

A bitter battle in Mineworkers

By Dan Marshall
Staff Writer

The United Mine Workers union (UMW) has reached a sharp turning point in its 87-year history. It can either proceed forward towards more membership participation in union affairs and more attention to working conditions—a course charted by the triumph of Miners for Democracy (MFD) in 1972—or it can slip backwards into chaos, internal dictatorship and, possibly, its final collapse as an independent union.

The union's fate may partly be determined on June 14 when 277,000 UMW members elect a new president. While the issues have been muddled by the intense guerilla warfare that pervades the union's upper ranks, the individual candidates present clear political alternatives.

Miller, Patrick and Patterson.

As the incumbent president who defeated W.A. "Tony" Boyle in 1972, Arnold Miller is probably the frontrunner. His administration has accomplished much in the areas of internal union democracy and contract provisions, but it has been plagued by Miller's failure to aggressively fight contract-breaching coal companies and conservative opposition on the International Executive Board.

Challenging Miller are Harry Patrick, current secretary-treasurer who is committed to the reform tradition of the MFD, and Lee Roy Patterson, a Board member from Kentucky who is the recognized leader of the resurgent Boyle forces within the union. On the sidelines is an embittered Mike Trbovich, current UMW vice-president, who was elected on the MFD slate but now supports Patterson.

Whoever wins the election battle and leads the union in contract negotiations this winter, a long coal strike is virtually certain when the national contract expires on Dec. 6. A primary demand will be the right to strike over local grievances, the only contract provision that can deflect the wave of wildcat strikes that has flooded the coal fields in recent years by compelling coal operators to respect whatever contract is agreed upon.

Mistakes, bad leadership, fights.

What happened to the idealism and enthusiasm that greeted Miller's historic victory in December 1972? The answer is not simple.

Interviews with UMW members and a close reading of press accounts reveal a combination of factors: mistakes by union reformers, inept leadership by Miller, a concerted effort by the former supporters of Boyle to regain control of the union and violations of the 1972 contract by coal companies.

"Democracy is a process, not just a series of changes in union procedures," comments Martin Boyle, a former UMW researcher. "The UMW is an interesting study of what happens when democracy comes from the top down. Miller was elected from the ranks. There was no support for him or other rank-and-file candidates needed experience in union administration because of Boyle's stranglehold on the union."

(Origins of MFD)

The MFD arose in the aftermath of the 1972 election. It was a coalition of miners who were dissatisfied with the UMW leadership and wanted to see a variety of reforms. The MFD was not a formal organization, but a loose coalition of miners who were dissatisfied with the UMW leadership and wanted to see a variety of reforms.

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Harry Patrick, current UMW secretary-treasurer, decided to run only after it appeared Patterson could defeat Arnold Miller.

After the 1974 contract negotiations trouble surfaced everywhere. Boyle forces regrouped under the leadership of Lee Roy Patterson, while the reform forces splintered. Miller reacted with paranoia and failure to lead.

and the MFD convened in May 1972 to choose a presidential candidate. Though Mike Trbovich was the accepted leader of the MFD, Arnold Miller, the head of the West Virginia Black Lung Association and a deep miner for many years, was the compromise choice.

"Our first choice was Trbovich, but Miller introduced the idea that he wouldn't have a chance because of his foreign-sounding name," explains Bill Worthington, a MFD founder.

When Miller became president he implemented long-needed reforms in union rules and financial priorities. Officers salaries were cut. More money and union energy was expended to organize new mines. The union supported a 13-month strike in Harlan County, Ky., that would cost \$1 million and a young miner's life. (From 1973-76, 120 mines were organized and UMW membership jumped 50 percent.) Rank-and-file miners soon achieved the right to ratify their contracts and elect union officials previously appointed by Boyle.

Union democracy mixed blessing.

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The MFD was then dismantled because Miller and other union leaders had served its purpose. They had no independent voice for expressing their grievances and their international organization was the MFD's reform philosophy.

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soaring coal company profits, however, many miners expected larger wage hikes that would be sure to compensate for inflation.

No local right to strike.

The 1974 contract did not include the local right to strike. Instead, a complex grievance procedure was instituted that enables coal operators to push a dispute to arbitration and pits rank-and-file miners against legal technicians bought by the coal companies.

Patrick now charges that Miller settled with the coal companies in 1974 without consulting others on the negotiating team. The UMW could have won more by holding out, he says.

Dissatisfaction with the contract also allowed the Boyle forces to regroup under the leadership of Lee Roy Patterson and others on the Board. Patterson voted against the contract, charging that the wage hikes were too low and that it "has produced needless wildcats and lawsuits."

In June 1975 Trbovich stepped into the fray on Patterson's side and publicly accused Miller and Patrick of financial mismanagement. (The Labor department later cleared the administration of any wrongdoing.)

Firmly controlled by conservative, Boyle-oriented members, the union's board did everything possible to cripple the Miller administration. It cut UMW organizing and removed funding from COMPAC, the union's political arm. In violation of the UMW constitution the board voted to impeach Miller.

Miller's image was also damaged by the record number of wildcat strikes that swept the coal fields, slowing company payment to the union's Health and Retirement Fund.

Miller responded with paranoia. He accused these attacks of being a conspiracy to overthrow him and an attempt to perform a coup d'état.

Miller had her office door removed. Critics also charge that he has made 35 trips to a Charleston, W.Va., motel in the last year to escape union responsibilities. Seventeen persons resigned or were fired from the UMW staff in one year over policy differences with Miller.

"He was never a man who enjoyed slugging it out toe-to-toe in the brawling give-and-tak of union politics. In Miller's hands a gavel is as useless as a bag of marshmallows. He is a man of many good qualities but none of them equipped him for leadership," writes Tom Bethell, former UMW research director, in *Coal Patrol*.

Despite events that have seemingly discredited the Miller administration, many miners continue to support the silver-haired, soft-spoken miner from West Virginia. Lou Antal, president of District 6, blames the union's difficulties on "dirty politics" by Patterson and moves by coal operators to disrupt the union.

"Miller has kept every promise that he made," Antal says, "and will go down in our union's history, on his record, with John L. Lewis and John Mitchell (first UMW president). Sure Miller is overaging and democratic, but that's not bad leadership!"

Questionable slate.

Miller fired his entire campaign staff in early May. His election materials, as printed in four special issues of the *UMW Journal* along with statements by Patrick and Patterson, have the slick look of an advertising agency job.

He also fired his campaign committee, expelled his campaign staff and downplayed Patterson's role on his opponents.

More union dissidents are better contracts. Miller argues, because the "leadership of the union cannot sell out the miners but only make sweet deals with the operators."

MEDIA

Two reporters fight libel case

Bergman and Ramirez feared that the Hearst corporation, with its own interests to protect, would leave them high and dry, with their careers in ruins...

By Ken McEldowney
SAN FRANCISCO—The journalist community here is banding together to protect two reporters facing \$30 million in libel suits for a series of articles published last May in the *San Francisco Examiner*. At stake are the future of two investigative reporters, the obligation of a newspaper to adequately protect its reporters and the fate of a 23-year-old Chinese-American.

The articles in question detailed the sworn allegations of witnesses in a 1972 San Francisco Chinatown murder case who claimed they had been coerced or misled by authorities into testifying against an innocent man, Richard W. Lee, leading to his conviction for first degree murder and a life prison sentence.

The articles, written by *Examiner* reporter Paul Ramirez in collaboration with freelance writer Lowell Bergman, quoted one witness—a young Chinese woman who glimpsed the killer through a window—as saying she felt pressured

by police into identifying someone and, later, into testifying against Lee.

The other witness, Thomas H. Porter Jr., had testified that Lee made a dramatic “jail house” confession to him while the two were cellmates awaiting trial on unrelated charges. The *Examiner* articles reported that Porter, in a sworn statement, retracted his testimony, saying it was fabricated by Lee’s prosecutor.

Two homicide inspectors and a former assistant district attorney who had been implicated in the series asked for retractions in June 1976. The *Examiner* refused and stood behind the stories. In November the three filed libel suits against the two reporters and the Hearst Corporation which owns the *Examiner*.

The *Examiner* then informed Bergman, who was not employed by the paper and who had received no direct compensation for his part in investigating the articles, that it would not provide him legal defense. Ramirez’s request for independent legal assistance, likewise, was denied by the corporation, which did say that it intended to defend itself against the charges.

Bergman and Ramirez feared that the corporation, with its own interests to protect, would negotiate a settlement that would get the paper off the hook but would leave the reporters out in the cold, quite possibly with their reputations and careers ruined. When the paper refused to provide independent counsel for the reporters and, indeed, refused to even acknowledge any responsibility for Bergman’s defense, the two reporters had no choice but to obtain their own legal



Lowell Bergman and Raoul Ramirez question the price that investigative reporters should have to pay for their work. Shouldn't the newspaper have an obligation to provide them adequate support?

counsel.

Members of the Bay Area Newspaper Guild and area freelancers immediately formed the Bergman-Ramirez Defense Committee to help raise legal defense funds. Early fears that the Newspaper Guild might be reluctant to help Bergman, who was not an *Examiner* reporter and not in the Guild, proved incorrect. Although the Guild has been critical of newspapers under Guild contract using freelancers to perform work that should be done by union members, they also recognized the danger that this case presented.

The Media Alliance, a bay area organization of nearly 350 freelance and staff media workers, has also been active in defense of Bergman and Ramirez, as have journalists from around the country.

Area journalists are concerned about the intimidating effect the libel suit and the Hearst Corporation’s refusal to provide independent counsel will have on the future of investigative reporting in the

area. They argue that reporters are likely to hesitate printing information that might lead to costly court cases unless they are assured of an adequate legal defense.

Meanwhile, Richard Lee, whose case brought on the entire controversy remains in jail. The original *Examiner* articles brought on a flurry of interest in his case, but that died down after Thomas Porter once again changed his testimony and said that Lee had indeed confessed to him in jail, and after the judge who had heard the original case refused to order a new trial. Any further progress on his case will probably have to wait for resolution of the libel suit against Bergman and Ramirez, who stand by their original articles questioning the conviction.

The Bergman/Ramirez Defense Committee can be contacted c/o Media Alliance, 13 Columbus Ave., San Francisco, CA 94111.

Ken McEldowney is a bay area freelance writer and coordinator of the Media Alliance.

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Mineworkers

Sam Church, vice president on Miller’s slate, supported Boyle in 1972 and at that time considered Miller a “stooge.” He is one of the most disliked, hot-tempered officers in the UMW, says one critic. He is considered a “thug” by others, who fear he will end up running the union if Miller wins.

According to Patrick, James Blair, Miller’s vice president for pension affairs, has never apologized for sending a letter to locals seeking support because he is “a white man.” (Booker Thomas, Patterson’s choice for the office, is black.)

Patterson like USW’s McBride.

Compared to Lee Roy Patterson’s, however, Arnold Miller’s running mates look like white-robed choir boys. A 42-year-old strip miner from Madisonville, Ky., Patterson emphasizes his “deep roots in the UMWA” because his father was a union member for 55 years.

Boyle appointed him president of District 23 in 1969. (He later opposed the election of district officers and board members.) He won his board position by a narrow margin against a relatively unknown candidate.

The thrust of Patterson’s campaign is strikingly similar to Lloyd McBride’s successful bid for president of the United Steel Workers. Patterson accuses outsiders of dominating the Miners for Democracy, running Miller’s 1972 campaign and raising money from liberal intellectuals. In one piece of campaign literature he breaks down the contributors to Edward Sadlowski’s USW campaign and claims that the same people financed Miller/Patterson.

Patterson’s connections with the USW and its president I.W. Abel go deeper than campaign fliers, however. His campaign manager is Chuck Baker, a longtime associate of Abel who directed his



Lee Roy Patterson

UMW Journal

Patterson’s connection with I.W. Abel and the Steelworkers goes deeper than campaign flyers. He has even hinted at a possible merger of the two unions...

1965 race for USW president. Baker reportedly started work without arranging a fee.

Patterson told reporters on May 4 that he would “definitely” consider merging the UMW into the USW if elected. Since miners are already nervous about USW attempts to organize coal mines in Kentucky and out West, Patterson’s remark is thought to hurt his election prospects.

Patrick has charged that Patterson “spent part of his work years in scab surface mines.” Patterson has never denied it.

But Patterson does have notable support from many union officers and from the “business community.” Sixteen out

of 21 board members back him, along with 18 presidents of the union’s 21 districts. He received 362 local nominations, more than Miller and Patrick combined. The *Wall Street Journal* has dubbed him “the frontrunner.” (Patterson is not running with a full slate, so he and his running mates will be listed individually at the bottom of the ballot. Miners will have the option of endorsing the Miller or Patrick slates with only a single vote, on the other hand.)

Patrick most reform-oriented.

If the UMW is to continue on a politically progressive, reform course, observers say that the best person for the job of international president is Harry Patrick, the 46-year-old secretary-treasurer.

Patrick, an underground miner for 18 years and a campaign manager for Jock Yablonski, reluctantly decided to run when it appeared that Patterson could defeat Miller. “If I did not run for the presidency,” he says, “the members of this union would be faced with having to choose between a man who will not lead, and a man who would lead the UMWA back to the dark days when we had no democracy...”

Patrick declared late and is clearly the underdog. But he is reported to have a greater appeal to the young miners who now comprise a majority of union members. In 1971 he led a rank-and-file revolt against a weak contract that the membership could not ratify. As secretary-treasurer he undertook a thorough overhaul of UMW finances by cutting unnecessary expenses, reviewing union investments and establishing a credit union.

As a presidential contender Patrick has presented a more detailed, comprehensive program than either of his opponents. Declaring that the “old days of absolute management rights are over,” Patrick places the local right to strike at the head of his bargaining program. Promising “full time leadership for a full time job,” Patrick pledges to fight for more safety protections, a continuing training-education program for local un-

ionists, coalfield medical clinics (shut down by Miller) and a reallocation of union funds to high priority programs.

More emphasis on West.

If elected, he is expected to emphasize organizing the Western coal fields. (Over the last few years the proportion of mined coal under UMW contract has slid from 70 to 54 percent, primarily because of high-yield strip mines of the West.) Mike Tamtom, Patrick’s candidate for secretary-treasurer, is a western district president who would be stationed there full time to coordinate organizing efforts.

Too close to call.

As of this writing the election battle is very close. Over the last five years rank-and-file miners have gained an independent spirit that will be difficult for any new president to harness. Many are Vietnam veterans who balk at blindly risking their lives for coal company profits.

In 1975-76 rank-and-file miners gained extensive experience leading wildcat strikes, which have increased tenfold in the last 15 years (from 120 in 1960 to 1,139 in 1975). The wildcats came from miners’ anger at the refusal of coal operators to settle grievances at the mine site. Company violations of negotiated absentee rules and unsafe conditions have sparked many strikes.

Any new UMW president will face immense problems. He will have to unify a faction-ridden union, confront a haughty coal industry and ward off government pressures to refrain from a long strike and “inflationary” wage gains. The election’s outcome will also undoubtedly influence the fight for union democracy in other unions.

Rank-and-file miners might remember the words of Jock Yablonski in judging the actions of their new president: “My duty to coal miners, as I see it, is not to withdraw, but to strive for leadership for this union, to reinvigorate its activity with idealism, and to make it truly a union of miners, rather than a union of inaccessible bureaucrats.”