

They Are Alive in District 5

Clarice R. Feldman

*They are alive and well somewhere,
The smallest sprout shows there is really no death,
And if there was it led forward life, and does not wait
at the end to arrest it,
And ceas'd the moment life appear'd.*

Walt Whitman

HUNDREDS OF MINERS GATHERED in the Immaculate Church in Washington, Pennsylvania on January 9, 1970 to bury Jock Yablonski, his wife, Margaret, and his daughter, Charlotte. But for them and the Yablonski family and friends, few others attended: Congressman Ken Hechler, who had supported Jock; Joseph Rauh, Jock's lawyer and friend; and Doctors Don Rasmussen and Hawley Wells, who had alerted miners in West Virginia to the dangers of coal workers pneumoconiosis and who had helped them in their battle to have legislation passed to reduce the incidence of the disease and compensate its many victims. Except for Marion Pelligrini, a subdistrict board member in District 5, Jock's home district in southwestern Pennsylvania, there were no UMWA officials present. Ken and Chip Yablonski, Jock's surviving sons, had issued a statement earlier that no UMWA officials were to attend the funeral. No labor organization bothered to send an official representative.

At the rear of the church before the mass, Joe Rauh consulted with the remaining miners who had joined Jock as co-plaintiffs in the suit filed the previous month which charged the UMWA's top officials with misappropriation and misuse of millions of dollars of UMWA funds. All but one of the men said they wanted to press on with Jock's fight, and even the lone dissenter changed his mind when his grief at this enormous tragedy had passed. Outside in the parking lot there were many cars bearing Jock's orange and yellow campaign stickers, "It's time for a change" and inside Msgr. Charles Owen Rice, Pittsburgh's "labor priest" who had married Jock and Margaret said, "There will always be evil men but there will always be men who dare. Idealism will not vanish. Peace shall come to the coal fields."

But on the icy hill where three caskets were lowered into the frozen ground and we all huddled together for warmth, the predominant feelings of shock, grief, anger and fear left little room for the hope and idealism Father Rice had meant to inspire. The killers had not been apprehended, and everyone who had worked for and believed in Jock was apprehensive. In the eight months prior to Jock's death we had come to know how insurmountable a struggle to reform a union can be when

the union can utilize its manpower and tremendous resources to crush it—and when the government stands by in surrealistic indifference to pleas for assistance and protection. How much harder it would be now without Jock's leadership.

Later we returned to the church basement for hot coffee, and while most of the mourners ate a lunch prepared by the ladies of the parish, some 200 coal miners from Kentucky, Illinois, Ohio, Pennsylvania, Virginia and West Virginia met with Joe Rauh in a small classroom in the adjoining school to discuss the future of the reform movement which Jock had led. They talked about safety in numbers and about the importance of continuing what had begun on May 29, 1969, as the first real democratic challenge to the UMWA's leadership in over thirty years. More men asked to be named co-plaintiffs in the suit, and considering the fate of the man whose name had led the list and his family it was no small show of bravado.¹

Afterward, Charles Washlack, a miner, was heard to say, "This movement is stronger now than when Jock was living. Joe opened the door. We would have been out of our minds to close it now."

SO, IN A SENSE, MINERS FOR DEMOCRACY WAS BORN on the day they buried Jock. But it wasn't until April 1st, at a memorial service for Jock, that the group was officially organized and its officers elected. In the interim, Mike Trbovich, a miner who had been Jock's campaign manager, acted as its chairman. He filed the official challenge to the UMWA election with the Department of Labor. Later, on February 10, after the opening of the hearings of the Senate Labor Subcommittee, where Chip, and miners Louis A. Antal, Bill Savitsky, and Karl Kafton testified about the election violations, kickbacks, blacklisting of dissidents, misuse of union funds and the violence and fear in the coal fields, Trbovich tried to win the support of organized labor. He sent a telegram to George Meany at the AFL-CIO convention in Bal Harbor, Florida, stating that the corruption and tyranny within the UMWA were now a matter of public record, that organized labor should "clean its own house without Senate or Administration interference," and asked to be allowed to send an MFD delegation to "appear before and enlist the aid of the AFL-CIO council in cleaning up the UMW."

He received no official answer, but the next day Walter J. Mason, legislative director of the executive council of the AFL-CIO's Building and Construction Trade Department, told reporters, "As a direct result of the controversy surrounding the recent United Mine Workers election and related events, it appears likely that the historical enemies of labor will use these events as a justification for an all-out effort against the labor movement."

1. A Pennsylvania miner, Steve Segedi, said at the time, "The men who signed to be added as plaintiffs are no different from the men who signed our Declaration of Independence."

Sometime later, when Stanley Levey of Scripps-Howard asked Meany about the Trbovich telegram,² he responded that he had not answered it because, "The AFL-CIO traditionally has refrained from intervening in the internal affairs of its own affiliates, let alone outside organizations."³

In this deliberate rebuff to Trbovich, organized labor made its position crystal clear: they would not help and they did not want the Senate or any government agency to do anything either. Only Walter Reuther dared to break this solid front. After the bodies were found, he declared that this was a horrible tragedy and the federal government should investigate immediately.⁴

About one month later, the Department of Labor announced that it was bringing suit to upset the Mine Workers election and filed a lengthy complaint, echoing the charges made many months before when we had repeatedly and unsuccessfully begged for their assistance. Most of the evidence to support those charges had been spoon-fed Labor by the dissident miners and the college students who had blanketed the coal fields in December to act as election observers. The Department of Labor had, at long last, been forced to act, but they would take their time in prosecuting this suit which was of vital importance to all of us. The case has yet to come to trial; indeed, the Motion for a Preliminary Injunction to compel the UMWA to maintain adequate books and records which was filed on the same day, March 5, 1970, has not been heard although such proceedings are normally scheduled for hearing within weeks.⁵

IN THE MEANTIME, AS THE SENATE INVESTIGATION PLODDED ALONG, it became clear that in a union of about 190,000 members residing in 25 states and 4 Canadian provinces, there could be no opposition without an organized opposition party. So, on April 1st, the Miners for Democracy Steering Committee was organized in Clarksville, in the basement of a church a few blocks from Jock's now-abandoned and boarded up home. The Steering Committee returned to the districts and organized district-

2. By this time one UMWA local union president, Silous Huddleston, had been indicted in connection with the murders. Although the prosecutor, Richard Sprague, has publicly stated that he believes persons higher up in the union hierarchy were involved and subsequently will be charged, and the 5 federal indictments indicate that the murders were election-connected, the Department of Labor spokesmen still maintain that there was no connection between the murders and the 1969 UMWA election.

3. When Jock announced that he was challenging Boyle for the presidency of the UMWA, however, Meany was less shy about interfering in the UMWA's internal affairs. He reportedly commented that this was just a case of a man wanting to come out of the kitchen into the parlor.

4. Despite rumors to the contrary, in part disseminated by Assistant Secretary of Labor Willie J. Usery, this was the sum total of Reuther's or the UAW's "assistance" to the efforts to reform the UMWA.

5. The Department has ample precedent for this delay. Most of the UMWA's districts—19 out of the 23 U.S. districts—are under trusteeship. Six years ago, the Department brought suit to remove the trusteeship status of these districts. That case, too, has yet to come to trial.

wide MFD organizations. To sustain themselves and to finance the publication of their own newspaper, *Miner's Voice*—they have been excluded from the UMWA's official newspaper which still operates after the 1969 election as a Boyle campaign instrument—they organized raffles and fund-raising events. To supplement this, representatives speak at college campuses and elsewhere, turning over all honoraria to MFD.

Although the *Mine Workers Journal* was warning the men of dangerous "outsiders" trying to take over their union and of the necessity of pulling together behind their leadership, the first evidence that the UMWA leaders were frightened of MFD came in early 1970 when the District 5 officers announced the convening of a Constitutional Convention. Knowing that they would try to stack the convention with delegates from "bogus" locals—locals which contain less than the 10 working coal miners required by the UMWA Constitution and which are solely or primarily comprised of easily intimidated pensioned miners who can be counted on to ratify the incumbent's wishes—MFD members went to court to attempt to force the District officials to disband those locals and to keep delegates from those locals from voting at the convention.

The Court refused to grant the injunctive relief we asked for, and with the votes from those delegates, the incumbents were able to have passed resolutions condemning MFD and those who had instituted the pre-convention suit, preventing the posting of "scurrilous or campaign material" on mine bulletin boards, and requiring local union officers to post all official communications from the incumbents on these same bulletin boards. In addition, the district was gerrymandered to load up rebellious subdistricts with passive, pro-incumbent pensioners, and, for the first time, the convention adopted a provision permitting absentee balloting.⁶

The International Constitution expressly forbids absentee voting except in very limited circumstances. The districts have always read this provision as applicable to district elections, and the members acting at International UMWA Conventions have consistently rejected efforts to

6. Because the union requires the continued payment of membership dues as a condition precedent to obtaining a pension, the union has an extraordinarily high percentage of retired workers who still vote in all elections. Of its approximately 190,000 members, 70,000 receive Bituminous Fund pensions; 15,000 receive Anthracite Fund pensions; and approximately 10,000 retired or unemployed miners have maintained their membership in the UMWA in the expectation of receiving a pension at some date in the future. Several months ago, a charge was filed with the National Labor Relations Board to declare this practice of requiring retired men to continue paying dues unlawful, but the Board's General Counsel has yet to act on this charge. In addition, MFD has charged that the substantial Bituminous Fund pension increase which Boyle engineered in the pre-election period last year was designed to influence the result of the election and should be challenged by the Department of Labor which has refused to do so. The Senate Labor Subcommittee staff has noted that as a result of this increase in the Bituminous Fund pension, Boyle received almost 93% of the pensioner vote and the Fund is in serious danger of bankruptcy.

amend the Constitution to permit it. On this ground District 5 dissidents sought Court intervention to enjoin the District officers from carrying out the absentee balloting provision which, inter alia, gave them the sole possession of the marked ballots for as long as a month. The Court rejected this effort on the ground that the Secretary of Labor had exclusive jurisdiction of the matter under *Calhoon v. Harvey*. (See "Meanwhile Back at the Labor Department," Burton Hall, *New Politics*, Vol. 8, No. 2 (1970) and "Law, Democracy and the Unions," Burton Hall, *New Politics*, Vol. 3, No. 4 (1964) for a thorough explanation of the LMRDA and *Calhoon*.)

ALTHOUGH IT HAD LOST THIS SUIT, MFD entered the important District 5 election—it is the largest UMWA district which elects its own officers—with a number of plusses. It had been able to bring about the withdrawal of the President's nominee for the position of the Director of the Bureau of Mines by demonstrating his close ties to the coal industry and the probability that he would not bring to the job the firm determination to enforce the new Federal Coal Mine Health and Safety Act which the UMWA, the coal operators, and the Department of Interior's own officials had succeeded in gutting.⁷

When it had become clear that the Bureau of Mines was not conducting the weekly spot inspections of "especially hazardous mines" as required by law, MFD informed the men of their right to have these inspections. Angry coal miners, who are presently dying in the mines at a rate of one every other working day (a rate higher than that in 1969 before the new Safety Act became effective), walked off their jobs. District 5 President Budzanoski said MFD was fomenting the strikes as a "political move to embarrass the union." This was not MFD's motive—it had merely wanted the new law enforced—but the union's response to the safety walkouts no doubt did prove an embarrassment to its leadership. District officers publicly ordered the men to return to work, and after the companies subpoenaed hundreds of men to appear in Court the following morning in order to stop the walkouts, the union's lawyers represented to the Court that there were no safety problems in the mines and tried to work out orders against individual miners and local unions whom they did not represent.

Chip Yablonski was asked by these men to represent them and he took an emergency appeal to the United States Court of Appeals for the Third Circuit where again the union's lawyers tried to undercut the

7. In the UMWA *Journal* Boyle had urged the "immediate confirmation" of the President's nominee, Dr. J. Richard Lucas. Lucas had been hand-picked for the job by a group of coal mine operators in Virginia who earlier, at the suggestion of an Interior Department official had brought suit to enjoin enforcement of the Act. After the facts concerning Lucas were made public and he withdrew, Boyle asserted that MFD's charges that he had supported this man were "an outright calumny against the union."

case, claiming it was only a political move by the dissidents, that the mines were no more dangerous than they had ever been, that the Bureau of Mines was understaffed and its failure to inspect should be excused and that there was not even any reason to expedite the appeal. Within days, the Court indicated that it was rejecting the union's and the companies' contentions: it reversed the lower court's decision summarily and remanded the case for a full hearing on safety problems in these mines.

Shortly afterward, miners in West Virginia walked off their jobs in support of disabled miners and widows of miners who were receiving no benefits from the union's grossly mismanaged pension fund.⁸

When word of the announced strike reached the union's vice-president, George J. Titler, then picnicking on the lawn of District 29 headquarters, he said the disabled miners' demands were "like a child asking for the moon." One miner responded, "We done got the moon, what we'd like is a hospital card." The strike led by a disabled black miner, Robert Payne, was crushed in time by union scabs and dozens of injunctions. Payne and others were jailed for reportedly violating injunctions against picketing but not before tens of thousands of miners had joined the strike in its July through mid-August duration. When Payne was released after fourteen days detention, he said, "We are going to keep on fighting for the things that are right." MFD played no official part in this strike but had indicated its sympathy with the strikers and the disabled miners and the strike, which was openly directed at Boyle, revealed miners' growing disaffection with his leadership.

In addition, the President and Secretary-Treasurer of District 5, Michael Budzanoski and John Seddon, had been indicted for conspiring with four members of the district's executive board to file false vouchers in order to obtain funds from the union's bank account. (The money was to go to Boyle for his 1969 reelection campaign, and we had brought this matter to the attention of the Departments of Labor and Justice about a year before.)

BUT IN SPITE OF THE STRIKE, the union's bungling of the Lucas nomination and the safety walkouts, and the indictments, MFD had many problems with respect to the District 5 election.

Foremost among these was the fact that the International Executive Board had established a "dual unionism" commission to look into the affairs of MFD and had launched a major publicity campaign to the

8. Over the years, the union has kept as much as \$86 million dollars of the money of this purportedly independent fund in non-interest-bearing accounts at the National Bank of Washington of which it owns approximately 75% of the outstanding shares, thereby siphoning off into its own and others coffers hundreds of millions of dollars which belong to the Fund's beneficiaries. A suit was brought last year to rectify this and other abuses and it is scheduled to come to trial in February. (Although the Department of Labor was invited to intervene in this action by the attorneys who have brought this suit, it declined to do so.)

effect that MFD was a dual union and anyone supporting it could be expelled from the union. Given the fact that the organized coal mines operate under a union-shop policy, expulsion from the union would mean loss of employment, and consequently many miners feared to associate publicly with the MFD slate of candidates or even to distribute its literature.⁹

Second, Boyle had “maced” all of the UMWA’s considerable staff for contributions to the Budzanoski campaign and, of course, all of the staff-heavy District 5 offices and personnel were put to work full time on the campaign. (MFD candidates, all working miners, had been forced to take off from work at no pay to carry on the closing stages of the campaign.)

Third, pensioned members outnumbered working miners in District 5 and could be counted on to vote for the incumbents to whom they feel they owe their pensions.

We complained repeatedly to the Department of Labor about the illegality of the dual unionism commission; the unlawful absentee balloting provision; the continued misuse of the UMWA *Journal* and the “macing” of UMWA officers and employees and asked them to enjoin these acts, but they again turned a deaf ear. Finally, on November 30, several MFD members paid an unannounced visit to District 5 headquarters. We knew that the District officers would tamper with the absentee ballots in their possession. Still, we never expected to catch them at it. But we did.

Sitting in Secretary-Treasurer John Seddon’s office were a number of District employees and Mr. Seddon. The ballot box was open and the room stacked with marked and unmarked ballots, and on Seddon’s desk were a paste jar and a razor blade. One of the men ran out of the room with a bag full of what appeared to be marked ballots. This time the Department of Labor did do something. As the request of the *incumbents*, they offered advice and assistance. They told the officers to place the marked ballots in their possession in a bank vault. As if this would somehow neutralize the ballot tampering which had already occurred!

ON ELECTION NIGHT, DECEMBER 8, we witnessed a miracle. Despite everything the incumbents had done, the MFD slate received a better than 2 to 1 majority of the working miners’ votes and captured virtually every office in the District. But the almost 1200 absentee ballots have not yet been counted, and the election may still be stolen. MFD has filed briefs

9. Not content with the free publicity he was getting in the official UMW *Journal*, Budzanoski began publishing with union funds a District 5 Newsletter which touted the incumbents and denounced the MFD slate. Finally, at election time, he got out an “Election Bulletin” similar in tone to the smear sheet he had published and distributed with union funds and personnel against Jock in 1969. This one charged, *inter alia*, that the Communists had donated \$150,000 to MFD for its District 5 campaign.

with the Department of Labor, noting that if they follow their own precedents and rulings, they should impound the absentee ballots, enjoin their tabulation, and conduct a hearing to determine whether or not the ballots were tampered with and should be counted at all. As I write this I do not know whether the Department will take this action, but I do know that they can no longer continue to ignore MFD.[*] Every working miner in District 5 knows that MFD won. It is impossible to mine coal with retired miners and to really win an election with tampered votes. The working miners have spoken. "It's time for a change." And their message has already been heard loud and clear throughout the coal fields, where other working miners who support MFD are fighting for control of this union.

Perhaps the message may also reach organized labor which, after the coal miners rebellion in 1969 resulted in the new Coal Mine Health and Safety Act, followed suit by pressing, at long last, for a federal occupational safety act. This is not the only autocratic and corrupt union—although we think it is the worst example—and perhaps it's time for a change elsewhere, too.

[* As we go to press, the *New York Times* reports that the Labor Department claims that an investigation of the absentee ballots found no evidence of tampering by incumbent officials of District 5!—Editor]

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Black Protest, Union Democracy & UFT

The correspondence that follows between Albert Shanker, President of the United Federation of Teachers (UFT) and Herbert Hill, National Labor Director of the National Association for the Advancement of Colored People (NAACP), originally appeared in *Issues in Industrial Society*, Volume I, Number 3, published by the New York State School of Industrial and Labor Relations at Cornell University. The correspondence resulted from an article by Herbert Hill ("Black Protest and the Struggle for Union Democracy") in that journal's first issue.

In his article, Mr. Hill had a brief section on the American Federation of Teachers (AFL-CIO) and its New York affiliate, the UFT, in which he said that there were "charges, especially from the AFT's nation-wide black caucus, the African-American Teachers Association, of growing conservatism on the part of the union leadership and of its insensitivity to Negro demands and community interests." He went on to discuss the emergence of profound differences between blacks and organized labor on basic community issues as a result of the UFT's 1968 strike, reflected in the alliance between the UFT and other labor unions, especially the "discriminatory building trades craft unions who feared that black-controlled school boards would insist upon awarding lucrative school construction and maintenance contracts to Negro-owned contractors who employ the majority of black skilled workers still excluded from the major AFL craft unions." The section also mentioned the fifty thousand dollar donation made to the UFT by the New York AFL-CIO Central Labor Council, a sit-in demonstration at the office of Harry Van Arsdale, head of the Council, by a group of Negro and Puerto Rican unionists to protest the Council's action in support of the strike and a public statement by "an influential group of Negro and Puerto Rican labor leaders" criticizing the UFT, endorsing the Ocean Hill-Brownsville governing board and attacking the Central Labor Council and its affiliated unions for its position. There was a quote from the American Civil Liberties Union report which concluded that "the UFT had used 'due process' as a smokescreen to obscure its real goal . . . to discredit decentralization and sabotage community control."

This is the background for the correspondence that follows. We are indebted to *Issues in Industrial Society* for permission to reprint it. (In the last issue of *New Politics*, Volume VIII, No. 3, there was material on the firing of four UFT staff organizers. We wrote to Albert Shanker offering him the opportunity to comment, briefly or at length, in our pages. Our letter was never acknowledged.)—Editor.