

Curran Dictatorship Under Fire

James Morrissey

MORE THAN TWO YEARS AGO, five rank-and-file members of the National Maritime Union began the long and tortuous process of appealing from the undemocratic procedures by which our union's 1966 election had been conducted. That process took us through appeals to the National Office of NMU, protests to the Secretary of Labor, and trial in federal court. As expected, the machine in control of the NMU responded with a fierce onslaught against us, against the Labor Department and against the court; two of the protesting members were expelled from the union on rigged charges, others were harassed on the ships, and several members identified as our supporters got similar treatment. In both regular and "special" issues of the *NMU Pilot*, the union's official journal, the incumbent officers and their spokesmen blasted away at this writer and Joseph Padilla, two of the protesting members, and at everyone else who had anything to do with "outside interference" in the affairs of the NMU.

Then on April 19, 1968, Federal Judge Constance Baker Motley handed down a 57-page decision in which she struck down the most undemocratic electoral provisions of the "Curranized" NMU Constitution and directed an election, under the supervision of the Secretary of Labor, in which NMU members would have an opportunity to elect *all* officers of NMU, from patrolmen (who are currently appointed by the National President) up to National President.

(In her opinion, Judge Motley noted that because of the strict restrictions on candidacy that have been inserted into NMU's Constitution over the past six years, "it now takes a *minimum* of 10 years to become eligible for national office. No other union studied, except possibly the International Ladies Garment Workers Union required so much time for its members to qualify for national office.")

Curran's response was, at first, more of the same. He boasted that the election would never take place, that the NMU would appeal Judge Motley's decision, that the whole matter would be ironed out shortly. He sent his patrolmen aboard the NMU-contracted ships to round up showings of support for his administration and declared war once again on the opposition.

But his posturing backfired. On April 24, Patrolman Quinones sent a telegram in the name of the crew of the *S/S Argentina* praising Curran and denouncing Judge Motley's decision—but no sooner did the crew hear about it than they denounced it boldly and clearly. On April 26, the *Argentina's* NMU crew passed three resolutions by a vote of 114 to 0 (with four abstentions), in which they "disassociated" themselves from Quinones's telegram, praised Judge Motley's decision, and resolved to send a telegram to Judge Motley telling her so. "We are very much in favor of electing our officers from patrolmen up," they declared, "and for the election to be supervised by the government."

The *Argentina* was only the first of the big ships to declare itself. A few

days later the NMU crew of the S/S Constitution passed a similar resolution. On May 6, the crew of the S/S Independence passed a resolution, by a vote of 175 to 0, declaring that the crew "goes on record as supporting the decision to have a free election of *ALL* union officials, and to send a telegram to the New York Times newspaper, notifying them of our position, that we do not support the National Office [of NMU]. We support Judge Motley's decision." The resolution was signed before the ship's meeting by 67 of the crew's members and then adopted unanimously by a show of hands of the 175 members present.

On the same day the crew of the S/S Santa Paula, at their ship's meeting, voted unanimously to send cablegrams "hailing the Court's decision on the new elections" to the *New York Times*, to a Spanish-language paper and to the Labor Department; in a companion resolution they demanded "that N.M.U. stop the practice of intimidation of its members on ship or ashore, (Union Hall) in particular." At the same meeting, it was reported that \$229 had been collected from the crew members for the insurgent newspaper, *The Call for NMU Democracy*, and that more had been pledged.

Since then, similar resolutions have been adopted by the NMU crews of the S/S Brazil, the S/S Santa Mariana, and a variety of others.

Curran's efforts backfired in other ways as well. The newspapers pointed out that federal law provides that an appeal from a district court decision ordering a union election may not delay the election; Curran therefore reversed his position and declared himself in favor of an early election—at the same time continuing his threat to appeal.

Curran made it clear, however, that he expected to fight this election in the same way he had fought the past ones: by heavy use of the Strong Arm. A good example occurred on April 29, when the writer and Gaston Guyon passed out a leaflet—headed "VICTORY! NEW ELECTION!"—to members as they arrived at the "Joseph Curran Annex" to attend the New York Port Meeting of NMU; Curran's appointed patrolmen waited by the door of the building and grabbed the leaflet out of the hands of members as they entered. Guyon and I told the members to put the leaflet in their pockets; the two patrolmen responded by demanding that members produce their membership books—and relinquish the leaflet before allowing them to enter the meeting. In the course of half an hour the two patrolmen had confiscated more than 200 copies from cowed members. Inside the meeting hall things went in their usual manner: members were barred from discussing any controversial matter and in particular from discussing the election. One rank-and-filer, Joseph Lutz, got up and remarked that the officials had failed to say anything whatever about the federal court's order, adding that he wanted to discuss it; he was told to sit down. (The matter had been "fully discussed," it seems, at a "special" meeting, in which the New York Port Agent had denounced the writer and other oppositionist members and then read the NMU's official press release, which denounced Judge Motley's decision. Of course, ordinary members were barred from saying anything at this "full discussion" of the matter.)

When Lutz was ruled out of order, Ralph Ibrahim demanded the right to be heard; other members began chanting "Discussion, discussion." and "Let

him speak!" Ultimately he was allowed to approach the floor microphone, but after a minute or two the microphone was switched off so he could not be heard. (When he sat down it was switched back on again.) And so the meeting was brought to an end.

Curran's technique, of course, involves more than rigging meetings. One of his methods is much more direct: Guyon, Ibrahim, myself and numerous other members have faced physical beatings in or around the NMU hall in the course of campaigning against the officials. Joseph Padilla and I have had our pictures posted in the security shacks of the company piers, with orders not to let us on the ships; both the companies and the union have denied having anything to do with it, but we are still barred from going on board to campaign—while the incumbent officials have been going on board regularly to campaign against us. Padilla has been forced repeatedly to go through all manner of medical and physical examinations every time he takes a job out of the NMU hiring hall, as a device to keep him from working—and has been fired by companies in alliance with the Curran machine on charges of "in-subordination" that, upon the Coast Guard's investigation, turned out to be totally unfounded. Guyon has been barred from even going to the hiring hall for a job ever since last September; the officials' excuse for barring him is that one of their supporters, a waitress aboard ship, asserted some time ago that Guyon had "pointed his finger" at her in a manner which she said worried her.

As recently as April 16, a rank-and-filer named Clarence Walter Reed, who had recently recovered from a shipboard injury, went to the NMU hiring hall to register for shipping; while he was registering, one of the officials recognized him as an oppositionist member. He was taken into Port Agent Labaczewski's office and Labaczewski proceeded to berate him for being "one of the Morrissey bunch." Labaczewski seized his membership book and had him forcibly removed from the hiring hall.

Meanwhile, the United States Attorney was taking steps to protect the rank-and-file members. The issue was brought before the court as soon as Judge Motley's decision was handed down on a demand by the Government to enforce a subpoena served on the union more than two months before. The NMU's lawyers argued for more than an hour and a half that the court had no power to protect rank-and-filers from the officials' vengeance. But on April 30, Judge Motley ruled that the court did indeed have power to protect them. Quoting from the federal statute, she remarked that "the Secretary [of Labor] has the power to determine whether anyone 'has violated or is about to violate' the LMRDA [the statute] which guarantees NMU members the right to vote for or otherwise support candidates of their choice in that new election 'without being subjected to penalty, discipline, or improper interference or reprisal of any kind'" and added that "It would be proper for the Secretary . . . to seek any relief which may be necessary." And she added that the court had unquestionable power to protect members who had testified before it from reprisals (this last applied to such members as Padilla, Guyon and myself, who in addition to having protested the 1966 election had been witnesses in the trial of the election case).

The enforcement of the subpoena is only one step in the process of protecting rank-and-file members, but almost immediately its effect began to be felt. The NMU's attorneys began to hint to the NLRB, which was pressing Reed's protest against being barred from the hiring hall, that it might give back his membership book. When Reed inquired what they meant, the attorneys replied that his book had been picked up and he had been barred from shipping because of a "mistake"; it seems, they said, that they weren't sure whether he was fully paid up in his dues and had kept him out of employment and out of union membership on the basis of that "uncertainty." (Reed's membership book, as well as his dues receipts, make it clear that he has been continually paid up in dues.)

Just how effective the protection of NMU rank-and-filers will be is not certain as yet, though it is apparent that members will get more protection than they have ever had in the past. The Manhattan office of the NLRB, which has never acted affirmatively on an NMU member's unfair labor practice charge against the union (despite floods of charges made by discriminated-against rank-and-filers), appears ready to act on behalf of Guyon and, very likely, other members; meanwhile the United States Attorney's office, as representative of the Secretary of Labor, is prepared to ask the federal court for further protection of members in order to ensure a fair election.

But Curran and his administration continue more or less in the same manner as before. Since Judge Motley's decision, Curran himself has flown to NMU outposts at NMU expense to campaign for re-election, and his administration has proceeded to publish at NMU expense two pieces of campaign literature in addition to the NMU *Pilot* (which for years has been an organ of glorification for Curran and the other officials). One of the two leaflets not only attacks the Secretary of Labor and all rank-and-file oppositionists—it goes further and condemns by name those members (including myself) who are expected to be opposition candidates in the coming election. All this—and all manner of additional literature glorifying Curran—is posted in the union halls and distributed to members at the union's expense. (When a member comes to the union hall with anti-Curran literature he is still stopped at the door and relieved of it.)

If the new NMU election is to be a fair one, it is obvious that the Secretary of Labor must do more than provide the merely nominal supervision that is usual in such cases. But whether fair or not by ordinary electoral standards, it will plainly be the nearest approach to a democratic election that NMU members have enjoyed in twenty years. It is the best chance that NMU members have ever had—and, likely, the best chance we ever will have—to rid ourselves of Curran's bureaucratic regime and build NMU into a real working seamen's union.

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An Exchange:

Was Fred Ferrara Slandered?

1. Fred Ferrara Protests:

IN HIS ARTICLE ENTITLED "The Coalition against Dishwashers" (Vol. VI, No. 1), your Mr. Burton Hall rambles far and wide, violently condemning the constitution, organizational structure, eligibility rules and general conduct and philosophy of most of the American labor movement. Such vast topics are perhaps for historians and legal experts and would certainly require much more space for opinions than you would appreciate.

Mr. Hall's complaints are vague and obscure and suggest no remedial substitutes. A curious reader might inquire from Mr. Hall as to which organizations, labor or otherwise, has he been associated with, where there are such things as leadership, rules and regulations and procedures governing the conduct and affairs of members?

As one of many former dishwashers, now holding positions of leadership in local unions in the hotel and restaurant industry, I should like to comment on Mr. Hall's very grave charges against our union, its officers and myself in particular, as these appeared in the last issue of your magazine.

Hall makes some shocking charges in his article:

1. Local 11's leaders have looted the Welfare Fund of hundreds of thousands of dollars.
2. Local 11 has negotiated sweetheart agreements with employers in return for thousands of dollars in bribes.
3. Fred Ferrara, President of Local 11 accepted some \$36,606 (at least) in bribes from employers in return for negotiating sweetheart agreements.
4. Ferrara was hiding out in St. Claire's Hospital during the McClellan Committee hearings, presumably to avoid answering questions.

If Mr. Hall is slyly reporting these charges as possibly having been suggested by the McClellan Committee, than the best that can be said about him is that he is a poor, unbalanced reporter. If, on the other hand, Mr. Hall is presenting these charges as facts, then Hall is guilty of sheer and unadulterated slander!

For the record, I categorically deny the truth of any of these allegations. I challenge Mr. Hall to present evidence and facts; which "sweetheart contracts"? what companies bribed union officials or myself? when and where? how and where have Local 11 leaders "looted the local's welfare funds of hundreds of thousands of dollars"? what illness exactly, necessitated my being in the hospital during the McClellan Committee hearings?

If Mr. Hall is prepared to tell us something to substantiate his charges, we will be happy to hear from him. Since we know that these statements are entirely without foundation, we ask Mr. Hall and your magazine to both apologize to our officers and myself and retract the specific accusations as they appear in his article.

As for Mr. Hall's impressions of the no strike—no lock-out clause, and