

Felony charges dropped against "Charleston 5" dockworkers in South Carolina

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The five rank-and-file workers framed up last year on felony rioting charges for participating in a mass picket on the Charleston, South Carolina docks have accepted the state's offer to drop felony charges in exchange for no contest pleas to lesser offenses. On November 7 two of the men, Jason Edgerton, 22, and Kenneth Jefferson, 41, pled no contest to misdemeanor charges of rioting without the use of a weapon. Circuit Judge Victor Rawl sentenced the men to 30 days in jail or a \$100 fine.

The three other longshoremen—Ricky Simmons, 38, Peter Washington Jr., 48, and Elijah Ford, 48—worked out their plea agreements shortly afterwards. On November 13, just one day before the trial was to begin, they entered the same no contest pleas as the other workers before Judge Rawl.

All five workers faced felony charges for rioting, which if convicted carried a maximum of five years in prison, and individual fines of between \$1,000 and \$5,000. A no contest plea means that the defendant neither admits guilt nor innocence, but receives a sentence as if he had pled guilty. All five men paid small monetary fines and were released from custody.

The court case stems from January 2000 when 130 dockworkers from International Longshoremen's Association (ILA) Locals 1422 and 1771 in Charleston were attacked by about 600 heavily armed riot police. The longshoremen were protesting the use of nonunion labor. Police used horses and an armored vehicle to attack the workers, while helicopters circled overhead.

Originally, State Attorney General Charlie Condon sought the indictments of nine union men for rioting. But a trial judge who watched the videotape of the conflict dropped the charges for lack of evidence. Nevertheless, Condon, a right-wing Republican, successfully obtained indictments for five men. At that time Condon said his plan for the workers was "jail,

jail, and more jail." Condon also refused to negotiate plea bargains with the union.

It was becoming clear, however, that the state authorities and union officials were moving towards a settlement when Condon decided in mid-October to remove himself as prosecutor and reassign the case to First Circuit Solicitor Walter Bailey. It was no accident that at about the same time the circuit court judge decided to end the 18-month-long house arrest under which the five defendants had previously been held. Bailey then negotiated the out-of-court settlements that finally concluded the case.

Despite the efforts of the AFL-CIO to limit the case chiefly to court appeals and behind-the-scenes maneuvers, particularly with Democratic politicians, the Charleston 5 case was becoming increasingly known among workers and students, particularly in South Carolina. Last June, more than 4,000 rallied at the State House in support of the defendants. Throughout the state there were growing numbers of bright yellow bumper stickers and billboards reading, "Free the Charleston 5."

An international day of protests was planned for the first day of the trial, November 14, but was immediately called off by the labor bureaucracy, who were concerned that even limited action by workers and their supporters could disrupt relations with shipping companies, dock management and government authorities.

The president of the state Ports Authority (PA) acknowledged that international shipping lines were nervous about how workers would react if the defendants were found guilty of the felony charges. Other businesses were concerned over how the case was affecting Charleston itself, a city heavily dependent on tourism. South Carolina is already notorious for

being one of the most anti-union states in the country and the state government's insistence in flying the Confederate flag over the capitol in Charleston has provoked calls for economic boycotts and undermined businesses.

The AFL-CIO bureaucracy hailed the court settlement as an unmitigated victory for labor solidarity. In fact, the John Sweeney leadership of the AFL-CIO, aided by its supporters in various middle class radical organizations, did nothing to mobilize the genuine anger of workers, even on a limited trade union basis, much less in a political challenge to big business and the Democratic and Republican parties.

Over the last 25 years the AFL-CIO officialdom has demonstrated time and again its willingness to abandon framed-up and victimized strikers in order to cement its relations with the employers and the government. Scores of workers—from the PATCO air traffic controllers, to coal miners in Kentucky and West Virginia, to Greyhound bus drivers—have been thrown in jail on trumped-up charges and abandoned by the union bureaucracy. Some of these workers are languishing in prison to this day.

The labor officials' decision to take up the Charleston case was bound up with their concern with boosting the union bureaucracy's image among rank-and-file workers after years of betrayed strikes, collaboration with the employers and the destruction of workers' jobs, living standards and working conditions. This is particularly true for the ILA, which in the eyes of the vast majority of dockworkers is synonymous with corruption and gangsterism.

For the top echelons of the union bureaucracy the case was also no doubt seen as a means of demonstrating to various corporate and political interests that it still retains influence among sections of the working class. This is particularly important in South Carolina, where right-wing politicians are openly hostile to unions.

In keeping with its corporatist policy of labor-management-government collaboration, the dockworkers union in South Carolina has sought a position on the board of the state Ports Authority (PA). Although Democratic Governor Jim Hodges nominated Local 1422 President Riley for a seat on the board, he was vetoed by sections of big business and right-wing politicians, who prevented it from ever reaching the

floor of the state Senate.

Attorney General Condon, who pursued the case against the Charleston 5, said the presence of a union leader on the board was illegal. The South Carolina Manufacturing Alliance and the Chamber of Commerce also ferociously opposed the nomination and business interests pushed for the passage of a bill that would bar union members from the Ports Authority. The governor caved in to this right-wing campaign and withdrew Riley's nomination.

It is noteworthy that while the AFL-CIO and the ILA claim they won an unconditional victory in the Charleston 5 case, none of the issues the workers fought for have been resolved. The conflict began when the Danish company, Nardona Lines, decided it would end its 23-year relationship with the ILA and use nonunion labor to load and unload its ships. Before the court settlement, the union reached an agreement with the company to use ILA labor on the proviso that the ILA agree to major concessions, such as reducing the manning of work gangs, and cutting guaranteed hours of work from eight to four.

The nonunion stevedore company still has a \$1.5 million lawsuit for damages against Local 1422 President Ken Riley and 26 other officials and members of the local.



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