Court threat to General Motors strike

Martin McLaughlin
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The United Auto Workers union has abruptly dropped its opposition to expedited arbitration over whether the local strikes in Flint, Michigan are in violation of the national contract with General Motors. The hearing Wednesday before a federal judge raises the danger that the strikes that have paralyzed GM's operations throughout North America could be called off under court order.

The position taken by a union attorney at the hearing in Flint apparently came as a surprise to GM and Judge Paul Gadola Jr., and it certainly was a surprise to the dozens of workers who packed the courtroom. 'We agree to be bound to the permanent umpire's decision,' said Leonard Page, referring to arbitrator Thomas Roberts.

GM filed a grievance under the national contract more than a month ago, charging that the strikes which began June 5 at the Flint Metal Center and June 11 at the Delphi East plant were not genuinely local strikes over working conditions at the two facilities, but rather an attempt by the national union to influence national GM policy over investment and job guarantees.

Under the contract, the grievance must go to arbitration if unresolved. Page said the union would abide by this procedure, but asked Gadola to allow the company and the union to enter arbitration 'voluntarily' rather than issuing a court order requiring it. Gadola and GM agreed to this formulation.

GM and UAW officials are to meet with Roberts and report on the progress of these discussions at a hearing set for Tuesday, July 21 before Judge Gadola. Roberts could issue a ruling within a week, according to some reports.

While declaring they are confident that the arbitrator will uphold the legality of the Flint strikes, the union bureaucracy has opened the door to courtroom maneuvers that could result in a swift and ignominious end to the walkout, with nothing resolved on the central issue of job security, and with local unions stripped of their right to strike in the future.

In the worst-case scenario, Roberts could declare the strikes a violation of the contract and Gadola could issue an injunction ordering the workers back to work and threatening the UAW with a damages award of over $1 billion for losses caused to the company since June 5. There is no question that under such circumstances Solidarity House would order an immediate end to the struggle.

Shortly after Wednesday's court hearing, the UAW announced that it has called a special meeting of its GM Council, which includes local union presidents and shop chairmen from all GM facilities, to be held in Flint the day before the hearing. It is quite possible that top union officials plan to use the GM Council to provide a public show of solidarity with the Flint strikers while they work with the arbitrator, the judge and the company behind the scenes to torpedo the struggle.

The suit filed by General Motors is an unprecedented and sweeping attack on the right of the rank-and-file workers to conduct any struggle to defend jobs and working conditions. It denounces the filing of grievances over working conditions at the Flint Metal Center and Delphi East plants as a sham, a cover for pressuring the company on other issues, such as outsourcing and the proposed sell-off of the Delphi division, which are not strike issues under the national contract.

'Defendants' actions in quickly filing and processing unrelated grievances are designed to camouflage this intent and to frustrate and evade the agreed-upon arbitration process by filing such strikeable grievances and then by engaging in strike activity,' the company declares.

The relief sought by the company is also unprecedented in its scope. It includes a court order

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ending the two strikes, a permanent injunction against future strikes and continued court monitoring of UAW compliance. It is the first time since General Motors recognized the UAW in 1937 that the company has sought a federal court order to end a UAW-sanctioned strike.

One of the most significant passages in the GM brief is its demand for a massive award of damages:

'Since the beginning of the strike, GM has sustained significant losses, in excess of one billion dollars so far. These losses increase each day that Defendants' unlawful activity continues. Because these losses are a direct result of Defendant Union's breach of the Agreement, Defendant Union is responsible for compensating GM for these losses.'

Any court award on this scale would mean effectively bankrupting the UAW. GM undoubtedly--and correctly--calculates that the UAW officialdom is far more concerned about the $1 billion in assets held by the union than about the jobs and working conditions of the Flint strikers or any other section of the rank and file.

The legal maneuvers are even more threatening when the identity of the judge is considered. Gadola is a conservative Republican, 1984 Michigan state chairman of the Reagan-Bush reelection campaign. More importantly, he is the son of Paul Gadola Sr., a long-time Flint judge who in 1937 issued an injunction ordering an end to the historic sit-down strikes which won auto workers the right to a union.

The judge was reviled throughout the Flint working class, the auto strikers unanimously defied his order and the National Guard troops who were sent in to enforce it. After the strike one UAW leader branded Gadola Sr. as a fascist who had raised money for Mussolini's invasion of Ethiopia.

In an interview published Wednesday in Flint, Gadola Jr. recalled early memories of being escorted to school during the strike by police who sat in the corridor outside his classroom, so great was the popular hostility to judicial strikebreaking.

It is remarkable, given this history, that the US legal system permits Gadola Jr. to sit in judgment over the sons and daughters of the workers who humiliated his father. It is equally remarkable, and indicative of the decay of the United Auto Workers union, that the bureaucracy made no objections when he was appointed--reportedly on the basis of a random draw--to hear the GM suit.

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