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## **'We won battle at Co-Op mine due to strength of our fight and solidarity'**

(front page)

**BY NORTON SANDLER**

SAN FRANCISCO—"We won the battle at the Co-Op mine because of the strength of our fight and the solidarity we received from many unions across this country and internationally, and from working people like those of you here today," said coal miner Bill Estrada.

A participant in the two-and-half-year union-organizing struggle at the Co-Op mine in Huntington, Utah, Estrada was addressing a well-attended Militant Labor Forum here May 21.

"In Price, Utah, on June 4, we are going to celebrate the accomplishments of this struggle and our recent victory. We will celebrate how the forces who joined together in this fight have been strengthened for union organizing and safety in the mines, for the legalization of undocumented immigrants, and other struggles of workers in the West and elsewhere," Estrada said.

Among the 35 participants who filled the forum hall were five members of the Drill Team of International Longshore and Warehouse Union (ILWU) Local 10, garment workers, airline workers, meat packers, rail workers, a school bus driver, and other trade unionists. Also attending was an activist from a center for day laborers in San Francisco's Mission District and a representative of the San Jose immigrant rights organization Voluntarios de la Comunidad (Community Volunteers). Estrada spoke the previous night at a Militant Labor Forum in Los Angeles attended by 30 people.

He spoke here as part of a series of forums around the country (see calendar on front page). The same weekend Alyson Kennedy, a participant in the Co-Op

struggle, spoke in Seattle, and Paul Mailhot, organizer of the Militant Fighting Fund, spoke in Birmingham.

“Safety issues and working conditions were a big concern of the miners at Co-Op and one of the main reasons we reached out to the United Mine Workers of America [UMWA] for help,” Estrada told the crowd. He pointed to the five coal miners who had died the day before in an explosion at a nonunion mine in Harlan County, Kentucky.

“That’s 31 deaths in U.S. coal mines so far this year. The coal companies are trying to get as much coal out of the ground, as fast as they can, while there is a worldwide coal boom,” said Estrada. “We need to unionize the mines. That way we can mobilize union power to protect ourselves, including walking out of the mines when the conditions become too dangerous. With our union safety committees leading the way, mining can be done safely and not a single miner has to die.”

Estrada described the fight that 75 coal miners waged at C.W. Mining Company’s Co-Op mine. The company is part of a network of businesses in Utah and other western states owned by the Kingston family.

“The miners, mostly Mexican-born, won every round of this struggle, from the day we walked out to the settlement agreement that has just been achieved,” Estrada said.

“We reached out to UMWA locals and other unions for solidarity in Utah and around the country, including a trip by four miners to San Francisco in early 2004 to ask for help from unions here,” Estrada explained. “ILWU Local 10 responded by donating funds and by sending 17 members of its drill team to our February 7 rally in Huntington.”

Josh Williams, a founder of the union’s drill team in 1966, attended the forum. He introduced Trevyn McCoy, a current drill team captain, who described the ILWU members’ Utah trip. “It made us feel great and proud to be part of that union fight,” McCoy said.

“The buses with the longshore workers and the vehicles caravanning up to the mine were supposed to just drive by the picket line,” said Estrada. “They all got their drill team routine going and began chanting. The miners staffing the picket line joined them. The coal bosses drove by and could not believe what they saw. The local paper covered it. It made a mark,” said Estrada.

### **Company backs down, rehires miners**

As the strike reached 10 months and the miners were winning growing support in the labor movement and beyond, the National Labor Relations Board (NLRB) responded by brokering an agreement that resulted in the company taking all the workers back into the mine in July 2004. The NLRB set a date for a union representation election for later that year. In another blow to the company, the board ruled that relatives of the mine owners were ineligible to vote in that election.

In September 2004, C.W. Mining and its closely associated International Association of United Workers Union (IAUWU) filed a defamation lawsuit in federal court in Salt Lake City against nearly 100 defendants. Those charged in the lawsuit included 16 Co-Op coal miners, the UMWA, the *Militant*, and the *Salt Lake Tribune* and the *Deseret Morning News*—Utah's two largest dailies. The lawsuit contained several other charges against the miners, the UMWA, and other defendants, including civil conspiracy, intent to disrupt economic activity, and invasion of privacy.

The lawsuit was amended and re-filed in December 2004, on the eve of the union representation vote.

Shortly before the union vote, the company also fired 30 miners, claiming it had recently discovered the workers did not have proper papers to prove they were eligible to work legally in the United States. Many of the fired miners had been employed by the company for years.

The UMWA again filed unfair labor practices charges against the company, explaining that the workers were terminated to prevent them from voting in the union representation election.

That election proceeded on Dec. 16, 2004, with the fired workers voting. The NLRB impounded the ballots of the fired miners pending its ruling on the union's charges.

“Unable to defeat us on the picket line, as we were gaining strength, the bosses succeeded in shifting the focus away from the mine and into the courts and into further NLRB proceedings,” said Estrada. “The headway they made for a time on this course was possible because broader labor action wasn't brought to bear in the fight against the company.”

“There was a several-month period, leading up to and

after our return to work, where further steps toward organization of the western coal mines was possible," said Estrada.

Workers in nearby coal mines were looking at the example set by the Co-Op miners, said Estrada. A group of coal truck drivers contacted the union about getting organized. There were discussions about setting up a picket line outside the area power plants where coal from Co-Op was being used. There were also possibilities to involve rail workers in the struggle in a new way.

"But the miners couldn't carry this struggle by ourselves," Estrada said. "We had limited experience in fighting this kind of battle. We were scrambling to find jobs to make ends meet. We needed more help from the broader union movement than we had been able to win up to that point. As a result, we weren't able to take advantage of the real possibilities then to make advances in union organizing."

The NLRB took a full year to issue its preliminary determination on the unfair labor practice charges filed by the union, but it finally came down against the company, said Estrada. An NLRB declaration issued by the board's Region 27 director on Dec. 9, 2005, states that C.W. Mining "has been discriminating in regard to hire or tenure or terms and conditions of employment of its employees, thereby discouraging membership in a labor organization."

A trial was scheduled before an NLRB administrative law judge, where the NLRB attorneys would present their case for reaching these conclusions and the company would have the opportunity to present evidence and cross-examine witnesses in an attempt to reverse the NLRB's findings.

A separate ruling by NLRB Region 27 Director Allan Benson on April 19, 2006, determined that six of the Co-Op miners were entitled to back pay for their firing. Miners explained that the government body determined that the rest of the Co-Op miners were not eligible for back pay or reinstatement at the mine because they had failed to demonstrate they had proper work documents.

"What the Co-Op miners fought through points to why the fight for legalization of the millions of undocumented workers in this country is so important," Estrada noted.

The ability of undocumented workers to maintain a job under these conditions can be won in struggle,

Estrada added. He cited the example of the Wolverine meat plant in Detroit, where the boss fired 21 workers who did not go to work on March 27 in order to join an immigrant rights demonstration. Management threatened it would only take back the workers if they proved they had valid work documents. But the strength of those street mobilizations resulted in Wolverine backing down and the workers returning to their jobs.

### **Court ruling another blow to Co-Op**

On May 1, federal district court judge Dee Benson issued his ruling on the motions to dismiss the federal lawsuit that had been filed by the remaining defendants in the case. He said the company had not established a valid defamation case against the *Salt Lake Tribune* and the *Desert Morning News* and dismissed the lawsuit against those papers. Benson ordered the company and the IAUWU to pay attorneys fees and court costs to those newspapers. Attorneys for the two dailies have since filed court papers requesting \$120,000 in payments.

In that same ruling Judge Benson also dismissed the entire case against the 16 coal miner defendants, saying, "Laborers are entitled to their opinions. They are entitled to express those opinions, whether in the midst of a labor dispute or not."

In throwing out the coal bosses' claims the judge stated, "Plaintiffs' allegations against the defendant miners seem to be nothing more than an attempt to intimidate their employees and quell honest discussion concerning labor issues." He also dismissed all other charges against the miners and other defendants.

"The judge's decision cut the heart out of their lawsuit," Estrada told the audience. "They were left with a very weak defamation case against the UMWA, the *Militant*, and Utah Jobs with Justice."

When the judge's ruling was combined with the NLRB determination that C.W. Mining had fired the miners for union activity, it was clear the unionists had effectively stood off the company in every attempt they made to defeat us, said Estrada.

"It is not surprising that the Kingstons decided at this point that an agreement to end the lawsuit was in their interest," said Estrada. "The company has had this struggle on their backs during one of the biggest coal booms in U.S. history. They want to get their production back to what it was before our strike."

As part of the agreement reached by the attorney for

the miners and those representing C.W. Mining and the IAUWU, the lawsuit is dropped against all the defendants including the UMWA and the *Militant*. The UMWA agreed to drop its unfair labor charges practices against the company, and the company agreed to give back pay to the six workers the NLRB deemed eligible to receive it.

“We didn’t give up a single thing in reaching this agreement. When it came right down to it, only one UMWA supporter, Alyson Kennedy, was going to be eligible to exercise her right to return to work,” said Estrada. “This would have been the case even if the votes in favor of the UMWA were counted. But Alyson and the other miners had determined long ago that we didn’t want to be part of a UMWA local in name only.

“However, it is very important to note that nothing in this agreement prevents UMWA backers from organizing again at this mine,” Estrada said. “If a majority of workers at Co-Op sign cards tomorrow, or six months or a year from now, in favor of being represented by the UMWA, the whole organizing fight can start again.”

### **Celebration looks forward**

“The celebration in Price on June 4 will take note of these accomplishments,” Estrada said. “We have all learned a great deal in the course of this battle and we are better prepared for what’s ahead.

“The UMWA members on the Navajo Nation in New Mexico and Arizona are getting ready for their contract fight with the Pittsburgh & Midway Coal Company. They will be coming on the 4th. Other workers, including West Coast longshore union members, will be there also. We are going to need to draw on each other in the coming battles and put what we have learned to work.”

Estrada noted, “The deep-going fight for legalization for immigrants is under way. There are big stakes for the union movement in supporting this effort and weakening the bosses’ ability to divide us. The fight for the extension of unions in this country is going to get intertwined with this and other social questions in the coming months. All of this will be part of our celebration of the accomplishments of the Co-Op strike.”

At the meeting, a fund appeal was made for the Militant Fighting Fund. Members of the audience contributed \$1,000 to help defray the *Militant*’s legal costs and expenses for Estrada’s travel.