

A. H. Raskin

The Revolt of the Civil Servants

The strike is becoming an increasingly popular weapon among teachers, garbage men, and other public employees. Is there a way in which government can protect the public interest without infringing on the rights of those who are supposed to be its servants?

ALL the fears, frustrations, and furies of the nation's decaying cities beat down on the civil service. The policeman, once a symbol of authority with small boys tagging respectfully in his wake eager to touch the magic blue cloth, finds himself dodging sniper's bullets or being spat upon as a "pig." The fireman, responding to alarms in the ghetto, is peppered with bricks and bottles as he prepares to risk his life to save someone else's. The teacher, already dismayed by the bars to learning created by poverty, family disintegration, and the general hopelessness of inherited dependency, must also wrestle with the new pressures born of the Negro's struggle for more self-rule.

In every other phase of municipal service, from welfare through garbage collection, the woes of the cities make each day's duties a challenge—and usually a misery—for those who work for the cities. Little wonder then that, in a period of widespread rebellion against established institutions, the discontents of public employees are erupting in illegal strikes, slowdowns, and other forms of revolt against that stuffiest and most bureaucratic of all institutions—the government that public employees are sworn to uphold.

At every level of government—federal, state, and local—civil service strikes are just as illegal today as they were in 1919 when Calvin Coolidge, then governor of

Massachusetts, backed the firing of Boston police strikers with the declaration that "there is no right to strike against the public safety by anybody, anywhere, any time." Yet New York City has had almost three years of what amounts to a nonstop crisis involving strikes and strike threats by teachers, subway workers, nurses, doctors, policemen, firemen, sanitation men, welfare workers, and employees of other vital agencies.

So successful have the New York unions been in enshrining the principle that unlawful strikes pay off in fatter wage agreements and a larger union voice in basic policy decisions, that the virus has spread to cities all over the United States. The big worry now is that it will undermine the stability of the no-strike commitment in the federal service, even though present law makes it a felony to strike against Uncle Sam and all recognized unions must certify that they do not even assert the right to strike in federal employment.

Organized labor, a smug, overfat slug-

abed in the general economy, is militantly on the march in all branches of the civil service. The prize is a tempting one, especially in state and local agencies where employment has nearly tripled since World War II to a current total of more than 9,000,000 workers. At least 3,000,000 more are expected to be in public jobs by 1975, and the unions hope almost all will be wearing union buttons by that time. They also hope the blanket ban on public strikes will be consigned to the dustbin of history; their goal is a uniform standard to govern emergency strikes in public and private employment, with the same freedoms and limitations applying to all workers in both sectors.

If an intelligent decision on that issue is to be made by the employer—we, the people, all 200 million of us—it is important to consider what is right and what is wrong about the things we are now doing to keep the peace in the civil service, and also whether there is any realistic prospect of enforcing a prohibition on strikes in a section of the economy that provides jobs for one-sixth of the American work force.

Perhaps the best way to underline the complexity of the whole problem is to take a close look at two of this year's highly publicized strikes, both involving garbage collectors. One was the strike that carried Martin Luther King, Jr., to his death by rifle fire in Memphis. The strikers were predominantly Negroes performing an essential community service at wages of less than \$2 an hour. But the central strike issue was not the



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wretchedly low pay scale or the abysmal working conditions. It was the city's refusal to grant its unionized sanitation men the most elementary attributes of industrial democracy—union recognition and an orderly machinery for the adjustment of grievances, rights that have been guaranteed by law to workers in private industry for more than three decades.

THE Memphis garbage collectors were technically engaged in an illegal strike and the city was well advanced on a program intended to break their union and their strike when Dr. King came to town to lead a protest march in their behalf. His assassination focused national attention on the outrage Memphis was perpetrating on these exploited workers behind its sanctimonious shield of compliance with the no-strike law. President Johnson dispatched Under Secretary of Labor James J. Reynolds to Memphis to represent the White House in the settlement talks, and the city reluctantly agreed to recognize the union, establish a grievance system, and bring its pay scale somewhat closer to a living level. Without King's martyrdom, the probability is strong that the union would have been smashed and the garbage men condemned to continued exploitation or to permanent replacement.

Obviously, no persuasive case can be made in defense of a community's right to forbid strikes by its civil service employees when it so conspicuously denies them either equity or minimal respect for human dignity. But, before we get carried away by the unfairness implicit in such a situation, let us turn to the

second sanitation strike—the nine-day walkout in New York last February that turned the country's biggest city into a monumental garbage dump and touched off a rancorous political battle between Governor Nelson A. Rockefeller and Mayor John V. Lindsay.

New York State, unlike Tennessee, has a law that makes it unnecessary to strike for union recognition or grievance machinery. The Empire State's Taylor Law, based on the recommendations of five nationally prominent experts in peaceful labor-management relations, is designed to give civil service unions every possible assurance that their public employer will not be able to hide behind the strike ban to deny them the wages and other benefits that fairness requires. Not only does the law oblige state and local agencies to sign written contracts with the union representing their workers, but it also provides for impartial fact-finding to break deadlocks over what constitutes a fair settlement. The whole aim is to stop strikes by removing any valid basis for striking.

IN some respects, New York City has gone even further than the state to achieve the same goal. The Lindsay administration joined with most of the city's civil service unions two years ago in setting up an Office of Collective Bargaining (OCB) to promote labor harmony by providing for neutral peace proposals in all contract disputes. The unions have an equal say with the city in every phase of the agency's operation, and George Meany, president of the AFL-CIO, has hailed it as a national model.

But the New York sanitation union refused ever to get under the OCB umbrella. Its leaders felt they could get more for their 10,000 members by staying out and then demanding richer contracts than anyone else got. This approach is familiar enough in general union practice, but it has two main defects in the civil service.

One is that it represents a prescription for municipal bankruptcy because the ninety other unions New York deals with won't stand still for such one-upmanship; the result is an endless leap-frog in which every union tries to climb over the backs of all the others, precisely the disease the OCB was intended to cure.

The other defect is that the holdout technique involves feeding the rank and file so much raw meat that no settlement is ever big enough to satisfy the members' overstimulated appetite. That is exactly the mental set the sanitation union chiefs ran into in February when they finally decided to go along with a mediation panel's proposal for a basic pay scale of \$8,356 a year, substantially more than double the Memphis rate. The New York garbage men howled down the recommendation and forced their leaders to give unhappy sanction to a strike.

As the city sank into an ocean of swill, Lindsay dug in on the proposition that all chance for stability and respect for orderly process in municipal labor relations would be lost if he yielded to "blackmail" by the outlaw strikers. But it speedily became apparent that there was no equality of bargaining power; the sanitation men, by staying off the job, literally could bury the city in garbage and turn it into a playground for rats and vermin.

THE Mayor finally decided the only way out was to go to the Governor with a request for the National Guard. Rockefeller, who had devoted much of his public career to cementing good relations with labor, was dismayed at the prospect of rekindling all the animosities that had surrounded his father after the "Ludlow massacre" at the Rockefeller-owned mines in Colorado a half-century ago. That worry was heightened by AFL-CIO warnings of a general strike of all New York labor if the Guard was brought in. What followed was a game of political hide-and-go-seek, in which Rockefeller helped the sanitation union jack up the settlement price. Lindsay denounced the proposed deal as "a little bit of blackmail," and New Yorkers—fed up with having one public union after another put a pistol to their heads—rallied so strongly to the Mayor's support that the Governor and his allies in the legislature tossed their solution into the overflowing garbage can.

In the end, the whole pay issue was



"... and remember, friends—the makers of Sprinkle Flakes wish you a merrier Christmas than the makers of any other detergent."

left to arbitration, with everybody back at work. But it would be an exaggeration to pretend that the episode shook the confidence of the strongly entrenched New York civil service groups in the efficacy of force and law defiance as instruments for prying inflated settlements out of the public purse.

On the contrary, when it came time this fall for the city to negotiate new agreements with all its uniformed forces, Lindsay was obliged for the first time to grapple with the reality of illegal strike threats by policemen and firemen as well as the still seething sanitation men. All three groups were out for the biggest increases they had ever got, and each felt it was entitled to do better than the other two. That portended trouble enough, but the difficulties were multiplied by the extent to which all the forces felt they were going downhill in public respect. "People treat us like dirt," was the way one sanitation worker phrased it. And the sense of second-class citizenship was even stronger among policemen and firemen.

INDEED, one of the things they resented most about the negotiations was the city's insistence on freezing the existing balance—one that gave identical pay scales to police and firemen and exactly 12 per cent less to sanitation. The two safety forces were unhappy about being tied to one another (each was convinced it ought to be first), but they were united in anger at the tandem that linked their salaries to those of the garbage crews. "The city puts me in the same class as the trash collector," grumbled one disgusted patrolman. The more intense these expressions of civil service snobism, the more resolute became the drive of the sanitation men for parity, down to the last fraction of a percentage point.

This three-way rivalry was the last thing Lindsay needed. The city was already being torn apart by the most divisive strike in its history—the walkout of 55,000 unionized teachers in a battle that quickly moved beyond its stated goal of due process in teacher tenure to a confrontation between New York's black and white communities on the explosive issue of school decentralization. Distrust and race hate had so inflamed all parties in the school dispute that the Mayor could not risk conflict with the uniformed forces on which the metropolis had to rely for protection against disorder, arson, and riot.

Lindsay's escape route was to enlist the help of the country's most prestigious peacemaker—Arthur J. Goldberg, newly returned to the private practice of law after nearly eight years as secretary of labor, associate justice of the Supreme Court, and United States representative at the United Nations. Goldberg and his chief associate, Chairman

Vincent D. McDonnell of the State Mediation Board, came up with the most tested of union tranquilizers: a pool of the city's money to be spread around among members of the uniformed services with sufficient lavishness to keep everybody happy while leaving undisturbed the old wage relationships. The policemen and firemen were to go from \$9,383 a year to \$10,325; the sanitation men, through a combination of direct pay and premiums for Saturday work, moved up from \$8,381 to \$9,305. A lot of additional sweeteners were thrown into the pot by way of insuring that there would be no upset.

The executive boards of all three unions unanimously endorsed the Goldberg recommendations, but the rank-and-file reaction in both police and fire was sour. The officers of the Patrolmen's Benevolent Association and the Uniformed Firefighters' Association found their armies marching out in front of them, just as the heads of the Uniformed Sanitationmen's Association had in February. The members insisted on slowdowns to coerce the city into raising the ante. An epidemic of "Hong Kong flu" hit the police force; no tickets were issued for parking or speeding. The firemen halted all inspection and fire prevention duties; the only thing they would do was answer the fire bell and they threatened to quit doing even that if

the city did not surrender. A court order got things back to normal to the vast surprise of Lindsay aides, accustomed to seeing injunctions treated as scrap paper by other municipal unions. But the policemen have not given up their pressure for more money, and no one at City Hall is sure the lid can be kept neatly in place.

WHAT conclusions flow from all this on either the correctness or the practicality of trying to sustain the age-old doctrine that there is no right to strike against the government? My own conviction is that the basic ban, for all the imperfectness of its observance, is essential to orderly government. The reasons were well set forth by the father of the New Deal, Franklin D. Roosevelt, at the very time that he was sponsoring the Wagner Act as a charter of freedom for workers generally. "A strike of public employees," he said, "manifests nothing less than an intent on their part to prevent or obstruct the operations of government until their demands are satisfied. Such action, looking toward the paralysis of government by those who have sworn to support it, is unthinkable and intolerable."

It is true that the multiplication of government services since FDR's day has fuzzed the boundaries between functions that are distinctly the province of government and those that belong in the

Strikes by Public Employees

Employees in Civil Service	1940	1960	1968†
Federal government	996,000	2,270,000	2,690,000
State/local government	3,206,000	6,083,000	9,685,000
Total government employees . .	4,202,000	8,353,000	12,375,000
Total work force	54,870,000	69,628,000	77,447,000
Government employment as percentage of total force . . .	8%	12%	16%
Work Stoppages: State and Local Government Employees*		1960	1967†
Total work stoppages		36	181
Number of workers involved		28,600	131,670
Number of man-days idle . .		58,400	1,246,300

*No work stoppages for federal government employees were reported. (Strikes are a felony for employees in federal service.)

†Latest available figures.

Source: Department of Labor, Bureau of Labor Statistics.

private domain. Bus lines in one city are publicly owned and their drivers have no legal right to strike; bus lines in a larger city nearby are privately owned and their drivers can strike without making themselves outlaws. Similar contradictions affect many other functions of great importance. Municipal hospitals and voluntary hospitals perform services so indistinguishable that many operate as partners in urban medical centers. Electric utilities are municipally run in some areas and privately run in others. Warships are built in navy yards or in private yards. Some cities do their own garbage collection; others contract the whole thing to private haulers. The overlaps keep growing with the growth in government, and so does the difficulty of explaining to workers why a prohibition on strikes makes sense in a public job when it does not apply at all in an identical job under private operation.

THIS difficulty has prompted many critics to argue that the only sound criterion for banning strikes should be the essentiality of the service at stake, whether in the public or the private sector. The only trouble with this line of demarcation is that in practice it proves impossible to draw. The experiences in the last two years of Detroit, Kansas City, and Youngstown, all of which have had strikes of policemen or firemen, reinforce the New York lesson

that any breach in the no-strike principle invites its total destruction. No group, however vital its duties, will submit to quarantine if the rest of the civil service is given a green light to strike.

In truth, it is precisely the unions whose members control the most indispensable services that constitute the real strike problem in the civil service. If clerks in the Registry of Deeds or park gardeners quit their posts in violation of law, the city can sustain their absence for a long period with little sense of crisis. But when the schools close down or the subways stop running or the garbage trucks stay in the garage, the community finds itself helpless in short order. The more essential the service, the greater the chance that the government will have to capitulate.

The real justification for maintaining inviolate the legal ban on public strikes lies in the nature of government as the embodiment of all the people. It is not a business organized for profit; it cannot move away; it cannot lock out its employees. The conventional notion of strikes as tests of strength in which the pressures of the marketplace operate to constrain both management and union simply does not apply. For that reason, a strike against government becomes an interference with the political process, an effort by one segment of the people to misuse its control over a specific service as a weapon with which to bludgeon

the entire community into submission.

Such tactics are disturbing enough when they are confined to raids on the public treasury, overreaching any requirement of equity and forcing the diversion of funds needed for education, housing, health, and other underfinanced civic responsibilities. But strikes in public agencies are increasingly directed toward compelling the community to do what unions think they ought to do in terms of public policy. Sometimes, as in this year's New York school strike, the issues are so fundamental that the viability of the city itself is placed in doubt. The teachers were not striking for wages and hours; the underlying element in their walkout was fear—fear that the demand of Negro and Puerto Rican parents for a larger voice in running their neighborhood schools meant vigilantism and a reign of terror against white teachers. The resulting scars will not heal for many years. Indeed, the spillover of hate has brought a polarization of the black and white communities that makes vastly more difficult the solution of all the city's titanic problems.

An opposite situation is developing in welfare, where the perpendicular climb of the relief rolls has pushed the welfare budget up to \$1.5 billion for this fiscal year. New York's organized social workers have joined forces with militant elements among the 950,000 persons on relief to pressure welfare authorities into expanding payments to those on the rolls. Taxpayers, convinced that the New York standards are already so high that the city has become a mecca for the dispossessed from all over America, have no enthusiasm for paying the welfare staff to stick pins into the poor to clamor for more.

In many other fields civil service workers are converting the strike into a political as well as an economic weapon. When New York announced that it was considering turning its city-owned hospitals over to their more efficient voluntary counterparts, it ran up against a union threat to shut down all the hospitals if the plan went through. Even that pillar of law and order, the Fraternal Order of Police, has been reported as weighing a two-day national walkout to dramatize "the need for more public support of law enforcers." Valid as many of the proposed policy changes may be, questions of this kind should not be resolved under the gun of a strike. Otherwise, elected officials will become captives of embattled civil servants, responding to coercion, not persuasion.

Is there a road out of this morass—one that will insure good wages and decent conditions for public employees, provide a constructive outlet for their ideas on how to make government better, and also safeguard the people who pay the bills against the cutoff of essential

(Continued on page 89)



"I guess the elements reduce us to a common denominator."



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Evenings that memories are made of so often include Drambuie.



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Bataille du pont d'Arcole. Detail from the painting by Emil Jean Horace Vernet (1789-1863). On November 17, 1796 when his troops were unable to capture the bridge at Arcole, Napoleon seized the colors and led his men to victory in one of the most important engagements of the Italian campaign.

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The
Brandy
of
Napoleon

A FIVE-YEAR STEP

By John Ciardi

I DON'T remember what I was arguing in H.H. Blanchard's Medieval Lit. at Tufts in '37—something to do with numerology, and I knew about it the way my cousins knew baseball statistics by having been raised inside them, but couldn't prove it. "It does sound plausible," said H.H.B., "but how do you know if you can't document it? Remember, we're not discussing how *we* feel but what went on in the mind of the Middle Ages."

"That's just the point," I told him. "I was born there. Or else I was born beforehand to where they came."

And if it was half a flourish for sweet style's sake—
not for a class of dolts to titter at
though they had to have their titter, and let them have it—
it still was half as true as I was born.
Maybe half as true as anyone is born,
and with no proven Renaissance to follow.
At least I haven't met Lorenzo's ghost
in any court I've come to, nor Leonardo
at the Academy, nor myself afire
with dawn enough to strike spires from the day.

Sometimes I think I've made it out of the dark
but not into the light. There may be light.
But what's in the Control Rooms is a glow
dim red as altar tapers, and as faithful
to the Holy Ghosts of needles on their dials
trembling with Presences.

As I was born—
to dim red glows I sensed but could not read
except to know there are Presences, and to learn
the first of everything is a lunacy
whose chatter starts before us in the dark.

A cave of colored windows where God's light
came down in shafts bored through His core of stone
closed me in good and evil, and I was wrong,
my natures all veined sinful before starting.
I felt His eye bore and His great grab reach
to sulfurous ores soul-deep in half my dreams.

And from the rails and galleries of that dark
and at its pit heads, black-flagged orators
of tongues that were never mine sermoned me through
to guilt and the Irish Trinity. Ma wept
to hear how God denied His round Italian
for a nose full of South Boston Jeremiads.
Nights, I could hear her arguing with Pa
to take the matter up with San Michele
or with San Giovanni of his own son's name.
But we couldn't be sure he had made it up that high.
Weren't we still praying him out of Purgatory?
However it was, we never got an answer.

I did what was done to me and fell asleep
falling off roofs and clouds to wake up screaming,
holding my genitals that had fallen off
because they belonged to the Devil and he'd come for them
and changed me into a girl for punishment.

But in another sleep I was all escapes.
I killed Cavalcante who had killed my father—
he shouldn't have driven so fast—and ran back home
and Pa himself was there and gave me wine
in three red glasses, because I was his son.
Himself the tall first number of the bottle
he filled me from. And Ma, an eight, behind him
in the two great circles he had married one.

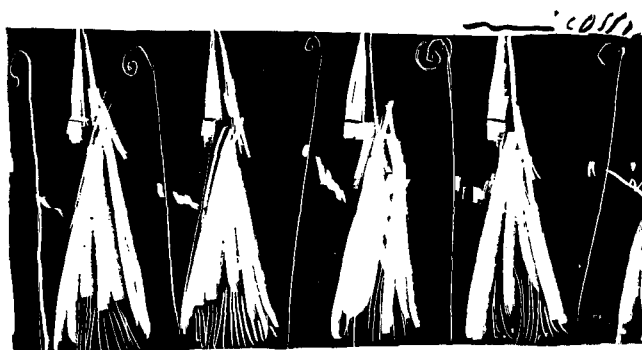
I didn't know then my dreams were from a mountain
where every town defended its own Virgin
just as the Greeks had left her in a cave.
But I could tell St. Patrick was none of mine,
though at St. Joe's his feast day waved more flags
than God broke out for Easter and Christmas together.

What was I then? Thirteen. Maybe fourteen.
Like Ma, I half believed I was safe in God
and what God we were safe in. I couldn't have guessed
we were Greeks who spoke ourselves in bad Italian
from a parish of goat thickets, civil war,
and hot blood on the mountain—all our saints
disguised as Catholic but as mountain-rank
as a day's sweat on the ledges of the starved
who put their prayers into thickets. I had left
St. Joe's before I left and didn't know it.
It took a clown to rip my thicket loose:
and in came Father Ryan blowing his nose
one warm March day to lather the Sunday School
in his own idea of a hagiological rally
for the Big Green Team. And sent the mountain sliding
down on the cave forever.

His nose well blown,
he stood above us, outside the altar rail
and worked the boys up to three last Green Cheers:
"Where did St. Patrick come from?"

"Ireland!" the saved screamed.
"And where did he bring his blessing?"

Again: "Ireland!"



EDITOR'S NOTE: "A Five-Year Step" is one of a series of longer autobiographical poems being prepared by Mr. Ciardi for publication by Rutgers University Press.