

Staughton Lynd

Labor and the law

How to be your own lawyer

In *These Times* will soon be celebrating the beginning of its second year. This column has appeared only once since early June but will henceforth appear regularly, in the first issue of each month. As the column along with the paper begins its second year, some general statements of policy or new year resolutions appear in order.

"Labor and the Law" is an experiment in making the technical discipline of labor law accessible to rank-and-file workers and their friends.

Some people, including some radical labor lawyers, think this is a crazy idea. A little knowledge is a dangerous thing, they believe. According to this view, when you need to know something about a technical subject such as labor law, you should go to the relevant technician: the lawyer.

I disagree. I think going to a lawyer should be your last resort. Very few working people have \$50 an hour to pay a lawyer. If the only way to know labor law is to go to a lawyer, most rank-and-file workers will do the best they can without that knowledge.

The assumption of this column is that, with a modest orientation, any one able to read can make a preliminary assessment of a labor law problem. Dr. Spock takes the same approach to medicine in his famous book on baby care. He says to the mother or father of young children: if your child shows symptom A, watch carefully to see if B or C appear as well; if they do, call a doctor; if they don't, your child will be able to become well by itself.

This column views your problems in

labor law similarly. My aim is not to teach you the law. It is to teach you how to teach yourself at least the broad outlines of the law, so that you can diagnose a labor law problem, just as you might size up what's wrong with the car engine.

For starters, instead of laying out that \$50 on a visit to a lawyer you might want to buy a few basic books.

Paperbound collections of Federal labor laws are available. One, called *Federal Labor Laws*, can be purchased from the West Publishing Company, 50 W. Kellogg Boulevard, St. Paul, Minnesota 55102. The most important laws to know about are: the Norris-LaGuardia Act; the National Labor Relations Act, or Wagner Act; the Fair Labor Standards, or Wages and Hours Act; the Taft-Hartley Act; the Landrum-Griffin Act; and Title VII of the Civil Rights Act of 1964.

To know what "the law is" about a problem, you have to know not only the text of the relevant statutes but also how that text has been interpreted by the National Labor Relations Board and the courts.

There are two books that can give you a general idea of what the law is about the most common labor law problems. The first is published by the Bureau of National Affairs, 9401 Decoverly Hall Road, Rockville, Maryland 28501 and is called *The Developing Labor Law*. It provides a comprehensive picture of the development of labor law under the National Labor Relations Act. The parent volume was published in 1971. There are supplements for 1971-75, and 1976.

Federal Labor Laws costs about \$15, and *The Developing Labor Law*, with both supplements, about \$35.

A second book, also published by the Bureau of National Affairs, is called *Labor Relations Expediter*. It does not make sense to purchase, because it is in looseleaf form and is constantly updated by BNA. It is available in any law library and should be your first port of call when you go to the library to look something up. Topics are arranged alphabetically, for instance, "Bargaining Units" comes before "Strikes." Use the index to try to determine what topic covers the problem you have in mind.

Labor Relations Expediter, unlike *The Developing Labor Law*, is part of a larger system of labor law research materials. Here's how it works.

Every topic in the *Expediter* has a number, known as a "key number." For instance, "Bargaining Units" has been assigned the key numbers 63 and 64. The Bureau of National Affairs periodically publishes a *Cumulative Digest* of cases. You can look in the *Digest* under the pertinent key number and find short summaries of the important cases decided about that topic since the previous *Digest* was published.

Each case summary in the *Digest* has a citation to the full text of the decision. The decisions are collected in a series of volumes called the *Labor Relations Reference Manual*, or *LRRM* for short. A citation begins with the volume number and ends with the page number on which the decision begins. Thus, *Royal Typewriter Co.*, 85 *LRRM* 1501 (1974), tells you to get volume 85 of the *Labor Rela-*

tions Reference Manual and look on page 1501 for a 1974 decision involving the Royal Typewriter Company.

With a little practice you will be able to locate the most recent decisions about any topic that interests you.

Believe me, when you take a labor law problem to a lawyer, the first thing he or she does when you leave the office is to take down *The Developing Labor Law*, *Labor Relations Expediter*, and the most recent *Cumulative Digests*, and go through the process I have just described.

You may want a lawyer to double-check your own research, of course. But I believe you will feel far more independent and self-sufficient if you have attempted to arrive at a first approximation of the answer for yourself.

As in the past, I will welcome inquiries, criticisms, and comments from readers. My address is 1694 Timbers Court, Niles, Ohio 44446. During the day I can be reached at (216) 743-5101.

Finally, a small paperback book containing this column, a summary of the basic labor laws, and a selection of last year's columns, will be published soon by Singlejack Books, Box 1906, San Pedro, Cal. 90733, with the title *Labor Law for the Rank and Filer*. I don't know the price yet but I imagine you can find out by writing the publisher.

Staughton Lynd, a longtime civil rights and antiwar activist, practices law in Youngstown, Ohio. He and Alice Lynd edited Rank and File, Personal Histories by Working-Class Organizers. His column appears regularly.

Jack Clark

Coalition to combat unemployment

Speaking at the rally organized by the New York Full Employment Action Council on September 7, Ossie Davis reminded us that we had been here before. "In the early '60s in places like Selma and Birmingham, in 1963 in Washington D.C., we took to the streets demanding jobs and freedom." With the battle not yet won, we're taking to the streets and to the meeting halls again. September 4-10, leaders of the Full Employment Action Coalition called for a Full Employment Week. There were meetings and rallies and delegations to see members of Congress in city after city. In Washington, top black leaders, trade unionists and church leaders put pressure on President Carter who sounded as if he might endorse the Humphrey-Hawkins bill, if it were modified to provide fewer public service jobs.

Such activity is a welcome relief from the years of inactivity on jobs. Since the recession hit hard in 1974, commentators and Congressional representatives alike noted how quiet, even acquiescent, the jobless were. And how inactive the trade unions, the black organizations and the women's movement were in the face of rising joblessness that hurt them all. Carter's election helped to change that situation. Swept into office by the votes of working people and minority groups, on a platform that promised full employment, Carter's presidency raised expectations in spite of itself. Now there is a chance that their protests and demands may be heard. The inertia has been broken; the demand for jobs is being voiced on the grass-roots level.

But the movement for full employment has a long, long way to go. It is beset by a massive ideological assault from the new conservatives and by tensions among constituencies that need to be united in the full employment struggle

if we are to achieve jobs for all.

Much has been written on the decline of liberalism and the split within the liberal community. Nowhere is the evidence of a shift rightward more evident than on the issue of full employment. As Robert Lekachman has noted, Carter, if successful, will by 1981 reach an unemployment figure that prompted President Kennedy to stimulate the economy in 1961-62. From the larger liberal community, there has been little protest. On the contrary, fear of inflation, recently discovered wisdom about the limits of public policy and a cynical dismissal of the suffering of millions of women, blacks, Hispanics and young people have combined to make full employment an unpopular issue among most policy-makers. This mood combines nicely with the prevalent attitude in the business community where top personnel executives are discovering what disciplinary wonders fear of unemployment can accomplish.

The fate of the Humphrey-Hawkins bill reflects this dismal climate. Like the Full Employment Act of 1945 later signed into law as the Employment Act of 1946, Humphrey-Hawkins has gone through several stages of toning down in an effort to broaden its sponsorship and support. It seems unlikely to ever become law. Carter's latest statements urging further modification amount to a request that the full employment legislative goal be redefined to fit the conservative targets set by Charles Schultze and Carter's Council of Economic Advisors.

The new conservative (and not so new conservative) right has clearly defined its program and has mobilized its intellectual and political strength. So far, the pro-full employment left has done neither. The activity around Full Em-

ployment Week, though limited and modest in scope, was important precisely because it begins to change that political situation.

At the same rally where Ossie Davis spoke, New York City Central Labor Council President Harry Van Arsdale was greeted with boos when he linked the problem of unemployment to the number of illegal aliens in the country. At an earlier Full Employment meeting, several trade unionists spoke passionately of the need for jobs building the Westway and a convention center, two projects just as passionately opposed by strong neighborhood groups and community activists.

Socialists need to do more than decry the limited consciousness of workers caught in the bind of building bombers or unneeded highways or facing joblessness. Ever since its February convention, the Democratic Socialist Organizing Committee has been working to begin making full employment a central concern for all the progressive constituencies with which socialists work.

So far, the project has won support of leaders of four major progressive unions, the Machinists, the Auto Workers, AFSCME and the Clothing and Textile Workers, of Environmentalists for Full Employment and Friends of the Earth, of the chairs of two state Democratic parties and of the New American Movement, members of the Congressional Black Caucus, several major feminist leaders, the new Democratic Coalition and independent liberals and radicals.

The Democratic Agenda project will be officially launched at a November 11, 12 and 13 conference in Washington D.C. Not only will that conference seek to bring together the elements of this di-

verse coalition, but it will also engage in frank and difficult discussions of some of the major problems a full employment movement faces. William Winpinger who as president of the International Association of Machinists probably represents more aerospace and defense workers than any other union leader, will address himself to the problems of reconversion. Trade unionists and liberal economists will express their disagreements over policies of price and wage controls. A Friday night panel on what alternatives our society faces will feature views from environmentalists, black activists, trade unionists.

Most important, on the Sunday of the conference, we will divide up into the groups we usually function in to discuss what we can do to spread our ideas and continue the discussions begun at the conference. The Democratic Agenda's four point program for a full employment economy (democratic planning, wealth and income redistribution, social over corporate priorities in government policy and cuts in arms spending) will need to be fleshed out in the concrete work following the conference, but they provide a framework for broad, coherent work around full employment.

Like the full employment movement as a whole, The Democratic Agenda has a long way to go. But its promising beginnings indicate that it may be possible to place the issue of jobs into the center of American political and economic debate. If so, we are posing directly the question of whether government economic policy is meant to serve human needs or corporate profit.

Jack Clark is National Secretary of the Democratic Socialist Organizing Committee.

DIALOG



Cartoons, clichés, and clenched fists or a cartoonist's lament

I've been doing some thinking recently about left political art and would like to share some thoughts with *ITT* readers. Just what makes for honest and effective political art? Since I'm most familiar with them, let's look at editorial cartoons first.

The requirements of editorial cartoons ironically define its limits and account for its power. The necessity to distill a complex political situation down into a single image incorporating, at most, a handful of figures and a few props means that a good editorial cartoon must risk oversimplification for the sake of impact.

Editorial cartoons have played no small role in promoting that favorite American habit of reducing politics to personalities. The grin of a Carter or the scowl of a Nixon are far easier to capture and dramatize than the dry impersonality of "Foreign Policy." Likewise, the raw conflict between moral black and white is grist for the cartoonist's mill in a way that nuances of grey can never be. Thus the Cold War was a boon to mainstream cartoonists while Detente is often merely confusing.

An examination of the symbolic language of political cartoons is particularly relevant to those concerned with art from a left perspective. Most cartoonists rely on symbolic clichés in their work (Uncle Sam, for instance) simply because no better alternatives have been proposed. Even if symbols like John Q. Public or the stogie-smoking congressman do not really reflect reality, they keep getting used because they've stood the test of time and are immediately recognizable to most of us.

The task of left artists working with cartoons is to get to the heart of a situation, portray the essential kernel of truth and comment on it. If it can be done humorously, all the better. The function of left poster or flyer art, by way of contrast, is slightly different: to catch the passerby's eye, build support for an event, group or point of view, and encourage participation or sympathy.

The challenge before artists in either area is to avoid simplistic statements—and this may mean the jettisoning of

some hoary left clichés. Few cartoonists (myself included) have escaped the use of horrific world-enveloping menaces (be they Octopuses of Imperialism for the left, or Cobras of Communism for the right) when portraying the "enemy." In fact most of these symbols (spiders, beasts, wolves, arch-villains, etc.) have been used interchangeably by the left and right in characterizing each other.

Even if such symbols are sometimes justified—the fact remains that they are no longer potent in mobilizing public opinion one way or the other. Whether due to increased sophistication or jaundiced apathy, your average citizen simply does not believe them when they are used.

Another set of clichés in need of reexamination are clenched fists, upraised arms and flag-waving demonstrators. On posters or in left newspapers these clichés are supposed to move others to action—yet such symbols resonate only in the skulls of those who already agree with them, (a small minority of those seeing them). Such "radical" art is mainly self-affirmation by the artist and his or her peers. It is an expression of the artist's appreciation of directed anger, of unified resistance, of the emotional thrill of demonstrating . . . but as persuasion it is ineffective.

Another cliché is a figure holding high a rifle. This, it is assumed, will strike a chord of response in the poor viewer's breast. Why this should be is never explained. Pictures of revolutionaries brandishing guns are, in fact, a form of political pornography that arouses revolutionaries who imagine themselves heroically in the place of the "people's soldiers" on the posters. But as with the thrill experienced by a flasher, the audience is unmoved.

One reason commercial advertising is so successful is its utter pragmatism—its willingness to do what "works"—to target an audience and speak to it in its own language. Few ads try to reach everyone; advertisers realize that is impossible. Yet "radical" propaganda finds it ethically necessary to "appeal" (however ineptly) to all (blacks, whites, women, gays, Indians, latinos, etc.) for to leave anyone out would be racist, sexist, etc. This heightens the likelihood that none will be reached except the already committed.

Most "radical" art is thus caught between the devil and the deep blue sea. It tries to appeal to everyone with imagery that interests almost no one. In a weird cultural imperialism in reverse, we find Marxist-Leninist groups importing and using socialist-realist imagery from China, Vietnam, or Albania in an apparent attempt to

influence Americans. Not only is this hopeless to begin with (not to mention incredibly unimaginative) but it fails to take into consideration the fundamental fact that Americans are among the most visually sophisticated and satiated people in the world. Ideological wall-posters that are gobbled up in China would be absolute stiff here. Why then think that the art that accompanies those wall posters will be any more appropriate here? One wonders.

If our poster and visual art suffer from inappropriate "militant" clichés, the problems with political cartoons are somewhat different. By trying to describe and distill instead of motivate, the cartoonists avoid having to appeal to everyone, but they are still faced with the use of clichés for symbols. Here the most difficult task is making a few key figures represent diverse groups or concepts.

For instance, I received some (not unthoughtful) criticism several months back for an *ITT* cartoon where I portrayed "Unions" as a somewhat muscular white male (an admittedly rather dull cliché of 20th century cartooning). Was this not unsatisfactory in that the unions in question included blacks and women, for example, as well? Was, perhaps, a white male symbol implicitly racist and sexist, no matter what the intent?

Probably so, yet it is hard to hypothesize acceptable single-figure symbols that are simultaneously all-inclusive, specific and effective. Cartoons of necessity deal with few figures . . . turning every cartoon into a crowd scene might guarantee a token symbol for all—but would soon prove so unwieldy as to discourage the most diligent cartoonist. The single-figure solutions that come to mind: sexless, raceless nebulas; multi-colored, multi-sexed androgynes (ala Hindu goddesses); geometric shapes, etc.; all lack a certain something. The problem remains, and will be with us until we achieve a society of equality, where any figure would stand for all. Meanwhile, using men, women and minorities as interchangeably as possible (while avoiding confusion) seems the best approach.

Creating a revolutionary culture in non-revolutionary times means walking a tight-rope between the inaccessible and the banal . . . between giving people what we think they need and what they think they want. There's no single solution or formula for the task. When in doubt, try something new and risky. The old clichés guarantee nothing but boredom.

—Jay Kinney
San Francisco

The social composition of the French Socialist party is as important as the intentions of its leaders

The key question in the discussion of internal political developments in the French Socialist party (*ITT*; Sept. 7) is whether it will back off from its alliance with the Communists before the 1978 elections, or from implementation of the Common Program at a point when a transition from capitalist to socialist society is the order of the day.

We ought to be wary of too mechanically interpreting tactical setbacks for the SP's left (the CERES group) as an arrow pointing toward "betrayal" by Mitterand. Marxists place primary emphasis on social forces in

making history—and so how the SP's base is apt to behave in the complex political configurations that surround the forthcoming elections is equally important.

To begin with, the Socialist voters are young (a third are under age 34). Many of them have been formed politically in the events of 1968 and in the alliance with the Communist Party since 1972. A full third of the blue-collar workers, as well as a third of the white-collar employees in France now vote Socialist. (Many of these belong to the Communist led trade union federation: 29 percent of the members of the C.G.T. support the Socialist Party at the voting booth.)

This suggests—as does the underlying phenomenon that the resurgence of the Socialists has come about precisely through their alliance with the French Communist Party—that a substantial part of the SP is oriented toward common action in making a transition toward socialism.

On the other hand, there is a sector of the Socialist Party that is hostile to the Communists and less favorable to nationalizations and other structural reforms. After all, a fifth of the current Socialist voters supported the center against Mitterand in 1974! And it is certainly possible that some who wish to prevent the overthrow of French capitalism will adhere to the Socialist Party precisely to pressure it from within to attenuate its support for the Common Program.

Of course, the creation of a left majority requires winning over a considerable number of those who previously supported the bourgeois parties, so this development is undoubtedly a positive one. But it indicates that there is an internal volatility inside the Socialist Party—consequent to its heterogeneity—that the Communists may not be able to contain. Given the "cult of the personality" around the charismatic Mitterand, this danger becomes all the more acute.

Furthermore, the leadership of the Socialist Party gives pause. Unlike the Communists, where manual workers play an essential role in political leadership, the SP has no workers among its leading national organ, parliamentary group, or mayors. Overwhelmingly the direction of the SP is in the hands of government functionaries (especially teachers and college professors). While it is true that these men largely come from families of modest means—but white-collar and professional homes, not proletarian ones—they have achieved a very high degree of personal "upward social mobility" through superior education.

What we see therefore, is a heterogeneous base led by a homogeneous and narrow stratum. The debate at the Convention between the CERES group and the majority was one carried on among a particular sector of the French intelligentsia. I think, therefore, it would be a mistake to draw too sweeping conclusions from it as to what is apt to happen if the left attains power in France.

So far, at least, no one has been able to predict the circumstances under which transitions to socialism succeed or fail. While we do know some limiting conditions, the question ultimately turns on the combativity and coherence of the working class, along with the disintegration of the hegemonic bloc led by the capitalists.

Too narrow a "political" focus, an unfortunate tendency in some *ITT* commentary, tends to underestimate the underlying class and social forces that are decisive for major political transformations. Wherever possible we should integrate these diverse phenomena into an overall perspective on historical change. In this regard, some reporting from the "base" in factories and offices would be a helpful supplement to the articles now appearing.

—Ed Greer
Chicago