

Let me say this about that

—By Gene Klare



An armed uprising

A NEW BOOK, *The Battle of Blair Mountain*, tells the little-known story of how 10,000 West Virginia coal miners took up rifles in 1921 to fight against brutal mine owners and their cohorts in a quest for justice and workers' rights.

The author is Robert Shogan, a longtime reporter and author who has covered Washington, D.C., for more than 30 years as a political correspondent for the *Los Angeles Times* and *Newsweek*. The book's subtitle is "The Story of America's Largest Labor Uprising." The publisher is Basic Books, which is part of the Perseus Books Group of New York City. The paperback price is \$16.95.



RICHARD TRUMKA

CECIL ROBERTS, president of the United Mine Workers of America, said this of the book: "Robert Shogan sheds new light on this long-neglected episode of the labor movement's ongoing struggle for workers' rights. For too long, the significant Battle of Blair Mountain has been merely a footnote in American history books. Now, the real story of America's largest labor uprising — and the largest armed insurrection on U.S. soil since the Civil War — comes alive. As a native of Cabin Creek, W. Va. — and the

great-nephew of the miners' commander, Bill Blizzard — I take personal interest in reading about my union's pivotal role in this historic rebellion for economic and social justice."

Richard L. Trumka, the national AFL-CIO's secretary-treasurer and the past president of the Mine Workers Union, described the book in these words: "Here is a book about forgotten events that took place 80 years ago in a little-understood corner of our nation. What a surprise that Bob Shogan has not only found ample documentary evidence to convince us of the historical significance of these battles between miners and mine owners in southern West Virginia, but also spun a rip-roaring tale full of shockingly vivid and down-to-earth portraits. When the tale is told, Shogan's conclusion seems irrefutable: Our nation paid a heavy price in economic justice and social progress when state and federal authorities failed to ensure workers' basic freedom to form unions."

PAUL JACKSON of Basic Books sums up the battle this way: "In 1921, some 10,000 West Virginia coal miners, outraged over years of brutality and lawless exploitation, picked up their Winchesters and marched against their tormentors, the powerful mine owners who ruled their corrupt state. For 10 days, the miners fought a pitched battle against an opposing legion of deputies, state police and a makeshift militia. Only the intervention of a federal expeditionary force, spearheaded by a bomber squadron commanded by General Billy Mitchell, ended this undeclared civil war and forced the miners to throw down their arms."

The uprising of the miners ended in defeat for them and their union. Afterwards, authorities sought in vain for evidence that the miners had been led by Communists. Criminal charges against the insurgents had mixed outcomes in the courts. The cause of organized labor was damaged by the 1921 insurrection. Shogan wrote that it took the 1930s Great Depression and Democratic President Franklin D. Roosevelt's New Deal to rescue "the American labor movement from near oblivion."

BUT THE AUTHOR pointed out that the struggle of the miners and the women who marched with them, "deserves wide recognition and respect."

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Oregon unions react to NLRB rulings on 'Kentucky River' cases

By DON McINTOSH
Associate Editor

Strike threats and strong language were some of the responses by nurses unions to a National Labor Relations Board (NLRB) ruling announced Oct. 3 that broadened the legal definition of supervisor to include hospital charge nurses.

Supervisors have been excluded from any legally protected right to unionize since 1947, so the ruling was a setback for unions — and a victory for health care employers that have fought unionization.

While it's not clear just how many workers will be affected by the ruling, it will be fewer than unions had feared. The same day the NLRB announced the Oakwood decision, it announced contrary decisions in two companion cases: Charge nurses in nursing homes were not shown to be supervisors, the NLRB said, and neither were lead workers at a manufacturer.

Still, the decision is likely to slow down union organizing in health care, and lead to increased labor strife.

Dana Welty, co-chair of the pro-labor community group Portland Jobs With Justice, said her group will fight any attempt by Oregon health care employers to reclassify charge nurses as supervisors.

The 65,000-member California Nurses Association (CNA) announced that its members will strike if CNA employers seek to exploit the ruling. More than 30,000 members have so far signed strike pledges to do just that, the union said.

Paul Goldberg, director of labor relations at the 8,900-member Oregon Nurses Association, said the NLRB decision is a strike at the heart of a growing movement to unionize health care workers, and could end up disrupting health care if staff nurses refuse to work as charge nurses in order to keep union protection.

"It sets the stage to unnecessarily polarize labor and management and create labor unrest," Goldberg said.

The decision has already stripped several workers of the right to belong to a union, Goldberg said: Five full-

time charge nurses were excluded from the union ranks at recently-unionized Mercy Medical Center in Roseburg, Ore. because both labor and management anticipated the NLRB would rule as it did. If the NLRB had ruled the other way, the five would have been eligible to become union members.

The case arose from an early 2002 union organizing campaign at an acute care hospital in Taylor, Michigan, a suburb of Detroit. The United Auto Workers petitioned the NLRB to hold a union election to see if a majority of the 181 registered nurses at Oakwood Heritage Hospital wanted to join the union. Management filed objections — 112 of those nurses were charge nurses either part or all of the time, management said, and therefore could not be unionized. The regional NLRB director took a look at the dispute and sided with the union. Management appealed to the NLRB's five-member Board in Washington, D.C. [It can be a little confusing, but the NLRB both administers the law, and interprets it.]

The Board didn't have to hear the appeal, but a 2001 U.S. Supreme Court decision in a case called *NLRB v. Kentucky River Community Care* had called into question the NLRB's "tests" to determine whether an employee is a supervisor.

Here's how the law defines supervisor: "any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

Do any one of those things, and you're a supervisor. But the devil's in

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