With support of ILWU bureaucracy, Oakland city and port officials sue truckers to stop protests against AB5 law

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In a naked attempt at intimidating opposition, the City of Oakland and the Board of Port Commissioners have filed suit against truck drivers over week-long protests which shut down the city's port in protest against a new state law known as AB5.

The suit should be opposed by all workers, but dockworkers above all. For months, the Biden administration has intervened aggressively in contract negotiations between the Pacific Maritime Association and the International Longshore and Warehouse Union (ILWU) to keep 22,000 west coast dockworkers on the job during contract talks, which the ILWU has done for more a month since the last contract expired July 1.

But during the trucker protests two weeks ago, there were significant indications of support for the protests by dockworkers, and least 100 of them refused to cross the picket line in Oakland. The suit reflects serious fears that continued protests could spread and threaten to upend the entire union-management-government conspiracy to block a strike by dockworkers.

AB5, whose official purpose is to reclassify "misclassified" workers as employees and not contractors, would illegalize the independent status of tens of thousands of drivers across the state, including the vast majority of those who move freight off of California's docks. Truckers would either have to sell their trucks and look for work as a company driver, bear tens of thousands of dollars in added financial costs, or move out of the state entirely. The truckers are demanding an exemption to the law for independent truckers.

Civil Suit Case No. 22CV014917 was filed one week ago, on Monday July 25, at the Superior Court of California, County of Alameda. Among the filings is an application for a temporary restraining order, a complaint for injunctive relief or nuisance, and five affidavits by Port officials and a private investigator.

Affidavits submitted were from Desmond Demoss, Safety and Business Continuity Officer of the Port of Oakland; Jim Rice, General Manager of the Oakland International Container Terminal and SSA Terminals; Chris Hurley, General Manager of the Oakland Matson Terminal; Danny W. Wan, Executive Director of the Board of Port Commissioners, and Joshua Prentiss, a private investigator licensed by the state of State of California to spy on the protesters.

The case is aimed at securing a temporary restraining order, followed by a preliminary injunction for the purpose of obtaining a court order to deem the protests illegal. The City of Oakland is pursuing this route because a preliminary injunction would get decided immediately, allowing the City to quickly obtain a court order. Once the protests are declared illegal, the City has the jurisdiction to trample the First Amendment rights of the protesters who could be found in "contempt of court," giving the green light to police to carry out mass arrests.

Not only would the truckers' profession be "illegal" with AB5, but the City of Oakland, with the full support of the Newsom administration, seeks to make their protests illegal as well. Already truckers have been corralled to protest in so-called "free speech zones" or face arrest by the heavy police presence.

Many claims are made in the suit feigning concern about "safety risks" for the protesters, who are blamed for adding to congestion at the ports, rising inflation, and job losses at the port and the greater Bay Area. Truckers are even accused of threatening the food security of Guam and the Hawaiian Islands.

The civil suit itself brings to light a number of troubling revelations, including the admission in the affidavit by private investigator Joshua Prentiss that the protests and drivers were being spied upon through video recordings, and that a number of striking truckers have been followed to their cars where they were identified based on their "Department of Motor Vehicle license plate and registration records; (b) public records; and (c) social media content."

Numerous references throughout the court filing claim that protesters posed threats of physical violence and intimidation to the dockworkers "who wanted to work." This is the standard line used for generations to obtain injunctions against picket lines. However, a number of references make clear the real

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concern of the port was just the opposite, that truckers and dockworkers were fraternizing on the picket line.

These concerns were expressed both in Jim Rice and Chris Hurley's affidavits. Hurley, the GM of Matson Terminal, claims that on a daily basis he "observed the foregoing protesters on our private property attempting to dissuade International Longshore and Warehouse Union ('ILWU') members who work on our terminals not to work." He went on to emphasize that the truckers do not work for the Port, stating,"Therefore, we asked them to leave and we asked our own highly unionized workforce to continue working."

Significantly, while broad support exists for truckers among rank-and-file dockworkers, the lawsuit enlists the provocative statements by ILWU bureaucrats against the trucker protests to make its case. Rice attested that he observed protesters "attempting to dissuade ILWU members from working on our terminals," but also added that "ILWU Local 10 and the Marine Clerks' representatives have already indicated that the presence of these protesters presents a serious health and safety issue, and that their members do not feel safe enough to work in the yard or gate areas. Indeed, I have received reports of verbal altercations between SSAT employees who wanted to work and the protesters who wanted to shut us down."

This is a reference to comments to the cable business news network CNBC by Local 10 President Farless Dailey III, who declared, "Every day, ILWU workers are getting up at 5 a.m. to drive to the dispatch hall and fill jobs at the port. But when they get to the terminals, the trucker protests are creating conditions which make it unsafe for workers to pass through the gates and do our jobs. ILWU workers want to work and move cargo, just like we have every day even during the worst days of the pandemic. We are in favor of AB5, not against it. But we're not going to put our members in harm's way to pass through the line of truckers."

This language, to the effect that employees eager to work are being unfairly prevented from doing so by dangerous "violent" pickets, has been employed by management in virtually every strike in history. For it to come out of the mouth of the Local 10 president marks him and the ILWU bureaucracy out, not as representatives of workers, but as scabs in the pocket of management. To claim that Oakland dockworkers are eager to work without a contract is preposterous, and disproven by the fact that many workers refused to cross the picket line.

Moreover, while the ILWU is not a party to the suit, there can be no doubt that it was in discussion with port management and city officials in its preparation. The only purpose of making these comments on a national television network, specifically accusing truckers of endangering public safety, was to open them up for potential legal action.

In its Complaint for Injunctive Relief, the suit alleges that the City is pursuing action against five defendants, four individually identified truck drivers—Enrique Alvarez, Prudencio Umana, Navdeep Ngill, Filmon Teklehaimanot—as well as a fifth identified as "Does 1-2000," stating in the file that "Plaintiff [City] does not know the true names or capacities of defendants [protesting truckers], sued herein as Does 1-2000, inclusive, and therefore sues said defendants under the provisions of Section 474 of the Code of Civil Procedures of the State of California. *When the true names of said parties are ascertained, Plaintiff will amend this complaint to add their true names and capacities together with appropriate charging allegations*."

This is an open threat against all the protesting drivers to get into line, or else they will all be individually pursued. Truckers throughout their struggle have been rightfully cautious to name their leaders due to the threat of retaliation. One worker informed the WSWS, "The Port of Oakland sued [a former] truck protest leader in 1999 for $1.5 million."

The ILWU has claimed for months that Biden's intervention in the contract talks on the docks is in the capacity of a neutral arbiter. But the suit against truck drivers shows that the opposite is the case. Throughout labor history of the US, the courts have handed down injunctions that authorize violence against strikers.

Every dockworker has the obligation and duty to come to the defense of the truckers. In the first place, they must demand the ILWU officialdom be held to account for its role in enabling this suit. Dockworkers must make clear that these bureaucrats, who are concerned only for their own six-figure salaries, do not speak for workers, but only for themselves.

However, this is only a starting point. Dockworkers must join hands with the truckers and build a united movement in defense of living standards. The same forces lined up against the truckers—the government and Democratic Party, the port operators and the union bureaucracy—are also lined up against dockworkers.

Such a movement must oppose all arbitrary divisions between trucker and dockworker, full-time and casual. While the bosses and the government are seeking to illegalize the truckers' protests, they are *de facto* illegalizing a strike on the docks by keeping workers on the job past the contract expiration. But the independent actions by the truckers objectively strengthen the position of the dockworkers, which is precisely why the ILWU does not want it and the government is moving against it. The way forward on both sides is through the development of a movement against this conspiracy in order to establish rank-and-file control.

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