



The DISPATCHER

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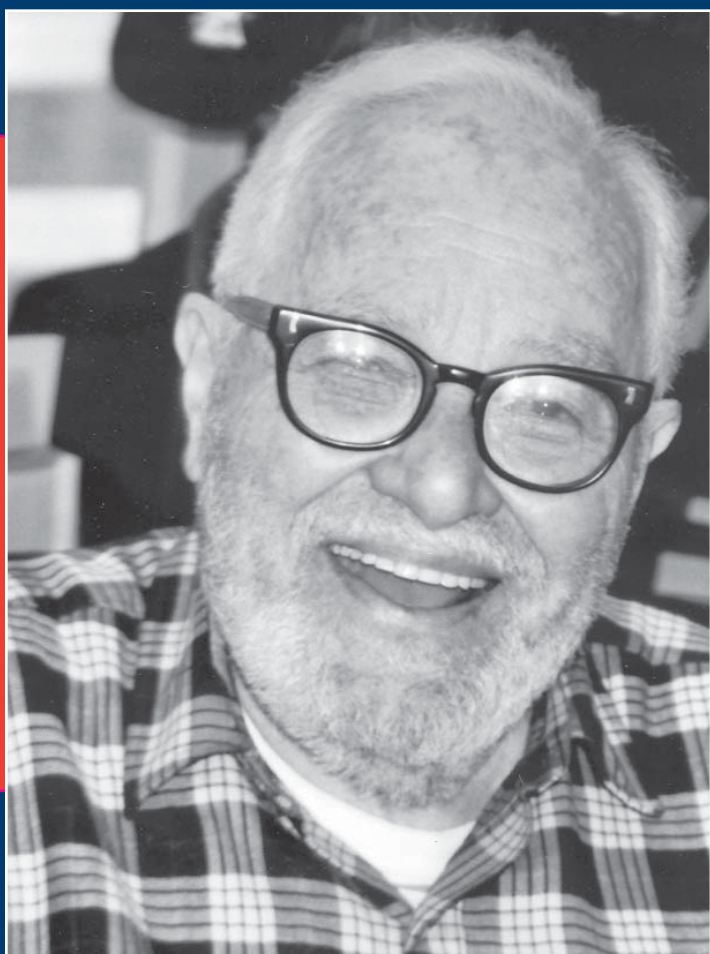
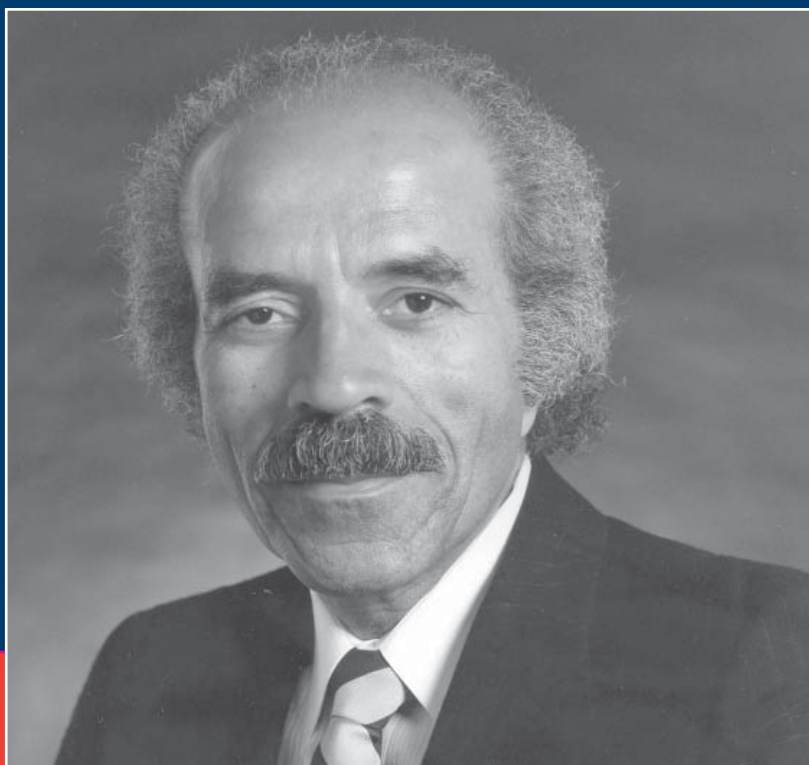
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Inside Line

KICKIN' IT

I grew up in a rough part of town. You had to look out for yourself. Early on my big brother taught me the rules of the neighborhood.

“Never hit a guy when he’s down,” he said. “Kick him—it saves bending.”

California Governor Arnold Schwarzenegger has been beaten and bloodied in November’s election. All four of his anti-worker ballot propositions went down for the count. In fact, every measure on the ballot in his “special” election was defeated (see story page 5), emphasizing what a useless waste of money it was.

Still, Schwarzenegger has his reasons—he was going for the union movement’s jugular. There was no mercy or restraint in his program. But a funny thing happened on the way to the ballot box. The workers rose up, roped that dope and emerged more powerful than ever. If Hollywood were to make this movie, it could only be called “Pumping Irony.”

The labor movement has flexed its muscle and pinned the Austrian body builder. Although he’s been taken down, he still needs to be taken out—like the garbage.

Schwarzenegger is reeling and George W. Bush would be too if he wasn’t too dizzy-brained to know the difference. What with the Iraq War disaster, the Katrina disaster, the CIA spy leak scandal, the House majority leader Tom DeLay scandal, and indictments happening all over Washington, D.C., Republicans are running scared in all directions, scattering like cockroaches when the kitchen light is turned on.

It all comes directly out of what is known in Greek tragedy as “hubris,” the pride before the fall, the belief that you are so on top of your game that you’re invulnerable. You can do any outrageous thing without consequences because, dude, you rule!

You can terminate organized workers. You can bomb countries into submission. You can redraw the political map of a state or an entire region on the other side of the world. Or not.

Already Schwarzenegger has moved on to Plan B, moved to reinvent himself. Now he’s changed from confrontation to cooperation. Now he wants to work with Democrats in the legislature and with unions. He’s proposing a massive bond measure to fund long-needed transportation infrastructure and “goods movement” projects, an issue dear to the ILWU.

While the union will do its best to take advantage of the new emphasis on infrastructure, it won’t likely be seduced by the new, nice-guy Arnold. He’s just pulling the old “bait und switch.” But we’ve seen his true colors and we know we’ll see them again if he gets elected for another four years. We must never forgive or forget.

While Napoleon Bonaparte’s advice to never interrupt your enemy while he’s making mistakes has its kernels of truth, so does the 1960s slogan “If you don’t hit it, it won’t fall.” We can’t just watch and hope the Republicans self-destruct. Sometimes a good push is in order. That’s why right now I tend toward my brother’s strategy—we gotta kick ’em while they’re down.

—Steve Stallone
Editor

PRESIDENT'S REPORT

California victory lights the way

By James Spinosa
ILWU International President

The California special election proved not only to be Governor Arnold Schwarzenegger’s undoing, it proved the union movement can still stop the fanatic attacks of right-wing Republicans. And it proved the formula to do it.

The Republicans tried to turn this election into a national referendum against unions, understanding that as goes California, so goes the nation. Schwarzenegger traveled throughout the country gathering millions of dollars at Republican fundraisers to pass the ballot initiatives aimed at politically disarming the unions. Many of these donors had no particular interests in the state other than limiting the influence of organized workers.

But these nasty attacks awakened and reenergized the labor movement, and the unions used their enemies’ energy against them. And in doing so we not only slapped Schwarzenegger down and reconfigured the political forces in the state, we have put the Republicans on notice that they are in trouble as we prepare for the 2006 national mid-term elections.

We did a number of things right in this election and we need

to review them and understand them so we can repeat them and the success they brought us.

First and foremost, the labor movement remained united in California through to the November election despite the splits and rancor between the AFL-CIO and Change to Win leaders that made headlines last summer. The California Labor Federation, the central labor councils and the locals working on the ground refused to recognize

the divisions among their national leaders. They treated Schwarzenegger’s initiatives as an assault on all workers and responded as one.

The unions also used a campaign strategy that tied our cause directly to the larger social good. For instance, the teachers made it clear that they were opposing Schwarzenegger’s cuts in public school funding. That hit home for every parent in the state who understood how that affected their children and their future. The nurses made it clear that their fight with Schwarzenegger over smaller nurse-to-patient ratios wasn’t just about making their work load lighter, but about better care. Every one who has been in a hospital or has tended a family member in a hospital knows what a difference that makes.

Unions are the most progressive organized political voice in society today speaking for all working people and they showed it in the election campaign. So when the teachers, nurses and firefighters appealed to voters to turn back Schwarzenegger’s initiatives, it worked.

Only the arrogance of the super-wealthy would think they could take on teachers, nurses and firefighters. These people are the real day-to-day action heroes in working people’s communities. To target them, as Schwarzenegger did, as if they are

the enemies of our society is an affront to the daily experience of regular folks. This is the kind of public relations campaign that could only be developed by highly paid consultants who live in exclusive, gated communities.

The unions approached this campaign with a bolder attitude than they usually do and that made a big difference. Partly it was out of desperation because Schwarzenegger’s attacks were so bold. With Prop 75 he was trying to all but eliminate unions as a political force in the state, making it much easier for him and California Republicans to move their pro-corporate, anti-worker agenda. Prop 75 was 20 points ahead just four months before the election.

In response the unions moved with unapologetic aggression in defense of working people and labor rights. They slammed Schwarzenegger for months with TV ads. And the nurses dogged him at every campaign event and fundraiser he held in the state and across the nation. They got all kinds of free media coverage with more than 100 such demonstrations, contrasting the hard-working angels of mercy with the fat cat corporate crowd spending \$10,000 each to have dinner with

Arnold.

Finally, we just basically out-campaigned them. We raised millions of dollars to keep the TV ads pounding. But more importantly we wore out the shoe leather. Union volunteers went door-to-door talking to working people about the issues. And we organized an effective GOTV (get out the vote) effort.

In our strongholds of Los Angeles and the Bay Area, ILWU rank and filers joined other unionists on Election Day to mobilize vot-

ers. It’s one thing to have the polls in your favor and another to make sure the ballots are cast. And that turn out is often the difference between victory and defeat, especially in an off-year election like this one.

This is what we need to carry into the 2006 election. We need our members to continue to step up. Now is the time to sign up for political action alerts on the ILWU web site (www.ilwu.org) and click on “sign up for updates”). Now is the time to contribute again to our Political Action Fund (see ad page 10). And now is the time to contact your District Council and volunteer for the upcoming campaign.

Schwarzenegger is up for election next November and we have to finish the job and send him back to making movies. We will also have the opportunity to take back from the Republicans one or both houses of Congress next year. This will not only allow us to block some of the worse of Bush’s ongoing attacks on working people, it will also affect our 2008 longshore contract bargaining. It could determine the political atmosphere we negotiate in and could restrict the threats we operate under.

It would be hard to overestimate what’s at stake here in the 2006 election. We can have only one response: All hands on deck!



Unions are the most progressive political voice speaking for all working people in society today and we showed it in the campaign.

The DISPATCHER

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Blue Diamond workers get strong shot of hope

by Marcy Rein

SACRAMENTO, CA—The speaker phone muffled Sharon James’ crisp British accent, so the Blue Diamond organizing committee members gathered around the phone after work were straining to catch every word. James works in the London headquarters of the International Transport Workers’ Federation as assistant secretary of the dockers’ section. She had gotten on the phone at midnight London time Nov. 21 to report to them on the solidarity actions taken around the world that day to back up their fight.

Two days earlier, many of those same workers had been driving all over the county trying to find co-workers at home and talk union with them away from the prying eyes of managers and managers’ spies. The committee has been working hard with ILWU warehouse Local 17 for more than a year now. They want the Sacramento almond-processing plant to agree to a fair process that would respect their right to unionize.

They got raises ranging from 50 cents to \$3 per hour, though these aren’t secured by a contract. They saw four of their co-workers fired and watched many people reel from Blue Diamond’s anti-union jabs. But the International Day of Action, on top of a complaint from the National Labor Relations Board and a National Day of Action the month before, gave them a strong shot of hope.

“People cannot believe this is going this far,” organizing committee member Gene Esparza said. “But the longer it goes, the more people understand.”

Blue Diamond runs the world’s largest almond processing plant, employing just over 600 sorter/packers, operators and other production and maintenance workers. The almond industry is thriving, with prices and demand climbing steadily. The workers are not thriving.

For 15 years their wages stayed almost flat while their health care co-pays spiked. Seasonal workers with as much as 38 years’ seniority didn’t qualify for paid time off, because they didn’t log enough hours in a year. People went to work hurting with carpal tunnel and other injuries.

“They have no respect for us,” organizing committee member Alma Orozco said. “They treat us like we’re stupid. And \$11 after 30 years? Come on!”

When the workers tried to organize, Blue Diamond brought on what a company spokeswoman called “an aggressive union-avoidance campaign.” It hit the workers with more than 30 anti-union flyers and forced them to attend individual and small-group meetings where they were interrogated about their support for the union and fed anti-union propaganda. It threatened that people would lose their pensions and see the plant close if they joined the union. It fired four union supporters for the flimsiest of reasons. Ivo Camilo was the first.

Camilo had a spotless record after 35 years in the plant—and joined the committee members who outed themselves in an April 15 letter demanding that Blue Diamond respect their right to organize. On April 20, two supervisors walked him out of the plant. They claimed he “willfully contaminated” almonds with blood from a one-eighth-inch cut on his hand. On April 21, he got fired.

“I felt angry and betrayed,” Camilo said.

U.S. labor law bars such firings, threats and harassment. The union filed charges with the National Labor Relations Board in late June. After a three-month investigation, the Board found strong evidence that Blue Diamond broke the law. It issued a complaint against the company citing 28 separate violations by 14

managers and supervisors. An NLRB administrative law judge will begin hearing the case Dec. 5. Organizing committee members hope findings in their favor will cut through the fear fanned by the company’s campaign.

“If any of this goes through, it will really open people’s eyes, especially if any of our guys get their jobs back,” committee member Irma Linda Rincon said.

But the union is not relying on the law alone. It is spreading the word of the workers’ fight to all parties who have relationships with Blue Diamond, with one simple request: Ask the company to remain neutral and let the workers decide for themselves whether or not they want a union.

On Oct. 31, the word bounced around the country in the “Halloween Howl for Justice for Blue Diamond Workers.”

The howl started on the East Coast, with members of New York Jobs with Justice leafleting outside a Hershey’s Chocolate shop near Times Square, along with rank-and-file members of the International Longshoremen’s Association. The leaflets asked Hershey, as a major user of Blue Diamond almonds, to ask the company to back off its anti-union campaign.

It spread to Chicago, where members of the Workers’ Rights Board from Chicago Jobs with Justice visited World’s Finest Chocolate, another big Blue Diamond customer. They presented their concerns to the assistant for the vice president of sales and marketing. When she insisted they call for an appointment, they promptly whipped out their cell phones. Through the glass partitions in the plush offices, they could see her talking to them on the phone, then conferring with the VP.

“World’s Finest is not the target,” Chicago JwJ Director James Thindwa patiently reassured her. “We simply want it to use its moral influence.” Allies in Minneapolis, coordinated by the Citizens Trade Campaign, sent a letter to Blue Diamond customer General Mills over the signatures of 18 community leaders, including a state senator and four clergymen of different stripes.

The howl echoed in Denver, where Jobs with Justice members paid a call on CoBank, a leading lender to agricultural co-operatives. It jumped to the Los Angeles area, where representatives from the ILWU and the Pilipino Workers’ Center leafleted at the Nestlé building in Glendale, visited the public relations department and got themselves escorted out by security.

It zipped up the West Coast to Oakland, where brothers and sis-



During the Halloween Howl for Justice, members of New York Jobs with Justice, along with rank-and-file members of the ILA, leafleted in front of the Hershey’s Chocolate shop in Times Square. Some of the leafletters got into the spirit of the day by dressing as Hershey’s kisses.

ters from ILWU Locals 6, 10 and 94 (including several members of the Local 10 drill team) stopped in at the offices of Dreyer’s Grand Ice Cream. It broke out right in front of the Blue Diamond plant in Sacramento, where organizing committee members and the ILWU held a press conference to talk about the NLRB complaint and the day of action. And American Rights at Work launched it into cyberspace. The 9,300 responses to ARAW’s e-mail alert swamped Blue Diamond’s mailboxes.

“That part especially tickled us,” committee member Ann Hurlbut said. “We’re just pleased the word is getting out, because the more spotlight we can get on Blue Diamond, the more successful we will be,” she said.

With November’s International Day of Action, the word shot round the world.

California almond growers send some 70 percent of their product overseas. Spain, Japan, India, France, Korea and the United Kingdom rank among Blue Diamond’s top 15 international customers—and allies in all these countries took the workers’ case to major importers and distributors on the Day of Action.

“Business and capital don’t recognize national boundaries and neither should we,” the ITF’s Sharon James said as she began her report to the workers. “Trade union cooperation should not stop at national borders.” The ITF includes more than 600 unions in 142 countries, the ILWU among them.

“We hope today’s action will begin a dialogue with the company and help workers in Sacramento in their right

to organize,” James said. She and ITF Dockers Section Secretary Frank Leys played a key role in coordinating the day’s events and took charge on the U.K. front. They met with a Blue Diamond distributor in London, who promised to get their message back to the company.

All five ITF-affiliated unions in South Korea pooled their efforts to send an 11-member delegation to meet with three major Blue Diamond importers there. Because the ITF sent a letter first, management at one company had already talked to Blue Diamond.

“The general attitude towards our delegates was kind and friendly,” ITF Korea Coordinator Hye Kyung Kim said.

S.R. Kulkarni, president of the All-India Dock Workers’ Federation and head of the Asia-Pacific Dockers’ Section of the ITF, led a delegation of 30 activists to meet with a Blue Diamond distributor in Mumbai. At first the distributor refused to talk with them. The delegates stood their ground and chanted loudly until he gave in. He heard them out, then signed a memo to Blue Diamond as requested. A 16-member delegation led by All India Railway Men’s Federation General Secretary J. P. Chaubey visited another Blue Diamond importer in Delhi.

The ITF coordinator in Japan couldn’t get a meeting with anyone in Blue Diamond’s office there, so he sent a protest letter. The ITF’s point person in Rotterdam has been contacting distributors, trying to get them to sign on to a joint statement to Blue Diamond.

The International Union of Food Workers, which brings together some 336 unions, also stepped in to help. IUF affiliates in France and Spain sent strongly worded letters to the management of Nestlé, another major Blue Diamond consumer. The letter from the French *Fédération Générale Agroalimentaire* called Blue Diamond’s threats of plant closure and pension loss “acts from another century.”

When James finished her report, the workers introduced themselves, giving their names and years of seniority. Among them, the nine present had given a total of 152 years to Blue Diamond. Gene Esparza thanked James heartily on behalf of the workers, and then committee member Larry Newsome added a little something extra.

“My brothers and sisters at Blue Diamond are demanding a change and we will show them they cannot crush our faith or keep us from bonding,” Newsome said. “Blue Diamond has met some people that will take a stand and not back down.”



On the International Day of Action, delegates from all the ITF affiliates in South Korea visited the Busan offices of the World Food Company, a major distributor of Blue Diamond products.

WASHINGTON REPORT

Why labor should oppose Alito for Supreme Court Justice

By Lindsay McLaughlin
ILWU Legislative Director

The organized right wing has forced President George W. Bush to bow down before them. They successfully trashed Supreme Court Justice nominee Harriet Miers, a Bush crony and legal counsel, claiming she was not conservative enough. Then they pushed Bush to nominate Federal Appeals Court Judge Samuel Alito as Justice Sandra Day O'Connor replacement. While the media has focused on Judge Alito's rulings on several hot-button issues such as abortion rights and gun laws, there are so many other matters that affect the quality of life of working people. Alito has a long record on issues of concern to working people that strongly suggest he sides with big business over ordinary people.

Alito spent 15 years on the Third Circuit Court of Appeals. There he ruled on many labor law cases and dissented from the majority opinion from a more conservative perspective. Throughout Alito's tenure on the court, the vast majority of judges, currently two-thirds, have been Republican appointees. By dissenting from their already conservative opinions, Alito demonstrated just how far he is out of the mainstream.

In cases covering minimum wage, discrimination, retirement, public employee rights and interpretations of union labor law Alito displayed a pattern of alternatively narrowing or actively interpreting statutory language, but the outcome is almost always the same: he does whatever is best for the business interests at the expense of the employees.

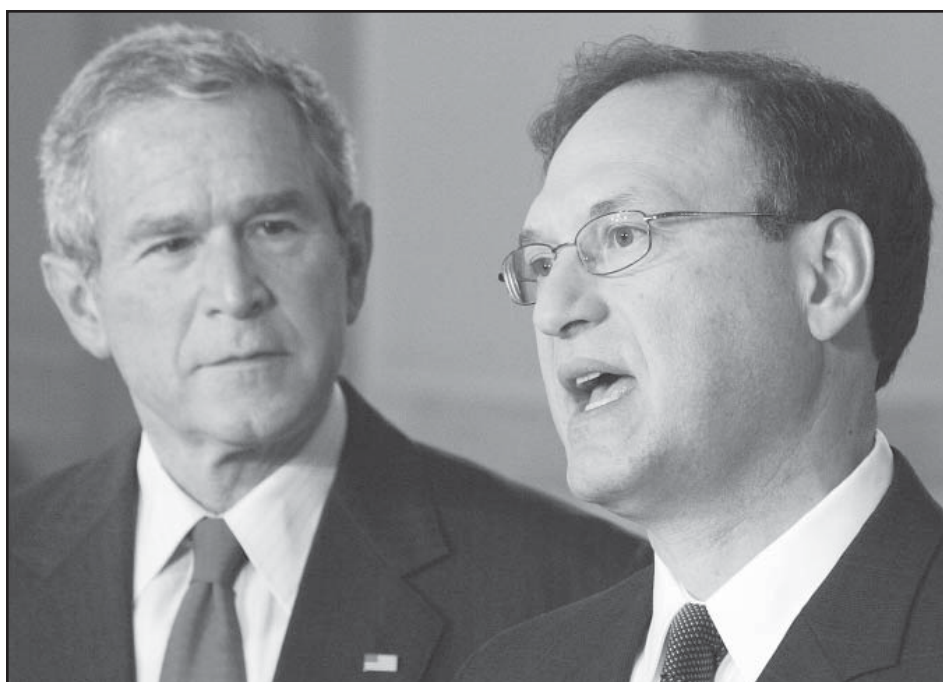
LABOR UNION CASES

In *Caterpillar v. UAW Local 786*, the Third Circuit Court upheld a system that the company and the union negotiated for union stewards to process grievances over violations of the contract without losing pay or benefits. This is a common practice in union shops and one that had been used at this particular plant for more than 18 years. In the wake of a strike, the company suddenly challenged the legality of the system and sought to have it overturned by the courts. The Third Circuit rejected the company's argument. But in dissent, Alito sought to overturn the practice to benefit the company and disable union grievance procedures.

In this case, Alito dissented largely on a very narrow interpretation of the wording of the Labor Management Relations Act by interpreting compensation for work as "wage income" and "by reason of" work as fringe benefits, effectively excluding whatever else the union and the employer negotiated in good faith in their collective bargaining contract. Had Alito's position been in the majority, unions would be unable to bargain for company-paid positions, such as grievance chairmen. It also would have severely limited unions' power in collective bargaining. Contracts would only be allowed to cover wages and benefits and work time, not union hall activity, dispatching or other collectively decided upon arrangements.

In *Luden's Inc. v. Bakery, Confectionery and Tobacco Workers Local 6*, the majority held that the employer's duty to arbitrate a disagreement over work conditions survived the contract termination through an implied contract agreement between the parties. But Alito ruled against the union.

In *Federal Labor Relations*



President Bush watches judge Samuel Alito, right, speak after he announced Alito as his new nominee for the Supreme Court, Monday, Oct. 31, 2005.

Authority v. U.S. Department of Navy, the court found that the Navy was violating federal labor law for public employees in refusing to give a union the names and address of employees it was seeking to organize. Alito dissented, voting to disable the organizing drive by denying the union access to the employee names.

SAFETY PROTECTIONS FOR WORKERS

In *RNS Services v. Secretary of Labor*, the court found that a mining services company was violating safety laws under the Federal Mine Safety and Health Act. The court rejected the company claim that it was not covered by mining safety laws, seeking to narrow application of the law to mines, not coal processing plants associated with such mines. Alito dissented and voted to exempt the facility from those mining safety regulations.

Alito dissented based on several factors, including his misreading of the majority opinion. He asserted that "the majority holds that any person who performs any listed activity under any circumstances is subject to the Mine Safety and Health Act, not what the majority ruled. They had a much narrower scope than Alito implies.

Alito, who in other cases is excessively verbose when it comes to narrowing the meaning of language stated, "While this interpretation may not be the most literal reading of the statutory language, it seems to me to represent the best we can do with the unfortunately worded provision that confronts us." Here, Alito throws out the literal interpretation of the statute because it is not in the best interest of big business.

MINIMUM WAGE PROTECTIONS

In *Reich v. Gateway Press*, the court majority found that a newspaper chain had violated federal minimum wage and overtime laws, but Alito sought to interpret the law in the way that would have excluded the newspaper workers from protections under the law.

EMPLOYMENT DISCRIMINATION

In a race discrimination case, *Bray v. Marriot Hotels*, Marriot sought to deny the plaintiff, an African-American woman who alleged racial discrimination, the right to even present her case to a jury. The Third Circuit argued that, given facts in the case, it was up to a jury, not judges, to decide if discrimination had occurred. In dissent, Alito argued for a panel of

judges to decide.

In *Glass v. Philadelphia Electric Company*, a race and age discrimination case, Alito would have upheld a lower court's refusal to allow the plaintiff to cross-examine his employers about the hostile environment he experienced. The majority of the court found that evidence was "relevant to a key aspect of the case," and decided the exclusion illegally undermined the plaintiff's right to a fair trial.

PUBLIC EMPLOYEE RIGHTS

In an assault on the civil rights of government employees, Alito voted in the minority in *Homer v. Gilbert*, arguing that governments do not violate the due process rights of employees when they are suspended without a hearing and without pay. Alito rejected the majority's view that some minimal hearing was required beyond the initial accusation—in this case a drug charge never proven in court—to justify loss of a job. Alito declared that a mere accusation justified loss of pay and employment.

RETIREMENT AND PENSION CASES

In a case of great importance to retiring workers, *DiGiacomo v. Teamsters Pension Trust Fund*, the Third Circuit found that a Teamster driver, who had worked in a union position from 1960 to 1971 and then from 1978 onwards, had to be credited for the time working before 1971 for calculating his pension. This was based on an interpretation of the federal Employee Retirement Income Security Act (ERISA) which prohibits forfeiture of benefits due to a break in service.

Alito, in a lone dissent, argued for destroying the worker's retirement and for denying the worker credit for early years of work. In his dissent, Alito argued that promises made to a worker may not apply if that worker was not continuously employed. Alito used ERISA as an excuse to wipe away years of service, the opposite of the intent of the act. For workers approaching retirement who had pre-ERISA employment, Alito's reasoning would be very detrimental.

FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act guarantees most workers up to 12 weeks of unpaid leave to care for a loved one. In 2003 the Supreme Court upheld this law reversing a 2000 Court ruling by Alito, who found that Congress exceeded its authority in passing the law to allow workers to care for a sick family member or a newborn baby. Lawmakers who penned

the bill wanted to rectify what they considered "inadequate job security" for working mothers, who often bear the brunt of child-rearing responsibilities. In the 2000 opinion, *Chittister v. Department of Community and Economic Development*, Alito upheld a lower court ruling backing the state of Pennsylvania, taking Congress to task for enacting the Family and Medical Leave Act.

Business Week ran a story in its Nov. 1, 2005 issue entitled "Why Big Business Likes Alito." The article states that Bush's new Supreme Court nominee has been a staunch proponent of limits on legal liability, employee rights and federal regulation. Of the dozen or so names on Bush's rumored short list of high court candidates, Alito ranked near the top for the boardroom set.

Bloomberg, a business news service, said in a Nov. 3, 2005 story that Alito was seen as an "ally by businesses." The article further states that "Alito's 15-year record on the Philadelphia-based Third Circuit Court of Appeals indicates he would be equally friendly toward companies, perhaps even more so. Although lawyers are still poring over the hundreds of cases Alito has considered in his judicial career, business advocates say so far they are pleased with his approach on questions of securities law, arbitration, discrimination and worker benefits."

Labor, not surprisingly, is less than pleased.

"It is ironic that on the day we remember civil rights hero Rosa Parks in Washington, President Bush rejected an opportunity to unite our country with a nominee to the Supreme Court who could help bridge the difficult divides of race and class and politics in America today," John Sweeney, President of the AFL-CIO, said. "Instead, he catered to the demands of the far wing of the party—a decision guaranteed to spark a fight over the protection of fundamental rights and freedom."

ILWU International President James Spinoso said of Alito, "This nominee's record indicates that he is hostile to the empowerment of working people in this country. The ILWU should oppose his nomination and ask our Senators to strongly reject him."

We should do just that. We do not need to take a chance on a Supreme Court Justice who will overturn the Family and Medical Leave Act, roll back protections for minimum wage workers, roll back retirement security, limit the ability of discriminated workers to seek redress in the courts, and weaken the ability of unions to organize and represent working people.

Your Senators must hear from you. They can be reached at the following address:

The Honorable _____
United States Senate
Washington, D.C. 20510

Please send a copy of your letters to the Washington, D.C. ILWU office so that we can ensure that your letters are read by your Senators. We are at the following address:

ILWU
1025 Connecticut Avenue, N.W.
Suite 507
Washington, D.C. 20036

Kyle Weimann helped with research on this story.

California worker action defeats corporate agenda

by Tom Price

ILWU members lit up the switchboards, pounded the sidewalks and pressed the flesh in a big effort to get out the vote—and it worked. The defeat of Governor Schwarzenegger's pro-business agenda in the Nov. 8 special election owes much to ordinary workers standing up to a corporate bully.

Schwarzenegger and his business friends backed four ballot measures designed to bypass the elected legislature and turn California into a corporate free-fire zone. Instead, the measures went down in flames and the governor, whose approval rating is in the mid-30th percentile, took off to China to look for free trade.

Organizing by the Northern and Southern California District Councils (NCDC and SCDC) was key to ILWU's participation. But huge corporate contributions to the governor's ballot measures made it an uphill battle. The ILWU's International Executive Board recommended "no" votes on Propositions 74, 75, 76, 77 and 78. The District Councils, composed of retirees and members elected from the locals, mobilized volunteers to let people know the governor does not have their interests at heart.

"Our focus over the last four months was on building a game plan to help defeat Schwarzenegger," SCDC President and longshore Local 13 member Joe Radisich said. "Six weeks out [from the election] the Los Angeles County Labor Federation had a big meeting with political directors and heads of unions and laid out a strategy to defeat Schwarzenegger."

At that time "yes" on Prop. 75 was leading by a wide margin, Radisich said. SCDC started an education program, going to the locals with power point presentations to educate members and keep them from being fooled by TV commercials that tried to make Prop.

Big ILWU victory in Washington elections

by Tom Price

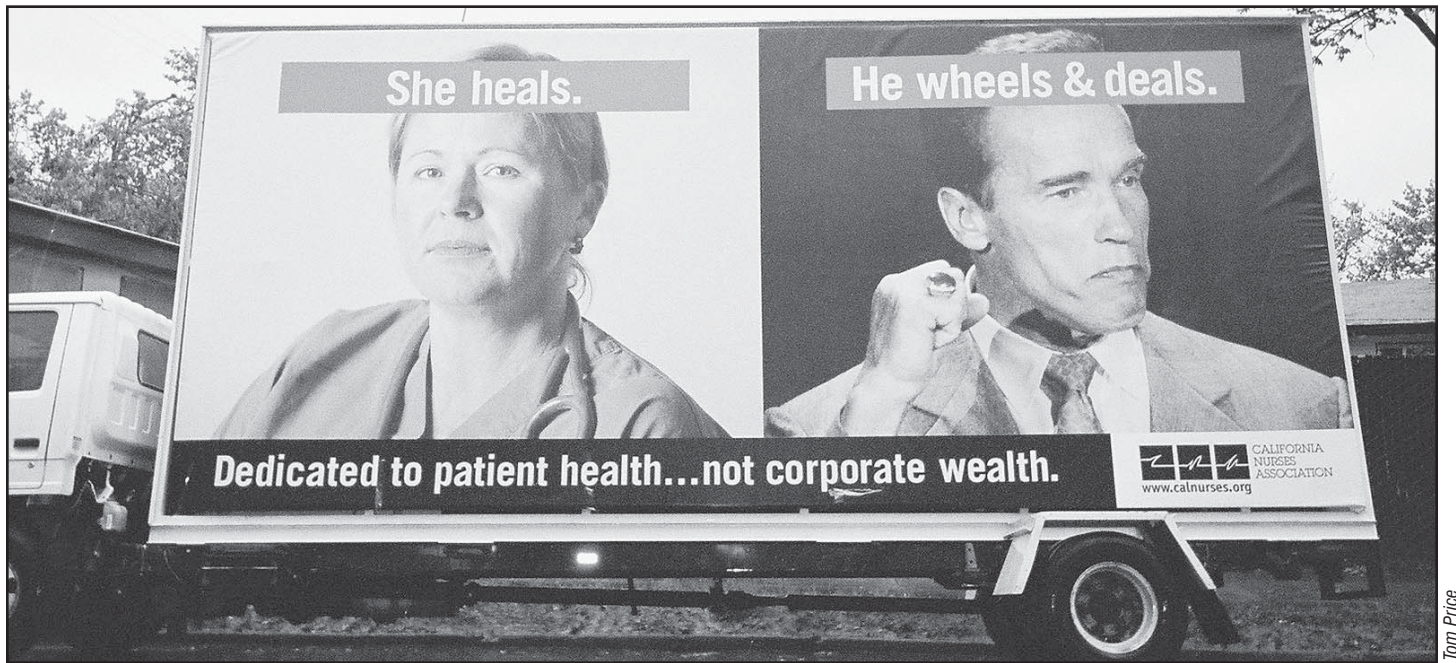
ILWU ports up and down the Coast face privatization, gentrification and other problems that threaten maritime jobs. In answer, ILWU members are running for port commission seats and supporting candidates who support working families.

ILWU locals and Puget Sound District Council (PSDC) backed several candidates for port commission in November's election. With their help, two ILWU members, George Schoenfeldt and Dick Marzano, from longshore Locals 27 and 23, respectively, won election to the port commissions for Port Angeles and Tacoma. Labor's coattails proved long, as worker-voters also held off a rightwing attack on much-needed transport funding.

The ILWU endorsed 11 port commission candidates in the Washington. Nine of them won:

Everett—Connie Niva; **Grays Harbor**—Jack Thompson; **Olympia**—Steve Pottle; **Port Angeles**—George Schoenfeldt; **Tacoma**—Connie Bacon, Dick Marzano and Ted Bottiger; **Vancouver**—Brian Wolfe; and **Seattle**—Pat Davis.

Only in Seattle did ILWU-endorsed candidates (Richard Berkowitz and Lawrence Malloy) not win. This is of concern to the local since proposals are being made to convert some parts



Nurses took this travelling billboard to their anti-Schwarzenegger demonstrations.

75 look like a pro-worker proposition.

"We started with dispelling all the myths," Radisich said. "We sent out written material and at the same time did an e-mail blast to 1,500 people in our data banks."

The warehouse Local 26 hall became a gathering point for canvassers and organizers.

"The LA area union movement took over our whole hall except for a few clerical spaces," Local 26 President Luisa Gratz said. "That was fine. Their enthusiasm was incredible. These people mobilized the community. They brought in people who had never been active before."

The NCDC worked with county labor councils in phone banking and canvassing. The governor's personal backing of his favorite propositions meant opportunities to confront him on the streets. NCDC joined with nurses and other workers to greet the governor with demonstrations. One of these, on Hegenberger Ave. in Oakland, just down the street from the warehouse Local 6 hall, brought out ILWU members and more than 200 people.

"Some people are uncomfortable knocking on doors or calling on the phone, so this way they could still participate in the demonstration, and

this affected the outcome of the election," Local 6 and NCDC Secretary-Treasurer Fred Pecker said. "We got good media coverage and it set a positive tone for us."

But the ILWU needs to improve on getting its rank and file out to participate, Pecker said.

"I think the street pressure put people in mind that this was something urgent and there were a lot of different kinds of actions going on," Pecker said.

The NCDC will work to find ways to raise more money. "But money is always minimal when compared to human beings," Pecker said.

Schwarzenegger spanked Unions beat back Arnold's attack

The working people of California and their unions flexed their electoral muscle and knocked California Governor Arnold Schwarzenegger's anti-labor "reform" program off the state's political agenda. All four of his ballot measures were decisively beaten, and the two he was most personally invested in were smashed. The results have left him and his re-election bid next year reeling.

With much bravado Schwarzenegger challenged the state's unions with a series of ballot measures. His meanest one, an attempt to eliminate the defined benefit pensions, the retirement security, of public employees, crashed and burned in the signature-gathering phase when a legal analysis of its poorly written language showed it would also delete the death benefit payment for the families of firefighters and police killed in the line of duty.

But he plowed on with the others. Prop 74 would have curtailed the union rights of teachers, extending the probationary period when they could be fired without a cause or a hearing from two to five years. It was soundly defeated 44.9 percent to 55.1 percent, a more than 10 point difference.

Prop 75 would have made public employee unions (including teachers, nurses, firefighters and police) get annual, individual approval from members to use any dues money for political campaigns. The cost and bureaucracy of the requirements would have effectively taken these unions out of the political process. Polls in June showed the measure with a 57 percent lead, but then the unions mobilized and got their message out. The measure went down 46.5 percent to 53.5 percent, a seven point spread. In the process the unions'

political clout and organization gained strength rather than being crippled as Schwarzenegger planned.

The two measures the governor was most closely identified with, Prop 76 that would have allowed him to unilaterally cut and reallocate the state's budget, and Prop 77, that would have changed how the state's legislative districts were drawn to give Republicans an advantage, both lost hugely. Prop 76 went down 37.9 percent to 62.1 percent and Prop 77 went down 40.4 percent to 59.5 percent.

Perhaps most encouraging for the unions, particularly in light of the governor election next year, is that identifying Schwarzenegger with any of the initiatives was the most effective way to win opposition to them. In the eyes of the public, the governor has become his own anti-spokesman.

—S.S.

of the port to retail/office/residential use.

Still, longshore Local 19 President Herald Ugles pointed out, the union backed winners for King County Executive, Seattle mayor and three city council members.

"That is really important because a lot of port issues deal with changing zoning in maritime industrial areas," Ugles said.

Local 19 also supported Schoenfeldt with a contribution, as did many individual members and Washington state locals. Schoenfeldt reached out to business people as well as the traditional labor base to win in a county-wide race. He had the support of Indian tribes and most of the voters in the predominantly Republican Clallam County. Longshore workers volunteered to put up signs, knock on doors and phone bank for him. The PSDC and many of small contributors, including nurses, chipped in.

"My main point was to invigorate the leadership and get more customers for the port," Schoenfeldt said. "We had a couple new lumber mills go in and I want to get more barge work."

Dick Marzano continued Local 23's tradition of electing members to the Tacoma port commission. He's the fourth member to do so.

"I think it's important for the ILWU get involved politically," Marzano said. "We're doing that on the national level, but it's also important we become involved with the communities we live in."

The port has a lot of land to develop, and can become an economic engine for the area, Marzano said.

Labor throughout the state saw the need to preserve the 9.5 cents per gallon gas tax passed this spring by the legislature. Initiative 912, sponsored by the right wingers, would have repealed the tax and left state transportation in a lurch. It lost 45.5 to 54.5 percent. The tax doesn't directly fund the Washington State Ferry system, which is crewed by the ILWU's Inlandboatmen's Union.

"But if the tax were repealed, funds would have to come out of the state transport budget," IBU President Dave Freiboth said. "And that means the ferries."

The IBU, the locals and the PSDC

educated the membership on I-912's threat to workers. Most of the projects the tax funds were absolutely necessary for safety reasons, not to mention traffic congestion relief. The victory means smoother container transit as well.

"Three places in the state come to mind as choke points for container transportation," PSDC President Jefferson Davis said. Tax revenues are targeted for those places. "We can unload ships all day long, and we're happy to do so, but the problem comes from getting the cargo out of the port."

The ILWU showed its influence in its communities. So when the union comes to port authorities opposing gentrification or to the transport commission with ideas for transit improvement, the politicians know who they're talking to.

"Washington is blessed with having Democrats in all three branches of state government," Davis said. "We need to utilize that as much as we can, and forge relations that may have been lost with the advent of the Change to Win group. Next year is a critical year."

Sam Kagel : From War Commission

Introduction by Harvey Schwartz

This is the third in a series of oral history articles featuring Sam Kagel, who retired as Coast Arbitrator for the West Coast longshore industry in 2002. As the first two installments in this series illustrated, Kagel worked tirelessly as a labor advocate and consultant to Harry Bridges and longshore and warehouse unionists from the 1934 strike until December 1941.

Then, with America's entry into World War II, Kagel re-directed his considerable talent and energy to employment with the War Manpower Commission (WMC), a federal agency established in 1942. The WMC sought to strengthen American wartime production through the recruitment of workers into war plants, ship yards and other enterprises important to the military effort. It used labor-management committees, coordination with a vast array of related war agencies, staged public events and various other devices to achieve its goal.

After the war ended in 1945, Kagel worked as an impartial arbitrator and attended law school. His wide experience in labor relations led to his 1948 appointment as the first Coast Arbitrator under the ILWU-PMA longshore contract. When he retired after 54 years on the job, Kagel was a legend on the waterfront and the nation's leading figure in the field of labor arbitration. This month's story focuses on his career from World War II through his Coast Arbitrator years.

In 1999 I was commissioned by the ILWU Coast Labor Relations Committee to interview Kagel. Those 1999 discussions provided the basis for this article. Special thanks to the staffs of the Labor Archives, San Francisco State University and the San Francisco History Center, San Francisco Public Library, for their help.

SAM KAGEL

**Edited by Harvey Schwartz,
Curator, ILWU Oral History Collection**

In December 1941, when the United States got into World War II, collective bargaining as I had experienced it disappeared. The ILWU stated publicly that there would be no strikes within its jurisdiction. Throughout the whole country there were few strikes or lockouts while the war was on. That did not leave a very exciting role to the Pacific Coast Labor Bureau that I had worked for representing unions in negotiations and arbitrations

since 1932. Instead, government boards were set up with union and employer representatives and arbitrators in the middle or chairmen who became arbitrators.

Joining the new War Labor Board (WLB), which functioned that way, didn't appeal to me. I had just come off the battlefield as a union advocate and I wasn't prepared to go into a convent. Under the WLB, regulations came down covering various issues, but the WLB was mainly active trying to get at employers who were violating its guidelines. That's when the lawyers came into collective bargaining in large measure because now you had government regulations. The lawyers, for godsake, were happy as larks. They were back in business on both sides. It was not my cup of tea.

Fortunately, the War Manpower Commission (WMC) was set up in 1942 by an order from President Franklin Roosevelt. There was a local labor-management committee of big wheels that asked me to work there, and I accepted. The mission of the WMC, as the military called it in those years, was to recruit and prioritize labor for the war effort.

Our WMC office staff worked closely with a labor-management committee that met weekly. We also coordinated with all the other war agencies to figure out the best way to recruit and retain workers for war industries. To me, that was a much more direct deal than I would have had going into a board to decide a penalty whenever an employer violated a regulation by offering somebody another ten dollars to leave a war job and come over to his place.

Jim Blaisdell from the employer side went into the WMC before I did. He became the Northern California director and I was made the assistant. Then Jim was asked to go to Hawaii to organize the Hawaiian Employers' Council. I moved into his position as director, but I didn't get paid as director because charges were made accusing me of being a Communist. There were people who opposed me because I had represented Harry Bridges. It took a couple of years before I got cleared by the Civil Service people. So I worked on the WMC for two years and got assistant director's pay while doing the director's job.

After the war I thought about going to law school. I had wanted to go in 1929, when I graduated from U.C. Berkeley. But then the Depression came along. I knew a number of students at Boalt Hall, the Cal law school, and they told me that to

get a job in a law firm you had to contribute money toward the rent. That concerned me. Well, by chance I was offered a teaching fellowship in economics at Cal, which I accepted. Soon I went to work for the Pacific Coast Labor Bureau and put off law school.

When the war ended in 1945 I had to make a choice. I could either go to law school or go back to being an advocate for unions. The union guys were asking me when I was going to open an office. But at the moment I was not interested in going back to advocacy.

Things had changed completely and a lot of people I knew in the labor movement were now dead or retired. It was a different show with lots of lawyers who had entered the field in the WLB period.

I had a little money coming from the government and decided to take a chance on law school. At the same time the International Ladies Garment Workers Union (ILGWU) and the San Francisco clothing industry employers offered me the job of being Mr. Impartial Chairman, which is what they called their arbitrator. I made an arrangement with them for a retainer. I figured that, plus the money I had coming, would carry me through law school for a year. Interestingly, when I went off to law school, Harry said to me, "Well, we'll be working together again."

What I didn't anticipate was that as soon as it was announced that I was going to law school and I was an arbitrator, I found myself with all kinds of arbitration cases. To manage work and school I arranged with the dean to take less than the standard number of units each semester by going to both summer session and intersession. I had maybe one week off every year for the three years I was in law school. I would hear arbitration cases and then start studying. At 11, 12, one o'clock in the morning I would still be at it. I also taught a course in collective bargaining at U.C. Extension and raised a family in those years.

About the time I finished law school the 1948 longshore strike was ending. The longshoremen had gotten the union-controlled hiring hall the hard way in 1934. The employers tried to get rid of it in '48. It took a strike to say, "You can't do that." When the strike was settled, the employers installed a new bargaining agency. That group, the Pacific Maritime Association (PMA), and the ILWU established a new grievance procedure and decided that they were going to pick the arbitrators. Before this the arbitrators were always selected by the Secretary of Labor.

By this point I was kosher with the waterfront employers. They knew about my activities with the WMC, when I used to appear publicly before big war shows in San Francisco to promote our slogan, "Stay on the job and finish the job." This experience sort of dried the red out of me for them. They now thought I'd been cleansed.

So both parties, the ILWU and the PMA, asked me if I would be their Coast Arbitrator. He would be the guy to whom regional or area arbitration decisions could be appealed. I said I wanted to meet and discuss the terms. We came together in a conference room. Across from me sat Harry, Lou Goldblatt and Howard Bodine of the ILWU plus all of the employers. For the first time in their history Harry and his group and the ship owners were on the same side of the table. I was sitting over here by myself.

We started negotiating and I asked whether it would be agreeable that I could continue to arbitrate other than just longshore cases. That was worked out. We talked money and agreed on a retainer, which I needed since I had just gotten out of law



Sam Kagel, 1972



Announcement of the tentative settlement of the 1971 longshore strike, Feb. 8, 1972. Front row, left to right, ILWU International President Harry Bridges, strike mediator Sam Kagel and PMA President Ed Flynn. Identifiable in the second row are third from left in dark glasses, clerks Local 34 President James Herman and fourth from left, longshore Local 10 President Cleophas Williams.

ILWU ORAL HISTORY
Volume X

*Sam Kagel
Commission
Arbitrator for
Industry,*

Duty to Coast Arbitrator, 1942-1999



school and didn't have any money. When all that was done, I said, "I want a caucus."

Harry was puzzled. He asked, "Who the hell are you going to caucus with?" I said, "With myself. I got to make up my mind whether I really want to do this." Then I went out in the hall just like you would when you have a caucus. I took about ten minutes going over everything in my mind, went back in, and said, "We got a deal."

Under the new ILWU-PMA setup we established a process called "instant arbitration" with Area Arbitrators available 24 hours, seven days a week. Later we got Relief Arbitrators for the weekend. I can't say that somebody sat down and came up with the idea of instant arbitration. It occurred to me, but I'm sure it occurred to everybody else because it was so obvious. As soon as we had Area Arbitrators in place it became plain sensible.

When I met with the ILWU guys and the employers in '48 and they told me they were going to set up a grievance procedure, I said, "Look, you picked me as Coast Arbitrator because I had a background representing unions and presumably I know something about the longshore industry. So why don't we do the same thing with the Area Arbitrators? You're going to have four of them. Pick two from the union and two from the employers. You have the right to cancel 'em at any time." They thought that was a great idea.

We knew the locations for the four Area Arbitrators—San Pedro, Northern California, Oregon and Washington. Now we're in our 51st year. At no time was any Area Arbitrator discharged by either side. That's not to say that there haven't been complaints. But Harry had a firm position on that when he was ILWU president. Locals would complain about an Area Arbitrator, and Harry would say, "That's it. We're not going to start changing arbitrators. Let 'em die or let 'em retire." And that's what's been done. That's the history of it.

So we weren't going to have revolving Area Arbitrators. They were going to be permanent, just as the Coast Arbitrator was. Before that they did have revolving arbitrators. Up to 1948 they had over 200 arbitration awards from different arbitrators at different ports. One of the things done in the '48 strike aftermath was to wipe them all out. Then we started out anew.

I mentioned the concept of instant arbitration. In practice it functions like this. If any work stoppage occurs, the Area Arbitrator goes right down there. The longshoremen are not supposed to strike, but they can stop work if they allege safety. The arbitrators go down there to check it out. We're talking about people selected from within the industry, too. We're not talking about a professor who wrote a book. So they know something about the longshore industry.

The Area Arbitrator can order a correction of an unsafe condition, or say to the longshoremen, "That's not a safety beef." If the Area Arbitrator finds that it is a real safety beef, he tells the employer to correct it. The longshoremen can work somewhere else on the ship and they get paid for their time standing by. If, on the other hand, the Area Arbitrator finds that it was not a real beef, the longshoremen go back to work and don't get paid stand by time. There used to be other claims we don't see often now because of containers. Sometimes cargo was stinking or in need of repair, for which there were penalties, and this would

cause work stoppages.

As I recall, the first safety beef involved a load of lumber which was on a very narrow pier. Somehow it had disintegrated. The longshoremen claimed this was an unsafe condition. They turned out to be right, too. The answer was to go down there and look at it, not sit around and wait until there was a hearing up at PMA headquarters with the ship standing by.

The idea was to get the ships out because there were crew, interest and other expenses to pay for and if the longshoremen were not working they were not getting paid. So instant arbitration was just a matter of common sense. Now, after a dispute has been settled on the dock, if you still want a formal hearing you can have it. As noted, the resulting decision by the Area Arbitrator can then be appealed to the Coast Arbitrator.

Over the years I have done mediation as well as arbitration. The mediator and arbitrator roles are completely different. When I'm an arbitrator, I presumably am "judge," so you operate and they operate from that point of view. As a mediator, you are seeking an accommodation, but you can't dictate one. Mediation is not very spectacular. It's just hard work.

About 1961 I acted as the mediator between the ILWU and the ship owners in Hawaii. The union had given 48 hour strike notice. When I got to the Islands there were lots of workers and employers present when we met at the old Hawaiian Village hotel. I said, "I'm not going to mediate with a mass meeting. You're going to have to give me a small committee," which they did.

See, if you start mediating with a mass meeting, everybody's going to disagree. If you get a small group, at least you can try to work something out with them and then tell 'em, "Go sell it." If they can't, they'll come back and tell you why and then you'll try again. That's the kind of mediation I use. It's the only form that makes any sense. Through mediation we did arrange an agreement covering the main issues in Hawaii, by the way. So there was no strike.

I also mediated the end of the 1971 West Coast longshore strike. The strike had been going on for over 100 days. As a result of President Richard Nixon's directions, Congress was entertaining the idea of a statute providing for compulsory arbitration. Of course, Harry didn't want that, since it would take away the union's main weapon, the strike. So there's no doubt that this was part of the pressure on Harry to meet with the employers. That's when I was called in, and even though I was the Coast Arbitrator, they called me in as mediator.

We met for seven days and eight nights and came to an agreement. That ended the '71 strike. What was interesting to me is that there were five, six or eight issues involving what we call "steady men," or workers who are employed directly by stevedore companies rather than through the union-controlled hiring hall. These matters were not settled at the time. I said to Harry, "How the hell are we going to settle the strike with these issues unresolved?" He replied, "Oh, you and Rudy Rubio, one of our officers, will meet afterwards and work 'em out." And that's what happened.

Looking back at my nearly 70 years of experience, I'd say that in the collective bargaining field there is a "climate" at any one time. That was true in 1971. There's a climate for settlement, a climate of excitement and a climate that's going to lead to a strike or a dispute. It depends on whether the employers and the union have a beef or whether they want to have a beef. The climate of collective bargaining changed almost immediately, for example, when the Taft-Hartley Act was passed in 1947.

Taft-Hartley came in at the beginning of the McCarthy era. It made union officers sign an anti-communist affidavit to use the federal labor board. The waterfront employers went farther. They said, "We're going to make you sign an anti-communist statement or we won't do business with you." They also insisted, "We're going to get rid of the union-controlled hiring hall because the act says you can't have one anymore."

Taft-Hartley outlawed the closed shop, which required that all employees be union members. So this was the new climate. The result was the 1948 longshore strike, which the union won. But, the point is, in any collective bargaining situation one has to discern what the current climate is. Is it calm, is it collected, is it stormy, is it threatening?

There is always a set of questions. Will the employers accept arbitration? Will they offer mediation? Will the employers accept mediation? Will the union strike? Will the employers fold because they don't want a strike? That's what I mean when I talk about climate. This is human relations and I think that's really what is the exciting part about collective bargaining. It's been that way for me all my lifetime.

As to Bridges and the ILWU, I'd say that Harry had an integrity that was recognized by the workers. He was interested in having a democratically run union and he never lost touch with the rank-and-file. If you have integrity, are honest and straightforward, take firm positions—even when you're wrong but are representing the interests of the people you're supposed to represent in a democratic fashion with no discrimination—what else do you want? In my book, Harry had all those characteristics.

The union itself truly works in a democratic manner and is responsive to its membership. You don't have any dictators. Everything is submitted to a vote. The drafting of proposals is done by a caucus of elected officials. Negotiations are carried on by an elected negotiating committee. During the life of the longshore contract you have an elected Coast Committee which represents the workers in enforcing the agreement.

These characteristics, while not rare, are not common in most unions. They are certainly completely rare insofar as employer groups or corporations are concerned. And while the ILWU gets the best conditions it can, and has one of the best longshore contracts in the world, it nevertheless has been willing to take positions on social issues. The union took positions condemning discrimination. It was not always successful with all of its own people, but it still did this. That's why I think the ILWU is a different union and an outstanding operation.



Sam Kagel in his office when he was Northern California director of the War Manpower Commission, circa 1944. Responsible for the recruitment and retention of workers for war industries, Kagel coordinated his efforts with key labor, management and government representatives.

STORY PROJECT
KI, Part III

: From War
Duty to Coast
the Longshore
1942-1999

ILWU International Secretary-Treasurer

One time word got around that they needed people at the Local 6 hall. Curtis McClain, who was president of Local 6 in the 1970s asked us to picket this place at Eighth and Mission in San Francisco. Pretty soon here comes a crowd of at least 20 scabs. Leading 'em was this big bastard. I went up to him and said, "That's far enough, scab!"

Next thing I know I'm being restrained by a couple of cops. I'm struggling to get free and this cop raises his club. He was gonna bust my head open.

Well, Curtis grabbed that club with both hands. The cop said, "Are you trying to release my prisoner?" Curtis said, "No, but you are not going to hit him with that club!" LeRoy King was up in that cop's face too.

I'll never forget that. There's a labor leader for you!"

—Oral History of Ted "Whitey" Kelm,
ILWU Local 10

Curtis McClain, ILWU Secretary-Treasurer Emeritus, died Nov. 6 after a long illness. He was 80 years old. He was part of the first generation of African-American leaders to break the color line in the West Coast labor movement.

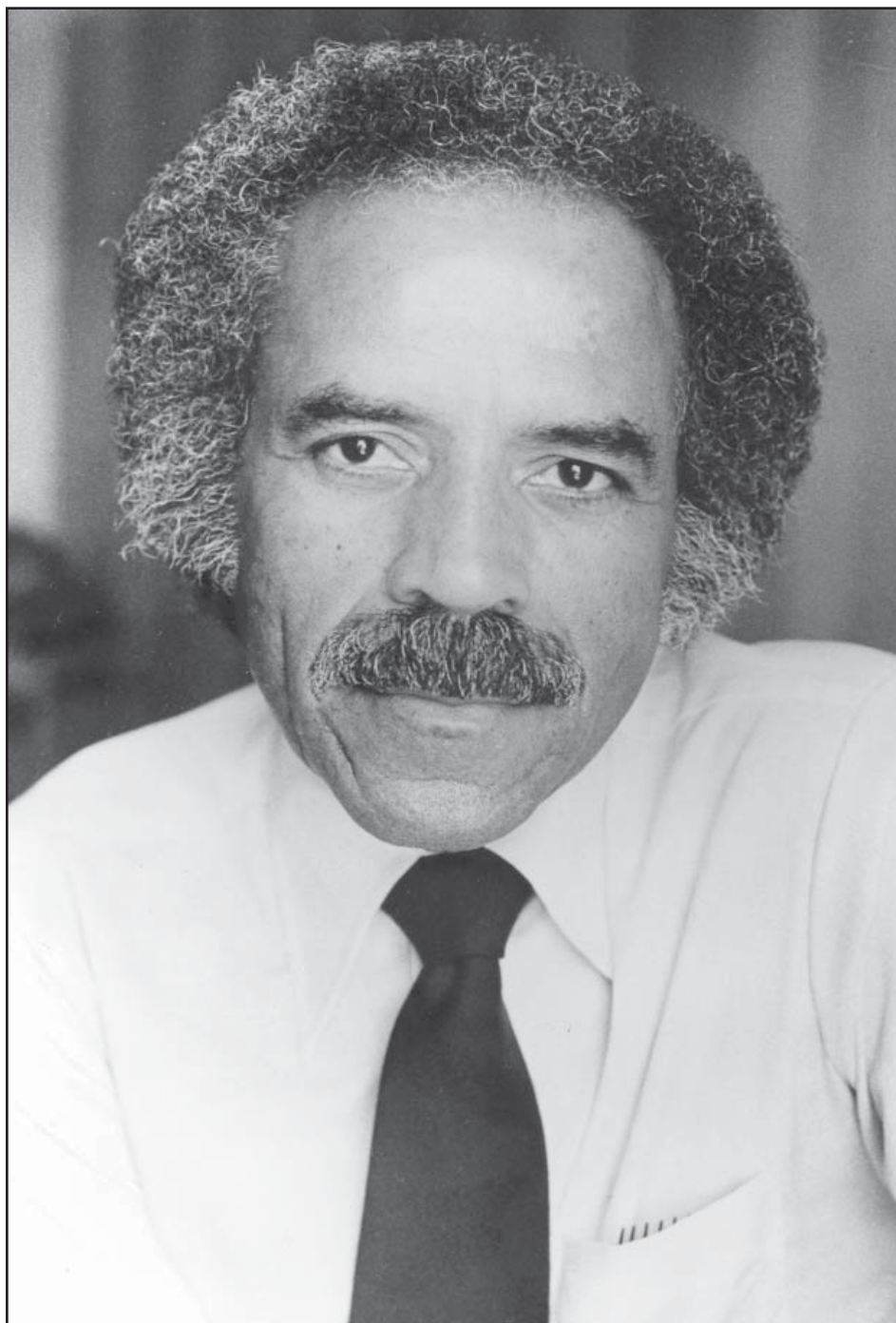
McClain's service as an ILWU officer began in 1960 when he was elected Local 6 Business Agent. For at least 15 years before that he had been an activist and steward at Schmidt Lithography, a large Local 6 house in San Francisco. He was elected Local 6 President in 1969 and International Secretary-Treasurer on 1977. He was re-elected to that position five times, retiring in 1991.

"Curtis was a class act," said Keith Eickman, who served as Secretary-Treasurer of Local 6 during many of the years McClain was president. "He was really passionate about the union and all the things it stood for. But he was strategic, he was careful and he cared. He was a good man."

"He was a natural leader," remembered longtime Local 6 leader Leroy King, who, with McClain was one of the first generation of post-war African-American ILWU leaders. "He helped lead the efforts to break the color line, not only in the ILWU, but in other unions and in the community. He was an outstanding negotiator and union officer. And he took care of business for the members."

Over nearly 20 years as a leader in the Bay Area warehouse industry, McClain compiled an enviable record of achievement on behalf of the members of Local 6 which, at that time, had as many as 9,500 members with offices in San Francisco, Oakland, Crockett, San Mateo, San Jose and Stockton.

- With Lou Goldblatt, he helped form and then cement the alliance between the Teamsters and the ILWU which created the Northern California Warehouse Council. He led the negotiations for the Northern California Warehouse contract, which set standards for thousands of workers from central California to the Oregon border. He led negotiations of major independent contracts, such as Cutter Labs, C&H Sugar, Bio-Rad and others.
- He projected Local 6 into community politics, playing a major role in the civil rights movement, leading the successful efforts to create job opportunities for people of color in San Francisco's "Auto Row," its hotels and other industries. He helped form the labor-church political alliance that remains a powerful force in San Francisco politics today. He served with distinction on the San Francisco Human



Rights Commission and as the first African-American member of the San Francisco Fire Commission, to which he was appointed by the late Mayor George Moscone.

- He opposed McCarthyism and the Cold War, was an early part of labor's opposition to the Vietnam War and supported other efforts for world peace.
- He built a close relationship between Local 6 and Local 142, and between Local 6 and the Longshore Division.

McClain was overwhelmingly elected International Secretary-Treasurer in 1977. Working closely with President Jim Herman and Vice-Presidents Rudy Rubio, Randy Vekich and George Martin, McClain helped pilot the union back into the AFL-CIO and carefully managed the union's financial resources. He continued to speak for the ILWU on major political and social issues. Upon his retirement, he was named Secretary-Treasurer Emeritus.

Curtis McClain was born in Akron, Ohio, July 1, 1925, one of 17 children of Judge and Otealea McClain. Curtis's father was a rubber worker who, although he worked for several large rubber companies as a skilled moldman, could never make it into membership in the craft union in that trade. Still Curtis remembered, "I often used to hear him talk about the good of a union, even though he did not belong to one."

Finishing high school early in World War II, McClain was drafted into the Navy as a Cooks' Helper. By the time he was discharged in San Francisco at the end of the war, he had risen to the rank of First Gunner. The war changed the course of McClain's life, as it did for many African-Americans of that generation. As he would often say, "it was

about how come I can fight against racism all over the world, but be subject to it when I come home."

Settling in San Francisco after his discharge, he married the late Olean Avery McClain. They had two sons, Rene and Charles. With a young family to support, he was interested in learning a skilled trade. But these jobs remained closed to African-Americans. So he did the next best thing. He went down to the Local 6 hall in San Francisco where, as he remembered, "color was no barrier" and landed a vacation relief job in the warehouse at Schmidt Lithography, a 750-man, multi-union print shop.

"I went into the paper seasoning department where work was sweaty, hot and dusty. Although it was the last place I wanted to work, I needed the job, so I stayed for 14 years," he said.

Doors kept closing. "I wanted to work in the bull gang," he said. "The job paid more money on a straight time basis and you had the opportunity to work overtime and you could operate a lift or a jitney. But when I asked to be sent to the bull gang, I'd be told I was too important to be moved...Someone else would then come from the hall, would just happen to be white and would work the bull gang and get the overtime pay."

McClain continued to search for a means of advancement, and after five years he was made foreman. But he wanted more.

"I had hopes of being admitted to an apprenticeship program in the printing or the electrical trades once they got to know me and saw that I was really interested," he said. "But that's where you really encountered the old runaround. You didn't get into the lithographers' or the printers' union, you didn't get into the electrical department. I saw many people come in, begin an apprenticeship and become journeymen. I had electrical

training, but I was never allowed into the trades."

McClain was not alone in his frustration. Many of the early black members of Local 6—Dick Moore, Leon Cooper, Roland Corley and LeRoy King—shared the same experiences. Local 6's racial politics were better than in many unions. But it was painful to be passed over time and time again.

Calling themselves The Frontiersmen, a group of African-American members began meeting to talk about their common problems.

"We discussed grievances we thought were not being handled properly," McClain said. "We often heard of people being bypassed for jobs and at that time you did not find blacks in the vast majority of the good classified categories."

There was a feeling that African-Americans with grievances or other problems were not always represented aggressively by the union. And an increasing number of African-American members were interested in assuming leadership roles in the union.

"We did a great deal of good not only for the black union members, but for the union as a whole. Things worked out as they should have, in a more democratic fashion," he recalled in the early 1970s. "We began working together on the job, forming good house committees and a strong steward system and electing good people who were going to work for the whole union."

These years, the late 1940s and early 1950s, were hard years for Local 6. There were short strikes in 1947 and 1948 and then a 111-day strike in 1949. There were attacks by the federal government, and raids by other unions. Articulate, informed and conscientious, McClain was drawn more into the leadership of Local 6. He became a steward and a member of the Schmidt warehouse negotiating committee.

With the support of the Frontiersmen and urged by friends and supporters like International Secretary-Treasurer Louis Goldblatt, Local 6 President Chili Duarte, Local 6 Secretary-Treasurer George Valter, and other friends like Billy Lufrano and Keith Eickman, he ran for business agent. Three times he lost, but finally, in 1960, he was elected as the first African-American business agent in the history of Local 6. He was re-elected through the 1960s, with the highest vote of any candidate. He was elected Local 6 president in December 1969.

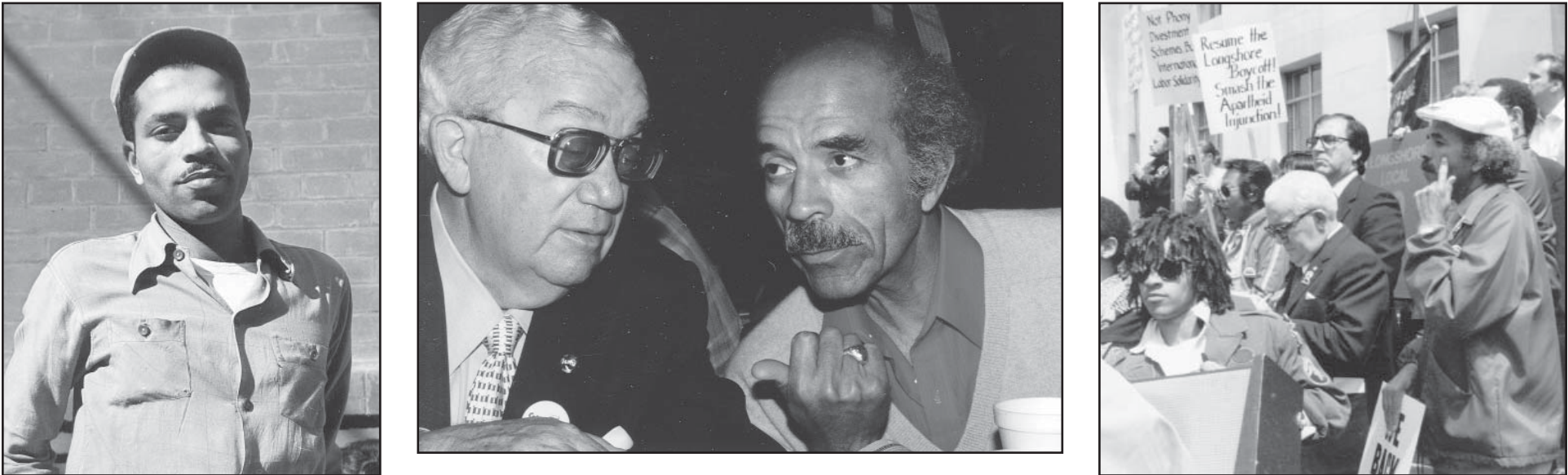
"For many of us in the next generation, Curt McClain was a mentor and a friend," said International Secretary-Treasurer Willie Adams. "He supported young leaders. He wanted the union to go on. He had endless patience. We are going to miss him."

Curtis is survived by his sons Rene McClain (and his wife Doris), Charles McClain and Eric McClain; his dearest friend Mary Alice Bynum and her son Joe Benjamin; three grandchildren, Shawn, Curtis and Sylvia; one great-grandson, Donovan; two brothers, George and Henry McClain, and two sisters, Lucile Jingles and Kate Jackson, countless nieces and nephews and a host of friends throughout the ILWU.

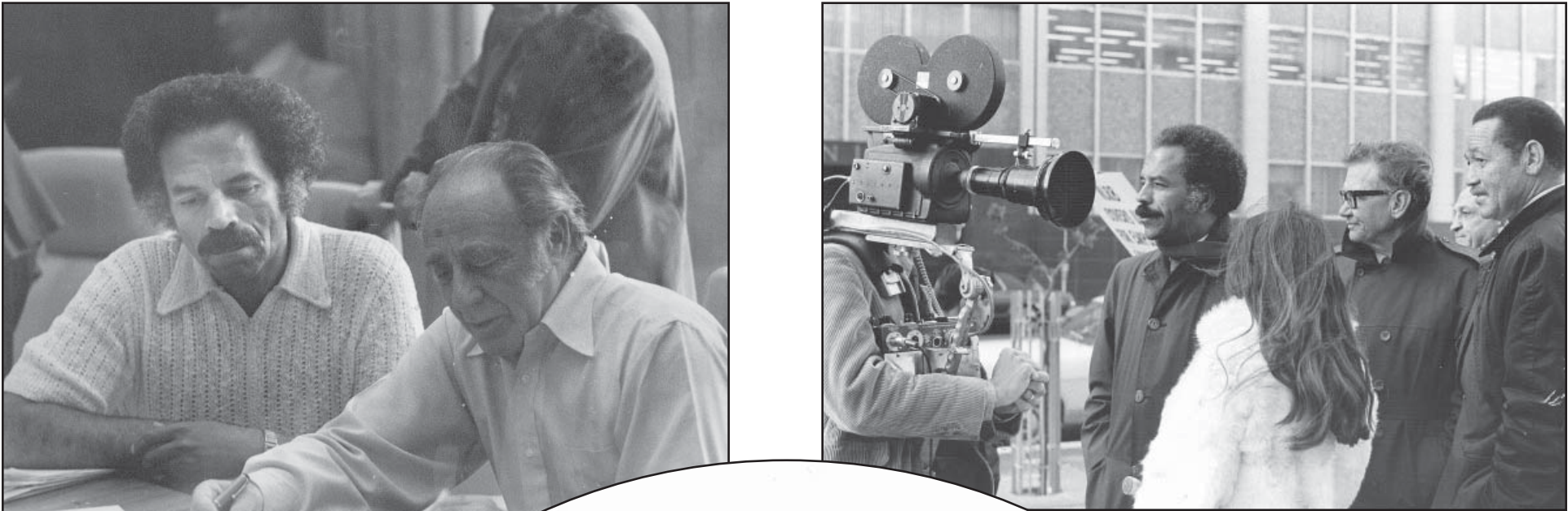
Curtis McClain's statements are excerpted from oral history interviews conducted by Harvey Schwartz, Curator of the ILWU Oral History Project, and by the Moreland-Spingarn Research Center at Howard University.

—Danny Beagle

Emeritus Curtis McClain 1925-2005



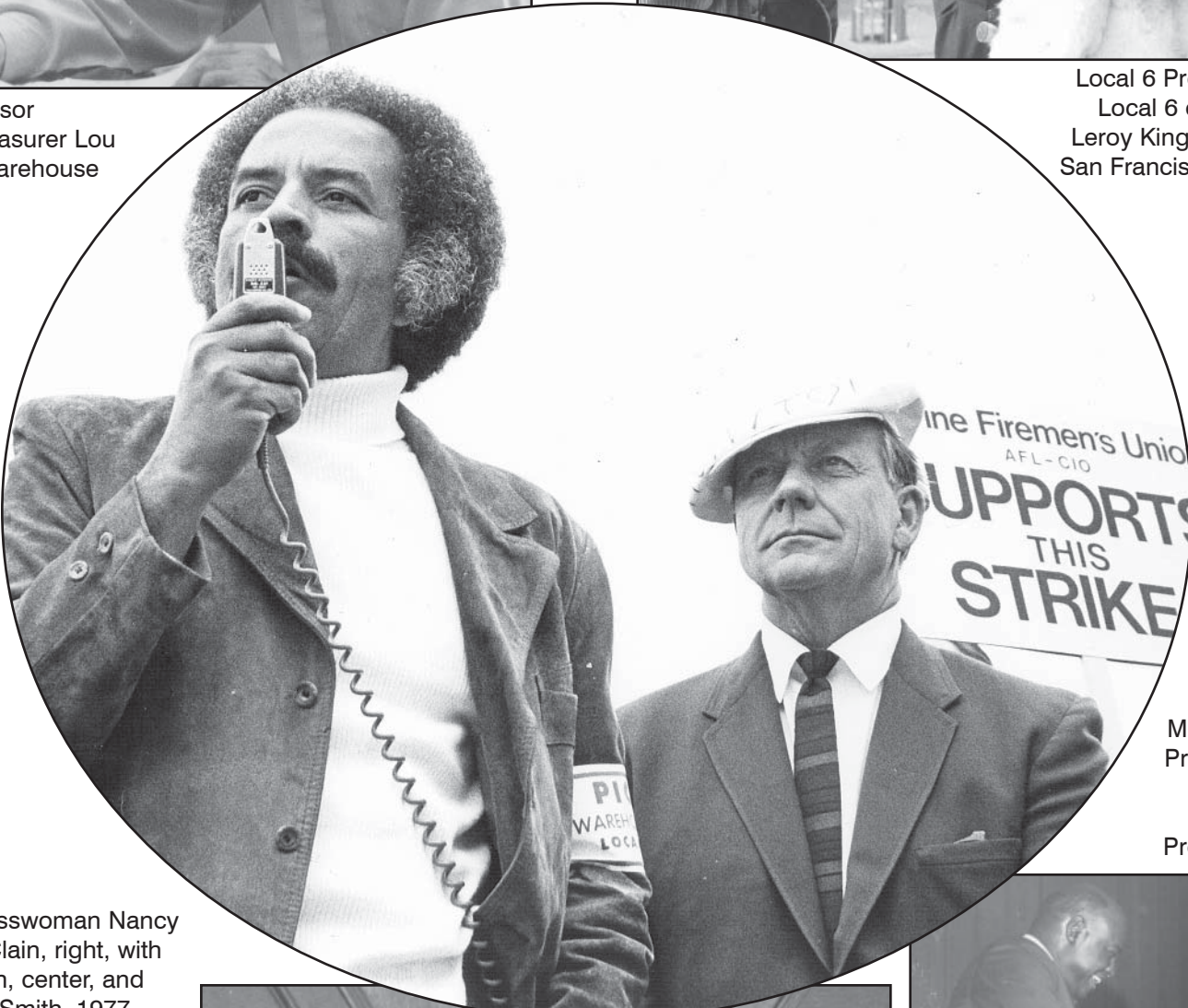
(left) McClain the young rank-and-filer; (center) McClain with ILWU International President Jimmy Herman, 1989; (right) McClain with President Herman and International Vice-President Rudy Rubio (center behind) at the 1984 anti-apartheid demonstration at UC Berkeley's Sproul Plaza.



McClain with his predecessor International Secretary-Treasurer Lou Goldblatt during master warehouse negotiations.

Local 6 President McClain with other Local 6 officers Keith Eickman and Leroy King picketing the NLRB at the San Francisco Federal Building, 1971.

Local 6 President McClain at a 1974 Sears strike picket line.



McClain, right, with Local 10 President Cleophas Williams and Eleanor McGovern at a George McGovern for President fundraiser in 1972.

(left) McClain with Congresswoman Nancy Pelosi, 1992; (center) McClain, right, with Congressman John Burton, center, and longshore Local 10's Carl Smith, 1977.



THANK YOU, LOCAL 508



John Showalter

Bill Duncan (left) presented longshore Local 508 President Brett Hartley with a framed photo of the banner from the 2003 ILWU International Convention at the local’s Oct. 17 membership meeting.

Duncan, Recording Secretary of the Pacific Coast Pensioners Assn. and President of the Van Isle, B.C. Pensioners Club, gave the memento in appreciation of the local’s sponsoring his trip to the Second International Pacific Rim Mining and Maritime Union seminar in Long Beach, Calif. May 22-26, 2005. Duncan and Len Meneghello from the Vancouver, B.C. Pensioners represented ILWU Canadian pensioners at the gathering.

The seminar brought together transport and mining workers from 10 countries and the International Transport Workers’ Federation and enabled them to get to know each other and build solidarity.

Pensioners are taking a more active role in their unions as the bosses and their friends in the government attack retiree health and pension rights.

“It’s now a global economy, and we’re building global unionism,” Duncan said. “In a nutshell, we’re realizing that our slogan ‘an injury to one is an injury to all’ applies world-wide.”

—Tom Price

Wal-Mart in trouble

Just before release of a devastating film about its treatment of its workers and their health care costs, Wal-Mart, the biggest U.S. employer—and one that is virulently anti-union and anti-worker—finds itself facing a new threat: A new, free association founded for its present and former workers.

The Wal-Mart Workers of America (WWOA) is not the union the retailer fears. But it has union backing, and it’s meant as an outlet for workers to band together, give them information about their rights as workers and provide a toll-free number for complaints, criticism and information-sharing.

The new group’s website, www.WalMartWorkersofAmerica.com, will offer a national clearing house of information and services for former and current Wal-Mart workers, said Paul Blank, Wal-Mart campaign director for the United Food and Commercial Workers.

To publicize its services to Wal-Mart workers, WWOA will distribute \$200 each in health care aid to 50 uninsured Wal-Mart employees. That’s money UFCW members raised in “Halloween candy” sales the last weekend of October outside of 84 Wal-Mart stores nationwide, with the candy money earmarked for Wal-Mart workers now forced to turn to taxpayer-funded clinics or Medicaid for health care.

“Every day 1.3 million workers help make Wal-Mart one of America’s most profitable companies, and yet, every day it seems Wal-Mart finds new ways to exploit them. WWOA will be a powerful tool to help Wal-Mart’s workers join together to improve their lives and make Wal-Mart change for the better,” Blank said.

WWOA isn’t the only wide-ranging blow that hit Wal-Mart. Robert Greenwald’s film, “Wal-Mart: The High Cost of Low Price,” was aired in New York Nov. 2. It was booked for 7,000-plus screenings nationwide during “A National Week of Protests Against Wal-Mart,” Nov. 13-19. SEIU President Andrew Stern, after the first airing, called the film “not just the premiere of a movie but the pre-

miere of a movement.”

That international week of protests saw UFCW members and other unionists joined by community groups and their allies nationwide. The film not only highlights Wal-Mart’s abuses of its workers, but its harm to communities through its “big box” stores, which drive local retailers out of business and destroy three better-paying jobs for every two low-paying positions that Wal-Mart creates.

“This will provide a forum for the many people across the country and the world concerned about the policies of Wal-Mart and other big chains,” said Ronnie Cummins of the Organic Consumers Association, one of the groups helping organize the week of protests. The demonstrations “will call attention to these policies in a very public way. We are encouraging consumers to buy responsibly,” he added.

Meanwhile, UFCW is continuing its holiday campaign against Wal-Mart by urging shoppers to patronize unionized competitors or mom-and-pop stores starting on the biggest shopping day of the year, the day after Thanksgiving, Nov. 25, through the end of the year.

WWOA was founded after the *New York Times* revealed a secret memo by Executive Vice President Susan Chambers. It called for more cost-cutting at the behemoth, which already makes enormous profits.

The cost-cutting moves would cut workers’ hours, shift them from full-time (34-hour) to part-time jobs, push out senior workers and cut health care costs by discouraging unhealthy or obese people from applying. Wal-Mart has also forced workers to toil unpaid for overtime—the latest instance is in Connecticut—and discriminated against women, who are 72 percent of its workers, in pay and promotions.

It discriminated racially against African-American shoppers in Kentucky, broke child labor laws in New York and Connecticut and has its cleaning subcontractors, with Wal-Mart execs’ knowledge, hire undocumented immigrants.

—Mark Gruenberg
PAI Staff Writer

PORT SECURITY – PENSION SECURITY – SOCIAL SECURITY

Your Union’s Security



The ILWU International officers would like to thank all the members who donated their time, energy and money to our 2004 political campaign. We are proud of the stand the ILWU made in opposition to the Bush administration. Although we did not prevail then, events of the last year have proven us right and polls show that the majority of Americans now agree with our position. All those who contributed to our Political Action Fund in 2004 will be receiving a commemorative pin and window decal (pictured above) acknowledging their participation.

Now we are gearing up for the 2006 election cycle. The Republicans are vulnerable as the Iraq War drags on with continuing carnage and costs and no end in site, as Bush strategist Karl Rove appears to be facing indictments, and as Republican Senate leader Bill Frist and Republican House Majority Leader Rep. Tom DeLay are facing criminal charges. We stand a chance next year of stripping them of their hold on the Senate or House or both and block Bush’s continuing anti-workers agenda.

But to do that will require another all-out effort, even more than we did in 2004. We will need all our members to contribute financially as well as be ready to volunteer in our campaign efforts as the election approaches. Please fill out the attached form and send it with a check to:

ILWU Political Action Fund
1188 Franklin Street 4th Floor, San Francisco, CA 94109

All contributors will receive the new 2006 Political Action Fund commemorative pin. Contributions from outside the ILWU’s solicitable class will be screened and returned.

ILWU FEDERAL POLITICAL ACTION FUND

The Officers of ILWU request that you make a voluntary contribution of at least \$50 or more to the ILWU International Political Action Fund (PAF). The purpose of this fund is to make expenditures in federal and/or local elections to protect and advance the interests of ILWU members and the entire ILWU community.

The contribution requested is voluntary and is separate from your union dues and is not a condition of membership. You may give more or less than the amount requested and there will be no reprisals if you give less than the requested amount. Your contribution is not tax deductible.

Please send a check made payable to ILWU PAF for at least \$50 or more, complete the requested information below, and mail it in this envelope. PLEASE DO NOT SEND CASH. Thanks!

Any donation \$500 and over makes you a President’s Club Member and entitles you to receive a PAF jacket. Please circle your size S - M - L - XL - 2XL - 3XL - 4XL.

Name to be embroidered on jacket _____

PLEASE PRINT

ILWU Local _____ Registration/Membership # _____ Amount enclosed \$ _____

First Name _____ Last Name _____

Home Address _____

City _____ State _____ Zip Code _____

Telephone (_____) _____ Email _____

Occupation _____ Employer _____

Beyond my donation I would be interested in the following:

____ volunteer work

____ being on an ILWU PAF mailing list ____ being on an ILWU PAF e-mail mailing list

____ information on donating personally to key state and national elections that advance the interest of ILWU members

Tacoma honors Rosa Parks, with help from Local 23

by Tom Price

Longshore Local 23 members wanted to do something to remember civil rights activist Rosa Parks on the occasion of her death Oct. 24. Member Scott Mason, who sits on the Tacoma Human Rights Commission, asked the commission to dedicate its Oct. 29 meeting to Rosa Parks. At the meeting Mason read the proclamation Congressman Adam Smith (D-WA) had earlier entered into the Congressional record in Parks' honor.

"Nearly half a century ago, she refused to comply with a racist law and she lit the spark of the civil rights battle..."Mason read. "She was a woman of quiet dignity and a life-long fighter for equal rights for all Americans."

The Commission then asked Mason to bring that proclamation to the Tacoma city council. When Tacoma Mayor Bill Baarsma heard of Mason's action, he moved quickly.

"I invited Mason to speak before the City Council," Baarsma said. "After he spoke I made a motion to dedicate the meeting to Rosa Parks' memory."

Local 23 member Dick Marzano, a Tacoma Port Commissioner, also asked the Port Commission to take a moment's silence in Parks' honor before its Nov. 3 meeting.

"For most people of my age her action in 1955 was the defining moment everyone remembers about the civil rights movement," Mason said.

Zeek Green, a Local 23 member and spoken word artist, was asked, along with other local African Americans, to tell the *Tacoma News Tribune* what Parks meant to them.

"Although this country is not perfect, we have come light years from the days of Jim Crow," Green said. "So much that we will never again see a mass movement based on race or gender inequality. No single category of American people is so widely mistreated that they would ever be able to gather enough dedicated bodies willing to wage a campaign major enough to move the entire nation, except one category of people—the American working class."

The woman Local 23 honored was born Rosa Louise McCauley in Tuskegee, Ala., Feb. 4, 1913. She attended the school where her mother taught until the sixth grade, then transferred to a school run by progressive women in Montgomery. That school was torched several times, and its teachers ostracized by the white community. Parks remembered having to walk to school while the white kids rode on a school bus.

"I'd see the bus pass everyday,"



Rosa Parks fingerprinted Feb. 22, 1956, after being indicted the previous day for "illegally" boycotting Montgomery's buses.

Parks said in "My Story," her autobiography. "The bus was among the first ways I realized there was a black world and a white world."

She married NAACP activist Raymond Parks in 1932 and worked with the NAACP as a youth advisor. She was attracted to Raymond in part because of his social activism. She joined her local chapter in 1943 and was elected its secretary. One of her advisees, high school student Claudette Colvin, was arrested nine months before Parks for refusing to give her bus seat to a white man. But the NAACP decided she would not make the best test case since she was a pregnant, unmarried teenager.

In the early 1950s Rosa worked in a department store as a seamstress. She also sewed for white activists Virginia and Clifford Durr, who sponsored her scholarship to the Highlander Folk School, a training camp first organized as a labor activist school by the Congress of Industrial Organizations (CIO) and other progressives. Highlander focused on civil rights organizing when Parks attended in the summer of 1955. Martin Luther King Jr., Stokely Carmichael, Fanny Lou Hamer, Andrew Young and Septima Clark also attended Highlander.

Parks went down in history after her simple act of defiance in Montgomery captured the conscience of the nation. On a chilly Dec. 1, 1955, Parks boarded a city bus and sat in the "colored section." As more white people boarded and filled the white section up front, the driver

demanding Parks and three other African Americans give up their seats to white riders. The others complied, but Parks was arrested for refusing.

Parks was released when the Durrs and Edgar Daniel Nixon threw her \$100 bail. Nixon was an NAACP official and an officer in the Brotherhood of Sleeping Car Porters.

The Women's Political Council, a local group of political active black women, suggested a one-day bus boycott and distributed 50,000 flyers around the city shortly after the arrest. The boycott began Dec. 5, Parks' trial date. Despite the rain, it was hugely successful. Parks was convicted but refused to pay the \$14 fine—a half-week's pay for her back then.

Nixon asked a 26-year-old preacher named Martin Luther King Jr. to host the meetings for the boycott, and Dr. King was soon elected president of the Montgomery Improvement Assn., which later became the Southern Christian Leadership Conference.

During the 381-day boycott some black cabbies picked up people for free or for a dime, the bus fare back then. Other people who had automobiles organized carpools.

Parks, King and 87 others were indicted Feb. 21 under an obscure law against boycotts. King was the first tried, and convicted and ordered to pay \$500 or face 386 days in jail.

The movement took courage in the 1954 Supreme Court ruling on *Brown v. Board of Education* that outlawed school segregation.

"If we are wrong—the Supreme Court of this nation is wrong," Dr. King said. "If we are wrong—justice is a lie. And we are determined here in Montgomery to work and fight until justice runs down like water, and righteousness like a mighty stream."

The peaceful mass movement attracted world-wide attention—and violence from racists. As the winter of 1955 turned into the winter of 1956, the bus company was nearly broke. A bomb was set off on Nixon's front porch. Parks received death threats and lost her job. Dr. King was there with words when others offered bullets.

"There have been moments when roaring waters of disappointment poured over us in staggering torrents," King said toward the end of the protest. "We can remember days when unfavorable court decisions came upon us like tidal waves, leaving us treading in the deep and confused waters of despair...We have seen truth crucified and goodness buried, but we have kept going with the conviction that truth crushed to the earth will rise again."

Public opinion in the country was turning. Parks' attorney, Fred Gray, along with Nixon and Clifford Durr, also an attorney, filed a federal law suit Feb. 1, 1956 against Montgomery's mayor over the earlier mistreatment of Aurelia Browder and other black women on city buses. The Supreme Court ruled Nov. 13, 1956 for Browder in its famous *Browder v. Gayle* case that ended the legal basis for segregation in public transit. It took the bus company five weeks to wake up, and the boycott ended Dec. 21, the day after the court order arrived.

For Parks the victory led to another year of threats and harassment. She moved in 1957 with her mother and husband to Detroit, the old terminus of the Underground Railroad. Parks worked in a garment factory from 1957 until she got a job in Congressman John Conyers' Detroit office in 1965. She retired in 1988.

But she remained active, opposing South Africa's racist apartheid system and founding the Rosa and Raymond Parks Institute for black youth. When South African President Nelson Mandela visited Detroit in 1990, he ran up to her chanting "Rosa! Rosa! Rosa Parks!" and told her how much her actions had inspired South Africans. She also served on the Board of Advocates of Planned Parenthood.

Her body lay in repose Oct. 29 at the St. Paul African Methodist Episcopal Church in Montgomery and a service was held the following day. She traveled on a 1957 bus to the Capitol Rotunda in Washington, D.C. where about 50,000 marched solemnly by. Then she was taken to Detroit, her adopted city. According to the *Detroit Free Press*, 800,000 people turned out to honor her between Nov. 1 and Nov. 3, while she lay in state at the Charles H. Wright Museum of African American History. She was buried Nov. 3 between her mother and husband at the Woodlawn Cemetery, in a mausoleum renamed Rosa Parks Freedom Chapel.

As a worker, Rosa embodied the unity of labor and civil rights, and she inspires unionists today.

"People in the ILWU need to be on the human rights commissions in their towns, being active where they can make a difference," Mason said. "This is a call to action. The work's not done."

"People always say that I didn't give up my seat because I was tired, but that isn't true," Parks once said. "I was not tired physically, or no more tired than I usually was at the end of a working day. No, the only tired I was—was tired of giving in."

Longshore retired, deceased and survivors

RECENT RETIREES:

Local 10—Joseph D. Marino; **Local 13**—Pilar R. Ortega Jr., Charles Cline, Ben Groscup, Clyde Simmons, Larry Livingston; **Local 21**—Stanley Tow, Robert Ramey; **Local 24**—Michael A. O'Conner; **Local 34**—Edilio Andora, Daniel Johnstone; **Local 63**—Robert Cherry, Alfonso Lozano, Gerald DiLeva, Teresa Saffold; **Local 92**—Duane Balkowitsch; **Local 94**—Santiago Clarens, Bruce A. Williams Jr.

DECEASED:

Local 4—Richard Proll (Betty), Bob Keels (Frances), Raymond Lehto (Carla); **Local 8**—Mac Beaird (Gina), Lawrence Deleo (Beverly), Eldon Fricke, John Kallio; **Local 10**—William Fay (Joanne), Joseph Estrada (La Vaughn), Joseph Perkins (Gloria), Sidney Pellette (Margarete), Glenn Cotton (Janice), Randolph Johnson, Cesar Parraga; **Local 13**—Heron Socorro (Urrea), James Matthews Jr. (Louiza), David Parra (Alice), Steven Thorson (Betty), John Gyerman, Richard O. Cruz, James Riggs; **Local 19**—Jerry Lofthus (Barbara), Robert Flanary

(Marlene), Romolos Baldado; **Local 23**—Walker Anderson; **Local 24**—John Billings (Jeannette), James Bryson (Gail); **Local 26**—Richard Jester; **Local 27**—Raymond Craver (Mary); **Local 34**—Fred Buchtmann; **Local 40**—Gary Caudill; **Local 63**—Joseph Young (Beverly); **Local 75**—Idell Raybon; **Local 92**—James Hubbard (Ida). (Survivors in parenthesis.)

DECEASED SURVIVORS:

Local 4—Doris Andrew; **Local 8**—Helen Simmons, Jessie Matthews, Ruth Henderson; **Local 10**—Clara Christiansen, Nina Buriani, Savannah McBurnie, Amalia Cobarrubias; **Local 12**—Katherine Goll, Kathleen Thomas; **Local 13**—Stella Johnson, Consuelo Lopez, Rachel Ortiz, Josephine Gutierrez; **Local 19**—Evelyn Gould, Gladys Clark, Audrey Anderson, Vesta Kiniry, Ida Kemper, Buelah Benham; **Local 21**—Mildred Quoidbach, Barbara Cameron; **Local 24**—Joyce Kuzmak; **Local 29**—Alta Koester; **Local 52**—Louise Firth; **Local 54**—Margaret Smith.

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