

Defend labor rights

Join Militant Fighting Fund campaign to defeat Utah coal mine boss lawsuit

In the first weeks of 2006, eighteen coal miners died in U.S. mines. Seventy potash miners in Canada narrowly escaped alive after being trapped behind an underground fire for more than 24 hours. These deaths and near catastrophe, once again bring to the fore the struggle for mine safety and unionization of the mines. They also highlight the issues being fought out in a harassment lawsuit now in Utah Federal Court.

The court battle initiated by the C.W. Mining coal company in September 2004, poses a serious threat to trade union rights, free speech, and freedom of the press. It grows out of a hard-fought union organizing drive at that company's Co-Op coal mine in Huntington, Utah. It is one of the most important labor rights cases in the United States today.

C.W. Mining and its company union called the International Association of United Workers Union (IAUWU) are suing the United Mine Workers of America (UMWA), its international officers, and sixteen individual Co-Op miners for unfair labor practices and slander.

This retaliatory lawsuit also names as defendants the *Militant* newspaper and Utah's main dailies the *Salt Lake Tribune* and *Deseret Morning News*, as well as trade unions and numerous individuals who have backed the miners. All are being sued for "defamation." C.W. Mining claims these defendants consciously and maliciously lied to smear the company by reporting what the miners had to say about their struggle to be represented by the union of their choice.

Especially "slandorous" to the company were the miners shining a spotlight on safety violations and

bad working conditions, and explaining their fight for UMWA representation. Equally guilty in the eyes of the company are newspapers reporting those opinions of the workers and their fight for the UMWA.

At the first hearing on the lawsuit June 14, 2005, in a Salt Lake City federal courtroom where the three newspaper defendants argued their motions to dismiss the case, Judge Dee Benson repeatedly challenged the mine owners' attorneys to present a single clear example in their 70-page brief of defamation by the newspapers. When the attorneys for the company and the IAUWU were unable to do so, the

judge ordered them to rewrite what he called their "amorphous complaint" if they wanted to "keep this alive." He said the burden was on C.W. Mining to present a clear case, noting the defendant's lives "are disrupted by a lawsuit."

Ignoring the judge's instructions, the company filed an even longer suit, restating their accusations

and adding new ones. Eight more issues of the *Militant* newspaper are cited for supposed defamations. The miners and UMWA are additionally charged with "fraud" and "racketeering."

In responding to C.W. Mining's complaint, the *Salt Lake Tribune* and *Deseret Morning News* attorneys described it as a "scattershot, sweeping, and retaliatory claim." Attorneys for the *Militant* said the rewritten lawsuit demonstrates the "undeviating course" of C.W. Mining to harass supporters of the Co-Op miners and squelch First Amendment rights.

Fight for a union at Co-Op

The Co-Op miners, many originally from Mexico, began organizing in the fall of 2003 to be represented by the UMWA. Underground coal miners at



Co-Op miners, flanked by supporters, march to the mine July 2004, after C.W. Mining agreed to reinstate workers and set union representation election.

Co-Op were paid a paltry \$5.50 to \$7 an hour, and often forced to work in dangerous conditions. The company's response to the workers' struggle for better pay, safety, dignity on the job, and a real union, was to harass and fire several of the leaders and then lock out 75 miners who supported them. The miners transformed the lock-out into a strike battle, which won solidarity across the country and around the world.

After ten months on the picket line, with growing public attention and backing for the miners, C.W. Mining agreed to a National Labor Relations Board (NLRB)-brokered deal in June 2004. Miners were offered their jobs back, and the company agreed to refrain from harassment or retaliation against union supporters, including through immigration threats. A union representation election was set for December 2004.

Shortly before the union election, the Co-Op bosses fired nearly every supporter of the UMWA. This included 30 Mexican-born workers, terminated one week before the vote for allegedly failing to produce valid work documents. Many of them had worked at the mine for 3 to 10 years.

The NLRB ruled against a company attempt to include 100 management-related family members in the voting, but has yet to decide on the company challenge to the votes of the fired pro-UMWA miners. The stakes in this labor battle are high, because the example of the Co-Op struggle — taking place at the same time coal companies are ratcheting up production with total disregard for the life and limb of miners, and hiring hundreds of young workers — has helped to further open the road for union organization across North America.

Militant Fighting Fund

The Militant Fighting Fund was established to win support for the *Militant* newspaper's freedom of the press rights to report on what workers have to say, and help publicize the fight of all the defendants to defeat this harassment lawsuit. Randy Dryer, one of Utah's most prominent First Amendment and freedom of the press attorneys, is representing the *Militant* along with his colleague Michael Petrogeorge.

The *Militant* is a particular target of the coal bosses because of the prominent coverage it has given to the Co-Op miners struggle and other fights by coal miners for safety and union representation.



Rescue team prepares to enter Sago coal mine in Tallmansville, West Virginia, following Jan. 2, 2006 explosion. Twelve miners died. At the request of several Sago miners, UMWA safety representatives joined the investigation despite company attempts to bar the union.

The *Militant*, which states on its masthead it is “a socialist newsweekly published in the interests of working people,” has a decades-long record of telling the truth about the struggles to organize and to strengthen the trade unions.

How you can help

Please join with us to spread the word about the issues in this lawsuit and win support — political and financial — for the defense of the *Militant* against this retributive legal assault. Any progress made by the press in beating back the mine owner's defamation charges aids all the defendants, and helps boost the struggle of miners for union representation.

- **Endorse the campaign.** Add your name as a supporter of the Militant Fighting Fund. Ask your union, organization, or campus group to endorse.

The *Militant* newspaper has made available on its website (www.themilitant.com) the legal briefs and other material in this case, which illustrate the issues and stakes involved.

- **Donate generously.** The expense of mounting an effective legal defense is already substantial and will grow as attorneys for the *Militant* respond to new C.W. Mining charges and motions in court. Your contribution is urgently needed to cover these legal costs and to print and distribute literature about this fight.

The Political Rights Defense Fund, which has organized defense efforts against attacks on political rights for more than thirty years, has endorsed the Militant Fighting Fund campaign, and is making it possible for contributors to give *tax exempt* donations.