

# Judge drops most charges against union officials who attacked US miners

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A Pennsylvania Magistrate dismissed the majority of charges brought against United Mine Workers of America officials for attacking a group of dissident miners protesting against the policies of the UMWA leadership.

The decision was announced within minutes after the conclusion of a daylong hearing where nine witnesses, including several of the miners beaten in the attack and a police officer, testified.

Four of the five union officials charged in the assault are on the payroll of the UMWA international union. They are: James Gibbs, director of organizing and administrative assistant to UMWA President Cecil Roberts; Donnie Samms, organizing director for Region Four, which covers the western US; Marty Hudson, a trustee of the union's Combined Benefit Fund and 1992 Benefit Plan; and Jerry Kerns, Sr., an organizer for the western Pennsylvania district. Kerns's son, Jerry Kerns, Jr., was also charged in the attack.

The assault took place in the southwestern Pennsylvania town of Bentleyville, during the union's annual Mitchell Day rally. Before the rally, which marks the anniversary of 1903 which won the eight-hour day for miners, a group of workers attempted to express their opposition to several provisions in the national contract which the UMWA agreed to, including forced overtime and the five-year length of the contract. The assault took place as workers held up signs and began passing out a leaflet.

Testimony at the hearing established that within minutes a group of union officials and their supporters attacked the miners. They ripped the leaflets and signs from their hands and began punching and kicking the opposition group. Several miners testified that they were thrown to the ground, kicked and hit with wooden boards.

Gibbs was charged with attacking miners Richard Cicci and Russell Walker with a four-foot wooden stick, causing serious bodily injuries. Walker testified that he was pushed to the ground and hit several times on the back with the board. Assistant District Attorney Valarie Costanzo maintained that Gibbs hit Walker at least a dozen times.

Richard Cicci was hit over the head with a board. He received a gash above his ear that required nine stitches. Cicci testified that he saw Gibbs wielding the stick against Walker and striking him repeatedly while he lay on the ground. In addition Cicci saw another miner, Greg McClure, being kicked by three or four of the UMWA officials.

Police officer Martin Gonglik testified that he ordered Gibbs to put the board down, but that the union official refused, saying, "go ahead and mace me, m.... f....."

The magistrate dismissed all the charges against Gibbs, except for one count of aggravated assault and reckless endangerment for his attack against Walker. The magistrate also reduced the charges to one count of harassment for Gibbs's attack on Cicci. He ordered Gibbs to pay a \$300 fine.

Testimony lasted well into the afternoon with five other miners testifying that they were attacked, punched and kicked by the UMWA officials.

None of the UMWA defendants took the stand. Defense attorneys for the five accused called only one witness, another union official who challenged Cicci's testimony, claiming that the miner received the gash over his ear from falling on the ground.

All the charges against Hudson, Samms and the two Kerns were dismissed, except for harassment, which carries a \$300 fine.

The day before the hearing, a representative of the UMWA international telephoned Richard Cicci asking

him what it would take to drop the charges. They offered to pay Cicci his lost wages and medical bills. At the hearing the three attorneys for the UMWA approached Cicci with the same offer. The magistrate also took the unusual step of calling Cicci into his chamber before beginning the hearing to ask him if he would accept the union's offer.

The judge's decision can only be interpreted as sanctioning the union officials' violent attack. Over the past 15 years, hundreds of miners have been thrown in jail, allegedly for "union violence" during strikes, with little or no evidence. In the cases of miners at A.T. Massey in Kentucky, and Milburn and Logan County, West Virginia, the miners were framed up and condemned to years in prison without the slightest evidence.

Moreover, while the UMWA bureaucracy refused to carry out any legal or political defense of their own members in the above mentioned cases, they have spared no expense defending themselves against the rank and file in the Bentleyville case. Three Pittsburgh labor law attorneys were hired to defend the top union bureaucrats.

In addition, the UMWA officials have mounted a public relations campaign against the union opposition group. The day of the hearing, a parade of UMWA officials spoke during a lunchtime press conference to dispute the dissident miners' objections to the national contract. None of the reporters present from the capitalist press challenged the UMWA officials as to why they were defending such a flagrant attack on the democratic rights of their own members.

Following the hearing Richard Cicci spoke with the *World Socialist Web Site*. "I am astonished at what the magistrate did. They are basically saying that miners have no right to disagree with their union. What is a \$300 fine to these people? Miners will look at this and be less willing to stand up and speak out against this leadership.

"They put a lot of pressure on me to settle. They know who to come after because I am the most outspoken of the group. I have never heard of a magistrate calling someone into his office and trying to get them to drop the charges. I said I would not because it was a matter of my democratic rights and those of the others. How many miners left that rally or did not say what they felt because of what they saw happen to us?

How many other miners who were not at the rally but who heard what happened were intimidated from speaking up? If these people can get away with what they did then many miners are going to feel that they can't say anything.

"I figure the magistrate was on the union's side. The UMWA has a lot of political clout around here. They give money to these district judges during the elections and I figure he was on their side. There were even more miners willing to testify. The judge did not even call a recess at the end of the day. He just sat on the bench, wrote a few minutes, then read off his ruling.

"What kind of message is being sent to miners? They are being told that if they dare to speak out they can be beat upon and all that will happen to the union officials is that they get a slap on the wrist. They had all these union officials in the courtroom along with the defendants laughing and joking. They said, 'look what mean and fighting people we are.' But that is what they are, when they join together and attack you for voicing your opinion."



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