

EXCHANGE ON THE PAINTERS UNION

1. HERMAN BENSON

IN A BIZARRE PIECE IN *NEW POLITICS* [Volume X, No. 2], Burton Hall writes about Frank Schonfeld's troubles in Painters District Council 9. Among the troubles, one not mentioned by the author, is Burton Hall.

Somewhere around 1960, when we were all getting involved in labor reform, I introduced Hall to Schonfeld. For the next seven years, Hall served intermittently as Schonfeld's attorney. In 1967, Schonfeld had just been elected Secretary-Treasurer and had hardly moved supplies into his new desk when Hall dumped on his head a small pile of garbage—also contained in *New Politics*—accusing him of betraying his reform program before he had had even a few weeks in office. That revealed, in retrospect, an odd client-lawyer relationship: the way I sized it up, and still do, is that Hall is confused about his own role: is he Attorney Hall representing men who are themselves leading reform movements? or should he be Mass Leader Hall directing workers in combat against all their oppressors, misleaders, betrayers and deceivers, of which there is an unending multitude and everywhere? I may be wrong; there may be some better clue to Hall's insatiable quest for Schonfeld's "betrayal"; perhaps a specialist in some other field of human conduct might find a more adequate explanation. In any event, as Attorney Hall, he is usually down to earth and effective. As leader-of-the-masses Hall, he dominates a realm of his own creation.

In Hall's fantasy world, Schonfeld is in trouble because he is an "ex-reformer" who has betrayed his original reform program. Real life is quite different. Schonfeld is indeed in trouble, but precisely because he continues to defend a foothold for honest and democratic unionism in, of all places, the building trades where payoffs, bribes and extortion are common; where men are frequently afraid to talk lest they get a bullet in the back; where you are often blacklisted if you say the wrong thing; where a smart man can make a fortune if he is unscrupulous and knows how to operate.

FOR SEVEN YEARS, 1960 to 1967, Schonfeld fought as an opposition reform leader. Since then, from his precarious outpost as the single official of DC 9 elected by membership vote, he has continued the good fight. In all this time, I am proud to say, I have worked closely with him. I have come to know him as a rare and admirable person and as an incorruptible union leader. He handles himself under nerve-wracking conditions with intelligence, prudence, boldness and effectiveness, which is why he has survived all this time without going down in flames and which is probably what Hall will never forgive.

He had been a rank and file painter for twenty years before becoming Secretary Treasurer. As soon as he was elected in 1967, the old combination began its campaign to undermine him. The old officials and business agents controlled the delegated District Council, and still do; they installed his enemies as Council President, Executive Board, and Trial Board. The Carpenters union moved in to raid one section of the DC 9 jurisdiction. The Teamsters union

moved in to raid DC 9 among civil service painters with the assistance of some of the NYC Housing Authority officials. Chiseling employers, hiding behind backdoor contracts with phony "unions," moved in on Board of Education painting with the tolerance of the Board's contract division.

Schonfeld parried most of these attacks and would undoubtedly have emerged from these battles with a powerful, democratic union except for one thing: the International office of his own Painters union, unable to tolerate a force for democracy and decency, sided with his enemies and has been backing the drive to oust him. In this murderous situation, the International is the moving force, the key power, as it has always been.

When Schonfeld's first term was about to expire and new elections were pending, the man who became the International's candidate against him arranged for his local to sponsor an odd kind of testimonial dinner. As honored guests on the platform, together with Painters International President S. Frank Raftery, were the Teamster official leading one raid against DC 9, the Carpenters official leading the other raid, and the International-backed candidate against Schonfeld. Despite the united front of all his enemies inside and outside the union, despite open support by the International for his rival, despite a twelve to one vote against Schonfeld by so-called autonomous locals dominated by the International, Schonfeld carried painters two to one and won reelection.

That failure of the combine to unseat Schonfeld in a democratic election set the stage for the most recent events in DC 9: Schonfeld's latest "troubles." The business agents in control of the Council, and the Trial Board, and the International which has the customary appeals authority (that farce of union due process) simply decided to bypass the membership and use their power to throw out Schonfeld. About ten sets of charges were filed against him; he was finally found guilty of one set, ordered removed from office and barred from running for five years. Schonfeld would be out of office now, except that he went to court under Landrum-Griffin and a federal judge stopped the removal proceedings.

Simple? Familiar? The actuality: a typically bureaucratic attempt to suppress an elected reform leader.

NOW LET'S SEE WHAT HALL, from his cockeyed angle of vision, does with these facts.

Hall writes: ". . . a large section of the rank and file membership—acting out of what would seem to be genuine anger at Schonfeld's poor performance in office—voted to approve the charges. And that points up the real problem that faces Schonfeld and the real failure of his administration."

Now this may seem incredible, but the rank and file of DC 9 was never permitted to vote on the charge. Not even any "large section." Under the watchful eye of business agents who control their jobs a few dozen men at a half-dozen manipulated local meetings, in open votes, may have lifted hands to approve the transmittal of charges. That kind of "genuine anger" is familiar in any bureaucratically dominated union. Charges were filed so that the membership could be ignored; the Trial Board wanted to bar Schonfeld from running so that the membership could not vote him back.

Notice how Hall reports that Schonfeld went to court, as though there were something reprehensible in it: "When it became apparent that the Trial Board

was about to decide against him, he rushed into court, demanding an order to cancel all further hearings on the charges." Was Schonfeld supposed to meander, not "rush," into court? That little deprecatory "rush" reveals Hall's state of mind whenever he deals with Schonfeld; this from Hall who "rushes" into court at least as often as other lawyers.

And what are the charges against Schonfeld? Hall lists only some of them, the ones that sound damaging like "falsifying the minutes" and "mishandling trust fund moneys." He doesn't quite say that all the charges are justified, but he tempts you toward that conclusion by an insinuating comment: "To most of the charges Schonfeld's only coherent defense was that they had been brought more than 45 days after the offense and henceforth were barred by the limitation period prescribed in the union's constitution." Not a very strong defense is it?

Now what are the facts? To begin with, Schonfeld has been tried on only one charge so far; Hall could hardly know what Schonfeld's defense was "to most of the charges," assuming he wanted to be troubled by finding out. About that one charge, Hall himself says, "As indications of hanky panky" it was "absurd."

The federal judge who heard the testimony was a little more forthright: "... the abuse of process in the District Council as against Schonfeld appears . . . egregious." The charge was "a smokescreen to give a basis to oust Schonfeld from office and prevent him from running for re-election." He said, "there is reasonable ground to believe that the Trial Board was not impartial"; and he noted that one Trial Board member testified that "before the proceedings had been completed, each other member of the Trial Board told [him] Schonfeld was guilty, and thereby, indicated a foregone conclusion as to the outcome. This in itself is persuasive evidence that the Trial Board was not impartial."

There are charges which Hall neglected to mention, like "slander," "organizing a Membership Rights Club," "destroying peace and harmony," "acts contrary to good moral and trade union principles." Familiar, aren't they? They are the classical, broadside, vague charges normally used by arbitrary officials to silence critics. If Hall had even listed them, anyone could detect a frameup in the making.

LET'S TAKE JUST ONE of the nasty-sounding charges that Hall does list (it is not possible here to go into all of them). Consider, for example, "falsifying the minutes." Sounds bad, doesn't it, especially if the defendant has "no coherent defense." Now what's the reality behind that charge?

Schonfeld, remember, is the only officer elected by the entire membership and has continued to have the support of that membership against the combination that wants to get rid of him. They must try to cut him off from the members who elected him, and they use their control over the Council to prevent him from communicating with the membership. They refuse to pay for mailing his reports to the members; they removed him as editor of the union's paper; they call no membership meetings. At one of the last membership meetings, a small International clique, lead pipes under their chairs, did its best to break up the proceedings and keep Schonfeld from reporting. By now, Schonfeld retains only one slender thread of contact with a small part of the membership, not very effective, but a contact. As Secretary Treasurer he records what actually happens at Council meetings in the minutes which are sup-

posed to be read at local meetings. That small minority of the membership which attends meetings, if they listen closely, can still get an inkling of what is actually happening in their union as the combination moves, illegally, to oust their elected official. The "falsifying" charge is manufactured to justify taking away that last right from Schonfeld, leaving him with no access whatsoever to the membership. Who charges "falsification?" His enemies, of course. And who on the Trial Board would decide whether he is guilty? The same enemies, of course.

As Hall reports it, we get the impression that Schonfeld had to "rush" into court because he had lost the support of the membership and was lined up with corrupt business agents. Hall must really believe that, for when Schonfeld got into court he discovered that Hall, himself, was attorney for one of the Trial Board members; and not one of the imaginary Hall-type "reformers" but a man who has always been identified with the old gang faction which backed the old regime and always opposed Schonfeld.

Comic relief: As still another crushing example of Schonfeld's rapid degeneration, Hall points accusingly to the "Council-supplied automobile with all gasoline and repairs paid for." (He forgot oil and fluids.) I know this magnificent Pontiac, because my good friend Schonfeld once bought me off with a ride in it. He inherited the car after it had been purchased for Rarback in 1966. It is now seven years old. If Hall is envious, he can probably pick it up at a bargain price; it now has over 83,000 miles on it.

AS HALL IMAGINES IT, Schonfeld is "politically isolated"; he is "permissive," says Hall, "toward the corrupt business agents." The power balance, according to Hall, is as follows: "about" nine business agents are allied with Schonfeld; "some" five are neutral; and "six or seven" are hostile. And: "none of the business agents, not even those most energetically hostile to Schonfeld, has any reason for complaint. Under Schonfeld's administration the most corrupt business agents have been allowed to function freely, accepting employer pay-offs to overlook violations of the Council's collective bargaining agreement. Despite the unwillingness of most to admit it to themselves, Schonfeld's administration has been more 'permissive' toward them, has given them more leeway to sell the union out, than any future administration is likely to do."

None of this hangs together. If Schonfeld can count on the support or neutrality of two-thirds of the agents, how is he politically isolated? And if Schonfeld is so "permissive," how account for the continuing hostility of old guard corruptionists? Hall may understand their interests more accurately than those business agents themselves, but surely that is an unreasonable assumption. The point is that the image in Hall's mind is remote from reality.

When Schonfeld was first elected in 1967, he was supported by only two business agents. When he was reelected in 1970, he had the support of only three. That year, he supported and helped elect eight candidates for business agents against the old machine. Of these, one died and was replaced by an anti-Schonfeld man; five others finally turned against him when it became clear that despite his 1970 election victory the International still dominated the scene. As the election for Secretary Treasurer nears, scheduled for June this year, only two of the twenty agents are supporting Schonfeld. Some are pri-

vately backing the International against him, reluctant to come out openly because their local members might resent it. Most of the agents are openly campaigning for his defeat.

Schonfeld is "permissive" to corruption in the same way that an extortion victim is permissive toward holdup thugs who have a gun at his back. The Secretary Treasurer has no power over the business agents because they control the Council. He reports to the delegates that most agents refuse to account for their time and will not report to him as required by the bylaws; the Council ignores him. He brings charges against one local official for fraud, backed by documentary evidence; the Trial Board, controlled by his enemies, throws out the charges peremptorily.

Hall has it all figured out. Here is how he recognized Schonfeld's instant betrayal, together with his own instantaneous solution.

Upon coming into office, he inherited the power to appoint immediately 400 new shop and job stewards; it was very nearly the biggest bundle of patronage plums that any newly-elected union officer has ever found at his disposal. By making those appointments himself, selecting stewards who had no ties and owed no favor to the business agents, he might have eliminated the political power of his enemies. Instead, he turned effective power of selecting them over to the business agents—despite his pre-election promises to eliminate the agents' power and to end the corruption that flourishes among them.

Does that ring true? Schonfeld had simply to reach out and take the power, and he threw it all away just to appease the business agents? It would be puzzling, except that it is all part of Hall's dreamworld. (One can imagine how shrilly Hall would denounce Schonfeld as a dictator if he did have such patronage power and did use it to entrench his position.)

Schonfeld "inherited" next to nothing in terms of power; he has held office, but the old combination has always held power (with the help of the International). He has no constitutional or contractual power to appoint stewards; that right is jealously defended by the business agents who have the Council to back them up. Even if he had been able to appoint every steward, that would have hardly solved anything. The power to control and to discipline the stewards, like the business agents, has never been in his hands.

Hall may imagine that the power of Schonfeld's predecessor arose because he was rough and tough and ruthless. Actually the power derived from collusion with employers, alliance with the International against democracy, and backing business agents against the membership. Those instruments of power would be available to Schonfeld only if he actually became the kind of man who lurks in Hall's imagination.

In one respect at least, and that's when he refers to "political isolation," Hall rises to the level of a half truth. Schonfeld is not isolated from the membership; he won two elections and most recently carried a membership referendum for the election of insurance fund trustees by the membership. If he did not have the support of the membership, there would be no need to concoct the frameup trials against him.

But he is "isolated" from the business agents, the Council delegates and the whole cadre of local politicians who are attracted by power and who have

lined up with the International because it has power. The so-called "reformers" whom, according to Hall, Schonfeld has antagonized are among those who are running to hop on the bandwagon of power, and what goes with power: jobs and money. The "purges" are another of Hall's imaginative creations. Schonfeld has no power to purge anyone, even if he wanted to. But Schonfeld has gone into local union elections, ever since he was first elected in 1967, to urge members to defeat candidates who line up against self-government for New York painters and to elect those who are pledged to support democracy in DC 9. Whatever he does, Schonfeld couldn't possibly satisfy Hall. If he stayed out of an election contest, Hall would accuse him of "permissiveness"; if he goes in, Hall denounces him for seeking a "purge."

HALL NOTES THAT THE *Jewish Daily Forward* comments favorably about Schonfeld and that it says the Communists are looking to blacken Schonfeld's name. Hall characteristically "corrects" the record, "... the diminished handful of Communists in DC 9 . . . remain among Schonfeld's most loyal supporters." That's another bit of news just invented by Hall. Sometimes the CP'ers supported Schonfeld; sometimes they opposed him. They almost always remind their followers that he is a "redbaiter." Right now, they are lined up in the anti-Schonfeld camp. No one knows, not even themselves, which way they will finally jump in any election, because they make every choice on the basis of narrow, party, factional self-interest. "Most loyal supporters"—to anyone who knows what's really going on in DC 9, that is ludicrous.

What is involved here is not so much a question of fact but of Hall's twisted methodology. If you dislike the *Forward*, then you are also expected to develop a distaste for Schonfeld. But if you dislike Communists, you may be reassured in your distaste for Schonfeld by the consoling thought that they, too, approve of him. There's something here for anyone that wants to hate Schonfeld.

But what is this all about? For the benefit of those readers, if any, who are still with me, I'd like to present some of the background of events in Painters District Council 9. Schonfeld was elected secretary treasurer in 1967 after a seven-year reform battle. The election, under federal court supervision, was probably the first honest DC 9 election in our lifetime.

There are some twenty housepainters locals in DC 9, varying in size from fewer than a hundred members to about 1,000. Their separate existence goes back to the old days when locals were based upon language and other factors that are no longer relevant. The locals are now obsolete; they have no defined jurisdiction; a member of any local can work for any employer under contract with DC 9 and any employer can hire the member of any local. The locals have become principalities, each controlled by a business agent who generally makes private, mutually satisfactory arrangements with employers. Among other things, a business agent is permitted to put enough men to work on steady jobs so that he can keep control of his little local. In return, employers expect agents to overlook things like contract violations.

Most business agents, with a few exceptions, concern themselves almost exclusively with keeping their factional group happy and with collecting their various compensations. They are not interested in organizing; the larger their

locals, the more precarious their own positions. The system breeds corruption. There is no job security or seniority for painters. A business agent must choose between being honest or remaining an agent. If he does his union job conscientiously he soon finds that his men cannot get work and he is in trouble.

In addition to the housepainters locals, there are six or seven autonomous locals affiliated to the Council. As their name indicates, they are truly autonomous, negotiating their own contracts and running their own affairs independently of the Council. While the Council has no power over them, they have voting power on the Council and consequently they can affect events among the housepainters locals which are controlled by the Council. The autonomous locals maintain direct ties with the International office and in general serve as its voting cattle. They have voted more than ten to one against Schonfeld in two elections and in referendums.

All locals elect delegates to the District Council. Small locals which are easily manipulated by their fulltime business agents, are overrepresented. Large locals, which are harder to control, are underrepresented.

The painters, split up among twenty obsolete locals, can bargain with the employees only through the District Council which is their own central governing body. But the Council can be manipulated by the International with the help of the autonomous locals. And if things get out of hand, the International can simply veto any Council decisions it decides are improper.

The Secretary Treasurer is the only officer who is elected by vote of all members of all DC 9 locals; by painters and by the non-painters in the autonomous locals.

Before Schonfeld, District Council 9 was run by one happy family. The Secretary Treasurer, *and* the International, *and* the autonomous locals, *and* most of the business agents, *and* most of the employers worked together harmoniously, taking care of one another. As a result, according to Federal Judge Frankel in 1967, "the interests of its constituent union membership [were] poorly served and frequently betrayed." Elections were stolen; contract and other referendums were fraudulent; members' rights were suppressed; trade agreements were incredibly favorable to the employers, like the 1965 agreement which gave the members a 4¢ hourly increase over a three year period or an average of 1.3¢ per year.

When Schonfeld was first elected, he did not inherit that power, he threatened it. He is the first DC 9 leader who has set out to change the system that breeds corruption, to democratize the union, take it out of the hands of the business agents, and transform it into an effective union. As long as he is in office, the old combination is not quite safe; and so they will not tolerate him.

The District Council, composed of delegates from all the locals, is the chief constitutional authority in the district, subject only to the International. Schonfeld has never controlled the Council; without its backing, he cannot control the business agents, he cannot effectively police the trade, or adequately defend the interests of the union. As Secretary Treasurer, he occupies top office, but he does not wield power.

Right now, because DC 9 is so difficult to change, there is a standoff. The membership has elected Schonfeld twice in the face of a fierce attempt by the old combination to defeat him. The members supported him in every district-

wide referendum except one. But back in the locals, where they need the business agent to get a job, they are not so ready to make a change. Better the known evil than the unknown. Now, the painter thinks, I know who to see for a job. Maybe we have a crook, but at least with this crook I have a job. Put in someone else, crook or honest man, and who knows if I will have the job. (The tragedy is that there is hard realism in this grim way of thinking.)

SHORTLY AFTER TAKING OFFICE, Schonfeld proposed a series of bylaw amendments which established safeguards for honest elections, made it easier for candidates to run for office, and turned over supervision of the District elections to the impartial American Arbitration Association. The International blocked a vote on these amendments for almost eight months but they were finally adopted by membership majorities that went as high as three to one. Schonfeld called membership meetings, the first in fourteen years.

In 1968 he led the union's first strike in twenty-three years. The hourly rate covering the bulk of painters work went up from \$4.20 an hour to \$5.60 in three years. (In 1970, he led negotiations for a new contract providing for increases up to \$7.35 by August 1973.)

Meanwhile, the reform battle continued. The old combination controlled the Council; Schonfeld intervened wherever he had a chance of influencing local elections. He won some, lost some; the number of Council delegates who voted with him and the number of local officers pledged to support his program increased slowly. But it was becoming obvious that the Council structure made it resistant to change; the old gang could not be shaken loose.

In early 1969, Schonfeld proposed to reorganize the Council by establishing a Painters Section which would give self-rule to painters, free from the interference of autonomous locals. Under the provisions of his proposed by-law, painters would elect their own officers. Representation by locals to the Section would be in direct proportion to membership. The membership voted by more than two to one for the Painters Section.

Ironically, that sweeping victory, which should have brought the reform struggle to a successful conclusion, was the beginning of Schonfeld's latest troubles and marks the onset of the present crisis. The old combination, its power threatened, took countermeasures.

The International office vetoed the change and forced DC 9 to continue the present undemocratic setup. It became apparent that despite overwhelming membership sentiment, despite the best that Schonfeld could do, the old gang could not be shaken loose. Besides, it was now publicly clear that the International intended to use its power to block Schonfeld. (Less than a year later, it was openly backing a candidate against him.)

(This account omits one tortuous turn of events. In early 1970, in an effort to devise a structure that he thought the International could not veto, Schonfeld introduced a referendum which had to be so complicated and long, that it was almost incomprehensible to the ordinary voter. It was defeated. That defeat reinforced the "certainty" of Schonfeld's enemies that he was surely doomed in June 1970.)

Most local politicians and Council Delegates, including those who were

wavering or who were leaning toward Schonfeld, were quick to get back on the International bandwagon. Schonfeld seemed isolated and doomed to defeat. That was when most of the "reformers" mentioned by Hall scurried to desert the Schonfeld ship and make peace with those who held power. But Schonfeld astonished them all when, despite his isolation from the politicians, he won a smashing victory in the June 1970 elections. He filed suit against the International in federal court on behalf of the Painters Section, a suit which is still pending.

That brings us up to date, to the effort to remove Schonfeld, which failed. Now comes the critical moment, the June 1973 election for Secretary Treasurer, when he faces an almost solid wall of opposition from the officials. Along comes Hall. His piece will undoubtedly be reprinted and distributed by those who want to get rid of Schonfeld. If they succeed, corruption will spread and the days of election fraud will return. If so, Hall will deserve his small share of credit.

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2. FRANK SCHONFELD

BURTON HALL, IN NEW POLITICS, has written a false and distorted account of the situation in Painters District Council 9. It would be pointless for me and tedious for your readers to deal with all his many misstatements. But I do want to put on record certain facts which related to his irresponsible allegation that I am "criminally" guilty of "mishandling trust fund moneys."

Mr. Hall reports that charges were preferred against me in the union, among other things, for "mishandling trust fund moneys" and he insists that I had "no coherent defense." Obviously he intends to create the impression that there is some basis to the charges. At another point in his article, Hall alleges, on his own authority and for himself, that I was guilty of "mishandling of the trust fund moneys" and he states flatly that I was forced to make certain deposits "under threat of criminal prosecution." All this is false and malicious.

He notes in passing that the District Attorney somehow "got wind" of the "mishandling," but he neglects to report that the "wind" blew in from Hall himself when Hall, as attorney for men who support the drive to oust me from office, presented those "criminal" charges against me with the D.A. In other words, he concocted the very charges which he writes about. The facts about the trust funds are rather intricate. Nevertheless, I must ask for this space to reply because the allegations deal so outrageously with my fiduciary obligations to D. C. 9.

There are two "trust funds" involved here. Before I was elected, Rarback and his followers established a special pension fund for officials of D. C. 9. The original money for the fund was not provided by payroll deductions from the officials' salaries but out of members' dues when the Council made a large subsidy payment from the union treasury to finance the officials' pension fund.