

IN THE NATION

NUCLEAR POWER

N.Y. unions silence safety complaints

By Susan Jaffe

NEW YORK

NUCLEAR WORKERS HAVE been conspicuously absent from the controversy surrounding nuclear energy. Yet carpenters, welders, mechanics, and engineers at nuclear power plants know more about what's happening there than most people. Their silence should not be mistaken for apathy or complicity: two recent court decisions in New York reveal how unions are stifling criticism in the rank and file. This assault on the First Amendment and the free-speech protections of the labor laws is dangerous. If workers can't report problems or seek information on their own, then nuclear safety is in jeopardy.

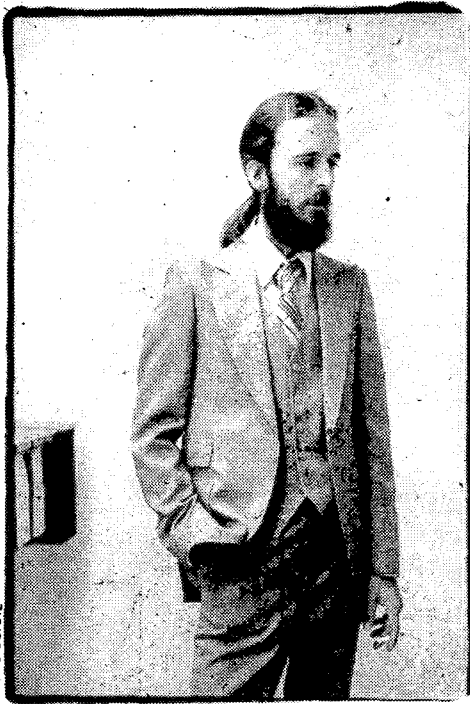
Richard Ostrowski, a Con Edison welder, was removed as shop steward for 14 months last fall after he held a meeting on the health effects of low-level radiation for Con Ed welders and mechanics who work at the Indian Point nuclear power plant in Westchester, 24 miles north of New York City. The meeting was not authorized by the union (Utility Workers, Local 1-2), whose own radiation expert (the person that, along with Con Ed, supposedly tells workers everything they need to know) was absent. The speaker at Ostrowski's meeting was recommended by the SHAD Alliance, a New York anti-nuclear group, which also supplied some paper for printing leaflets and helped to distribute them. The union, practicing guilt by association, claimed that these arrangements proved Ostrowski had "collaborated" with SHAD to shut down Indian Point. He could not continue as a shop steward.

Ostrowski and three co-workers asked for a preliminary injunction in federal district court against the union's punishment of members who exercise their rights to free speech and assembly and asked that Ostrowski be reinstated. New York State Attorney General Robert Abrams filed a friend-of-the-court brief supporting the Con Ed workers: "The workers are often the first to perceive danger or the ones most affected by it, and their protection is best insured when the law encourages them to speak and think freely about their working conditions."

After a preliminary hearing in February, federal district court Judge Constance B. Motley ordered Ostrowski's reinstatement and prohibited the union from "in any way disciplining plaintiffs for exercising their rights..." which included, she ruled, freedom of association. A full trial will take place in the summer.

Last December, John Everett, a 28-year-old carpenter shop steward at the Brookhaven National Laboratory, was asked to testify in defense of demonstrators arrested during a protest at the Long Island Lighting Company's Shoreham nuclear power plant, 60 miles from New York City in Brookhaven, Long Island. Everett had worked at Shoreham for three years before he was appointed steward by his father, James Everett, who is business agent for the Suffolk County (Long Island) Carpenters and Joiners union. Last June, Everett and his brothers Graham and Paul were among 617 people arrested for trespassing during a rally at Shoreham that drew nearly 20,000 in the rain.

The day before he took the stand, the Long Island daily *Newsday* reported that Everett and another worker would be testifying about "shoddy construction practices, welding defects and improper concrete pours." That night he got a call from his father.



John Everett

The workers who know the most about plant defects are afraid to speak out.

Everett claims his father told him, "My testimony could mean the shutdown of Shoreham, that the union would have to answer to 130 people who might be laid off, and that my removal as shop steward was necessary if I was to testify. He told me to think about it and call him in the morning with my answer." The next day Everett went to the Suffolk County District Court under subpoena. But he was no longer a shop steward. (And, perhaps coincidentally, he lost his job at Brookhaven a few days later.)

The union and the Long Island Lighting Company (LILCO) tried to discount his testimony, claiming that Everett was not an expert and not qualified to criti-

cize construction at Shoreham. Yet Everett says, "I only told the court what the union taught me was wrong"—construction procedures and standards were not to be ignored. But Nuclear Regulatory Commission investigators took Everett's charges very seriously and instituted a four-month special investigation as a direct result of information from Everett and other workers. Strangely, the NRC investigators found no substantiation for any of the 30 allegations they looked into.

Leighton Chong, an attorney who represented Everett and another worker during the investigation, said, "The NRC relied on LILCO paper work and LILCO employees to discount the allegations without ever getting to the substance of the charges."

Father vs. son.

By the end of December, Everett filed a suit in federal district court in Brooklyn for a preliminary injunction against the union to regain his stewardship and asked for \$1 million in damages. Everett charged that his rights of free speech (and those of fellow workers) were violated: that attempts had been made to prevent him from testifying in a trial, reporting possible code violations to the NRC, and from voicing an opinion contrary to union policy. At a January hearing, the union produced two witnesses to confirm James Everett's assertion that his son had quit his steward job. No threats had ever been made, they said, and in fact Everett's anti-nuclear views had nothing to do with the case despite the union's strong pro-nuclear, pro-Shoreham position. Union attorneys pointed out that Everett's father made John a steward even though he knew he had participated in the Shoreham demonstration.

In his decision, Judge Jack B. Weinstein said he wasn't sure what had happened. A judge with a reputation as a civil libertarian, Weinstein upheld the right of any worker to oppose nuclear energy or to hold a political belief without fear of disciplinary action. But the judge didn't see how this applied to the case and instead addressed its emotional tenor. "To what extent was [James Ev-

erett] talking to his son as a father and to what extent as a union official?" He decided that John Everett quit his lucrative and cherished job to save his father embarrassment. If Everett had been disciplined because of his anti-nuclear views, Weinstein said, such action would have been illegal.

Despite the fact that a *New York Times* reporter, Frances Cerra, was subpoenaed and, armed with two *Times* lawyers, verified under oath that James Everett told her he fired his son, the preliminary injunction was denied.

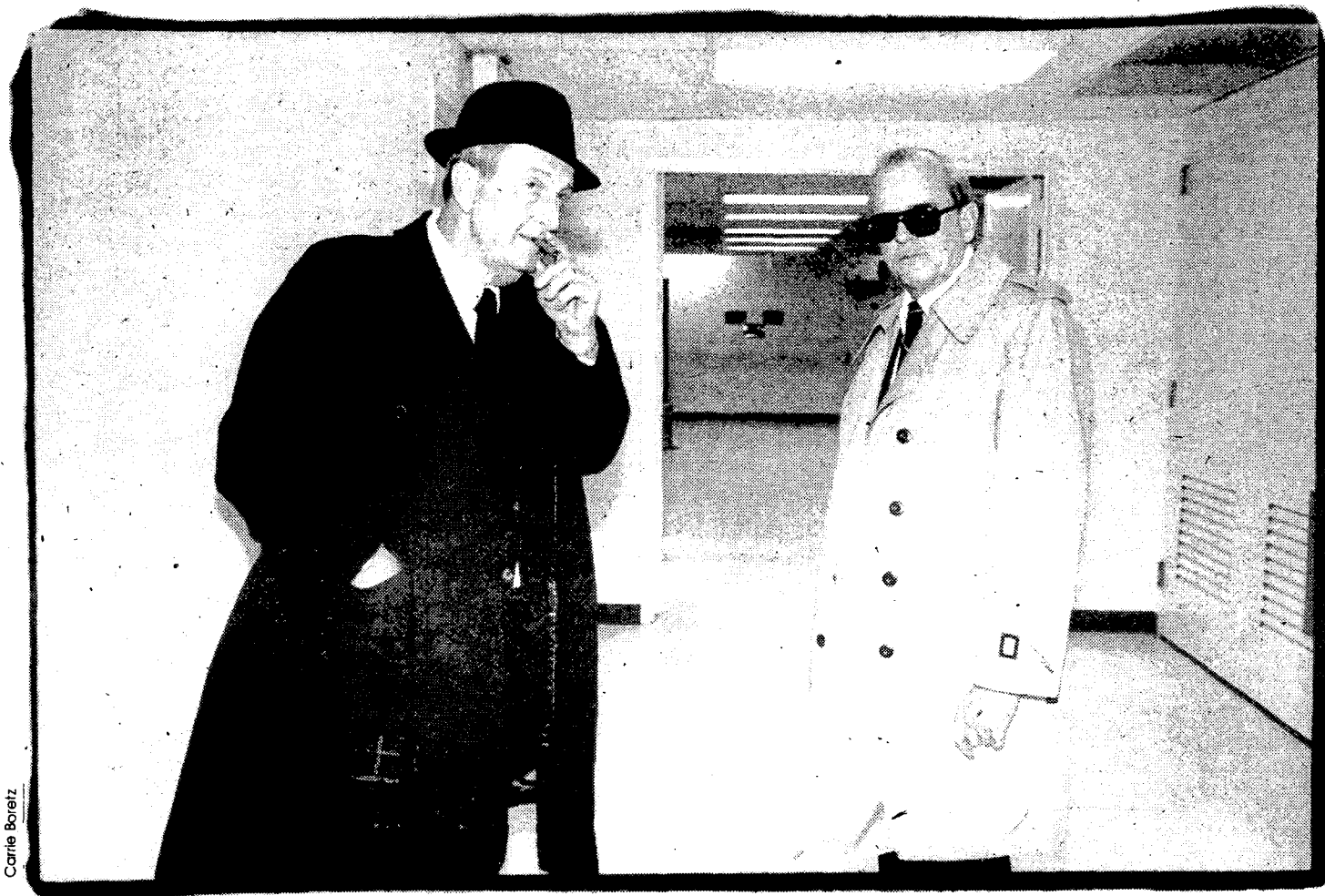
"Because I am his son," John Everett told reporters outside the courtroom, "the judge says that the business agent is allowed to violate my rights." Minutes later, James Everett came out of the courtroom and approached his son. John looked at him and quickly turned away, saying, "Get away from me, you fucking liar."

To prevent the public trial which would follow and to avoid adverse publicity, the union approached John Everett several times with proposals for an out-of-court settlement. In April, Everett moved to Florida after seven months of forced unemployment in New York, accepted a large sum of money from the union, and ended his suit.

Everett is a reluctant dissenter. "When I took the job at Shoreham, I was just interested in working. I wasn't anti-nuclear. I wasn't pro or con." But Everett soon saw many things wrong at the plant. "The union wasn't concerned about the defects, the foremen weren't concerned. I figured if I could make them known to the public, they'd be fixed."

In addition to the suit, Everett also filed charges of unfair labor practices against the union with the National Labor Relations Board. The NLRB rejected Everett's complaint as well as his appeal. While Judge Weinstein wasn't sure what had happened, the NLRB was clear: even if the union fired Everett, it was allowed to do so. The NLRB ruled in May that his testimony against Shoreham "was in direct contravention to the stated public position of the union concerning the desirability of the Shoreham Project in relation to the employment of

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Union president George Babcock (left) with James Everett, John's father.



UNIONS

Are pro-nuke unions willing to strike a deal with the devil?

By Maureen Weaver

WASHINGTON

WHEN JOSEPH COORS' Heritage Foundation and its anti-union corporate allies gather in Chicago next week for the Second Annual Energy Advocacy Conference, the leadership of organized labor will not be outside picketing. Instead—thanks to the AFL-CIO's Building and Construction Trades Department and its president, Robert A. Georgine—AFL officials, including Lane Kirkland, will be inside breaking bread with the same union-busting corporations that Kirkland and the unions have bitterly denounced over the past few years.

The quarter-million dollar Chicago conference, scheduled for June 26 to 29, is part of a nation-wide "energy awareness campaign" to revive lagging support for the nuclear industry. It is being orchestrated by the Atomic Industrial Forum, the Edison Electric Institute, major energy and construction firms and new right political elements, based on plans provided by Charles Yulish, longtime public relations consultant for the nuclear industry. Many of the participating corporations are members of the Business Roundtable, a coalition of Fortune 500 firms organized in 1969 by then-U.S. Steel chairman Roger Blough for the purpose of undercutting the unions that make up the Building and Construction Trades of the AFL-CIO.

The 4.1 million-member construction unions have been concerned about the Roundtable's efforts—as well they should be. According to J.C. Turner, president of the Operating Engineers, who denounced the Roundtable in a 1979 speech: "No greater concentration of economic power has ever been placed in the hands of one centralized group in this nation's political history." Among the Roundtable's offenses: it has attempted to repeal the Davis-Bacon Act, and it has vigorously opposed high-priority labor legislation such as labor law reform, common situs picketing, and the consumer protection agency. In conjunction with the Chamber of Commerce and the National Association of Manufacturers, it is now actively working to gut the Occupational Safety and Health Administration, and to secure eventual passage of a national right-to-work law.

But the Roundtable's principal claim to fame has been its campaign for non-union, or "open shops." It sponsors seminars on "Avoiding Unions," and "Making Unions Unnecessary." Through a related legal chapter, it has won a lawsuit to allow union contractors such as Fluor and J.A. Jones to go "double breasted," that is, to set up or buy non-union subsidiaries. Ninety percent of Fluor's considerable domestic business now goes to its open shop subsidiary, Daniel Interna-

"Millions of future jobs hang on building nuclear power plants now." Many of the 15 general union presidents and their local officials participate officially in assorted industry-created "jobs & energy" coalitions, such as Americans for Energy Independence, the National Environmental Development Association, and their various local counterparts.

What is news is that in an attempt to preserve what few union jobs are left building nuclear plants—and to gain

The building trades' support of nuclear power plant construction puts them in alliance with the same corporations that have lobbied against all labor legislation and led the drive against union shops.

tional, which it bought in 1977. Turner has charged that the Roundtable's activities have made Brown & Root into the nation's largest open-shop contractor, and has made the Associated Builders and Contractors—target of much vilification from the building trades—into the large, powerful organization it is today by deliberately sending billions of dollars worth of business their way.

It is hardly news that the building trades support nuclear power. Years ago, the trades decided to shift their focus from decentralized housing activities to large industrial construction projects. Today, suffering from unemployment higher than the national average (joblessness in the construction industry was 17 percent in May, compared to 7 percent nationally), the trades find themselves dependent upon fewer—and larger, more powerful, and in many cases anti-union—employers.

No one has been particularly surprised that the trades joined with the energy industry to defeat anti-nuclear ballot initiatives and to push for strong AFL-CIO nuclear support. Georgine even posed for an advertisement widely run by the Edison Electric Institute in 1977, which pictured him before the AFL-CIO headquarters in Washington announcing:

some union jobs building synthetic fuel behemoths—the trades leadership has apparently decided to pool its money with the right and the energy giants, in the desperate attempt to secure jobs and call off the union-busting.

One example of this new strategy was the "Nuclear Power Stabilization Agreement," which the trades' presidents signed along with the Teamster's president—with Jimmy Carter looking on—in 1978. The agreement mandated no strikes, and gave a joint labor-management committee in Washington the authority to arrange wage rates and work rules. The trades' traditional distinction between craft and non-craft workers was blurred, and there were no penalties for work stoppages or construction postponement, declared the utilities. More recently the unions signed a "Recovery Agreement" with Metropolitan Edison this spring, which set standards for 2,000 union jobs cleaning up the radiation-drenched power plant at Three Mile Island. Again, the leadership signed away local bargaining rights, agreed not to strike (or even to leaflet!), and settled for minimal workplace radiation guarantees.

A change of heart?

For a brief time last year, it appeared as if

Georgine had had enough of the anti-union tactics of industry, particularly the energy companies. In July, 1979, he fired off a letter to the board of the Edison Electric Institute, and to the Atomic Industrial Forum (on whose board Georgine sits), saying he was contemplating whether or not to recommend a re-evaluation of the trades' strong pro-nuclear position. Georgine warned that he was reviewing carefully the contractors' and the Roundtable's attacks on unions, as well as the specter of future nuclear accidents raised by events at Three Mile Island. "Many groups have redoubled their efforts to win our support," said Georgine. "Not only can they rally demonstrators across the country, but through their research, they have reopened the question of which energy programs will most effectively create jobs." (The trades have done virtually no independent analysis in that area—relying instead upon the studies and propaganda provided by the energy corporations.)

In August 1979, Georgine started up the Center to Protect Workers' Rights to counter the corporate assault on unions. In addition, he agreed to serve on the board of Big Business Day, and the trades contributed substantially to that effort. But just two months after Big Business Day, and less than a year after his "re-evaluating" letter to the nuclear industry, the trades have thrown in their lot with Heritage and other union foes.

What happened? A trades spokesman, who was authorized to speak for Georgine but who refused to be identified, claims the corporations have "come around." But he offered few examples of where and how.

The best defense.

The Chicago extravaganza is certainly no big payoff for the trades. It is an encore to a February 1979 Energy Advocacy Conference organized by Heritage—only this year's version is being staged by the "Energy for the Eighties" Foundation. According to the conference brochure (which lacks a union bug), the conference will focus on nuclear power, synthetic fuels, and advocacy skills. Says Jan Bennett, a conference spokesperson: "The anti-nuclear activists seem to be experts at convincing politicians of their way of thought.... People who are for the development of energy have not been as effective."

The basic plan seems to be to imitate the anti-nuclear movement with corporate backed "citizens groups." Though most of the money for this conference has been put up by engineering associations and societies, utilities and the energy industry, there are few obvious corporate names among its 79 sponsors. Instead, the visible supporters are the groups created out of last year's Heritage Foundation conference such as Citizens for Total Energy (from California), Voice of Energy, More Power to Ya, and the Society for the Advancement of Fission Energy (originators of the slogan: "Nuclear Power—Safer Than Sex").

The sponsors also include the American Nuclear Society, Americans for Energy Independence, and Consumer Alert—a group that opposes all government regulations because "a marketplace where all corporations, big and small, have to compete is the best place for the consumer to shop." (Barbara Keating, president of Consumer Alert, serves on the conference's advisory board, was the chief spokesperson for the Heritage Foundation's "Growth Day"—the corporate answer to Big Business Day—and was invited to speak at a trades energy and employment conference in May, to the chagrin of some participants.)

Building Trades president Georgine also sits on the conference advisory board. The Building and Construction Trades Department of the AFL-CIO is an official sponsor. Its secretary-treasurer, Joseph Maloney, is on the finance committee. And James Sheets, director of energy development at the Laborers' International Union—and a close adviser to Georgine—is on the board of the conference.

According to a March 3 memo from Sheets to Georgine, the trades and their affiliates would be expected to mail registration materials (or provide their mailing labels) to the Heritage Foundation,

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