

# Bush invokes anti-union Taft-Hartley law against West Coast longshoremen

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On Tuesday a federal judge in San Francisco granted the Bush administration's request for a temporary injunction lifting a ten-day lockout and sending West Coast longshoremen back to work. The court order was a prelude to the declaration of an 80-day "cooling off" period under the provisions of the anti-union Taft-Hartley law.

The lockout had shut down 29 West Coast ports. The judge issued his order barely three hours after attorneys from the Justice Department presented a fact-finding report drawn up by a special Board of Inquiry. George W. Bush had announced the formation of the panel the day before, setting into motion the legal process leading to the declaration of a national emergency and the implementation of the Taft-Hartley Act.

The Pacific Maritime Association (PMA), which represents the West Coast shipping companies, reopened the ports on Wednesday for the 6 p.m. shift.

The Bush administration obtained the court order even though earlier on Tuesday the International Longshore and Warehouse Union (ILWU) had accepted a federal mediator's proposal to extend its old contract with the shippers for 30 days and return to work. PMA President Joseph Miniace rejected the compromise, calling the proposed 30-day extension a "band-aid on a serious wound."

Miniace said employers preferred Taft-Hartley intervention because it would empower the courts to prosecute longshoremen and the union should they fail to return to normal productivity.

The invocation of the Taft-Hartley law constitutes a direct and naked intervention by the White House on the side of the shipping companies and the entire corporate elite. Throughout the preceding week the chief executives of some of the most powerful corporations had called on Bush to intervene.

Companies such as Dell Computer and Ford warned that they were running out of essential parts as a result of the West Coast port closure. On October 4, representatives of more than a dozen trade groups as well as companies such as the aerospace giant Boeing and the retail chain Best Buy met with Bush administration officials at the Old Executive Office Building, next to the White House. According to an October 8 *Wall Street Journal* article, Bush officials urged them to go to Congress to obtain prior approval for White House intervention from House and Senate Democrats.

The sequence of events makes patently clear that Bush's intervention was undertaken at the bidding of the corporate establishment. The collusion between the government, the PMA and other corporate interests was further underscored by the events of last weekend. On Sunday the PMA reneged on its apparent acceptance of a proposal from federal mediators for a seven-day contract extension and lifting of the lockout. Instead, it precipitated a breakdown in

negotiations by demanding a 90-day contract extension, something it knew the ILWU could not accept.

In the meantime, Bush had already dispatched three members of the Board of Inquiry—which was not even officially established until Monday, October 7—to San Francisco to begin drawing up its report. Thus the administration initiated the formal procedures for a Taft-Hartley injunction *before* the federally mediated negotiations had broken down. The ILWU was not even informed of the existence of the Board and its presence in San Francisco until late Sunday night.

The PMA had been pressing for White House intervention under the Taft-Hartley law in order to put the full power of the state behind its offensive against the dockworkers. Under the government order, the PMA can seek criminal and civil sanctions for any alleged industrial action by the workers.

The PMA's position from the onset of the current round of contract negotiations has marked a sharp shift from previous years in which the shippers and the ILWU bureaucracy collaborated, under agreements first worked out in the late 1960s, to introduce new technology at the expense of thousands of longshore jobs. While the ILWU accepted the wholesale destruction of jobs and a vast increase in productivity, the PMA accepted the principle that the ILWU would retain bargaining rights for all of the workers who remained, and the distribution of work would continue to be controlled through the union hiring hall.

This time around the PMA's posture has been characterized by continuous provocations against the union. In the current negotiations, the PMA has insisted on demands designed to severely weaken the union and give the PMA increased control over hiring. As a result, the old contract expired on July 1 without a new agreement.

Last summer, Bush administration officials informed the ILWU on several occasions that the White House was considering intervening with legislation to break up the West Coast ports into separate bargaining units, and was prepared to use the National Guard and Navy to run the ports in the event of a union work action.

The PMA took advantage of these government threats to demand massive concessions in the new contract, insisting on technological innovations that would destroy 1,000 jobs and the creation of a new category of data entry workers who would not be union members. In addition, the PMA proposed a reduced role for the hiring hall.

The PMA—not the union—precipitated the shutdown of the ports by imposing a lockout last month in response to what it claimed was a work slowdown on the part of the ILWU. At one point last month Miniace of the PMA walked into a negotiating session accompanied by two armed bodyguards, in a move calculated to scuttle the talks.

ILWU spokesperson Steve Stallone predicted the PMA would use the Taft-Hartley provisions to accuse the union of slowdowns and

demand court sanctions against the union. “They are going to be trying to financially break this union with fines and throw our leaders in jail,” Stallone said.

Congress passed the Taft-Hartley Act in 1947 to weaken the ability of unions to organize and conduct industrial action. The section of the Taft Hartley Act that Bush set into motion imposes an 80-day “cooling off” period against strikes or lockouts that the president deems to “imperil national health or safety.” Sixty days after the date of the injunction, the government organizes a vote among the rank and file on management’s last offer. A 15-day period is provided for such a vote. Five days after that, the union and the PMA would be free from the injunction.

The act severely punishes any defiance on the part of the workers, with measures that could result in the bankruptcy of the ILWU itself. Not only can the government impose fines on the union for engaging in a slowdown or strike, but the PMA is also empowered to sue to be compensated monetarily for any financial loss caused by the industrial action.

The Bush administration’s intervention is being carried out with the support—in part, open, in part, tacit—of the Democratic Party. On October 3, California Senator Dianne Feinstein, one of the senior Democrats in the Senate, publicly called on President Bush to invoke Taft-Harley. Since Bush’s decision to intervene on the side of the shippers and stevedoring companies, the Democrats’ response has been one of complicit silence.

Bush’s union-busting operation, with the acquiescence of the Democratic Party, exposes the bankruptcy of the perspective of the ILWU leadership and the AFL-CIO as a whole. Throughout the contract impasse, the ILWU has sought to avoid a confrontation and offered huge concessions in an attempt to conciliate the PMA. Months ago the union agreed in principle to the elimination of one thousand jobs.

The ILWU has sought to draw the line on the question of union jurisdiction over newly created data entry positions. Consistent with the basic *modus operandi* of the trade union bureaucracy, the ILWU leadership is prepared to accept ever greater attacks on the rank and file, while balking at those management demands that touch most directly on its own interests, i.e., those that threaten its position within the existing corporatist relationship between union and management.

At no point has the ILWU attempted to mobilize the active support of broad sections of workers in defense of the dockworkers. It has never seriously threatened to strike. Instead, its orientation has been to appeal to the Democratic Party as a supposed counterweight to the shippers and the Bush administration.

The response of the Democrats to Bush’s union-busting intervention clearly demonstrates the dead end of this reliance on the Democratic Party, and the falsity of the claim that the Democrats represent the interests of the working class.

For its part, the AFL-CIO—in the current dock dispute, as in countless labor-management confrontations over the past two decades—combines hypocritical bluster with cowardice and treachery. It has not lifted a finger to defend the longshore workers, and has no intention of doing so.

The current confrontation recapitulates the scenario that has predominated for more than 20 years, beginning with the PATCO strike of 1981: the trade union leadership isolates every section of workers that comes into conflict with the employers and the government, deluding the workers with false hopes in the Democrats, so as to undermine their struggle and pave the way for their defeat.

This prostration on the part of the union leadership has been combined with declarations of patriotism and support for Bush’s so-called “war on terrorism.” Such expressions of chauvinism and support for American militarism are not only reactionary from the general standpoint of the interests of the international working class, but also from the immediate standpoint of the needs of the longshore workers. They play directly into the hands of the fanatically anti-labor cabal at the center of the Bush administration.

It is a highly significant fact that in imposing Taft-Hartley, Bush cited not only damage to the national economy, but also to the US military. The precedent that is being set has far-reaching and deeply reactionary implications. Under conditions where the government claims the US is involved in an open-ended “war on terrorism,” whose next, but by no mean last, target is Iraq, the Bush administration is suggesting in principle that *any* industrial action by *any* section of the working class is a threat to national security and “the war effort,” and should therefore be outlawed.

Although the position of the workers has been seriously weakened by the treachery and prostration of the union leadership, the current struggle on the docks is by no means over. Certain critical lessons have, however, already emerged, and they must be stated clearly:

\* In seeking to defend the gains of the past, dockworkers and all other sections of the working class face a political struggle against the government. Workers cannot ignore the political dimension of the fight for jobs, union rights and decent living standards. No strategy can be successful that does not start from the necessity to mobilize every section of the working class in a struggle against the political representatives of the American corporate elite in both parties, the Democrats as well as the Republicans.

\* On the basis of an independent political strategy—the building of a mass socialist party of the working class—the full industrial strength of working people must be mobilized against all forms of union-busting and government-backed strike-breaking, and all attacks on democratic rights.

There must be a serious fight to rally the support of workers all across the US and internationally against Bush’s union-busting. Truck drivers, auto workers, public employees and other groups of workers should be brought into action. Rallies should be organized in every major city to demand the lifting of the Taft-Hartley measures and insist on the right of longshore workers to strike to protect their jobs and living standards. Such a campaign should be the preparation for strike action by the West Coast dockers, backed by solidarity action from the rest of the labor movement.

\* Such a struggle is incompatible with any support for the predatory actions of the American government and the US military against the people of Iraq or any other country. The American working class must oppose Bush’s so-called “war on terrorism” and the imperialist agenda on which it is based, and fight for the international unity of the working class against militarism and war.



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