros.

Not much convincing needed.

Not that U.S. corporations take a lot of convincing. They aren't slow to recognize the advantages of low wages and the stability guaranteed by government-controlled trade unions. U.S. and Mexican government tax breaks and favorable legislation specifically designed for plants on the border provide a clincher.

An executive of the Norton Abrasive Company noted in a recent trade publication that the main attraction of the border area is its labor force. He explained that his firm moved there specifically to escape an "unstable labor market" on the East Coast. "Here," he said, "we've found conscientious and easily trained employees..."

Mexican workers interviewed in Matamoros attribute much of this "labor market stability" to the sellout nature of the government-backed Confederation of Mexican Workers (CTM). According to Mexican law, all border shops must have contracts with the CTM. But as one mili-

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tant told us, the union "charros" or bosses "work hand in hand with the employers. They are appointed by the government and always try to mediate disputes."

A worker at the huge Electro Parte factory, owned by the Zenith Corporation, agreed. "There have always been protests and strikes, but the union tries to mediate them. If you don't agree with a wage offer and the union bosses accept it, there's nothing you can do about it. If you go against the union bosses, you might as well forget about your job."

Adding to the difficulties of organizing is the threat that companies are quite prepared to relocate again if the "labor market stability" doesn't live up to expectations. Since they are labor intensive and have little heavy machinery, the maquiladoras can easily pack up and move on. Because of militant labor protest in Laredo, another border town, American companies have been moving from there to Taiwan and Hong Kong.

"A major problem," one organizer said, "is that the companies can just pick up and leave when the workers protest as they did in Laredo. It is a very difficult situation, and we have to use delicate and well-timed tactics."



Fully 85 percent of maquiladora workers are young, single women between the ages of 16 and 22. Management claims that women are more agile and patient, giving them some sort of inherent skill for assembly work.

But experienced workers suggest another reason for corporate hiring policies. Given the strong influence of the church and traditional values in the community, the mainly male management and union bosses feel they can most easily control women with little experience in trade union or political activity.

Once they are hired, maquiladora workers find that the companies often try to increase production by setting quotas and constantly raising them to higher levels. "They started with 90, then 95, 100 and finally 113," one worker told us. "Maybe we could have produced everything they asked for, but it is too much. The tension on the line is incredible."

While production climbs, wages actually shrink. When Mexico devalued its currency last year, American companies wound up paying only about half as much as before in wages. Since then, wages for Mexican workers have increased

23 percent, while the cost of living went up 45 percent.

In addition, workers point out that the rapid pace of work, noise and poor ventilation add up to a prescription for physical exhaustion. "We were working near the ovens and standing right next to each other and couldn't hear what we were saying," an Electro Partes worker stated. "When I was in the repair section, I never lost my cough."

The maquiladoras are made possible and profitable by provisions of the U.S. Tariff Code, passed in 1963, which limits the tariff paid on reimported items to the "value added" during the assembly process.

On the Mexican side, runaways are attracted by the provisions of the Border Industrialization Program, initiated in 1965 by then President Gustavo Diaz Ordaz. Under this program, companies operating within the 12-mile deep border area may be 100 percent foreign-owned, whereas elsewhere a majority of the stock must be held by Mexicans.

Maquiladoras also receive benefits from the Mexican states along the border, as they compete for business by offering tax breaks and subsidized services such as water and sewers.

LABOR

Iron miner's under pressure to settle

By David Moberg

Despite economic pressures from their four-month strike and strong encouragement by United Steelworkers union international representatives to settle, 10 of the 15 iron ore locals in the Minnesota-Michigan mining country are holding out against a compromise settlement that they regard as inadequate.

Five locals, representing about 5,000 of the 16,000 strikers, voted in late November to accept the package that Steelworkers president Lloyd McBride had negotiated without involvement of the bargaining committee or District 33 president Linus Wampler.

After the 80-member bargaining committee rejected the offer (IN THESE TIMES, Nov. 23), USW officials decided to take it to each individual local.

Local news media in upper Michigan saturated the area with reports that the local votes were a "mere formality," and just before the voting "the international and the companies had a live radio program in which they said it was a great package," Harvey Miron, a bargaining committee member at the Republic, Mich., mine of Cleveland Cliffs, said. Some foremen called miners to report to work before the balloting, hoping to sway the vote.

The central issue was the ore miners' demand for incentive pay comparable to that earned by steel mill workers. The McBride package provides for incentive pay at about two-thirds the mill rate, starting in November 1979, and with only three-fourths of workers assured of coverage. Since the miners will lose their current attendance bonus, they will gain only roughly 26 cents an hour once the incentive starts, Wampler said.

The remaining locals want the incentive to start August 1978 and to cover everyone. One local at Eveleth, Minn., voted nearly two-to-one against the compromise. Other local committees have not even called for a vote. Wampler called the decision to bypass the bargaining committee "strange and curious" but did not accuse McBride of "playing politics," even though Wampler and the ore miners have not been McBride supporters.

Miron said that Cleveland Cliffs miners debated the local contract for five hours, complaining that they did not have sufficient information and that some important local issues had been conceded. Although he and a third of his local rejected the settlement, Miron argues that "the incentive issue is not all bad. It was a major victory. In the future people will retire under a better pension, with better

holiday pay, overtime and general wage increases.

It's a turning point, and I'm definitely not sorry one bit for striking, but I'd rather have had another chance to go back to the bargaining table."

Ore miners want to get everything they can this time to make up for neglect of their demands in the past. Also, many fear that they may not get to strike again.

In a side agreement covering the whole industry, McBride and the steel companies said that they will submit any future dispute over what constitutes a "local issue" to arbitration. Under the Experimental Negotiating Agreement, which was extended through 1980, steel industry workers can only strike on local issues. Steel executives have claimed that the ore miners' incentive demands were not local, and therefore the strike was illegal.

The ten remaining locals were still talking last week with corporate representatives, coordinated by the powerful and hard-nosed United States Steel. Although ore stockpiles are dropping and soon the Great Lakes will be closed to shipping, the company appears adamant. But the Minnesota miners have shown determined resistance as well, making the continuation of the strike a very strong possibility.

CRIME & PUNISHMENT

Making juries representative

By Mike Yuen
Pacific News Service

Two young men get into an argument at a party. One reaches into his hip pocket. The other attacks immediately, and is subsequently arrested and charged with assault. At his trial, he pleads self-defense, claiming that the first man was reaching for a knife. Unless there are members of his peer group on the jury—in this case low-income blacks—it is unlikely that his story will be understood.

"In the ghetto, when someone reaches into his pocket during an argument," says San Francisco criminal attorney Charles Garry, "it's assumed he's going for a knife. People from the silk-stocking district wouldn't understand that."

A Yale law student working in a New Haven court makes a similar observation. "The problem," he says, "is that most defendants come from the inner city, while most jurors come from the suburbs. They can't understand what the defendant has been through. It's a culture shock."

"The composition of a jury," contends University of Chicago law professor and jury expert Hans Zeisel, "has as much to do with the outcome of a trial as does the evidence."

Despite Supreme Court decisions mandating that juries be drawn from a broad, representative cross-section of the community, most juries are still predominantly white, middle-aged and middle class. On the other hand, a high percentage of criminal defendants are poor and come from minority groups.

Voting lists inadequate.

Minorities and the poor are underrepresented in jury pools because of the way jurors are chosen—primarily from voter registration lists. That system is now under attack from lawyers and legal experts who contend jurors must be selected from other lists as well.

Jon Van Dyke, a professor at Hastings College of Law in San Francisco, just completed a national study on jury selection procedures. "It can be demonstrated unequivocally," his study concludes, "that the exclusive use of the voter list skews the jury toward some sectors of society."

Philadelphia attorney and jury expert David Kairys, writing in the *California Law Journal*, maintains that the "race and class" bias of jury pools in large urban areas could be eliminated by simply drawing from four lists: voter registration, licensed drivers, welfare recipients and the unemployed.

Kairys and two statisticians at Carnegie-Mellon University have developed a method that would eliminate duplications on the multiple source lists at a cost of only \$30.

Voter registration lists, Kairys pointed out, are no longer representative of a cross-section of the community because large segments of the population do not bother to register or vote anymore.

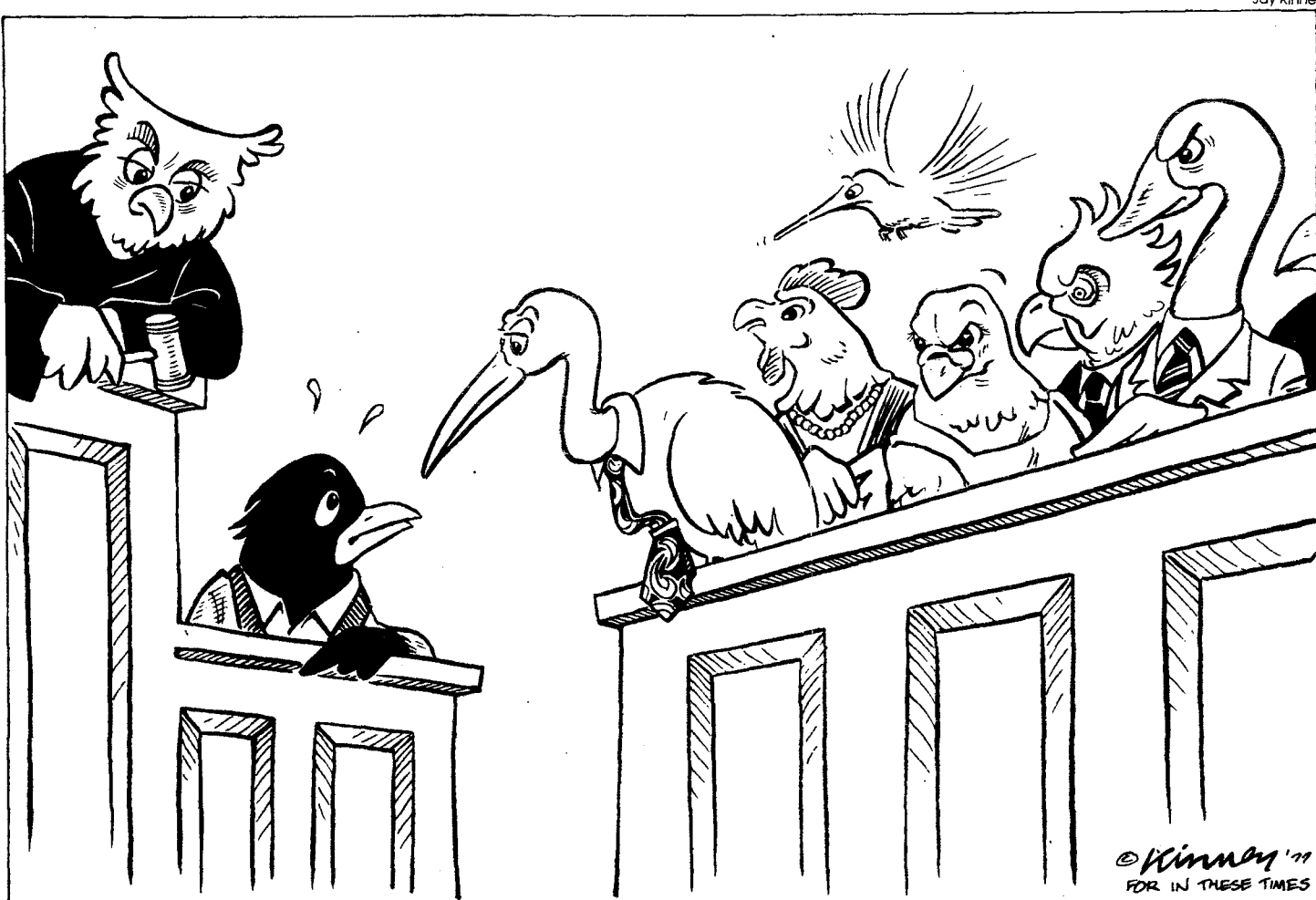
Although the 1963 Federal Jury Selection Act requires that other sources be used, when necessary, to insure representative jury pools, only two out of 94 federal districts now use alternative sources to supplement voter lists.

Five states—Colorado, Idaho, Indiana, Mississippi and North Dakota—have adopted the Uniform Jury Selection and Service Act, which makes the use of multiple lists mandatory.

Scattered through the remaining 45 states, only 15 counties now use multiple lists, while hundreds of counties continue to rely on the voter registration rolls alone.

Presumption of innocence.

Census Bureau studies show that approximately 40 percent of the population is not represented on voter registration lists in New York, California, Texas, Florida, North Carolina and Virginia. Higher levels of registration and voting are associated with white males, aged 35-64, who work as white-collar professionals and earn more than \$10,000 a year.



Despite court decisions mandating representative juries, most are still predominantly white, middle-aged and middle class. Defendants, on the other hand, are primarily poor as members of minority groups.

Conversely, the bureau found that women, blacks, Hispanics, young people (18-34), old people (over 65), those with incomes below \$5,000 and people in unskilled occupations were less likely to vote.

Beth Bonora of the California-based National Jury Project believes the use of multiple source lists will bring more diverse attitudes, values and social experiences into the jury box, and will permit evidence to be analyzed from several viewpoints.

"People who don't vote are more alienated," she says. "They don't think voting will make a whole lot of difference. They might be the same people who would be skeptical about police testimony, or about the criminal justice system."

The National Jury Project has also concluded that many jurors disregard the judicial instruction on the "presumption of innocence"—that a defendant is presumed innocent until proven guilty.

In the average case, surveys show, about 60 percent of potential jurors say

they would ignore such instructions from the judge. In highly publicized cases, about 80 percent replied they would ignore the instruction.

This gives the prosecution a heavy built-in advantage, and often requires that defendants prove their innocence, something that by law they are not obligated to do.

Advocates of a change in the jury selection system claim that, by drawing from several different lists, there will be fewer jurors in the pool with this built-in bias against defendants.

Opposition from jury commissions

The strongest opposition to changing the jury selection system has come from county clerks and jury commissioners who feel comfortable with the old process. They argue that the voter lists are still representative, and the addition of other lists would be "too costly" and "a waste of the taxpayers' money."

But their position may be eroding under an avalanche of court suits, challenging

the appropriateness of the voter lists as the sole source of jurors.

This year, the California Supreme Court ruled that "official compilers of jury lists may drift into discrimination by not taking affirmative action to prevent it," implying that the voter lists may no longer represent a community cross-section.

And in a recent decision that startled many, the U.S. Supreme Court reversed the conviction of a Louisiana man because there were no women on the jury that convicted him.

Ruling that Billy J. Taylor did not receive a fair trial, the high court said that "the purpose of the jury is to guard against the exercise of arbitrary power—to make available the common sense judgment of the community..." A jury can't fulfill that role, the court said, if it is selected from a pool containing only certain segments of the population.

Mike Yuen is a Texas-based free-lance writer.

THE MILITARY

Coalition organizes against Senate bill

Designed to prohibit military unions, S-274 is so broad that it would prohibit almost any kind of activity.

By Tod Ensign
and Michael Uhl

Seven national organizations engaged in protecting the legal and economic rights of American servicemembers have formed a coalition to fight a bill (S-274) that they believe would abridge the Constitutional rights of both GIs and their civilian supporters.

The Washington office of the American Civil Liberties Union, the Center for

National Security Studies, CCCO (Philadelphia), Citizen Soldier, *Enlisted Times* newspaper, the National Lawyers Guild, and the national president of the Association of Civilian (Guard) Technicians, have banded together in an effort to defeat the legislation in the House of Representatives.

Ostensibly designed "to prohibit the unionization of the armed forces," S-274 so broadly defines "labor organizations" that any group that assists individual soldiers with their grievances could be subjected to criminal prosecution. If S-274 becomes law, the coalition argues, such traditional GI organizing activities as discharge counselling, paralegal representation *vis a vis* administrative boards, not to mention the overt political associations formed by GIs and civilians during the Vietnam war, will become illegal. In addition, the mere advocacy of any collec-

tive action or self-organization for GIs would be outlawed.

Initial activities of the coalition include polling members of Congress as to their attitudes on this legislation. Few Representatives seem to have any understanding of the issues raised by the bill. Educational work will be combined with lobbying in the weeks ahead to identify potential allies.

In January the coalition plans a briefing for congressional staff members. Constitutional law experts and GI organizers will present arguments against the legislation. A campaign to mobilize the nation's law professors against S-274 is also being launched.

The coalition has established national offices at 600 Pennsylvania Avenue, SE, Washington, DC 20003.

Tod Ensign and Michael Uhl work with *Citizen Soldier*.