THE BITUMINOUS COAL INDUSTRY STRIKE OF
1977-78: A CRITICAL REVIEW

A Thesis
Presented in Partial Fulfillment of the Requirements
for the Degree Master of Labor and Human Resources

by
Michael D. Esposito, B.S., M.A.

The Ohio State University
1981

Approved by

Robert C. Miljus, Advisor
Faculty of Labor and
Human Resources

Copyright © 1981.
by Michael D. Esposito.
All rights reserved.
ACKNOWLEDGEMENTS

There are several people who have been extremely important in influencing the organization of this manuscript, and I would like to thank them here. Professor Robert C. Miljus suggested the topic for the thesis to me and, equally important, provided me with invaluable advice about matters of style and structure. Mr. Norman Baker of Exxon Corporation, who introduced me to the field of Personnel Administration/Industrial Relations and convinced me to pursue a career in this area, gave me the benefit of his moral support and friendship and for that I am grateful. I would also like to express my gratitude to Professors Anthony F. Campagna and Charles J. Slanicka for their encouragement, criticism, and earnest readings. Of course, their aid has strengthened the work, but for its weaknesses I alone am responsible.

I am indebted to the Ohio Coal Research Laboratories Association, Inc., of the Ohio Board of Regents for their financial assistance via a research grant to the above named Professors, which helped make my graduate studies in Labor and Human Resources possible. The views expressed herein are solely those of the author.

Further, a special thanks to my wife, Marisa, for the understanding, sympathy, and patience she displayed from beginning to end. Finally, I would like to thank my parents for their support throughout my education and to dedicate this effort to them.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>CHAPTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. INTRODUCTION ........................................... 1</td>
</tr>
<tr>
<td>A. Purpose of the Study .................. 1</td>
</tr>
<tr>
<td>B. Significance of the Study ............ 1</td>
</tr>
<tr>
<td>C. Methodology ................................. 3</td>
</tr>
<tr>
<td>D. The Coal Strike: A Chronology ..... 3</td>
</tr>
<tr>
<td>A. Joseph &quot;Jock&quot; Yablonski .................. 6</td>
</tr>
<tr>
<td>B. Miners for Democracy and Other Reform Movements ...... 11</td>
</tr>
<tr>
<td>C. Election of Arnold Miller as UMWA President in 1972 .......... 15</td>
</tr>
<tr>
<td>D. Emergence of Democracy and the Movement from Centralization to Decentralization ........... 18</td>
</tr>
<tr>
<td>E. BCOA and UMWA Membership Composition .... 21</td>
</tr>
<tr>
<td>F. 1973 UMWA Convention .............. 27</td>
</tr>
<tr>
<td>G. Leadership and Factionalism Within the UMWA and the BCOA .. 31</td>
</tr>
<tr>
<td>H. 1974 Contract Negotiations .......... 36</td>
</tr>
<tr>
<td>I. 1976 UMWA Convention ............ 44</td>
</tr>
<tr>
<td>J. 1977 UMWA Presidential Elections .... 54</td>
</tr>
<tr>
<td>K. Conclusion .................................. 59</td>
</tr>
<tr>
<td>3. A SEQUENTIAL EXAMINATION OF THE 1977-78 NEGOTIATIONS AND STRIKE ........... 67</td>
</tr>
<tr>
<td>A. Provisions of the First Tentative Agreement and an Analysis of its Rejection on 2/13/78 by the Bargaining Council .......... 67</td>
</tr>
<tr>
<td>Section</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>B.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>C.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>D.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>E.</td>
</tr>
<tr>
<td>4.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>A.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>B.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>C.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>D.</td>
</tr>
<tr>
<td>E.</td>
</tr>
<tr>
<td>5.</td>
</tr>
<tr>
<td>A.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>B.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 1

INTRODUCTION

This chapter presents an overall description of the study: its purpose, significance, methodology, and a chronology of important events of the bituminous coal industry strike of 1977-78.

A. Purpose of the Study

The principal purpose of this study has been to examine the impact of changes in labor-management relations in the bituminous coal industry, with particular emphasis on the internal dynamics operating within the United Mine Workers of America (UMWA) and the Bituminous Coal Operators' Association (BCOA) during the 1977-78 coal strike. First, an historical overview of the sequence of events prior to the strike and a look at the politics operating within the union are presented. Second, a sequential examination of the 1977-78 negotiations and strike follows. Third, an analysis of the role of the Carter administration in its attempt to settle the dispute is introduced. Finally, a review of unresolved issues from the 1977-78 contract talks and projections of the issues to surface during the 1981 negotiations are discussed, followed by recommendations and proposals for promoting peace in the coal industry.

B. Significance of the Study

Labor relations in the coal industry have assumed increasing importance with the emergence of coal as the key element in President Carter's national energy policy. Since the members of the UMW produce about 50 percent of the coal used in the United States, and since more than 70 percent of the remaining coal in this country—in terms of its energy value—lies east of the Mississippi River where the union is strongest,
the relations between the UMW and the mine operators can have a major impact on the cost and adequacy of the coal supply. Indeed, the negotiation of wage and benefit settlements, limiting work practices, and/or the advent of widespread strike activity—both authorized and unauthorized—could have significant implications for the American economy.

Yet coal has never been anybody's fuel of choice. It kills too many people and fouls too much air, too many rivers and streams, and too many lungs. But it is a fuel America needs, at least for the next quarter-century, and the large Western strip mines cannot supply all of that need. In fact, most of the remaining coal east of the Mississippi can only be reached through deep mining, which, though it poses less environmental problems than does strip mining, remains fraught with problems.

Still, one might ask: "Why should the average American give a damn about what happens to the United Mine Workers?" The answer, in its narrowest terms and which is addressed in this study, is that the average American will be affected by what happens to the UMW. Continued chaos in the coalfields, like that immediately preceding and following the 1977-78 negotiations, inevitably will have a considerable effect on America's ability to partially meet its energy needs with domestic resources. Failure to meet those needs will mean pouring billions of dollars every year into the Middle East with resultant inflation at home. Inflation, of course, impacts on everyone.

Consequently, the labor relations in the coal industry will probably be an important factor contributing to increased costs of coal during the next few decades. But the importance of shaping harmonious labor relations in the coalfields goes beyond economic soundness. Indeed, it touches on this nation's national security. Military developments that threaten the security of world supplies of petroleum in the Middle East are on the rise. The less the United States has to depend on energy from that troubled area, the more stable and secure its economy should be. And without steady, consistent industrial relations in the coal industry, American dependence on foreign oil will not diminish noticeably.
C. Methodology

A number of approaches were employed to gather information with respect to this thesis. First, a Social Sciences Retrospective Search of published literature through the Mechanized Information Center at The Ohio State University provided some studies on the coal strike. Second, a comprehensive in-depth review was undertaken of available documents: government publications, journals, newspapers, books, coal contracts, and relevant library literature. Finally, in an effort to examine documents not at Ohio State, I visited local colleges and universities, public and state libraries, and also utilized the Interlibrary Loan Service at O.S.U.

My objective was to identify key persons, issues, dates, geographic locations, etc. in order to more effectively comprehend the 1977-78 coal industry strike: the historical antecedents, the events of the strike as such, and possible implications for the 1981 bargaining round.

D. The Coal Strike: A Chronology

10/6/77 Negotiations begin in Washington between the UMW and the BCOA. Joseph P. Brennan, president of the industry group, says the coal operators seek labor stability in the Appalachian coalfields. The union says it wants full restoration of health benefits curtailed because of the summer wildcat strikes, a limited right-to-strike over local issues, and additional pay and vacation time.

12/6/77 With talks still stalled, the 1974 contract expires and the 160,000 active union members go on strike, halving the nation's coal production. Health and death benefits for 850,000 beneficiaries of the nearly bankrupt Health and Retirement Funds cease.

12/30/78 Talks break down when the union presents a proposal for restoration and guarantee of health and retirement benefits. Industry negotiators refuse to consider it unless the union agrees to provisions penalizing wildcat strikers. The industry negotiators walk out.
1/12/78 Talks resume.

1/24/78 Negotiations again break down.

1/28-9/78 Industry negotiators offer an agreement they call substantially better than the settlements reached in any major industry. Union bargainers reject the proposal, and the BCOA announces an indefinite recess in the talks.

2/2/78 Miller summons the union's 39-member Bargaining Council to Washington, D.C.

2/6/78 First tentative pact reached; agreement hailed by Miller.

2/7/78 Bargaining Council meets to consider pact, but recesses without reaching a decision.

2/10/78 Dissident miners disrupt council meeting to demand rejection of the pact.

2/13/78 Pact is rejected by the Bargaining Council, 30-6.

2/15/78 President Carter calls negotiators to White House; hints of willingness to employ Taft-Hartley.

2/16/78 Carter administration gives parties 48 hours to settle.

2/18/78 The union's Bargaining Council rejects another agreement. The Carter administration considers three alternatives: binding arbitration, federal seizure, and Taft-Hartley.

2/20/78 The union reaches a tentative agreement--later rejected by rank-and-file miners--with the Pittsburg and Midway Coal Company, an independent coal producer.

2/22/78 The Bargaining Council rejects an industry offer to return to work without a contract and submit the dispute to binding arbitration. Labor Secretary Marshall warns of intervention by the week's end.

2/23/78 Bipartisan congressional support given for swift presidential intervention.
2/24/78  Second tentative settlement reached, two hours before president's scheduled announcement of intervention under Taft-Hartley.

3/1/78  District meetings are held for union officials to explain the contract to officers of the locals.

3/3/78  Rank-and-file miners gather at their locals to study the contract.

3/5/78  Second pact is rejected by union rank-and-file.

3/6/78  President Carter invokes Taft-Hartley.

3/8/78  Emergency Board of Inquiry holds hearing on strike.

3/9/78  Report is issued; Judge Robinson grants temporary restraining order.

3/10/78  Negotiations resume in compliance with order.

3/14/78  New agreement reached.

3/17/78  Judge Robinson cancels temporary restraining order.

3/24/78  Pact is ratified; strike ends after 109 days.
CHAPTER 2

AN HISTORICAL OVERVIEW OF THE SEQUENCE OF EVENTS PRIOR TO THE STRIKE AND INTERNAL U.M.W. UNION POLITICS

In an effort to better understand the subtleties operating during the 1977-78 contract negotiations, it is necessary to consider the UMW from the time the reform movement within the union gained impetus. Thus, this chapter takes a chronological look at the UMW beginning with the murder of Joseph "Jock" Yablonski on December 30, 1969. From there it focuses on such reform movements as the Miners for Democracy, the Disabled Miners and Widows, and the Black Lung Association. Following that is a discussion of Arnold Miller's election as president of the UMW in 1972, and the emergence of democracy and the movement towards a decentralized union. The composition of the membership of both the BCOA and the UMW is considered, as is the 1973 UMW convention in Pittsburgh. Leadership and factionalism within the UMW and the BCOA is examined, followed by the 1974 contract talks and the 1976 UMW convention in Cincinnati. The 1977 presidential elections are described and are followed by the chapter's conclusion.

A. Joseph "Jock" Yablonski

By the late 1960's, the wildcat strike, still largely local or regional, was a common tool for fighting the coal operators and pressuring the UMW to respond to the rank and file's demands. These work stoppages opened up the political life of the union and gave birth to the reform movements that later came to have such a strong influence on the life of the UMW. First came the unsuccessful campaign of Joseph "Jock" Yablonski for president in 1969.

Yablonski was one of the few elected officials of the union. He came from District 5 in the Pittsburgh area, one of the districts still possessing the right to vote for their officers. He was first elected to
the District 5 Executive Board in 1934 and served on
the board for eight years until he was elected to rep-
resent his district on the International Executive
Board, a position he held for the remaining 27 years
of his life. Yablonski also served as president of

He was well known in the UMW and had even deliv-
ered the keynote speech at the 1978 Denver convention,
proudly telling of the union's achievements and prais-
ing the leadership of Boyle. In fact, Yablonski was
one of John L. Lewis' chief troubleshooters and was
dispatched to local unions and districts throughout
the coalfields to impose Lewis' policies upon the
miners.

Yablonski remained loyal to the UMW machine
throughout the 1950's and 1960's, although some signs
of his discontent surfaced periodically in the mid-
1960's. Still, Yablonski continued to function as a
"hatchet man" when called upon to do so, and as late
as 1968 he was still heaping praise upon the incumbent
UMW president, Tony Boyle. For instance, in a speech
Yablonski delivered in Birmingham, Alabama, in May
1968, he expounded upon the virtues of Boyle:

I have never seen anyone as devoted and
concerned with the well-being of this Union
and as determined as our present International
President Tony Boyle...The hours are never too
long, the task never too great for him to pitch
in and work tirelessly up to 18 hours a day,
if necessary, in the interest of the member-
ship of our Union...What a tremendous job he
has done in six years! (UMW Journal, 6/1/68,
p. 1).

The closer Yablonski came to declaring his own
candidacy for president, the more praise he seemed to
have for Boyle. As late as April 27, 1969, just over
four weeks before he officially declared his candidacy,
Yablonski, during a rally in Fairmont, West Virginia,
claimed, "This dynamic union of yours has been re-
awakened. It's on the move, and we're going forward
under this great leadership of President Boyle and his
distinguished officers." Yet on May 29, 1969, Yablonski
held a closed-door press conference in the Mayflower
Hotel in Washington, D.C., and announced his candidacy
In an interview with Yablonski's brother Leon during the fall 1970 Miners for Democracy campaign in District 5, Nyden learned that Jock Yablonski had chosen to fight Boyle because he "had become disgusted with the corruption inside the union. He had been unhappy with Boyle's leadership for years. But he felt nothing could be done...until the miners of West Virginia demonstrated the power of the rank and file" (1975, p. 499). Thus, it was the considerable support generated by the rank and file for the Black Lung strike that convinced Yablonski that the time was right for launching a campaign to defeat Boyle.

Yablonski's first task was to win the nomination. Under the UMW constitution, local unions would vote for nominees, and the member obtaining the highest vote at a union meeting was named as that body's choice. Under the constitutional change after Boyle's last election, a candidate needed the vote of 50 local unions to qualify for the election itself. Since there were more than 1200 such groups in the entire organization, the task seemed relatively simple. However, the difficulty was that every local union was within a particular UMW district, and every district office was completely controlled by the UMW president. Although the United States had filed suit as early as 1964 to compel the union to return democratic autonomy to the districts, a decision was not reached until 1972, at which time the practice was declared illegal. In the meantime, office-holders were dependent on Boyle's support. The device of "loans" and the appointment of staff men to do the work that would bring the necessary support at voting time were enough to guarantee obedience (Finley, 1972, p. 261).

Despite the vast network of friendships and obligations over which the union's incumbent officers presided, all efforts to prevent Yablonski's nomination failed. By August 9, 1969, when the time allotted for a candidate to collect the specified 50 votes expired, 96 local unions had voted for him as their nominee. His name went on the UMW ballot for the referendum in December to oppose Tony Boyle for president (Finley, 1972, p. 267).

The threats, bribes, payoffs, and even violence used by Boyle's forces during the nomination period continued into the election campaign. Throughout Yablonski's six-month campaign, Secretary of Labor
George Schultz repeatedly refused the requests by Joe Rauh, Yablonski's chief attorney, to have the Labor Department investigate threats to Yablonski's supporters, improper use of the UMW Journal for campaign purposes, and irregularities in local union nominating meetings. On August 19, Rauh wrote to Schultz, enclosing a copy of a letter Yablonski wrote to Boyle urging him to ask the Honest Ballot Association or the American Arbitration Association to conduct the UMW election on December 9. On September 3, W.J. Usery, Jr., then Assistant Secretary of Labor, replied to Rauh that the Labor Department would not urge Boyle to accept Yablonski's proposal. On December 1, Rauh sent his seventh letter to Schultz, providing more documentation of Boyle's campaign irregularities. Rauh again asked the Labor Department to take action to enforce federal law. On December 6, shortly before the election, Schultz sent Rauh another refusal (Nyden, 1975, p. 514).

On December 11, Yablonski himself sent Schultz a telegram demanding a full investigation of all aspects of the UMW election and requested that the Labor Department impound the ballots cast on December 9. Further communications by Rauh and Yablonski proved useless in trying to convince Schultz that the UMW election merited an investigation. Thus, argues Nyden, the failure of the Labor Department to investigate the campaign's irregularities between June and December 1969, "had cost the miners a fair election and the insurgent candidate his life. The fair election of December 1972 was bought at this terrible cost" (1975, p. 515).

The official count showed Boyle with 81,056 votes, Yablonski with 45,872. District 6 in Ohio, District 17 in West Virginia's black lung country, and District 25 in northeast Pennsylvania had voted majorities for Yablonski. In District 5, Yablonski's home area, Boyle won by a small margin. There were also heavy votes for Yablonski in the other West Virginia districts. District 30 in Pikeville, Kentucky, next to District 19, brought in a 5,433 to 860 vote for Boyle. In distant areas like Oklahoma, Kansas, Utah, and Nova Scotia, where there was no Yablonski campaign at all, the results were clearly in favor of Boyle. "The organization's machine," notes Finley, "was just as unbeatable as it was in the days when the men under the control of John L. Lewis overwhelmed the idealistic effort of John Brophy" (1972, p. 270).
After the election, Yablonski, his sons—who were lawyers—and Rauh compiled their roll call of violations. Under the Landrum-Griffin Act, which had regulated union elections since 1959, they had first to complain to the UMW, delivering their appeal for electoral justice directly to Boyle. The next step was to the Secretary of Labor, who was the only party authorized to bring suit to set aside an election. It was not until Yablonski was murdered on December 30, 1969, and public indignation was high that Schultz filed his complaint in the United States District Court in Washington to try to invalidate Boyle's victory and ask for a new referendum.

U.S. District Judge William B. Bryant rendered the decision on May 1, 1972. Violations of the law were declared "flagrant" and "gross" on point after point. Some of the irregularities were as follows:

- The UMW Journal was a campaign tool for Boyle.

- Staff salaries were increased to allow the paid representatives to put the money back into the campaign chest.

- Union funds were improperly spent in behalf of Boyle.

- The Miners' Committee for Boyle had received $142,710 in contributions from 229 persons, virtually all of whom were on the union payroll in 1969.

- The hiding of the locations of the polls, the reprisals against Yablonski for running, the use of union money in district after district, the use of district offices as election headquarters for Boyle, the lack of a secret ballot, campaigning within the polling area, and interference with Yablonski observers were all found by Judge Bryant to be illegal.

Thus, it was ruled that a new election would be held with government agents conducting the polling, administering all the details, and counting the ballots. Under the law, Boyle could remain in office until the new voting was completed and a government certification issued (Finley, 1972, pp. 270-1).
Unfortunately, Yablonski did not survive to witness the new election, for on December 30, 1969, Yablonski, together with his wife and daughter, were murdered. Boyle remained in office, but the reform movement led by Yablonski gained momentum. In December 1972, Boyle was successfully opposed in the court-ordered election by Arnold Miller. Yablonski's murderers were apprehended, tried, and convicted. Boyle was charged with being a participant in the conspiracy to kill Yablonski, and he, too, was convicted and imprisoned in September 1975 (Miernyk, 1980, p. 31).

Yablonski's murder and the series of interventions by the courts, the Department of Labor, and the congressional committees it triggered were only the most visible manifestation of a vastly wider pattern of corruption, abuse of power, and failure by the central UMWA leadership to represent the interests of its members. As Finley puts it,

...the killing of Yablonski was almost an inevitable consequence of the code of behavior that had been adopted by the rulers of the kingdom...There was an ecclesiastical condonation of the use of the weapons of terror to eliminate those who were labeled the enemy... They were acclimated to murder and death. Talk in the villages of eastern Kentucky has always been of violence; it is their history, it is their ethic, it is their awareness. As it was a simple act to kill a difficult mineowner, so it was a simple act to kill a Jock Yablonski" (pp. 278-9).

Many of the problems plaguing the UMWA can be traced to the dynamic personality and power possessed by John L. Lewis, to his autocratic manner of ruling the UMWA, to his practices of not sharing power with union officials, and to his confrontation style of collective bargaining. It was Lewis' dictatorship of the coalfields and the legacy he left behind that Yablonski had fought to supplant, and which, in the 1972 election, was defeated by the reform ticket in the United Mine Workers.

B. Miners for Democracy and Other Reform Movements

At the funeral held for the Yablonskis on January 9, 1970, the miners decided to form a new organization,
Miners for Democracy (MFD), to carry on the struggle in which Yablonski, his wife, and daughter had perished. Besides such lawyers as Joe Rauh and Chip Yablonski, the MFD had to depend upon miners whose capacity to stand in front of other men and persuade had never been tested. Gradually, leaders began to surface. Mike Trbovich, for one, was named the first president of the MFD. But the MFD was not alone in its opposition to the persons in the UMW who were responsible for the corruption and violence characterizing the union. Instead, the MFD was more the product of several merging trends in the UMW, than a single, clearly-defined entity. The persons who gave it the most vitality, though the least organization, were the various wildcat strike movements heavily populated with Vietnam veterans. The mood of these miners can best be summed up by one miner: "It's too much like the Army. I took it in Nam because I had to, but I'm not about to take it here" (Moody and Woodward, 1978, p. 29).

Another source of organized support came from the Disabled Miners and Widows of Southern West Virginia. Led by Robert Payne, a black miner who had been president of his local before he was severely burned, the Disabled Miners and Widows led a strike of nearly 40,000 miners in West Virginia, Ohio, and Pennsylvania in June 1970. The strikers demanded hospital and pension benefits for miners forced out of work through disability. Although the strike itself was unsuccessful, the Disabled Miners and Widows played an important part in spreading the MFD.

The largest single organized block of support for the MFD came from the Black Lung Association (BLA), which had grown out of the 1969 West Virginia strike. A look at this strike and at the origins of the BLA offer considerable insight into the manner in which things often happen in the coalfields.

Mechanization of the mines gave the operators higher profits, but it also gave the miners a greater incidence of pneumoconiosis or black lung disease. Black lung results from the accumulation of tiny coal dust particles in the lungs. The disease is progressive and latent; its symptoms may not appear until many years after a miner's last exposure to coal dust. In simple pneumoconiosis, the ability of one's lungs to transfer oxygen to the blood may be reduced. Complicated pneumoconiosis involves massive scarring and
degeneration of lung tissue. In the complicated stage, the disease may severely limit physical capacities and can be fatal (Cook, 5/78, p. 25). Since the new machines stirred up significantly more coal dust, the number of miners contracting the disease rose accordingly. By the mid-1960's, black lung was evidenced in practically every mine, and, to compound the problem, there was little protection from it. In addition, coverage of the disease under State workers' compensation laws had been sparse.

In November 1968, an explosion and fire killing 78 men in Consolidation's number 9 Mine in Farmington, West Virginia, focused national attention on the working conditions of coal miners. That disaster ignited the spark for the formation of the Black Lung Association. In January 1969, Charles Brooks, a black miner from the Charleston area, formed the BLA and began organizing miners to fight for a Black Lung bill in the state legislature. Brooks had been president of his local and was a well-respected militant. Only a couple of weeks old, the BLA led a movement to pressure the state legislature for the bill. Local leaders rallied to the BLA despite opposition from the UMW headquarters in Washington, D.C., and from the Boyle-controlled District 17 leadership. Before the campaign ended, over 25,000 miners had been on strike for 23 days, mass marches and rallies had been held, and the state legislature had been forced to pass most of the miners' demands.

From all accounts of the black lung strike of 1969, it appears that while no small group of well-publicized leaders was apparent, the strike was spread and maintained by a network of local leaders, usually officials, or former officials, who knew each other and either personally or by reputation respected one another.

In the late 1960's, these networks were primarily regional or state-wide. But the MFD, BLA, and other reform movements all helped to expand and overlap various networks. The leaders of the local unions, who were usually working miners, as well as a number of retired activists, who were the backbone and the leadership of the rank-and-file movements, were the most supportive constituents of these reform groups (Moody and Woodward, 1978, pp. 29-30).
Until Yablonski broke with Boyle, there were few, if any, supporters in the union hierarchy from the growing rank and file and strike movements. Boyle had 19 of the union's 21 Districts under trusteeship. There was no democracy above the local level, and without the backing of the district, the local union had little power in the official channels of the grievance procedure. Consequently, wildcat strikes grew out of this situation.

The MFD arose from the obvious need to reclaim the higher levels of the union, "to make them," note Moody and Woodward, "an ally in the rank and file struggle rather than an enemy." After the murder of Yablonski, the newly-formed MFD brought together various leaders of the different movements and actions of the last few years (1978, pp. 31-2).

Thus, the Miners for Democracy, the Vietnam veterans, the Disabled Miners and Widows, and the Black Lung Association welded together and began to function almost like an opposition political party inside the UMW in the two years after Yablonski's murder. They gained steadily in strength; the Black Lung men went from coal town to coal town, forming new chapters. In March 1971, more than 300 miners came to a meeting in Harlan County to make the first important invasion of Boyle territory. Before that year was out, there was even a chapter inside District 19, Boyle's stronghold.

In Illinois' District 12, the ancient Lewis battleground that had long ago succumbed to the will of the incumbent administration, men began to move away from the Boyle leadership toward the reform movement. In Nova Scotia, where dissident forces had long been isolated, there were stirrings for new policies and new support for the MFD. The anthracite miners of northeast Pennsylvania, who had carried their district for Yablonski, increased their efforts. The Ohio rebels in District 6, who had also won their precincts for Yablonski, served as the host locals for most of the gatherings of the reform forces.

When news of the election-case ruling hit the coalfields in May 1972, there was "a relieved elation among all the dissident forces. What they had known from 1969 was now inscribed into finality after a court trial." There would be a new election in the United Mine Workers of America, and the miners would be, in Finley's words, "Free at last" (1972, pp. 285-7).
C. Election of Arnold Miller as UMWA President in 1972

After learning that the courts had ordered a new election, the miners yearning for a change in leadership came together under the banner of the Miners for Democracy to hold their own convention, draft a platform, and nominate candidates. The miners brought with them another legal victory to add to their jubilation over the conviction of Boyle and the ruling to stage a new election: The trusteeship case, which had been filed in 1964 to return autonomy to the districts, was finally decided. At last, the supervision and control over the district offices started by Lewis' appointment of all the officers was declared illegal in all those districts that were before the court. Officers would now be elected by the rank and file, some of them for the first time in a half a century.

In the convention organized in Wheeling, West Virginia, the miners nominated Arnold Miller of the Black Lung Association as their candidate for president. Miller, who was only 48 years old when black lung forced him to retire from the mines, had begun working in the mines at 16. In 1942, he fought in the invasion of Normandy Beach, was wounded by machine-gun fire during the landing, and spent the next two years in the hospital. He resumed his career as a miner in 1951.

Before he retired, Miller worked at a Bethlehem steel mine. He had been president of his local and had served on both the Mine Committee and the Safety Committee. He became active in the Black Lung movement during the strike of 1969, while he was still working. Shortly after he left the mines in August 1970, he began working full-time for the BLA in their Charleston office. He played an important role in running the office, in promoting the Association through the news media, and in supervising publication of the Black Lung Bulletin, a newsletter issued 27 times between June 1970 and October 1972 (Nyden, 1975, p. 538).

Besides Miller's nomination, Mike Trbovich was chosen to run for vice-president, and Harry Patrick, one of the younger militant leaders, was selected to run for secretary-treasurer. "None of them had ever worked on a UMWA payroll," writes Finley, "they had acquired their status in leading rank-and-file miners in opposing the depredations of Tony Boyle, in battling for black-lung benefits, in trying to rebuild a new
UMW" (1972, p. 287). It is this inexperience in the running of a union which would come to play such a critical role in the problems in the UMW after the election.

After the convention, the MFD launched an energetic and aggressive campaign. In 1969, for example, Yablonski took his campaign directly to the miners, but with a limited budget and manpower, he was forced to concentrate his efforts in Pennsylvania and West Virginia, with scattered appearances in Illinois, Indiana, and Virginia. In addition, Yablonski had only six men on his slate, whereas Miller had the advantage of running with a full nine-man team. What was most important to the success of the MFD movement, however, was the wide network of MFD supporters and campaigners that had surfaced in the coalfields during the three years between the beginning of Yablonski's campaign and the early days of Miller's drive (Nyden, 1975, pp. 561-2).

The MFD campaign was both better organized than Yablonski's and more aggressive. Whereas Yablonski feared speaking publicly in Kentucky, the MFD candidates opened their campaign in Harlan County in 1972, the heart of Boyle country. The experiences of the 1969 campaign followed by two and a half years of struggle made this possible. By the end of his campaign against Boyle, Miller estimated that he and his running mates had travelled 100,000 miles, including trips to Colorado and Alabama. The candidates visited more than 400 bathhouses and spoke with nearly 60,000 miners face-to-face (Levine, 11/28/72, p. 3). Meeting three out of every ten members in the UMW was an impressive accomplishment and contributed significantly to the MFD's victory in December 1972.

But perhaps the central factor in the MFD victory was the large number of young miners who entered the industry during the three years since the Yablonski defeat in 1969. They wanted a new leadership to fight for better safety in the mines and, like the older miners—although probably to a lesser degree—they were concerned that pensioners and widows win the benefits due them as well (Nyden, 1975, pp. 63-4).

Yet another key factor contributing to Boyle's defeat were the legal decisions issued by the courts in 1972. Despite Boyle's strong defense in the election
case, his corps of skilled lawyers, and his explanations for every act, he could not counter the evidence of the repeated violations of the law. In the upcoming election against Miller, Boyle would have to run without the union treasury to draw upon, with his field lieutenants facing their own survival-elections in the districts, and with a corps of government agents to monitor the election to guarantee fair play. Furthermore, Boyle would have to carry the burden of a federal conviction that could disqualify him even if he were victorious. A Washington jury had found him guilty of every one of the thirteen counts of which he had been charged.

Still, with the strength of much of the rank and file behind the MFD, an aggressive election campaign, and Boyle's court troubles, there was no certainty the incumbent would be defeated. Even with the restraints of the law, there was a body of experience, ability, and loyalty for Boyle to draw upon. Staff men had to save the Boyle machine to maintain their own jobs. These staffers also had the paid time to campaign, to visit all the mines, and to draw upon every favor and every dollar that had found its way to the mountain precincts in the past. And lastly, Boyle's forces possessed the abilities of skilled campaigners, whereas the MFD's candidates had never dealt with the moguls of industry, had never faced the responsibilities of bargaining for the welfare of coal miners over the nation, and had never endured the demands of a serious campaign for office (Finley, 1972, pp. 289-90).

As one of the most dramatic election campaigns in UMW history drew to a close in early December, every miner knew that the UMW would never be the same. If Boyle won, he would have to represent the rank and file far more forcefully to the coal companies than he ever did before, if he hoped to maintain some semblance of internal peace. On the other hand, if Miller were victorious, the miners would become the first workers in modern history to oust an incumbent machine and replace it with men from the mines. But regardless of the winner, the federal courts had ordered the restoration of district autonomy, a structural change within the union which perhaps was even more important than any international election could ever be. In addition, rules of law had made their impression and proper records had to kept by union officials. Finally, the coal miners' demands for the status of free men within
their union would materialize in the decade ahead. The machine of Lewis and Boyle had been dealt a deathblow (Nyden, 1975, p. 580).

Miller enjoyed one major advantage over Yablonski. The entire 1972 campaign was conducted according to strict regulations laid down by Federal Judge William B. Bryant and enforced by the U.S. Department of Labor. The balloting itself was spread out over eight days between December 1 and 8 to allow Department of Labor observers to supervise the voting in every local union. If Yablonski's campaign had been supervised in a similar manner, he would have received more than the 46,073 votes credited to him. It is not clear, however, whether that would have been enough for him to secure the 1969 election. Many miners changed their minds between 1969 and 1972, and this accounted for many of the 25,000 votes Boyle lost in the three years after he defeated Yablonski (Nyden, 1975, pp. 583-4).

In the final analysis, Arnold Miller defeated Tony Boyle for the presidency in the court-ordered election. On December 16, the Department of Labor announced that its count showed Miller received 70,373 of the 126,707 votes cast. The tally was certified by U.S. District Judge William B. Bryant on December 20, clearing the way for the judge to order the installation of Miller as president.

The possibility that Boyle might contest the election results ended on December 18 when he resigned as president. Leonard J. Pnakovich, the incumbent vice-president, automatically moved up to the presidency. The union's International Executive Board appointed board member Carson Hibbitts vice-president and Henry Allai secretary-treasurer, replacing John Owens, who resigned on December 15 (Bornstein, 2/73, p. 64).

D. Emergence of Democracy and the Movement from Centralization to Decentralization

Elections were conducted in 17 districts during the first year of Miller's term as president. While regions controlled by the rank and file suffered a few setbacks, reform candidates won power in the majority of the important districts, thereby consolidating the gains the miners made when they elected Miller's slate in December 1972. By the end of 1973, the only districts which had not yet held elections were
District 3 in western Pennsylvania, the new consolidated District 15 in the West (a result of pensioner locals being merged with working locals), District 18 in western Canada, District 21 in Arkansas and Oklahoma, and the autonomous District 26 in Nova Scotia (Nyden, 1975, pp. 844-5).

If Miller and the Miners for Democracy did nothing else, they succeeded in returning democracy to the district and international levels for the first time in half a century. Indeed, when the UMWA was first formed, the union was a highly decentralized organization in which the locals and districts had considerable autonomy. What gradually happened, observes McCormick in Industrial Relations in the Coal Industry (1980), was that district autonomy was reduced and power was centralized. As McCormick put it: "Economics dictated some attempt to deal with competition between the coalfields created by wage disparities. In 1898, the union succeeded in establishing more or less uniform wage rates in the central coalfield but was unable to secure a similar agreement with employers in the new and expanding coalfields of West Virginia, Kentucky and Tennessee" (p. 66).

McCormick further notes that the problems of competition were also tackled by constitutional changes. The president was given the power to appoint or discharge members of the Executive Board, and gradually this right was extended to cover district and local officials. In addition, the right to strike was taken away from branches and districts. The reasoning behind these maneuvers was to reduce the drain on union funds for futile and unofficial strikes, and it also enabled the UMWA to present a solid, unified front to the employers. There were also forces within American society propelling the UMWA towards centralization. The great influx of immigrants and the dynamism of American society created the need for an organization which would provide stability. In society at large, this stabilizing force was provided in the big cities by urban machine politics that delivered essentially what the citizens wanted in return for their votes in an apparently efficient manner. The heterogeneity and mobility of the population created the political machine that had its counterpart in the union machine. The corruption and racketeering which were found in American unions and politics, for example, had their antecedents in the turmoil of American society at the turn of the twentieth century.
The tendencies towards centralization existing in the UMW around 1900 were given further impetus by the rise to the presidency of John L. Lewis. At this time, the UMW was the largest union in the United States and stood in the vanguard of American labor. However, during the twenties its membership fell as excess capacity emerged in the industry. Non-union coalfields expanded at the expense of those that were unionized and substitute fuels were developed. In response, Lewis exploited the National Industrial Recovery Act passed by Roosevelt in 1933, which, in effect, gave unions legal protection. Lewis' enterprising flair plus his willingness to use violent methods soon crushed the non-unionism of the coal operators.

Lewis took the UMW out of the American Federation of Labor and created and financed the Congress for Industrial Organizations (CIO) to unionize the mass production industries, such as automobile and rubber. He then took his union out of the CIO and became independent. During World War II, he quarrelled with Roosevelt and led numerous strikes. He emphasized efficiency, increased wages considerably, and accepted mechanization even though it meant the displacement of thousands of miners. District officials were replaced with Lewis' own protégés, and in 1960, the union comprised 30 districts of which only seven were autonomous; three had semi-autonomous status that gave their members the right to appoint all the district's governing body except the secretary, treasurer, and president. In the remaining districts, all officers were appointed by the parent body (McCormick, 1980, pp. 66-8).

When some dissatisfied miners protested at the quadrennial conventions and suggested it was time to let the rank and file make its own selections, Lewis would often point to the Congress of the United States as proof that officials were not necessarily good simply because they were elected. Then Lewis would cut short the issue of rank-and-file participation by expressing certainty that the miners who were risking their lives to earn the dues that paid for the convention had no desire to see the union torn down from its "high peak of efficiency." This explanation would usually seal the question for four more years. This helps to explain the sense of total command that enabled Lewis to tell the chief negotiator for the coal operators in 1949: "You need men and I have all the men and they are here in the palm of my hand, and
now I ask, What am I bid?" (Raskin, 3/5/77, p. 40).

Thus, Lewis had destroyed every element of democratic participation in the institution by the people who formed its membership. He had beguiled them at conventions when he told them it was "a question of whether you desire your organization to be the most effective instrumentality...or whether you prefer to sacrifice the efficiency of your organization for a little more academic freedom." Finley claims the sacrifice was more than academic freedom; instead, it was the soul of the organization (p. 281).

With the election of Miller and the MFD slate in 1972, the UMW was transformed from an autocratic organization with control tightly held by the president to a more democratic union with power widely diffused throughout the organization. Under the Miller administration, numerous actions were taken to make the UMW more democratic. Among the major achievements have been the institution of elections for Executive Board members, the removal of trusteeships over most subordinate bodies, and of major consequence, a radical change in the structure and responsibilities in collective bargaining. There is now greater participation by elected representatives of the miners in the development of bargaining demands and in the review of tentative labor agreements. Of particular import was the 1973 constitutional provision requiring, for the first time in the history of the UMW, rank and file ratification of a proposed contract (Craft, 1976, p. 1).

E. BCOA and UMWA Membership Composition

Before 1950, the UMWA negotiated agreements with three major groups of coal operators. The Northern Coal Operators' Association represented companies in Pennsylvania, northern West Virginia, Ohio, Illinois, and western Kentucky. A separate agreement was negotiated with the Southern Coal Producers Association, which represented operators in southern West Virginia, Virginia, eastern Kentucky, Tennessee, and Alabama. The third agreement was negotiated with the owners of captive mines.

In 1950, under the leadership of Consolidation Coal and U.S. Steel, the northern operators and the owners of captive mines agreed to negotiate jointly, the result of this merger being the creation of the
Bituminous Coal Operators' Association (BCOA). Moreover, UMW President John L. Lewis also urged the bigger operators to pull together in an effort to bring stability to the industry. At that time, the industry was highly competitive and was beginning a 15-year decline as oil and other new fuels replaced coal.

Initially, BCOA members accounted for about half of the total coal production in the United States. By 1954, the Southern Coal Producers Association had joined the BCOA, which by then spoke for most of the large bituminous coal operators who had recognized the UMW. Although many small operators do not belong to the BCOA, those who recognize the UMW generally sign agreements that are identical to the one negotiated by the union and the association.

The BCOA is an organization established exclusively for collective bargaining purposes. It is primarily concerned with the negotiation and administration of agreements. Its key officers are the president and the general counsel who are backed up by a legal and research staff (Miernyk, 1980, pp. 15-6).

For years, Lewis was able to force big concessions in money and health and welfare benefits out of the operators. In return, he cooperated in allowing mechanization in the mines and growing monopolization in the industry. The price for this arrangement was the decline and weakening of the UMW from nearly 350,000 members in 1950 to 150,000 by 1965.

In the meantime, the industry itself changed. Thousands of small coal operators went out of business. The larger operators merged or were bought up by one another. The industry, therefore, was not actually growing but instead was seeing a concentration of ownership and capital.

The concentration of capital, increases in the productivity of labor due to the mechanization of the 1950's, and growing demand for coal in the 1960's made coal mining a very profitable investment. Oil giants, electric power monopolies seeking guaranteed sources of coal, and some metal mining companies began buying up coal operators. For example, Kennecott Copper bought Peabody, Continental Oil bought Consolidation, Occidental Petroleum acquired Island Creek Coal, and Standard Oil of Ohio took over Old Ben Coal. Most of
these mergers and purchases occurred between 1966 and 1968. During these years the American economy was going through changes. Inflation became a household word as the Vietnam war added billions of dollars to the arms budget.

Inflation would, of course, also have considerable impact on the profits of big business. It also meant monetary problems for industries engaged in world trade, industries like steel and oil. Moody and Woodward (1978) argue that coal represented expanding, profitable investments for many of these energy and metal monopolies and "they seized the opportunity." Thus, the BCOA of 1968 was a far more powerful operation than the BCOA of 1950 (pp. 17-8).

While the BCOA was seemingly growing more powerful, it was also experiencing internal growing pains that Horvitz, the director of the Federal Mediation and Conciliation Service, refers to as "factionalism" (1978, p. 459). The association, particularly during the 1977-78 contract talks, displayed a united front, which was essentially an economic one. At least in the beginning it was not one of personality, and it certainly had nothing to do with the collective bargaining position except to the extent that the operators had special axes to grind and they had to work these out at the highest level of intensity rather than at the modest level of compromise. Horvitz claims that the feature of this arrangement most important to understand is that the economics of the industry created this and automatically set up three kinds of groups with different motives, all within the BCOA.

One group, the old-time coal operators, works mines to produce coal and sells it to customers such as the utilities. They sell steam coal and some metallurgical coal to the steel industry. Their main interest is in the efficient running of the mine, and this is reflected in the price and the profitability of coal.

A second group, the steel industry, has a somewhat different point of view. It mines coal to make steel. It is not interested in the price of coal in the coal market but is concerned with the price of coal as it affects the price of steel and what is the demand and the price profitability of steel in the steel market.
The third group, although not new, is the group Horvitz refers to as the "new breed." This group is made up of largely multinational oil companies which are interested in alternative uses of capital. Not only do they own and control extensive coal properties that are presently being mined or which have not been developed yet, but these companies also own wide strip mining interests as well as underground interests.

So, argues Horvitz, their question is: "Is this going to be a viable investment for us? If not, we'll put our money somewhere else." Their main concern with respect to the coal negotiations was, when all those coal mines are shut down by a strike: "Am I going to want to develop those properties or am I going to do something else?" With that kind of structure of varied interests around the bargaining perspective, the industry had to find a common denominator that all of the operators could agree upon. They found it in the question of wildcat strikes, and they determined that in the 1977 negotiations they were going to get that issue straightened out once and for all. Such a decision had serious implications for the course the contract talks would run (1978, pp. 459-60).

Although the last few years have been a period characterized by industrial mergers and of high demand and employment expansion in the coal industry, a longer perspective, notes Kassalow, suggests the volatile nature of the industry, especially regarding the employment and composition of the UMW membership. In the postwar decades, employment in bituminous coal mining has fluctuated from 425,000 in 1947 to 130,000 in 1966, and up again to nearly 215,000 by 1977. Even industries such as automobile manufacturing and basic steel, which are prone to cyclical ups and downs, have not approached the volatility of coal mining (Kassalow, 5/79, p. 23).

Much of the decline in industry employment and UMW membership can be attributed to the union policy implemented by Lewis which encouraged mine operators to increase productivity through mechanization and the introduction of improved technology. Through collective bargaining, the UMW would then force the operators to pass on gains in productivity to the miners in the form of higher wages and increased benefits. The underlying assumption was that given the characteristics of the work, it was better to have a few well-paid men working in the industry than to have a large number
of poorly paid miners (Craft, 1976, pp. 1-2).

The impact that mechanization had on the industry cannot be understated. Between 1949 and 1964, more than 300,000 coal miners lost their jobs, and no hiring was done during those years. With mechanization, one miner in 1965 was producing as much as three did 15 years earlier. The other two miners who were laid off usually took an early retirement, went on relief, or left Appalachia for Cincinnati, Detroit, or Chicago. While the coalfields of West Virginia and eastern Kentucky plunged into a depression, the coal companies themselves suffered relatively little. Although wages for an individual miner rose from $67 a week in 1950 to $153 in 1967, the operators got 36.3 million more tons of coal in 1967 for $310 million less in total wages. Weekly expenditures for miners' wages dropped more than 20 percent, from $23.7 million to $17.7 million, even without compensating for inflation (Nyden, 1977, p. 49).

For a closer evaluation of the employment situation, it is necessary to disaggregate the data. It should be noted that since 1960, employment gains in surface mining have exceeded those in underground mines. The labor force mix in the industry has also undergone significant change in the past two decades. The number of nonproduction workers—engineers, technicians, clerks, and managers—has grown much more rapidly than has the production and maintenance blue-collar force. In 1960, for example, production workers constituted 88 percent of the work force in coal; by 1977, that figure had declined to 83 percent. Indeed, between 1976 and 1977, the number of production workers in the industry declined by 3,500, while white-collar employment rose by 6,700 (Kassalow, 1979, p. 23).

As a result of the current energy crisis, however, the coal industry has been rejuvenated and increased production over the next decade is expected to add approximately 120,000 new miners' jobs. Given the traditionally dominant position that the UMW has had in representing miners, it is not unreasonable to expect that many of these new miners will become members of the union. Yet this is not a certainty, as the UMW's internal divisions and conflicts could have much to do in lessening the influence which the union will have in the coal industry in the years ahead. Still, Craft (1976) believes it "is likely that the UMW, which has been declining in membership for
thirty years, will about double its current size over the next decade" (p. 2).

The infusion of substantial numbers of new miners into the UMW undoubtedly affected the characteristics and composition of its membership. This was particularly evident in the conflicts plaguing the 1977-78 negotiations. Increased demand for miners and retirements in the industry have reversed the trend of an aging labor force. High potential earnings and increased opportunity have brought large numbers of young workers into the industry and the union. Thus, whereas the mines had been filled with middle-aged men until the early 1970's, some 42,000 young workers entered the union between 1973 and 1975 alone, constituting the bulk of the union's 160,000 active members (Business Week, 12/24/79, pp. 68-9).

Clearly, the rank-and-file American coal miner has changed greatly in the last two decades. The average age has dropped from 45 to 28; many of the miners are Vietnam veterans, and some have had at least a partial college education. The new UMW ranks include over 8000 blacks and about 1000 women. As Bardach puts it: "The stereotype of the miner as an illiterate blood, sweat, and tears man, the result of a century of journalistic sloth and sensationalism, is simply untrue. If there is a laborer who most typifies the American pioneer, it is the coal miner" (9/25/78, p. 54).

The UMW ranks high up in the select list of unions that are both growing in size and growing younger, and the speed with which these changes have taken place probably outstrips the experience of any other union. Changes of such a magnitude, which have created "a membership profile that shows a third of the members ready to retire and another third too green for their own good," would create stress and tension for even the most stable union (Bethell, 3/78, p. 19). For instance, the young miners are better educated than their elders; they appear to have somewhat different expectations about what they should be getting from their work; and they are critical about the role and operation of the union. In addition, young miners are concerned with more money up front, more paid time off, and more freedom to pick the job assignments they want, while older miners are more interested about holding on to their seniority rights and retiring on a stable pension plan with adequate funding to stay ahead
of inflation. With priorities in such direct conflict, union leaders must walk carefully among their constituents (Bethell, 3/78, p. 19).

In effect, there exists a generation gap in the UMW. Most of the older miners had been retained by the coal companies between 1947 and 1964 because they were good workers. During the period of mass layoffs, they had learned to work hard and ask few questions as the price of keeping their jobs. Now they are joined by young miners of a different generation who have not known the fear and poverty of the recent past and who have experienced the high wages and uninterrupted expansion of a boom era. These are the workers who are more likely to question authority, be less patient with fixed routine work, and have a keener appreciation of leisure (Bensman, 4/28/78, p. 265).

Bethell elaborates further on the differences existing between the two generations of miners presently employed in the coal industry:

...young miners without families do not need a whole lot of money to survive. Their fathers and grandfathers were motivated to go to the mines every day by fear. This is not to say they were not proud men who were willing to give a good day's work for lousy pay. They were hard-working men, but the fact is that when they looked over their shoulders they saw other men waiting for their jobs. Today's miners do not feel that way. They are not going to go to the mines every day just because the boss wants them there (12/26/77, p. 49, 314).

Such an unstable mixture inevitably caused friction in the union and the industry in the 1970's and had an impact on the transition of the union from a highly centralized, autocratic entity to the decentralized, democratic organization fashioned by Arnold Miller and his newly-elected reform slate in 1972.

F. 1973 UMWA Convention

When Miller succeeded Boyle as president, he was given a favorable reception by the press. He had been a reform candidate, and the essence of his candidacy had been the democratization of the union. He was also
a veteran of the underground mines forced into retirement by Black Lung disease and came into office free of political debts. He also took over the UMW at a time when conditions in the product market were better off than they had been for decades; production and employment were rising. Partly as a result of the worldwide impact of OPEC on all energy prices, coal prices reached levels that could not have been imagined ten years earlier (Miernyk, 1980, p. 43).

When on December 3, 1973, the UMW opened its 46th Constitutional Convention in Pittsburgh, Miller's position seemed fairly secure. Indeed, his administration—and union democracy—appeared firmly rooted when the convention opened with Miller declaring:

When leaders become isolated from the people they are supposed to serve, the people suffer grievously and corruption is the order of the day...To understand the problems of a man who works eight hours a day in a coal mine you have to remember what coal dust tastes like. To represent the interests of miners, you have to see a slag pile outside your windows, not a skyscraper. To lead the United Mine Workers of America you can't be shielded from the look in a woman's eye while she waits for a husband trapped in a mine explosion (Nyden, 1977, p. 46).

Miller's reference to the isolation or distance which tends to exist between a leader and his constituency highlights his sensitivity towards one of the miners' complaints against union officials like Boyle, who moved his conventions to such out-of-the-way places as Bal Harbour, Florida, and Denver, Colorado—far from the men who work in the pits every day. Miller, on the other hand, held his convention in Pittsburgh, the first UMW convention held in the coalfields in 13 years. Any rank-and-file miner who came to Pittsburgh to observe this convention was welcome, as was any non-miner who wanted to see what the new officers would do.

More than 70 percent of the nearly 1,000 delegates in Pittsburgh were attending their first convention, including Miller himself. Black miners and young miners sat in the delegations from nearly every district. Miller had also issued special invitations to the disabled miners and women who had played such a prominent role in his 1972 victory.
The guest speakers who came to Pittsburgh were also different from those Boyle and Lewis generally invited. The usual politicians like Senators Henry Jackson and Hubert Humphrey were absent. Instead, numerous progressive and militant trade union leaders were present, including Cesar Chavez of the United Farmworkers Workers, Albert Fitzgerald and James Matles of the United Electrical Workers, and Cleveland Robinson of the Distributive Workers. The enthusiastic welcome given to these speakers can best be illustrated by the delegates themselves donating more than $3,000 to the Farmworkers, and when a motion for the UMW to make an additional gift of $10,000 to the UFW was raised, it was passed unanimously (Nyden, 1975, pp. 858-9).

The changes in the convention, however, went considerably further than simply the affair's geographical locale and the speakers' podium. For example, large photographs about the history of the miners were hung throughout the foyer outside the convention hall, but no huge pictures of Miller, Trbovich, or Patrick could be found. No cigarette lighters engraved with Miller's likeness were handed out to the delegates, as lighters bearing the image of Boyle had been distributed at the Denver convention in 1968; neither were clocks decorated with the UMW president's picture given away. In addition, committee members were expected to work hard at Pittsburgh, even though they were not paid the large sums that were always dispensed during Boyle's conventions.

When each delegate arrived at the Hilton Hotel, he received a briefcase full of literature explaining the agenda and rules of the convention. All the miners got a book of resolutions to study; they were not forced to make secret raids behind the stage in the hall to find them, as they were in the convention held in Bal Harbour. Every day during the convention, each delegate was given a summary transcript of the previous day's proceedings and the draft resolutions to be discussed during that session. Never before during any UMW convention had the delegates been kept so well informed about the business before them (Nyden, 1975, p. 863).

During this convention, the miners made a number of what Nyden calls "historic decisions." They voted to move the union headquarters from Washington, D.C., back to the coalfields, somewhere between Pittsburgh
and Charleston. They voted to have rank-and-file ratification of all contracts in the future. A new clause was put into the constitution stating that the officers and professional staff would no longer be paid their salaries during contract strikes. And in another action, the delegates reduced the number of local nominations needed to run for the presidency of the UMW from 50 to 25.

The convention voted to merge all of the pensioner locals into working locals. It was also decided to permit only working miners to run for local president and vice president; pensioned miners were already excluded from voting for Mine and Safety Committeemen. However, the convention created a Special Vice President for Pensioner Affairs, who is to be elected solely by the pensioners and who will be responsible for defending their interests.

It was clear that the delegates were seriously concerned with keeping power in their own hands. For instance, after they passed a dues increase, they refused to empower the International Executive Board to raise the dues in the future without the consent of another international convention. When a new system of settling local grievances—drawn up largely by UMW and coal operators' attorneys—was presented, the delegates viewed it as an impingement upon their right to strike and voted the system down. When the question of creating a strike fund was raised, the delegates defeated that too. Apparently, many of these delegates were reluctant to return to their local unions with news of a monthly strike fund assessment in addition to the dues increase of $6.75 per month. In addition, many miners did not want to foster reliance upon a strike fund, feeling that each individual miner should take responsibility for preparing for a contract strike.

Furthermore, the existing constitution required any candidate for top UMW office to have spent at least five years working in or around the mines. On December 12, the Constitution Committee recommended that this section be revised to allow anyone to run who is "employed either at our trade or by the Union who...has had five years' experience in or around the mines or as an employee of an employer engaged in a business within the jurisdiction of the International Union." Many delegates expressed their fears about opening the top offices in the union to non-miners, and the section was returned to the committee. When
the constitution was reviewed again on the following
day, the clause allowing non-miners to run for top
office had been deleted (Nyden, 1975, pp. 865-7).

Thus, at the 1973 convention, numerous consti-
tutional changes were made as part of the process of
"democratization" of the union that Miller and the
Miners for Democracy had promised. These changes were
designed to guarantee the election of district offic-
ials and to provide for ratification of new labor-
management agreements. Miller's leadership in the
move toward democratization was widely hailed, both
within and outside the union, as were some of his
austerity moves. The latter included a reduction in
his own salary, the elimination of some staff prereq-
usites, and a cut in Boyle's pension (Miernyk, 1980,
p. 31).

And lastly, resolutions demanding the right to
strike, increased wages and benefits, and the six-hour
day were passed with the 1974 contract negotiations in
mind. Many delegates, it seems, left the convention
convinced that the UMW had become both stronger and
more democratic under Miller's leadership.

G. Leadership and Factionalism Within the UMWA and the
BCOA

The honeymoon between Miller and the rank and file,
as seen at the 1973 convention in Pittsburgh, was rela-
tively short-lived. In fact, the trouble started
immediately after Miller took office following his
election victory. The 24 members of the executive
board, comprised mainly of Boyle appointees, took
several actions that drew angry responses from Miller
and his supporters right after Boyle officially re-
signed as president on December 18, 1972. The board
voted a $50,000 annual pension for Boyle and $40,000
for Owens, who resigned as secretary-treasurer on
December 15; rejected a request from Miller for a
$50,000 appropriation to carry out an "orderly transi-
tion of power;" moved Boyle's executive assistant,
Suzanne Richards, into a $40,000 post on the legal
staff; named Pnakovich, Boyle's vice president, a con-
sultant to the union; and selected committees to monitor
financial affairs of the new administration and to
thwart any reprisals against Boyle's supporters. The
board also passed a resolution asserting that the union
constitution gives the board "supreme authority over
firings and suspensions" between conventions.

After Judge Bryant signed an order certifying the election of Miller and his slate and Miller was sworn in for a five-year term as the twelfth president of the 82-year-old union, he immediately dismissed 20 of the 24 members of the Executive Board, who he said had been "illegally appointed" by Boyle. He then appointed 14 interim board members and left six of the board seats vacant, promising district elections within a matter of months to let union members select representatives.

In their dismissal letters, the ousted board members were told that their "attempt to shift decision-making control from elected officers to appointed members of the board" showed "indifference to the interest of coal miners" and "unresponsiveness to the members' free electoral choice." Also dismissed were Edward L. Carey, the UMW's general counsel and Suzanne Richards. Among the appointees was Joseph A. (Chip) Yablonski, a son of Joseph (Jock) Yablonski, who was named general counsel (Bornstein, 2/78, pp. 64-5).

Although Miller successfully met this first challenge to his authority, his problems with intransigent carryovers from the Boyle days were just beginning. The president and his staff started having conflicts, often exacerbated by the red baiting and other hysterics of Vice-President Trbovich. After Miller fired many staff workers and others left in despair and frustration, daily operations at the international became lax and ineffective (Primack, 6/11/77, p. 714).

To further compound Miller's troubles, the reformers' success in lifting the blanket of trusteeships from the districts, thereby permitting free elections, was temporary. Miller's supporters generally lacked the depth of organization to go out and help elect sympathetic candidates, and soon the district presidencies and the seats on the board were occupied predominantly by men who were "implacably hostile to the reformers and who nursed the kind of finely honed grudge that can be found in any politician who has suffered a defeat at the hands of the squeaky-cleans. They converted that grudge into a series of skirmishes with Miller and his staff over virtually every action and policy that the UMW undertook" (Bethell, 3/78, pp. 19-20).
There are many reasons why the bright promise of reform faded and why the UMW was torn by internal dissension. Recall that in the 1920's and 1930's Lewis succeeded in putting almost every UMW district into trusteeship in an effort to stifle opposition. Indeed, Lewis'

...despotic control of the organization had emasculated decades of potential younger leadership. He had established an example of singular rule for his appointed successor to follow, and eventual revolt was the result. Tony Boyle assumed all the authority that was available for abuse, and he abused it (Finley, 1972, p. 281).

It seems that the union's widely publicized condition had its roots in history, in Lewis' legacy, rather than in the personalities of its reform leaders.

Moreover, the reformers of 1972 were union members, but they were also outsiders--miners who had never held district office, had never had the opportunity to develop the kind of political sophistication that can only come with long exposure to the give-and-take of union politics. They had very little opportunity in Washington to learn on the job, as they were immediately confronted with the Boyle forces who had been defeated but were far from beaten. The old hands who had prospered during the Boyle years knew a good deal about survival, and it was not long before they had control once again of the union's executive board and numerous top-level district offices (Bethell, 12/26/77, pp. 49313-4).

Consequently, except for a brief time during the 1973 convention, there had been no clear evidence of strong and consolidated leadership in the UMW. Miller, who lacked formal executive experience prior to his election, had tried to move ahead with his reform program without establishing a supportive political structure at the district and local levels. In any organization, but particularly a union like the UMW where the membership is geographically diffuse and has a variety of interests and problems, the leader requires a loyal political machine or base that he can depend on for accurate reports of membership sentiment so he can develop a generally acceptable program. This critical deficiency in the Miller administration resulted not only in difficulties in maintaining contact
with the rank and file, but, importantly, it significantly reduced his ability to control the increasing problem of wildcat strikes and unilateral actions by locals violating the national labor agreement (Craft, 1976, p. 2).

This weakness is directly attributable to the disbanding of the reform movements that had swept rank-and-file miners into power by the end of 1973. Even during Miller's campaign, the MFD candidates began implying that the reform organizations should be dismantled if they won. One MFD advertisement proclaimed: "The name Miners for Democracy won't be necessary the day we elect Arnold Miller because we will have democracy in our great union" (UMW Journal, 4/15/72, p. 27).

Many of Miller's reformers did not recognize that a well-organized rank-and-file constituted the best guarantee that the new president would have the strength to carry out his campaign promises. As a result, when the Miners for Democracy was disbanded, it was difficult for rank-and-file to discuss and criticize proposed contracts in any organized and systematic fashion. Although the Black Lung Association and the Disabled Miners and Widows were still helping retirees and widows win their government benefits, they were no longer playing an active political role within the UMW. And by this time, the Boyle forces were beginning to reorganize under the leadership of men like Squire Feltner from Pike County and Lee Roy Patterson from western Kentucky (Nyden, 1977, p. 47).

In addition, Miller was not universally popular with the rank-and-file membership and lacked the charisma to unite them in the operation of his administration. This inability to consolidate the miners subsequently led to clear differences and the emergence of factions within the union openly opposing the president. For example, this factionalism manifested itself on the UMW Executive Board where there grew to be direct opposition to Miller. The intensity of this opposition gradually reduced the effectiveness of the board as a proactive policy body for the union. To indicate the extent of this conflict, by 1976 a majority of the board voted to impeach Miller as president, a rare event in union history.

Finally, at the local level, many young miners expressed their dissatisfaction with Miller, the coal industry contract negotiated in 1974, and other aspects
of the union. The result of this internal conflict is that factionalism and political infighting consumed substantial organizational resources and detracted from the effectiveness of the UMW in carrying out its operating, organizing, and collective bargaining responsibilities.

The Bituminous Coal Operators' Association, like the United Mine Workers of America, also suffered from the conflicting interests of its members. This dis-
sension stemmed, in part, from a growing diversity of interests between underground and surface mining firms and between the traditional operators and some of the new producers. Further, as mentioned earlier, the factionalism of the BCOA, which was due primarily to economics, was largely a result of the industry being divided into three distinct segments: the old-time coal operators, the steel industry, and the multi-
national oil companies. Not surprisingly, these three groups often approached the bargaining table with different motives (Horvitz, 8/78, p. 459).

For a closer look at the problems existing within the BCOA, one can examine the 1977-78 coal strike. Initially, the producers of metallurgical coal were in no hurry to settle the strike because the demand for steel was weak. The big strip-mine companies, such as Peabody, also had different priorities than deep-mine companies, and operators in the Midwest had not suffered nearly as much from wildcard strikes as those in western Virginia. The disagreements brought about by these conflicts led to a bewildering change of industry leaders in negotiations. BCOA President Joseph P. Brennan, a former union official, started as the lead bargainer, but in mid-January Roderick M. Hills, chairman of Peabody, took over. When this effort failed to produce a settlement, Hills was succeeded by J. Bruce Johnston, vice-president of U.S. Steel. But once again bargaining broke down and N.T. Camicia, president of Pittston, became the BCOA's nominal leader. This multi-
plicity of chiefs symbolized the disagreements within the BCOA and provides insights into how the coal strike of 1977-78 dragged on for 109 days (Business Week, 3/6/78, p. 95).
H. 1974 Contract Negotiations

Between 1950 and 1973, negotiations of new agreements between the UMW and the BCOA involved only the officers of the two organizations. The three-year agreement signed in 1974, however, was reached under a new set of procedures that involved the districts and the rank and file of the UMW in the contract talks.

Before 1974, the only link between the negotiators and the membership was a 120-member National Scale and Policy Committee that ratified the agreements reached by union officers and the operators. While Lewis and Boyle reigned, this committee was unlikely to include a substantial number of members whose views differed from those held by their leaders. The actual negotiations in 1974 were still conducted by the United Mine Workers' principal officers—the president, the vice president, and secretary-treasurer, supported by a bargaining committee that included staff specialists. But what distinguished the 1974 talks from previous negotiations was that a bargaining council was established to serve as the nexus between the international headquarters and the rank and file, as well as a provision for ratification.

For the 1974 contract talks, the bargaining council consisted of the international board members and the presidents of the 18 districts directly involved with the BCOA. This 36-member council had to approve the proposed agreement before it was submitted to the membership for ratification. The proposed agreement would not become effective until it had been ratified by the rank and file, and this could only be accomplished after the terms of the proposed agreement had been thoroughly explained to the membership in a series of regional meetings conducted by an estimated 800 miners from all the locals (Miernyk, 1980, pp. 5-6).

On December 5, 1974, the UMW announced membership approval of a three-year contract with the BCOA for 120,000 striking miners. The tally was 44,754 to 34,741. Later in the day, the parties signed the agreement, and Miller ordered the miners to return to work the next day, as specified in the new contract.

The miners had been out since their previous contract expired on November 12, 1974, thereby halting about 70 percent of America's soft coal production and idling thousands of other workers, particularly
employees of steel companies and coal-hauling railroads. Although some miners did return to work December 6, a Friday, most did not return until the following Monday. There had been speculation that miners in the five union districts who had rejected the pact would remain out, but this did not happen. There was still a possibility, however, that their dissatisfaction could lead to an increase in wildcat strikes, despite Miller's vow to cut the number of such walkouts.

There was another threat to the full-scale resumption of production—the continuing strike by approximately 4,000 construction workers who had been out since their separate contract expired, also on November 12. A settlement was reached between the UMW and the BCOA on December 9, but the construction workers, who build mine facilities, remained out pending a ratification vote. Consequently, some miners refused to cross the construction workers' picket lines. By December 12, the construction workers had acceded to the union's request to withdraw their picket lines, thus permitting all the miners to resume work. Some companies also obtained injunctions against picketing. The UMW's Bargaining Council, however, then rejected the settlement, which reportedly paralleled the miners' contract on wages and most other economic provisions. The discontent reportedly centered on the failure to gain travel pay for the construction workers, who move from job to job frequently, and on the method for selecting employees to be laid off when work must be cut back because of inclement weather or lack of material. After the rejection, which was by a vote of 30 to 5, bargaining resumed and picket lines were again set up at scattered locations.

The Bargaining Council was dissatisfied with parts of the proposal and asked Miller to press for resumption of negotiations. The vote for this request was 37 to 1. The council objected to five major provisions: the size of the wage increases, vacation scheduling, the number of pay classifications, medical care for certain disabled miners, and work schedules at surface mines. The situation was further complicated by the council's failure to agree to precisely what changes Miller should seek.

Initially, chief industry negotiator Guy Farmer said the employers would not reopen talks, but they later relented, and talks resumed November 23. An agreement was reached the next day, with the assistance
of W.J. Uery, Jr., director of the Federal Mediation and Conciliation Service. Secretary of the Treasury William E. Simon also met with the employers' bargaining team. The intervention of both Uery and Simon reflected the administration's concern over the economic impact of the walkout.

The new package was approved by the Bargaining Council on November 26 by a vote of 22 to 15. Earlier in the day, the council had turned down the proposal, leading to a threat by Miller to bypass the council and to present the terms of the new agreement directly to the membership. The council's approval of the settlement cleared the way for the terms to be explained to union members in regional meetings. The modifications of the original settlement were as follows:

- Raised the immediate general wage increase to 10 percent from 9 percent, and the second year increase to 4 percent from 3 percent. The 3-percent increase scheduled for the third year was not changed.

- Specified that the "basic" vacation of 12 days would consist of 14 consecutive days off with 12 days pay, as in the 1971 contract. The November 13 accord had permitted the operators to split the 14 days into two 7-day periods, to aid in meeting production schedules.

- Did not modify the November 13 provision that generally reduced the number of pay grades to 5 from the 6 that existed under the 1971 contract. Some members of the Council had called for further reducing the number to 4.

- Modified the November 13 accord to provide medical care for miners disabled prior to becoming eligible for retirement.

- Provided for use of "swing" crews at those surface operations that work 7 days a week, and guaranteed alternate summer vacations for surface employees scheduled to work during the regular summer vacation period.

Other terms of the new agreement, which stood as originally negotiated, included:
- Upgrading of about 28,000 workers, which, combined with the 10-, 4-, and 3-percent general increases, brought the average daily rate to $54.39 from $45.40 under the 1971 contract. The 3-percent general increase brought the range of rates to $45.79 (for grade 1) to $58.92 (for grade 5) for underground work in deep mines, $45.90 to $58.92 for strip and auger mines, and $48.62 to $53.02 for preparation-plant workers (who now have only 4 grades).

- Addition of two helpers on most continuous mining machines, which was expected to increase employment by 7,000.

- Payment of an $80 one-time bonus, in December 1974, to compensate workers for the cost-of-living rise in 1974.

- Establishment of a cost-of-living escalator clause providing for quarterly adjustments (beginning in February 1975) calculated at 1 cent an hour for each 0.4 point change in the Consumer Price Index. Each of the 12 quarterly adjustments would be limited to the amount resulting from a 2-percent CPI rise (7, 8, or 9 cents). The overall maximum increase would be 98 cents an hour or $7.84 a day.

- An increase in employer financing of pension and health benefits, in stages, to 82 cents a ton mined plus $1.54 per hour worked, from 80 cents a ton. The new combined rate was equivalent to $1.55 a ton. The royalty on coal purchased for use or resale (on which contributions had not already been made) was raised to $1.55 a ton, also in stages, from $1.20. Separate trusts were established for future pension and health benefits, and the existing trust for pension and health benefits was split into two separate trusts to be used to meet current obligations.

- Increases in retirement for current retirees and those retiring prior to January 1, 1976, to $250 a month ($225 for those receiving Government black lung benefits). Under the prior agreement, all employees age 55 or older with 20 years or more of creditable service were eligible for a benefit of $150 a month. Employees retiring in 1976 would receive graduated benefits ranging
from $84.80 a month for those age 55 with 10 years' service to $645 for those 62 or older with 50 years' service. The range increases to $98.75 to $670 for 1977 retirees, and all 1976 retirees would also receive a flat $10-a-month increase in their benefit, beginning in 1977.

- a 10th paid holiday, December 24.

- Addition of 2 paid "floating" days to the existing vacation (which is 14 consecutive days off with 12 days' pay). The basic vacation is available to all workers with 1 year of service.

- Revised graduated vacations (which are in addition to basic vacations) to provide for additional paid time off ranging from 1 day after 7 years to 13 days after 19 years. Previous paid time off ranged from 1 day after 10 years to 10 days after 19 years.

- Establishment of 5 days' paid sick or personal leave per year.

- Establishment of sickness and accident benefits of $100 a week payable for 52 weeks.

- Substantially revised job training, including adoption of a requirement that new employees must spend their first 90 days in "nonhazardous" jobs.

- Addition of a provision guaranteeing safety committees the right to inspect all work areas and an individual miner the right to withdraw from any area he considers unsafe (Bornstein, 1/75/ pp. 82-3).

Although the administration of the National Bituminous Coal Wage Agreement is quite conventional, a major change was made in the grievance procedure by the 1974 agreement when it established the Arbitration Review Board (ARB). This board consists of one representative of the UMW, a representative of the operators, and a chief umpire selected jointly by the two parties. The presidents of the UMW and the BCOA also select panels of impartial arbitrators for each UMW district. This change in the 1974 Agreement was done in response to a 1972 study, Work Stoppages in the Appalachian
Bituminous Coal Industry, which concluded that a considerable number of wildcat strikes were due to excessive delay in the grievance procedure. The new agreement was intended to reduce the delay and so lessen wildcat strikes, but as Brett and Goldberg observe, this did not accomplish either goal (7/79, pp. 465-6).

A brief review of the grievance procedure should help to clarify what precisely the function of the ARB was. Disputes arising during the life of an agreement go through a five-stage grievance procedure. In the first stage, the aggrieved employee contacts his immediate foreman, who has the authority to settle the grievance. The foreman must return a decision within 24 hours. If the decision is not satisfactory, the grievance goes to the mine committee and mine management within seven working days. At this stage, a standard grievance form is filled out. If agreement is still not reached within seven additional working days, the grievance is referred to a designated district representative and a representative of the operator. The district and operator's representatives have seven working days to review the facts and relevant contract provisions. If the grievance is not settled at this stage, the two representatives prepare a joint statement setting forth the views and positions of both parties, and the grievance is referred to an appropriate panel arbitrator.

If both parties agree, written testimony can be taken at stage three. If this has not been done, the arbitrator is required to hold a hearing within 15 days to accept such testimony, receive evidence, and consider arguments. If testimony was taken during stage three, the arbitrator is free to request a supplementary hearing. But if the step-three joint statement indicates that there is no disagreement about facts, the arbitrator may decide the case without a transcript on the basis of the joint statement and any supplementary statements and briefs he may request.

In many labor-management agreements, arbitration is the final step of the grievance procedure. The 1974 National Bituminous Coal Wage Agreement, however, provided a fifth step that permitted either party to the grievance to appeal the decision of the panel arbitrator to the ARB. An appeal can be made if the panel arbitrator's decision conflicts with earlier decisions by other panel arbitrators on the same issue of contract interpretation, or it may be appealed if the decision
involves a question of contract interpretation not
previously decided by the ARB, provided the board
considers the matter to be a "substantial contractual
issue."

The ARB first decides whether there are grounds
for appeal of the panel arbitrator's decision. If
the board feels such grounds do not exist, it informs
the parties; if it feels the appeal is justified, it
reviews the decision of the panel arbitrator and makes
whatever changes are necessary to resolve contractual
questions and to ensure consistency with prior decisions
of the board. The board's final decision must be
issued within 15 days (Miernyk, 1980, pp. 36-7).

Given the decentralized and factionalized state
of the UMW, many of the anti-Miller forces criticized
the contract primarily to stir up opposition to the new
president's administration. In retrospect, the 1974
contract negotiations proved to be a turning point in
Miller's administration.

The miners anticipated tremendous gains, both
because they were negotiating the first contract since
Boyle's defeat and because the coal companies had made
their largest profits ever. Coal prices had risen
from $4.25 a ton in 1965 to nearly $19.00 a ton, and
profits for the ten leading producers rose an average
of 101 percent during the first six months of 1974,
compared to the previous year. By contrast, real
wages had declined during the life of the 1971 con-
tract. Although take-home pay was 17.5 percent higher
in November 1974, miners had to work 90 minutes longer
each week just to maintain their standard of living
of November 1971. Miller approached the 1974 negoti-
ations in largely traditional fashion, behind closed
doors. When the agreement was reached, he put his
own prestige on the line by promising both the
companies and the government that he would convince
the miners to accept it. Yet despite Miller's efforts
to win quick ratification, only 56 percent of the
miners who voted supported the contract, and more than
a third of the miners did not vote at all.

Rank-and-file criticisms centered on the wage in-
creases (10 percent, 4 percent, and 3 percent for the
three years of the contract), which many miners felt
would not match the rate of inflation, even with the
contract's limited cost-of-living allowance. Others
opposed the newly established dual pension program,
which gave men retiring in 1976 and 1977 much higher monthly benefits than those already on pensions. And lastly, the 1974 agreement did not grant the miners the right to strike over unresolved local grievances. Without the Miners for Democracy to serve as the rank-and-file's mouthpiece, there existed no vehicle through which the membership could make its suggestions and criticisms known to Miller and his administration.

The contract did take some steps forward, especially in the area of safety. For the first time miners had the contractual right to walk off their jobs in any section of a mine if they felt their lives were in immediate danger. The agreement mandated the hiring of helpers for continuous-mining and roof-bolting machine operators. When companies in the northern Ohio Valley refused to hire these helpers, a wave of rank-and-file walkouts in April and May 1975 forced thehirings. The contract also contained a new clause prohibiting any discrimination "on the basis of race, creed, sex, age, political activity, whether intra-Union or otherwise" (Nyden, 1977, p. 47).

Thus, there were ominous signs of the trouble to come in the UMW, even before the ink was dry on the new contract. Some of these signs were clearly visible. For example, the difficulty that Miller had in getting the contract ratified. Rank-and-file ratification of contracts was something new for coal miners, and it was something of a test of confidence in Miller's administration. The reformers had narrowly defeated Boyle in 1972; two years later the contract was adopted by a similar margin, suggesting that Miller had failed to broaden his base of support in the interim.

Other signs were less visible. The contract contained the new grievance-resolving mechanism in which a dispute, if it could not be resolved at a lower level, ultimately would up in the hands of the Arbitration Review Board, the first industry-wide tribunal in the coalfields. But traditionally, coal miners were cynical about the chances of ever having a dispute fairly and promptly settled. Bethell argues that it was a common belief that the coal operators routinely won back through grievance-handling whatever they lost at the bargaining table, but still the miners seemed generally open-minded about the new approach. However, both the UMW and the BCOA were very slow in doing their part to get the new mechanism set up, and by the time it went into operation, more than a year
behind schedule, there was such a backlog of cases that the board could never catch up. Moreover, some of its initial decisions—perhaps reflecting frustration on the part of the arbitrators—were extremely harsh on the miners. Consequently, angry miners demanded that the ARB be terminated, thereby raising the question of whether the coal industry would ever develop any kind of workable method of settling its disputes in the future.

The 1974 negotiations, recalls Bethell, were his first as the UMW's research director:

I somehow assumed that the operators would come to the bargaining table equipped with a battery of ideas and proposals that would address the fundamental causes of the problems in labor relations that already loomed so large; we prepared detailed proposals of our own and drafted position papers to answer theirs. Theirs, however, didn't exist. Sometimes they put forward practical reasons why one of our proposals wouldn't work, but if their long experience had allowed them to glean any insights into improving labor relations, they left them at home.

For the coal operators, concludes Bethell, "it was business as usual" (3/78, p. 20).

I. 1976 UMWA Convention

The International Convention that met in Cincinnati between September 23 and October 3, 1976, "reflected the politicization of the union that had occurred since the Miners for Democracy rank-and-file movement ousted Boyle." Miller and his supporters had successfully democratized the UMW, rid it of corruption, and won considerable gains for the miners in the 1974 negotiations. But Miller, Vice-President Trbovich, and Secretary-Treasurer Patrick were totally inexperienced in running a union. The result was widespread disorganization. Miller's weak management left power vacuum, and the advent of democracy in a union that had long been controlled from the top fired the political ambitions of many unionists (Business Week, 10/11/76, p. 97).
Even before the convention started, Miller had been having trouble with the 24-man International Executive Board (IEB), which was split into "irreconcilable" factions with Miller's opponents in control by a 2 to 1 margin. The anti-Miller board members raised no issues of substance against the incumbent president, though they openly disapproved of the liberal, innovative cast of his administration. Their immediate aim was to strip Miller of his administrative powers or force him out as president (Business Week, 2/16/76, p. 102).

But Miller's problems did not stop with his inexperience of with the IEB. There was a falling-out between Miller and the other two principal officers of the UMW: Trbovich and Patrick. In fact, by the time of the Cincinnati convention, Business Week reported: "For more than a year, the United Mine Workers' leadership has been all but immobilized by a split in its top ranks" (10/11/76, pp. 97-8). By early 1976, Trbovich had swung over to the opposition on the IEB, many of whom were mainstays of the days when Boyle was in power. On the other hand, Patrick was reluctant to split from Miller because he felt to do so would further weaken the union, but he was under increasing pressure from many old adherents to the MFD to seek the presidency.

Aware of the union's internal problems, Miller opened the convention on September 23 with a call for unity:

We had better not forget for one minute that the coal operators will use every division and weakness that we show here against the coal miner. And that any untruth that is uttered will wind up in some scab operator's file to be used against us in a future organizing drive.

His speech was greeted warmly by two-thirds of the 1,883 delegates, but from that point on the convention was significantly influenced by political undercurrents. For instance, when Trbovich spoke the following morning, the 150-member Ohio delegation walked out of the hall, and fist fights broke out on the floor. Applauded by some delegates and booed by others, Trbovich departed from his prepared text and moderated his attacks upon his fellow union leaders. The original text—which Trbovich handed out to the delegates the next day—contained only one sentence criticizing the operators, followed by 13 pages of attacks on Miller and the UMW
staff. Trbovich contended that he was trying to prevent the internal infiltration of the Socialistic, Revolutionary and Communist elements which may soon threaten to destroy this union" (Nyden, 1977, p. 50).

Immediately after his impromptu remarks, Trbovich held a press conference and fielded reporters' questions about "Communists" on Miller's staff. Admitting that he had "no facts, only suspicions" to back up his allegations, Trbovich switched his attack to unnamed miners in southern West Virginia. He also commented that he "would have no trouble running on a ticket with Lee Roy Patterson," the pro-Boyle IEB member from western Kentucky.

Later, Trbovich and those supporting his policies—especially some members of the International Executive Board—began some red-baiting on the convention floor. Reporters were the first targets. At the opening of the third day's session, for example, reporters from the Call, a publication of the October League, a Maoist splinter group, were distributing Rank and File Unity, the paper of the Miner's Right to Strike Committee inside the hall, in open violation of the convention's rules. The well-organized right-wingers—representing at most 15 or 20 percent of the delegates—then requested that the Call reporters be expelled from the convention. Whatever the motives of the left-wingers, it provided an ideal target for those who wanted to attack all progressive and left reporters, miners, and UMWA staff members.

Subsequently, eight or nine other reporters decided to withdraw voluntarily that day, and Miller did not defend their right to remain. By his silence, he succeeded neither in appeasing the right-wing forces at the convention nor in stopping the red-baiting. After removing these reporters, the Trbovich-Patterson forces proceeded to red-bait international staff workers and some elected officials. It should also be noted, however, that by the end of the convention, the anti-Communist mood appeared to mellow, and two reporters who had left the convention were able to return.

The composition of the Cincinnati convention delegation was different from that of the 1973 Pittsburgh convention. Although there were nearly twice as many delegates in Cincinnati in 1976, there were fewer black and young miners, disabled miners, and pensioners. Also absent were the widows from Mannington and
the women whose picket lines won the Brookside strike. In fact, no women addressed the 1976 convention, even though between 1973 and 1976 several hundred women entered the mines. Only two women were among the 1,883 delegates in Cincinnati (Nyden, 1977, pp. 50-1).

Yet with all these problems, the delegates who met in Cincinnati representing 277,000 UMWA members still managed to pass a number of good resolutions. Major attention centered on several hotly debated constitutional amendments, including that of district autonomy versus international control. Miller had expanded district autonomy when he assumed office in December 1972. Many delegates now wanted the president to grant more power to the union's 21 districts. Numerous constitutional amendments focused on this issue, and Miller and his supporters successfully obtained a majority on the most important of them. New language offered for one section of the union's constitution provided that the president "may appoint such organizers, field and office workers as may be necessary to conduct the affairs of the International Union." The amendment differs from the 1973 constitution, which permits control of these workers by the International Executive Board as well as by the president. Those calling for district autonomy wanted individuals for these jobs to be elected, declaring that this would make for better representation of rank-and-file sentiments. Delegates in favor of presidential appointment to these positions claimed it was necessary to keep politics out of these jobs. A standing vote was taken, and although it was extremely close, Miller declared it was in favor of the revision. Much debate followed this ruling, focusing mainly on Miller's refusal to hold a requested roll call vote. Miller claimed that a roll call vote on the measure had already been asked for and voted down by the delegates and that only one roll call could be requested for each issue. His opposition asserted that the first roll call request was not on the new language but on the vote to close debate on the issue. Two short recesses were required to restore order (Hecker, 1/77, p. 58).

Many delegates voting against permitting Miller to appoint such organizers as safety inspectors, representatives to the union's political arm--Coal Miner's Political Action Committee (COMPAC)--and so forth, made up the growing contingent of the anti-Miller forces that were moving toward decentralization of the UMWA from the international office to the district office.
In speaking out against such a move, Patrick claimed, "Decentralization would be a tragic thing...If you have 21 districts administering the union's programs, you'll have 21 unions" (Business Week, 10/11/76, p. 98).

The delegates approved other constitutional revisions Miller supported. International Executive Board meetings, formally held in Washington, D.C., were to be held in mining areas, and all members were to be allowed to attend such meetings and have access to the minutes. Similar changes were adopted for district office meetings. The convention also voted to allow the president, vice president, and secretary-treasurer to have their staffs present at executive board meetings.

The International Executive Board, which in October 1975 approved by 14 to 6 an unenforceable resolution to remove Miller from office, won on several other issues:

- A proposed revision requiring a vote of 67 percent by the IEB instead of a simple majority to overrule the president's interpretation of the constitution and his appointment and suspension of officers was not approved.

Other constitutional votes that may be interpreted as having political overtones and that were case in favor of district autonomy included:

- Transfer of the duty to collect dues from the international secretary-treasurer to each district's secretary-treasurer.

- Election, instead of appointment, of delegates to convention committees.

The decision to elect delegates to convention committees, instead of having the president appoint them, is one Miller claimed he "had no trouble with." Many observers felt, however, that it stripped him of some power, the goal of the district autonomy supporters' platform.

In another key political vote, delegates agreed to move the international elections from November 1977, one month before the agreement with BCOA expired, to June, with the victor heading the bargaining team. Many delegates argued against having the election during
contract talks, because there could be a change in the chief negotiator after the negotiations had begun. After defending the November election date, Miller proposed February as a more desirable alternative, in that it would provide the president-elect more time to prepare for the upcoming talks. Some observers saw this request as a political maneuver to force all possible candidates to announce their intentions almost immediately, thereby giving them little time to mount a strong campaign. In any event, by convention's end, Lee Roy Patterson, IEB member from District 23 in western Kentucky, and James H. Blackburn, vice president of Local 1532 of District 30 in eastern Kentucky, were Miller's announced opponents.

Another constitutional amendment, approved only after being sent back to committee twice, outlined the qualifications needed to run for international office. The most controversial sections dealt with the amount and type of experience needed and the age limit for running for such offices. After prolonged debate, delegates agreed on a provision calling for five-years experience but did not approve the section that stated a candidate must not have "celebrated his 65th birthday on the date his term of office will commence." Again, the internal factionalism surfaced, this time between the older and younger miners, when the younger members claimed that the older members did not understand their needs, while the older delegates stated that they organized and built the union and had acquired invaluable experience. This age restriction was approved for candidates for district office only.

In a related matter, the convention decided that only working miners, who number approximately 183,000, may vote on contract ratification. Prior to this change, if any part of the contract was vetoed, the rest was also rejected. Under this system, retirees voting on pension provisions could accept or reject the entire contract. Another article that received much debate called for the union to buy some stock in coal companies for the purpose of seeing their financial statements. This amendment was adopted.

Topics not involving internal political considerations which also generated considerable debate included:

- Strengthening COMPAC by recognizing it as the union's "grass roots legislative political arm," and by assessing $7 per working member per year
for it.

- Removing its support from Federal controls over strip mining and instead supporting State legislation, which in some cases, would be less stringent.

- Calling for a "right-to-strike" provision in the coming contract; this clause implies that a local would have the choice of solving a legitimate complaint through filing a grievance or calling a strike (Hecker, 1/77, pp. 58-9).

The "right-to-strike" provision was a part of a larger "settlement of disputes" issue, an area resulting in the convention's only roll call vote. As established by the 1975 contract, a tripartite Arbitration Review Board was the final step in the grievance procedure. It was instituted to resolve conflicting decisions by different panel arbitrators and to insure uniform interpretation of the contract. The main complaint against the board was that it acted too slowly. Proponents claimed that the backlog was a result of the year-long delay before the coal operators and the union could agree on the board's members.

The convention's collective bargaining committee supported the board by a vote of 17 to 15. The settlement of disputes was first brought to the floor as part of a package at a night session late in the convention, after half of the collective bargaining committee's report had been reviewed section by section. The delegation voted to suspend the rules and adopt the rest of the report in its entirety. The next morning, opponents of the arbitration board, realizing what they had unknowingly agreed to the previous night, asked for the issue to be reconsidered, and eventually a roll call vote was taken. The vote was 1,337 to 947 against the board, and, according to parliamentary procedure, the issue went back to committee for revision. On the convention's final day, with barely a quorum present, the revised report was released and agreed to. The new report called for a more efficient grievance procedure including an appeal level. The report neither mentioned the board by name nor recommended that it be abolished. Some union officers believed the roll call vote was not against the board per se but for a better grievance procedure.
Among health and safety demands, the union called for the following provisions in the new contract:

- Positioning of full-time union safety committee-men at all mines who "shall have the power to shut down a jobsite, mine, or mine facility for health and safety reasons." The committeemen are to be elected by the local, paid by the company, and extensively trained in mine safety.

- Mandatory establishment of professionally trained mine rescue teams at all mines, improved emergency medical care at the mines, more full-time training instructors, use of a fully automated noise dosimeter, elimination of the use of lung-cancer-causing asbestos, and the removal of all diesel equipment used in mines because of their health hazards.

- Hiring of union members as fire bosses.

- Enforcement of the provision dictating that no employee work alone.

- Bargaining for new health and retirement benefits and the addition of new beneficiary groups that would increase the royalty per ton of coal contributed to this fund from $1.55 to approximately $3.31.

- Demand for a 6-hour work day for inside miners and construction workers and 5 hours and 15 minutes for outside and surface miners.

- Across-the-board wage increases, with a reduction in the gap between pay grades, elimination of compulsory overtime work, and an increase in pay to 2 times the normal rate for work done beyond the standard workday, to 3 times the normal rate for Saturdays and Sundays, and to 5 times the normal rate for holidays.

Because shift rotation may induce fatigue among workers, cause accidents, and diminish morale, the union agreed to request that the policy be subject to the vote of the local involved. The delegates also demanded that the cost-of-living escalator be changed to provide an increase of 1 cent per hour for every 0.2-point increase in the CPI. In addition, to protect workers during layoffs, the convention adopted a recommendation to include
a Supplemental Unemployment Benefits (SUB) plan in the next contract.

Further contract demands outlined recommendations on negotiating agreements with western coal companies, increasing personal, sick, and holiday leave, expanding coverage of sick and accident benefits, increasing compensation for those with greatest seniority, equalizing pensions, and providing financial help to the Anthracite Health and Welfare Fund. The union also agreed to have the new agreement expire the first week of April, when coal production begins to increase. The union also desired the right to check company books to see if, as agreed, the company was providing miners with coal for their own homes at cost. As part of the construction contract, the union asked that no employer may subcontract any work for which the necessary tools and skills are already available.

Recognizing the threat that western coal, often mined in areas with no union, could have on the demand for eastern coal mined by union miners, the convention spent much time debating organizing issues. Although the delegates were unanimously in favor of more organizing, they voted against a recommendation to hire 100 additional organizers and add $3 million to the organizing department's current budget of approximately $1.5 million. The reason this recommendation failed was that many delegates wished that the organizers be elected, whereas the resolution stated that these "organizers be hired." Some delegates believed that the appointed organizers were not doing as good a job in the West as needed. Delegates generally favored expanded organizing, as all applauded when Patrick stated the union should commit $10 million to organizing. Despite the vote on this recommendation, an article was adopted later which specifically provided the president with the power to appoint as many organizers as he deemed necessary.

The convention also revamped election procedures for union auditors and tellers in the western United States and Canada to insure these areas proper representation. Upon the request of the West and District 25 (anthracite coal in Pennsylvania), dues in these areas were raised to those of other union members.

In two votes, the convention rejected overwhelmingly, and then by a small majority, a recommendation to establish a commission to meet with other unions
to set jurisdictional agreements. The Mine Workers were especially concerned with the organizing activities of the International Union of Operating Engineers (AFL-CIO) in western coal mines.

And, finally, a recommendation that the UMW set up a committee to consider the union's reaffiliation with the AFL-CIO was soundly defeated. Although the organizing committee cited the advantages the AFL-CIO could provide in settling jurisdictional disputes and the benefits the Mine Workers would derive from the Federation's political activities, the delegates were strongly opposed to relinquishing the union's independent status (Hecker, 1/77, pp. 60-1).

It was clear that on a number of key issues voted on at the convention, confusion and irrationality prevailed. For instance, though the delegates were unanimous in support of more organizing, they rejected a proposal to pump $3 million into organizing campaigns by hiring an additional 100 organizers. They also turned down a proposal that the UMW meet with AFL-CIO unions, such as the Brotherhood of Operating Engineers, which also represents miners particularly at strip mines, in an effort to establish jurisdictional lines and keep the UMW firmly entrenched in coal. Furthermore, the members shouted down a proposal that the UMW engage in talks with the AFL-CIO on possible affiliation with the federation. As an AFL-CIO union, the UMW would have been protected from membership raiding by other unions.

Miller's failure to adequately explain these proposals or to assert leadership on other issues was greeted with incredulity by many people inside and outside the union. Wilbur Hobby, president of the North Carolina AFL-CIO and an ally of the UMW in its organizing battles in the South, had warned the delegates that political feuding could destroy the UMW. After listening to the debate on organizing, he remarked: "They actually voted against their own interests." A veteran unionist from another major union, after observing the heated and confusing debates at the convention, commented: "It's like Portugal after it was released from dictatorship" (Business Week, 10/11/76, p. 98).
J. 1977 UMWA Presidential Elections

As previously mentioned, the Cincinnati convention voted to move the international elections up from December to June 6, 1977, a maneuver considered by many observers to be a blow to Miller and his chances for reelection. The major candidate from the right was Lee Roy Patterson, an outspoken member of the International Executive Board from western Kentucky's District 23, who was originally appointed district president by Boyle. Patterson opposed moving the UMW headquarters from Washington to the coalfields, as mandated by the 1973 convention; he opposed rank-and-file ratification of contracts and the development of fraternal relations with miners' unions around the world. Like Trbovich, Miller's vice president who supported Patterson during the new election, Patterson had consistently criticized the UMW's organizing drives and had even refused organizing assignments from Miller (Nyden, 1977, pp. 51-2).

In December 1975, for example, Miller suspended Patterson for refusing to undertake a data-gathering mission to Alaska. In the UMW, board members have no administrative functions but are required to travel on troubleshooting missions at the president's request. Patterson refused on the grounds that Miller should have assigned someone to help him. Miller and an aide subsequently made the trip. Then, at an IEB meeting the first week in February 1976, a "spirit-of-unity" compromise was proposed under which Miller agreed to reinstate Patterson if the board would reaffirm his power to suspend members for insubordination. Instead, Patterson demanded "vindication" and the board voted 15 to 1 to uphold his reason for rejecting Miller's order (Business Week, 2/16/77, p. 102).

In October 1975, Patterson voted to remove Miller from office prematurely, in violation of the UMW constitution. In February 1975, 19 months before his announcement of September 10 that he would oppose Miller for the presidency, Patterson declared: "Let the record show that if I ever run for national office, walk up to me and call me a damn liar because I want you to. I have no aspirations for any international office." Upon announcing his candidacy, Patterson declared that his slate would include Gene Mitchell from Illinois, Carroll Rogers from northern West Virginia, and Booker Thomas, a black pensioner from southern West Virginia.
Miller announced his slate for the UMWA elections in June. For his vice-president, Miller selected Sam Church, a miner from southwestern Virginia who was recently arrested for assaulting a UMWA staff member in the union's headquarters. Bill Essylton from western Pennsylvania was Miller's candidate for secretary-treasurer, and James E. Blair, a retired miner from Muhlenberg County, Kentucky, was the choice for vice-president for pensioner affairs. Blair, who described himself as a "God-fearing Christian," was chairman of George Wallace's campaign in Muhlenberg County in 1968.

None of the three men had held any district office in the UMWA, and their selection by Miller, argues Nyden, indicates not only a turn to the right but considerable weakness on his part. Both factors probably helped the candidacy of Harry Patrick in his bid for the presidency (Nyden, 1977, p. 108).

In a Miller-Patterson race, Nyden predicted that Miller would probably win, though the incumbent president was having some difficulty putting together a slate, and recent allegations of expense account abuses could have hurt him. Even more damaging to Miller's reputation among miners were published reports of his visits to the home of John D. Rockefeller IV, the governor of West Virginia (Nyden, 1977, p. 52). The name Rockefeller has been hated in the coalfields ever since April 20, 1914, when the Colorado state militia opened fire on a tent colony housing the families of striking coal miners, who had been evicted from their homes by the owners. The militia then set fire to the camp and shot down a strike leader who tried to save the 120 women and 273 children trapped in the blaze. Twelve women and children died (Aaron, 1974, p. 33). Since the Rockefeller Foundation held a major interest in the Consolidation Coal Company—the largest coal producer in Appalachia—the miners' dislike of the Rockefeller name was intensified. In addition, the Mannington explosion which killed 78 miners and the Blacksville Mine fire which killed nine more were both in Consolidation mines (Nyden, 1975, p. 559).

Miller's other opponent, the UMWA's Secretary-Treasurer Harry Patrick from Marion County in northern West Virginia, consistently supported Miller and his policies. But under pressure from young miners, old supporters of the Miners for Democracy, and other progressives, Patrick decided on January 13 to run for the presidency.
Despite Miller's rapidly fading popularity, neither Patterson nor Patrick aroused much excitement in UMWA local halls. As one Pennsylvania miner put it: "What choice do we have? Patterson was Tony Boyle's hatchet man. Patrick was Miller's 'yes' man--and Arnold can't run the union."

Newsweek reported on May 23, 1977, that even though Miller was a slight favorite, none of the three candidates seemed to hold a clear advantage. Indeed, Newsweek accurately predicted that, "If next month's election doesn't provide a decisive majority for one of the three candidates, the gloomy chances are that the union will continue to disintegrate, with the next president powerless to lead the fractious rank and file. Then, when zero hour is reached on a new contract next December, an energy-hungry nation will pay the price" (p. 47). The outcome of the election and the turmoil that erupted during the 1977 contract talks substantiated Newsweek's predictions.

Arnold Miller was the victor in the UMWA June 14 presidential election, but the other candidates challenged the outcome. Miller received 55,236 votes (40 percent), Patterson 49,035 votes (35 percent), and Patrick 34,512 votes (25 percent). In a call for unity, Miller said: "It is time now for wounds to be healed by all on the losing side in this democratic election. They should come forth and recognize who the enemy is, which is the mine operators."

Miller's plea for unity went unheeded. Immediately after the election, Patterson declared: "The only reason I lost this election is because it was stolen from me. Personally, I feel compelled to challenge it." Under the union's constitution, challenges are filed with the 21-member IEB, which has the power to order a new election. In the months preceding the election, the board generally backed Patterson in various controversies with Miller over administrative and policy matters (Bornstein, 8/77, p. 53). In this critical vote, however, the IEB sustained Miller's election by a vote of 84 to 55. Votes were weighted by size of district; the vote to accept the certified tellers' results was 11 to 8 before weighting. There was also a suggestion that Miller had picked up some strength on the board that voted 13 to 9 to seat board member Martin Conners of Pennsylvania whose certification was challenged by Patterson. Patterson also appealed the election to the Department of Labor, charging that there
had been voting irregularities, but in October 1977, the Department ruled that, although it did uncover some technical violations in the elections, these would not alter the outcome (Miernyk, 1980, p. 44).

Only about half of all miners voted, despite the intensity of the contest. More significantly, three out of every five working miners voted against Miller, putting the president in a difficult position as the union geared up for the upcoming contract talks. Primack says if Miller had lost to Patterson, Miller's defeat would have been interpreted as a setback for a union reform movement. But Primack contends that it would have been a rejection of the administrative incompetence of Miller, instead of a vote against reform. The third man in the race, Patrick, gained in the last weeks of the campaign. A Pat Caddel poll had shown him with only 16 percent of the vote in mid-May, but by visiting scores of bathhouses and talking about hard issues with the rank and file, Patrick was able to finish with a respectable 25 percent of the vote.

Had the election been held just one week later, the rejection of Miller would probably have been overwhelming, as the day immediately following the election, the UMWA Health and Retirement Funds sent out notices informing nearly 821,000 beneficiaries of a major cutback in payments and coverage. Wildcat strikes, which had sapped the flow of royalty dollars to the Funds, were cited as the major reason for the cutbacks. Informed observers said the Funds had options short of outright cutbacks, but the industry wanted to teach miners a lesson about continued wildcats. In regard to the Health and Retirement Funds, the industry has one vote, the union one vote, and a neutral third party has one vote. What infuriated the miners was not just the cutbacks but the murky circumstances surrounding the action (Primack, 7/9/77, p. 37).

Specifically, the trustees said that beginning July 1, each family would be required to pay the first $250 of hospital costs and 40 percent of doctors' charges in a year, subject to an overall maximum family liability of $500 a year. Previously, the plan paid the entire cost. Besides blaming the unauthorized work stoppages that had cost the Funds $65 million in employer contributions since 1974, the trustees also cited that the severe winter had curtailed production leading to the loss of $20 million in contributions (Bornstein,
8/77, p. 53).

Toward the end of the campaign, Patrick had predicted just such a cutback and claimed that electoral politics were preventing the move from being announced until after the voting. The union's trustee to the Funds, Washington attorney Harry Huge, had contributed $1,000 to the Miller campaign; both Patrick and Patterson had pledged to remove him if they won the election. Reporters determined that the letters to beneficiaries were printed one day after the election; obviously, the actual cutback decision had been made before June 14. Patrick condemned such "cold-blooded use" of the situation to "poison the election." Huge, Patrick claimed, condoned a cover-up of the Funds' action to protect Miller from a reaction, particularly from pensioners who, it turned out, were a major bloc of Miller support (Primack, 7/9/77, p. 37).

Miller denied such a motive and attributed the need for the cutback to refusal by the BCOA to reallocate money among the four trusts that provide benefits for employees, retirees, and their dependents. According to Joseph Brennan, president of the BCOA, reallocation was not proper because it would weaken the position of the trusts from which money would be diverted and because it would "divert attention from the basic cause /of the benefit cutback/, the wildcat strike." According to the coal operators, coal production lost because of wildcat strikes during the first five months of 1977 rose 89 percent compared with the same period of 1976. This deprived the trust funds of $15.9 million in employer contributions, compared with $8.8 million lost for the earlier period (Bornstein, 8/77, p. 53).

It is clear that Miller's election to a second five-year term as president could scarcely be called overwhelming. He had received less than a majority of the votes, and he displayed no new leadership characteristics after the 1977 election. During the wildcat strikes in the summer of 1977, he repeatedly asked for a return to work, but his pleas were ignored. Indeed, as a result of the health-fund cutbacks which triggered the strikes, there was a short-lived movement in southern West Virginia to recall Miller. Although there was no constitutional provision for the recall of elected officers in the UMWA, Miernyk (1980, p. 44) notes that this did not appear to dampen the enthusiasm of those who were circulating petitions for Miller's recall in District 17, his home district.
K. Conclusion

Although the changes and internal dynamics of the UMW are interesting, their real significance lies in their impact on collective bargaining. The implications these have for collective bargaining not only affect the welfare of the UMW membership but directly impact on the price and quantity of coal available for energy production. After a brief review of the democratizing of the UMW, the changing nature of the workforce, and the failing leadership of Miller, an examination of the potential implications of these events on collective bargaining in terms of the nature and types of bargaining demands that can be expected, the process of negotiations, and the question of contract acceptance will follow.

Elected president on a reform ticket in a court-ordered election in 1972, Miller succeeded in fashioning one of the most democratic unions in the United States. The union, however, paid a price for the abrupt change from its autocratic ways of the past, largely because Miller and others who came to power in the aftermath of his election had little chance to develop their leadership abilities in union politics. Also, as happens to many reformers, they were unable to meet the unrealistic expectations held by the rank-and-file members who elected them. Whatever the new administration tried to implement in terms of programs, procedural changes, constitutional changes, and so forth, were often viewed dimly by the rank and file as efforts that did not go far enough in democratizing the union.

Yet, as one knowledgeable observer writes, there is still hope for the UMW:

Of course, the UMW's chances of survival and growth may be slim in a time when almost all labor unions are losing members. But it is plausible, at least, to argue that the life that lingered on in the old tree is struggling to send out new shoots. I believe that this is happening, and that it is a hopeful process. After all, the UMW, more than many unions, has weathered turmoil before (Bethell, 3/78, p. 16).

It appears that the strength of the UMW and its hope for the future lie in the rank-and-file miners and in
their traditional ability to weather difficult times.

When examining the changing nature of the work-force, one must look back to 1970, two years before the reform slate was elected. The Vietnam War was winding down, and veterans began coming home. Most of them left the hills of Appalachia for jobs in the cities, but jobs there were scarce. Those with high school diplomas could seek a college degree with the aid of the GI Bill and many did so. When they received their degrees in education or the arts and sciences, they searched for jobs again, only to find the market for their skills surfeited. Disillusioned and angry, they began turning to the mines and to the work of their fathers and grandfathers. Despite their hours of study, they wound up tied to machines miles underground or to bulldozers scraping the tops off mountains. The adjustments--both physical and psychological--that hundreds of the new breed of miners had to make to the poor working conditions thrust upon them were reflected in both internal union conflicts and growing numbers of unauthorized work stoppages.

Perhaps more important than their additional years of schooling is the broadened experience these new miners brought with them to the coalfields. The old breed of miners was of native hill stock or immigrants from Italy and the Balkans. In their estimation, mining was pretty good work, and the pay was decent. They were laborers by upbringing and had little hope of rising above that status. The newcomers, by contrast, were in the mines by necessity and expected that some-day they could live by some other means. They had seen other parts of the country, sat in classrooms listening to lectures on history, the sciences, and the arts, and, most likely, thrashed around in the jungles of Southeast Asia for a year or more. In effect, they had not yet steeped themselves in the fatalism so common to their calling (Caudill, 6/78, pp. 38-9).

Moreover, though economic conditions were poor, this new breed of miners did not have the fears of joblessness that used to keep miners on the job even under the most oppressive conditions. The new miners were not afraid to talk back to their superiors, and they had higher expectations, both from their newly democratized union leaders and from the coal operators. They expected not only to earn more money than their fathers and grandfathers but also to have more say
about the hours they worked, the physical conditions in which they worked, and the job assignments they accepted. They were not awed by management. And in mines where there was a pattern of obvious mismanagement, the new miners would catch on quickly and thereafter could not be coaxed, cajoled, or browbeaten into giving management more than the absolute minimum of their time and effort (Bethell, 3/78, pp. 20-1).

Yet, with all these differences between the new and the old miners, Appalachian and Midwestern miners remain a breed apart from other workers. A labor law expert, Robert T. Thompson, senior partner of the law firm of Thompson, Mann, and Hutson, of Greenville, S.C., and chairman of the Labor Relations Committee of the Chamber of Commerce of the United States, say that these "coal miners are fiercely independent and steeped in traditions of defiance" (Kroger, 4/78, p. 49). Thus, it was this changing, defiant, and independent workforce that greeted the Miller administration's attempts at democratizing the United Mine Workers.

A look at the failing leadership of Miller must begin with a brief statement about the coal industry itself. Coal has never been a glamorous industry from a managerial standpoint, and it has never attracted very many of the "best and the brightest" in terms of progressive, educated managers and leaders. Its long decline from a position of dominance among fuels, a decline that began after World War I and has only begun to level the past few years, made a poor situation even worse.

The union's leadership suffered this same affliction, especially after Lewis retired in 1960 (Bethell, 3/78, p. 16). Couple this dearth of leadership with a breed of miners that has never been easy to control and is even more independent than ever before, and one can begin to realize the explosive situation Miller found himself in when he assumed the presidency in 1972. What compounded the problems inherent in the UMW was the decision of the miners, encouraged by all the top international and district leaders at the time, to disband their rank-and-file reform movements like the Miners for Democracy. This weakened the union in organizing, contract negotiations, political actions, and in every other aspect of union life (Nyden, 1977, p. 108).
Since the disbanding of the MFD, there had been a tendency among many miners to blame Miller for everything that had gone wrong since he took office. Will Parry, president of the Northern Washington and Alaska Council of the Association of Western Pulp and Paper Workers, put such criticism into perspective when he wrote in December 1975:

No leader--neither Arnold Miller nor anyone else--can prevail against the power of Kennecott Copper, Continental Oil, Standard Oil and the other major coal producers without a broad base of rank and file support. To save the union, an organized movement is needed (Nyden, 1977, p. 108).

Perhaps Arnold Miller was not the ideal candidate to lead the UMWA against the remains of the Boyle regime and in its struggle for democracy, and his shortcomings—which became apparent during the 1977-78 contract negotiations—did much to prevent a fast and satisfactory settlement. After his election at the head of a reformist ticket, Miller managed a nearly complete restoration of democratic processes within the UMWA, but the revolution called for a dynamic leader. Miller's difficulties stemmed from his being weak, laconic, and leery of confrontation. Ultimately, he became suspicious of his most loyal, if impatient, friends. Still, the responsibility of protecting the UMWA and fighting the companies lies not only on the president's shoulders but on the shoulders of the nearly 300,000 members of the UMWA.

The following review considers the potential influences of these events on collective bargaining in terms of contract demands, the negotiations process, and contract ratification.

Contract Demands. As far as union contract demands are concerned, there is little reason to think that increased democracy and membership involvement will do anything but enhance their traditional "blue-sky" nature. Craft notes that one need only look at the 1974 contract negotiations when some 200 demands were presented to management, many in areas never before discussed in negotiations, while others were "extraordinary." The "blue-sky" characteristic of demands is not necessarily a problem since this traditionally provides a basis for negotiating leeway. However, many of the emergent problems grew out of these unrealistic
demands, the lack of strong union leadership, and the number of diverse groups and antagonistic factions seeking their own interests through the negotiations. With no conformity in the general bargaining thrust, the negotiator is left directionless regarding what he can trade and how much of which demands to exchange for the enhancement of others. The result is the decision to trade off specific demands that alienate certain factions or groups, which could, in turn, threaten the acceptability of the total contract package by reducing its desirability to several groups. In addition, the lack of a strong leadership backed by a powerful coalition, as, for example, the Miners for Democracy would have provided, limits the possibility of selling the contract to a factionalized rank and file.

A recent example of the consequences of the lack of direction in bargaining occurred during the 1974 contract talks. After Miller had obtained what he considered a satisfactory contract from the BCOA, the miners' representatives on the Bargaining Council opposed the pact overwhelmingly. But even with such a clear rejection, the council could not agree on specific instructions to the negotiators regarding changes needed in further talks. Even after significant improvements had been obtained through additional bargaining, the council again rejected the agreement. Only after Miller threatened to bypass the council entirely and let the rank-and-file vote did the council approve the contract for membership consideration, but even then a highly divided vote resulted. Similar circumstances plagued the 1977-78 contract negotiations.

Future union contract demands are more likely to have a stronger emphasis on the non-economic items that have not been a central area of concern in past negotiations. The changing nature of the workforce and the increased involvement of the rank and file in collective bargaining will likely result in demands for new work rules and perhaps a reduced rate of introduction of new mechanized methods, the latter specifically aimed at protecting existing jobs. Mine safety is a continuing concern of many union members. The miners can now be expected to formulate demands dealing directly with questions of safety and not leave the problem solely to government for legislation and what some miners believe is ineffective enforcement. In the area of health and safety, the 1974 contract reflects this growing concern, since for the first time, miners won the contractual right to walk off their
jobs in any section of a mine if they felt their lives were in immediate danger. Other mandates to improve mine safety were also adopted.

Negotiations Process. The circumstances existing in the UMW prior to the 1977 contract talks, argues Craft (1976, pp. 2-3), substantially increased the difficulty of developing a satisfactory negotiating relationship between the union and the coal operators. For example, negotiators may find it useful to make informal side agreements or formulate understandings about such things as the intent of certain language in a contract or how a contract clause is to be interpreted during the life of the agreement. Such side agreements or understandings may not be formally spelled out, but are agreed upon by the executive officers of both parties. However, if due to a lack of influence with the membership or the existence of divisive factions in the union, the UMW leadership is perceived as unreliable or ineffectual, the potential of such informal agreements for facilitating agreement is diminished.

Furthermore, if the company negotiators feel the union negotiator cannot accurately reflect the sentiment of the rank and file and/or he lacks the influence or mechanism to convince the membership that he has obtained the best offer the company can make, they might hesitate in making their best offer even at the contract deadline. The management spokesmen will feel that the union negotiator, the UMW president, could be forced to come back and seek a more costly package. This could result in a mutually undesirable strike while follow-up negotiations occur after the contract deadline has passed. Ironically, if the company representatives hold back in the final stages of the negotiations from giving their best offer in anticipation of having to come up with something better, they also risk a strike and the likelihood of additional erosion of the union executive's position in terms of the effectiveness and credibility with the membership. Miller's problem with consolidating his leadership, political infighting, and the industry's experience during the 1974 negotiations of the rejection of their offer by the Bargaining Council after it had been tentatively agreed to by Miller would seem to create an environment making it difficult to develop a trust-oriented and efficient bargaining process.
Contract Ratification. Previously, it has been shown how the problems of internal factionalism, lack of strong leadership, a diverse workforce, and an emerging democracy can affect the acceptability of a tentative contract presented to the rank and file for ratification. In addition, the ratification process would appear to enhance the probability of strikes occurring.

In the first place, the procedure is cumbersome and invites misunderstanding. Briefly, the procedure requires the Bargaining Council to review the bargaining team's tentative contract for approval. Then, if approved, the contract is presented to about 800 rank-and-file representatives, who in turn go back to their various areas and locals to explain the contract. Then, in a secret election, the rank and file vote to approve or reject the proposed agreement.

In the second place, this procedure is confusing since the Bargaining Council may be far from unanimous in its evaluation of a contract and may present sharply differing viewpoints to the representatives from the locals. Moreover, the labor agreement is a complex document, and it is not clear if the rank-and-file representatives can accurately represent the changes and meaning of the contract to their constituencies. The representatives may well have a negative attitude if they do not understand the document and see high-ranking union officials on the council opposing the agreement. Further, the rank-and-file miner tends to be highly suspicious of management and may not be in total support of the union leadership either. Such factors cause high levels of uncertainty about the ratification of any particular contract, regardless of how attractive the union leadership says it is.

Finally, the time it takes the rank and file to ratify a contract increases the probability of a strike occurring. It takes about eight to ten days to conduct a ratification vote after a tentative agreement has been reached. Even if an artificial deadline is established to incorporate the lead time needed for a ratification vote before the contract expires, the experiences of the 1974 and 1977 contract talks indicate each party's reliance on the actual contract expiration date as the true deadline to force concessions. Since the miners have a longstanding tradition of "no contract, no work," past behavior patterns and the contract ratification procedure make a one-to-two-week strike,
at the minimum, quite likely with each contract renewal (Craft, 1976, pp. 3-4).
CHAPTER 3

A SEQUENTIAL EXAMINATION OF THE 1977-78
NEGOTIATIONS AND STRIKE

This chapter chronologically reviews the proposed agreements, offers analyses of their individual provisions, and examines the receptivity of both the Bargaining Council and the rank and file toward the contents of the proposals. The review begins by considering the provisions of the first tentative pact, which was endorsed by Miller but overwhelmingly rejected by the Bargaining Council on February 13, 1978. Next is a look at the provisions of the Pittsburgh and Midway Coal Mining Company agreement, followed by a discussion regarding the provisions of the second tentative contract passed by the council but rejected by nearly a two-to-one margin by the rank and file on February 24, 1978. And, finally, the provisions of the third settlement and its acceptance by 57 percent of the miners is reviewed in detail, with particular attention focusing on the major differences between it and the proposed contract which was rejected on February 24.

A. Provisions of the First Tentative Agreement and an Analysis of its Rejection on 2/13/78 by the Bargaining Council

On February 6, 1978, after four months of negotiations, the UMW's negotiating team headed by Miller reached a tentative agreement with the BCOA. Once the miners learned the details of the settlement, they reacted quickly and loudly. Cecil Roberts, vice president of Miller's old home District 17 surrounding Charleston, West Virginia, said, "The membership down here is outraged about the proposed contract. None of the demands of the 1976 International Convention were met." Walter Lawson Jr., a young miner from southern West Virginia, claimed, "This is the greatest sellout since the Indians sold Manhattan for some beads." Charles Wayne Daugherty, a local union official from Big Stone Gap, Virginia, reported that the men with whom he worked felt that the agreement would mean the end of the UMW.
These sentiments, writes Yarrow, appeared to be widely shared. On February 11, 2,500 miners assembled at the Beckley, West Virginia, armory to sound off against the agreement. In Ohio and northern West Virginia, representatives of 52 locals voted for rejection and sent busloads of angry miners to picket the union's headquarters in Washington, D.C. (3/4/78, p. 230). Time reported that, once in Washington, the miners intimidated the UMWA leadership by crowding "menacingly" into union headquarters, and "Miller, who carries a revolver, stayed away from the building for fear of his life" (2/27/78, p. 12). Further, almost 200 local union officials from District 29 in southern West Virginia sent telegrams on February 13 to the Bargaining Council, urging it to return to the contract goals approved by the 1976 convention held in Cincinnati. In their anger over the provisions of the first tentative agreement, many miners started circulating a petition to recall Miller. Even the retired miners were organizing against the pension provisions of the proposed contract and received broad support from young local union officials.

At first glance, most outside observers had trouble understanding the miners' activities because they interpreted them according to calculations of economic advantage. Observers ask, "Haven't the miners been offered a substantial increase in their wage and benefit package of 37 percent over three years?" For the miners, however, Yarrow claims their struggle involves a different set of concerns: matters of individual survival and dignity through collective struggle (3/4/78, pp. 230-1).

In effect, the BCOA negotiators asked the UMWA to cooperate in a plan intended to do away with wildcat strikes by signing a contract that would impose economic penalties on any miner who walked out on an unauthorized strike. Apparently, Miller agreed, and on February 6 he put his name on a tentative contract that would have given the companies the right to "discipline employees who cause or engage in unauthorized work stoppages," deduct $20 a day from an employee's wages for every day he spent on a wildcat strike, suspend health benefits for employees who walk out for more than ten days, put miners to work on Sundays for the first time, and create new "incentive plans" to spur productivity. In return for these concessions, wages were increased by approximately $2.35 an hour over three years, so that eventually the top pay would
increase from $8.11 an hour to $10.46 an hour (Marshall, 3/4/78, p. 20).

Writing for The Washington Monthly, Thomas N. Bethell, formerly research director of the UMUW, described the contract in stronger terms. He claimed that except for the money, it was "a document 50 years out of date." It would dissolve the health and pension plans that John L. Lewis fought to win more than 30 years ago. It would give employers the absolute right to discharge miners for having done nothing more than threaten a strike, and it would tie the hands of any arbitrator who sought to reduce the penalty. New employees could be discharged without cause, and their union would be barred from defending them. "These and many other provisions," argued Bethell, "would effectively dismember the United Mine Workers of America—in the name of 'labor stability'" (3/78, p. 13).

Yet Miller was prepared to sign; he quickly discovered, however, that his union was not. Union bylaws require that the contract be approved by the Bargaining Council and later by the miners themselves. The proposal went no further than the council, which voted 30 to 6 to reject it. It was when copies of the agreement leaked to the rank-and-file union members prior to the council's vote that the protests began for the council to veto the document.

Still, the contract had its fervent supporters. The UMU negotiators recommended it, as did West Virginia Governor John D. Rockefeller IV. President Carter also endorsed it. Nevertheless, the rank and file, represented by the Bargaining Council, would not bend.

Events went from bad to worse after the council rejected the proposed settlement, and Miller went on record to call the council members—all elected representatives of the rank and file—"a bunch of granite heads." In response to Miller's outburst, Kenneth Dawes, president of Illinois' District 12, said, "That was about the limit—he handed us a contract that was an insult to anyone's intelligence and then knocks us to the press. If I had been Miller, I would have told the coal companies, 'If that's the best you have to offer, I can only pass the news on to the rank and file and let them come on down and lay siege to the BCOA headquarters'" (Bardach, 9/25/78, p. 54).
Clearly, in the early negotiations, the union bargaining team conceded more to management than the miners would ever have approved. Furthermore, Miller had no political clout to assure approval of a contract either by the Bargaining Council or by the union members themselves. The higher wages, over which there was little serious argument, and guaranteed health benefits were offset by greatly broadened management prerogatives. For example, the operators' successes in winning the right to change shift starting times, to mine coal on Sundays, to implement a 30-day probationary period for new employees, and to fine miners for engaging in wildcat strikes all went against UMW tradition.

While some of these changes may seem minor to outsiders, to coal miners they represent company efforts to take away controls that miners have over their jobs, such as the ability to engage in wildcat strikes over grievances. The miners gained this autonomy over many decades of struggle but particularly during the 1940's and 1950's when the industry surrendered management prerogatives to Lewis (Business Week, 3/6/78, p. 95).

Most of the opposition to the first proposal centered on changes in health-care provisions and on the right to strike. The Welfare and Retirement Funds, which Lewis and the membership fought to establish in 1946, were bankrupt by the time the negotiations began. They were supported with royalties paid by operators on the tonnage of coal produced, and the operators charged that the funds were crippled because wildcats had cut into production. At best, that is a partial explanation. In spite of the ten-week wildcat strike during the summer of 1977 in response to cutbacks in the medical plan and the present contract strike which idled the mines for most of December, coal production in 1977 was enough to create the largest coal reserves in the nation's history. Had no strikes occurred, there would have been widespread layoffs because of overproduction, and the funds would have suffered anyway. The miners claimed that the operators often delay or avoid paying royalties and that medical costs have soared. They wanted much tighter union control on payments into and out of the funds.

The Welfare Fund has greatly improved health care in Appalachia. The UMW originally built a network of ten hospitals in the area. Although the union has since sold the hospitals, the medical plan still keeps
them afloat and also supports 50 clinics and other services. As one miner expressed his concern on the issue, "Wages will not protect your home in case of sickness." The tentative agreement would abolish the fund and workers would be covered by commercial health insurance on the basis of reimbursement of fee for service. Participants would pay $7.50 of each doctor's fee up to $150 per year for a family. There also would be costly deductibles for hospitalization and drugs. A clinic official expressed fear that this arrangement would destroy the promising health education, preventive medicine, and chronic disease management program. Cutbacks during the summer of 1976, which forced the clinics to bill patients for 40 percent of the fee, for example, were followed by a drastic cut in utilization. The contract under consideration would increase the bill. As a result, a pensioner with black lung would probably drop his regular blood checkups. The innovative clinics that gave health care a new meaning in the hill country of Appalachia would, it was feared, be destroyed.

Before the strike there were two pension plans. The one established in 1950 for the 81,000 miners who retired before 1976 was almost bankrupt. The other plan for the miners who retired after 1976 was on a firm financial footing and paid nearly twice as much as the old plan. This double standard offended the miners' sense of solidarity and justice; they were determined to help the old miners who fought to establish the union. The proposed settlement guaranteed both pensions but kept the disparity in payment by raising the monthly payments to the pensioners $25. It turned the new pension funds, not jointly controlled by the union and the operators, over to the individual companies. Miners suspected that if their company went bankrupt, they would lose their pension and that it would not be transferable if they moved to a new company. One miner observed that it would do no good for the active miners to ratify such a contract, as the pensioners who have nothing but time on their hands would picket the miners out of the pits (Yarrow, 3/4/78, p. 232).

The other major issue and the biggest stumbling block to a settlement was the right to strike. In the past, UMW contracts, unlike those of other unions, have not included a no-strike clause. Since high absenteeism and frequent wildcat strikes have plagued the industry in recent years, the BCNOA insisted on a no-strike clause
in its new agreement. The operators argued that since Miller was unable to discipline his members, the operators wanted a contract that would.

Miners, on the other hand, felt that their traditional right to strike had been nullified and must be reasserted. The Arbitration Review Board ruled that miners could be fired for participating in wildcat strikes or "advocating" them. Court injunctions also were used to attack unofficial strikes. The courts have levied fines totaling $100 million against the UMW with the cases in different stages of appeal. During the summers of 1975 and 1976, the rank and file battled the courts by striking against the injunctions. Yarrow claims that partly as a result of these earlier struggles, the huge wildcat strikes during the summer of 1977 against the medical plan cutbacks were not enjoined. To avoid future firings and injunctions, the miners demanded that the new contract provide a clear statement of the right to strike at the local level over unsettled grievances; the delegates to the 1976 convention unanimously passed a resolution to that effect.

This action did not mean that the miners themselves were without misgivings about wildcats. Since wildcat strikes were called so often in recent years, many miners felt exasperated because they were prevented from earning a living. On the other hand, many agreed that, "The right to strike is the only weapon we have against the coal operators. Without it, we're just helpless" (Yarrow, 3/4/78, pp. 232-3).

B. Provisions of the Pittsburgh and Midway Coal Mining Company Agreement

As a result of the outraged reaction of the rank and file to the first contract proposal, things began to happen. Under pressure from President Carter, who was concerned about the shrinking stockpile causing electricity cutbacks and threatening large-scale industrial layoffs, the operators made "their last best offer." The UMW's Bargaining Council quickly and unanimously rejected it. Carter began consulting with Congress about more "drastic action" if the strike was not settled soon (Yarrow, 3/4/78, p. 230).
Then, the major development leading to the February 24 accord occurred on February 20, when the union announced that it had reached agreement with the Pittsburgh and Midway Coal Mining Company, a subsidiary of Gulf Oil Corporation which is not a member of the BCOA. This was a shift from the UMW's usual practice of first settling with the BCOA and then pressing independent companies (such as Pittsburgh and Midway) to accept the same terms (Bornstein, 4/78, p. 55).

This agreement was the result of a Federal Mediation and Conciliation Service's strategy to bypass the negotiations' deadlock by getting a contract between a less hard-line company and the less militant miners of western Kentucky, Missouri, and Kansas, where the company's mines are located. The Service apparently canvassed a number of potential agreements with independent coal companies looking for a "pattern setter." For instance, it rejected a contract under negotiation with Ziegler Company because "it was too liberal for the BCOA to ever accept." The strategy was to get the BCOA to accept the pattern, or if that failed, to get some of its member companies to defect and come to separate terms. Many miners feared that this strategy could lead to the demise of national bargaining and further erode the UMW's bargaining position (Yarrow, 3/4/78, p. 23).

The Pittsburgh and Midway agreement, which later proved to be the pattern for the tentative BCOA agreement, was not acceptable to the BCOA at the time it was negotiated because it made concessions to the union on several of the items in the rejected February 6 BCOA-UMW accord. These concessions included continuation of employer-paid royalties to the Welfare and Retirement Fund for coal purchased from nonunion operators; exclusion of a requirement that new miners undergo a 30-day probationary period; exclusion of a provision for establishing "production incentives" to increase productivity; and exclusion of a requirement that miners be required to pay $20 to the Health Fund for each of the first ten days they participated in a wildcat strike, followed by possible termination of their health benefits. In short, the long list of "take-aways" had been shaved somewhat, but the question of the UMW Health Fund and the medical cards was left up in the air. P&M workers would get whatever the BCOA companies finally agreed to.
After the BCOA rejected the Pittsburgh and Midway accord as a basis for settlement, Secretary of Labor Ray Marshall and FMCS Director Horvitz increased their efforts to aid the parties in reaching agreement. The operators then agreed to some of the concessions included in the P&M agreement, but this was still unacceptable to the union (Bornstein, 4/78, pp. 55-6). Through the efforts of Marshall and Horvitz, the Carter administration was trying to push the BCOA to accept the proposed agreement. The operators, in turn, tried to shift the pressure onto the union. In a move reminiscent of a tactic used by many unions, the BCOA proposed that the two sides agree to submit their differences to binding arbitration. Since such a move would eliminate contract ratification by rank-and-file miners it was rejected by the union.

The Carter administration's last-ditch strategy sought to avoid possible congressional action. With the backing of some important UMW officials, Marshall and Horvitz hoped to persuade the BCOA that the union would help "sell" the P&M agreement in the coalfields. This would eliminate some uncertainty for the BCOA, but if it rejected this approach, the government could intensify the pressure by embracing the P&M contract as a model.

The impasse, coupled with the continuing decline of coal stockpiles, then led to the government pressure resulting in the February 24 agreement. During the week of February 20, a strong faction had begun developing on the UMW's Bargaining Council under the leadership of Ken Dawes, president of Illinois' District 12. Dawes, an opponent to Miller's administration, nevertheless had enough political influence to swing the council in favor of the P&M contract by a 26 to 13 vote. The approval of any pact by the Bargaining Council was an optimistic sign and suggested that a P&M-type contract might be ratified in a referendum. As one Carter Administration official put it: "The BCOA ought to realize what a breakthrough it was to get anything through the council."

But as the P&M pact was being approved by the council, some of the largest companies in the BCOA were refusing to accept it. These included six major companies—Peabody Coal, Consolidation Coal, U.S. Steel, Pittston, Westmoreland Coal, and Island Creek Coal—that control nearly 85 percent of the votes on the association's board. Representatives from these companies
claimed that it was "silly" for a small company like the Pittsburgh and Midway Coal Mining Company—which mines four million tons of coal a year—to be the pattern settler for the BCOA. One chief executive said that P&M was doing this simply "to get a break in the market" and to undercut the BCOA. He added: "I'd leave the BCOA before we'd agree to this deal."

Officials of other BCOA companies felt that such hard-line attitudes were pushed too far in the negotiations. Even at the outset of the contract talks, some company officials contended that the association's concept of fining miners who engage in wildcat strikes would never be ratified.

However, shortly thereafter the BCOA accepted the P&M agreement, but had it refused, this could have represented an impasse under federal labor law. Individual companies then would have been able to drop out of the BCOA and sign separate contracts with the UMW. Such a move would serve to further splinter the industry and erode the United Mine Workers' cherished national agreement. Moreover, if contracts were negotiated on a company-by-company or regional basis, wage-cutting and price-cutting reminiscent of the chaos in the coal industry in the 1920's could have resulted (Business Week, 3/6/78, pp. 94-5).

C. Provisions of the Second Tentative Agreement and an Analysis of its Rejection on 3/5/78 by the Rank and File

Faced with a determined attack by the mine owners, the rank and file demonstrated that they had three lines of defense. The first line, the negotiating team led by Miller, was the weakest; it rolled over on February 6, recommending to the membership a contract that contained concessions to the BCOA on every major subject from safety to pensions.

At that point, the industry attack was stopped momentarily by the UMW Bargaining Council, which had no direct role in the negotiations but had to approve the contract before allowing the rank and file to vote for it. Some of the members of the council may have been primarily motivated by the desire to discredit Miller, but others were appalled by what they saw in the proposed first agreement. By an overwhelming majority, the council rejected the contract.
This second line of defense, however, was inherently weak. Few if any of the council's members had the experience and skill to stand up to the steady pressure that began to build in the weeks following the rejection. Arguing that Miller could not deliver a contract, the mine owners insisted—with the full support of the Carter administration—on expanding the UMW negotiating team to include some of Miller's most outspoken critics. Once installed on the team, the critics were fairly quickly maneuvered into putting their signatures on a revised agreement that was more appealing than Miller's, but still gave the operators a license to silence dissent in the mines with the threat of discharge and barred arbitrators from reversing company actions.

Furthermore, the second contract effectively dissolved the UMW's independently administered health insurance program by giving the mine owners the right to convert to coverage by private insurance carriers. To people outside the coalfields, this may have sounded innocuous, but to the miners this had been won back in 1946 under the leadership of Lewis when the mines were under federal control. Lewis had imposed a wave of strikes and short work weeks over a period of nearly a year. Coal was the nation's principal fuel, and the real threat of economic paralysis had propelled President Truman to seize the mines. Lewis, negotiating directly with the government, offered peace at a price: establishment of a broadly comprehensive system of health insurance that could not be controlled by the operators, even though they would pay for it with royalties collected on production. The government agreed and imposed the terms of the settlement on the mine owners as a condition of returning the mines to them. Over time, the UMW "medical card" not only became each miner's most important possession but also was the UMW's ticket to organizing new mines. "Even during the dark and stormy years of Tony Boyle's presidency," recalls Bethell, "it was a beacon of light for miners, not only because of the extraordinary scope of coverage but because of something equally significant: it meant independence for UMW members" (4/1/78, pp. 7-8).

The companies had chafed under this arrangement for more than a quarter of a century but had never had the opportunity to undo what was widely recognized in the labor movement as Lewis' outstanding achievement. It was not something that UMW negotiators would even discuss up until the 1977 contract talks.
If health insurance had been the only controversial item in the new contract, the miners and their representatives might have stopped the operators, but the miners, confronting an array of "obnoxious" new provisions, could only raise a general cry of protest. They had no leadership to shape the protest into an effective counterattack. The Bargaining Council, weary and confused, passed the new contract, and it went out to the membership to be ratified or rejected. In effect, the mine owners had breached the UMW's second line of defense.

On March 6, 1978, shortly after President Carter threatened to take "drastic steps" to end the strike, the miners, with 85 percent of the locals reporting, rejected--74,957 against, 32,641 for--the February 24 accord with the BCOA (Moody and Woodward, 1978, p. 50). The New Republic observed that the rank-and-file's vote demonstrated "a solidarity that surprised everyone in Washington and put their own leadership to shame" (Bethell, 4/1/78, p. 8).

The third line of the defense had held despite Miller's campaign to sell the proposed contract. Country singer Johnny Paycheck, for example, who was a favorite of the miners, was asked to record messages urging the rank and file to end their strike. The Johnny Paycheck scheme, write Moody and Woodward, was indicative of Miller's lack of skill in such matters. The Paycheck recordings simply urged an end to the strike in the context of sympathy and support for the miners. Paycheck later claimed he was assured that these recordings would be aired only after ratification, not before, but Miller started playing them prior to the vote on the second agreement. In that context, the messages sounded like a plea to vote "yes" on the contract. When Paycheck found out they were being used this way, he withdrew his approval, and Miller's public relations ploy collapsed (1978, p. 48).

The miners' chief objections to the February 24 agreement focused on: 1) the provisions permitting employers to suspend or fine instigators of wildcat strikes; 2) the provision requiring employees and retirees to pay up to $700 a year per family toward hospital and medical costs; and 3) the provision under which employees who retired prior to 1976 would continue to receive smaller pensions than those who retired later. Recall that in the 1976 International Convention the decision for equalization of benefits for the
earlier retirees was determined to be a primary goal in the 1977 contract negotiations (Bornstein, 4/78, p. 55).

Immediately after the contract was rejected by the miners, President Carter moved to end the 92-day-old soft coal strike by invoking procedures of the Taft-Hartley Act, even though UMW officials expressed doubt that a significant number of the 160,000 strikers would obey court orders to return to work. Carter said:

...the country cannot afford to wait any longer. Coal supplies have been reduced to a critical level throughout the Midwest. Tens of thousands of people are already out of work because factories have laid off workers to conserve fuel...One month from now, at least a million more Americans would be unemployed if the coal strike continued. My responsibility is to protect the health and safety of the American public, and I intend to do so (Hunter, 3/7/78, p. 24).

To make the return to work more palatable for the miners, Carter asked the coal operators to put into effect the $1-an-hour initial pay raise included in the rejected contract. The operators refused, but they did offer to pay any wage increase resulting from a new settlement retroactive to the date the miners obeyed the injunction and returned to work (Bornstein, 4/78, p. 55).

D. Provisions of the Third Agreement and an Analysis of Its Acceptance by the Rank and File on 3/24/78

After a display of extraordinary solidarity, the rank and file voted on March 24, 1978, to accept the proposed contract and return to work. For 109 days they withstood pressures from the BCOA, the courts, the United States government, and their own elected union officials.

Their strike stirred workers throughout the country. In a gesture of solidarity, the United Auto Workers' International Executive Board voted unanimously to contribute $2 million to the miners' cause after UAW President Douglas Fraser received a letter from Arnold Miller requesting the financial assistance. In addition, the Steelworkers union donated $1 million, while
in Boston, generally conservative trade union leaders joined with assorted left-wing activists to help the miners (Bensman, 4/28/78, p. 263). Even striking farmers, members of the American Agriculture movement, gave the miners a vote of support in their efforts to win a satisfactory contract. The miners, in turn, gave the farmers a vote of support in the farmers' protest against what they considered low wholesale food prices. About 150 farmers participated in a rally in Central City, Kentucky, and brought with them food gathered from farms in a dozen states. The amount of food distributed was small on a per-person basis. However, many who attended the rally said they did not expect to receive high quantities of food but were impressed by the symbolic significance of the farmers' action (Hunter, 3/7/78, p. 24).

Still, there can be little doubt that the final settlement approved by 56 percent of the miners' electorate represented a defeat for the UMWA and, argues Bensman, ultimately for American labor. The March 24 settlement represented a major setback because it surrendered the UMWA's 30-year-old independently administered health insurance program. The program, as mentioned earlier, was Lewis' legacy, the symbol of the union's power. In effect, the replacement of the union's health plan by operator-sponsored private insurance carriers symbolized the UMWA's loss of independence (4/28/78, p. 263).

Moreover, the miners viewed the 1978 agreement as a defeat because the contract did not contain the priority demands established by the union at the 1976 convention. Desired improvements in the areas of grievance handling, arbitration and safety, for example, did not appear in the third contract.

Furthermore, the miners did not view the pay hike of 39 percent over three years as sufficient to compensate for the contract's deficiencies. They viewed the wage increase as their just due, but no victory. While much of America envied the miners' wages and the business press lamented the settlement's likely influence on inflation, the miners themselves believed the contract gave them practically nothing.

Thus, the miners did not settle because they found the contract to be adequate. In part, they returned to work because of mounting financial pressures.
Bensman, however, claims that this was not the primary reason for their acceptance of the settlement. He believes that a "majority of the workers became discouraged, lost confidence in their union leadership's and their own ability to win against determined employer opposition" (4/28/78, pp. 263-4). These sentiments are summed up by Dave Lamm, a West Virginia miner:

First, the Taft-Hartley came down, and was fairly effectively ignored, but it had a psychological effect on people. Basically, at that point people just didn't think they could get that much more, with the kind of leadership we were getting. What happened was that the leadership from below was just incapable of taking the strike any farther --people understood this fairly consciously. The way most miners expressed it was that we just couldn't get any more with the kind of leadership we had.

By "the kind of leadership we had" they mainly mean Miller and the International officers, although some of the more conscious, more advanced miners understand that that wasn't the only level where there wasn't any leadership (Moody and Woodward, 1978, p. 71).

With Miller bargaining and without any nationally respected leaders in the field to provide an alternative, most miners felt that things had gone as far as the local leaders could take them.

In rejecting the previous proposals, the miners demonstrated their ability to defend their interests, but the key to winning such a war is to be able to attack as well as to defend. The miners, however, could only defend; they could say "no" to the BCOA, but they could not say it with a single voice. And they could not reverse again their previous setbacks at the bargaining table because their negotiators lacked the skill and stamina to carry the battle back to the territory the union had won in previous years.

The New Republic notes that "Miller was hopeless." Federal mediators, Labor Department officials, operators' representatives, and his own negotiating team members had comments which reflected their displeasure with Miller:
He was a tower of indecision. In the middle of negotiations he took two hours off to be photographed in his office by a guy from Time, and he spent the whole afternoon filling in his expense vouchers...He never saw the ball after the opening kickoff. He didn't understand most of the issues and didn't care about the rest. All he wanted was to get it over with (Bethell, 4/1/78, p. 8).

But the rest of the negotiating team lacked the internal spark and professional expertise to take over from Miller. Genuinely concerned about the future of the union— they were afraid of being balkanized by government pressure to open regional or even local-by-local negotiations—they were unable to deal with the operators. In that atmosphere, the third agreement emerged, not so much hammered out as stitched up. Some of the most inflammatory language of the first agreements was excised, and the news went out to the coalfields of at least a partial victory for the union (Bethell, 4/1/78, p. 8).

When the votes were cast on March 24, the miners voted to accept the offer and return to work. The vote was 58,802 for, 44,457 against, or 57 percent for, 43 percent against. A few things stand out when these figures are closely examined and compared to the March 6 rejection vote. First, fewer miners voted on March 24 than did on March 6. With 85 percent of all locals reporting for the March 6 vote, the vote totalled 107,598, indicating the total vote could have been as high as 120,000. The March 24 final vote total was 103,259. In other words, Moody and Woodward claim that anywhere from 4,339 to nearly 17,000 fewer people voted on March 24. In all likelihood, many miners opposing the contract probably felt discouraged and simply stayed home.

Equally significant was the sharp reversal of the vote in three of the union's most militant districts. Districts 17 and 29 in West Virginia and 28 in Virginia, all strike-prone and reform-minded districts, reversed their previous 2 to 1 margins against the contract. All three gave substantial majorities approving the March 24 settlement. Out of the total margin of 14,345 for ratification, these three districts provided 8,541 votes.
Below are some major differences between the new contract and the rejected February 24 agreement.

**Health Benefits.** The annual maximum deductible per family was set at $150 for physicians' charges and $50 for prescription drugs for employees, and at $100 and $50, respectively, for retirees. There is no deductible for hospital charges. Under the February 24 agreement, the combined deductibles for the three types of coverage would have totaled as much as $700 a year for active employees and $450 for retirees. Under the 1974 contract, there were no deductibles.

**Retirement Benefits.** The uniform $275-a-month pension to employees who retired prior to 1976 was effective immediately, rather than in stages as called for by the rejected contract. Under the 1974 contract, these retirees received $225 a month if they were receiving Federal black lung benefits and $250 if they were not.

**Industry Development Provisions.** The provisions as stated in the 1974 contract were not changed. The February 24 agreement would have added a clause permitting employers to discharge or otherwise discipline employees leading unauthorized strikes. Arbitrators would have decided if disciplinary action were warranted but would not have been permitted to modify the penalties in cases where discipline was warranted.

**Wages.** The new contract provided for a $1-an-hour immediate wage increase and 70-cent increases in March 1979 and 1980. The two 70-cent increases each include a 30-cent cost-of-living increase that is not contingent on the movement of the Bureau of Labor Statistics' Consumer Price Index. The February accord had called for the same $1 immediate increase, but the March 1979 and 1980 increases each would have consisted of a 40-cent set amount plus a wage escalator adjustment of up to 30 cents, depending on the movement of the CPI. Under the 1974 contract, employees received a total of 80 cents an hour in wage escalator adjustments, plus 10%, 4%, and 3-percent annual wage increases.

**Vacations.** Four paid "floating" days per year to be selected by the individual employees were granted. The February 24 agreement had called for three paid floating days, to be taken in conjunction with existing paid holidays to provide unbroken time off from
Christmas through New Year's Day. Under the 1974 contract, employees received two floating holidays of their choice. Both the February 24 and March 14 settlements revised the separate "graduated" vacation plan to provide for one day of paid time off after six years of service, two days after seven years, up to a maximum of 13 days after 18 years of service. The 1974 contract had provided for one day after seven years, two days after eight years, up to a maximum of 13 days after 19 years.

Incentive Production Plans. Employers will be allowed to establish plans compensating employees according to output, subject to majority approval by members of the particular local union. The February 24 agreement and the 1974 agreements did not provide for such plans (Cook, 5/78, pp. 69-70).

The UMWA has been historically opposed to incentive plans because they often lead to increases in injuries and fatalities to miners. As a quota is met and exceeded, it is raised upward and the bonus is made more substantial; miners take shortcuts, and, their own elected safety representatives are put in the politically impossible position of trying to enforce safety standards that if enforced, inevitably would reduce production. "Sooner or later," writes Bethell, "everyone begins to look the other way, because the price is right, and that spells murder in the mines" (4/1/78, pp. 8-9).

E. Conclusions

Why did the coal operators apparently triumph in the 1977 contract talks? The new economics of the coal industry provides part of the answer.

In 1974, when the UMWA and the BCOA signed their last agreement, UMWA miners produced 70 percent of the nation's coal. By the 1977 negotiations, the figure was down to 50 percent. During the strike, nonunion mines, primarily in eastern Kentucky and the western coalfields, produced 60 percent of America's normal demand for coal. In short, for the first time since the advent of John L. Lewis, the UMWA had lost its ability to cripple the American economy.
Another reason for the miners' defeat lay in the coal operators' determination to cripple the United Mine Workers. In the past, the BCOA had welcomed a strong union, seeing in it a partner in the stabilization of coal prices and production. In 1977, the companies saw the union's leadership as weak. In addition, they foresaw rising coal prices as America became more heavily dependent on coal. Furthermore, the operators now used many kinds of expensive and productive machines, and they believed that the UMW would never allow that machinery to do all the work it could. Finally, the recent wave of wildcat strikes in the mines convinced many operators that the UMW could no longer play its role in stabilizing production.

A third cause of the mineworkers' defeat was the behavior of the Carter Administration. The president's statement that collective bargaining should be allowed to run its course differed markedly from his actions. Invoking Taft-Hartley in what Bensman claims was a "phony emergency" played right into the operators' hands. Moreover, Carter's insistence after the second contract was defeated that the negotiators reach an immediate settlement proved a poor policy. Working under such pressure, the negotiators did not write a comprehensive contract that addressed the rank-and-file's goals and grievances. Instead, it barely improved the contract the miners had rejected earlier, thereby guaranteeing continued dissatisfaction and turmoil.

Nevertheless, a major portion of blame for the strike's defeat must rest with the union. At the top, its leadership was embarrassingly weak. Miller's inexplicable decision to submit the first contract to the UMW's Bargaining Council severely undermined the union's position. By the time the third contract came along, it looked like an improvement despite its failure to contain the provisions the miners really wanted (Bensman, 4/28/78, p. 264).

Yet, even though the strike did not settle the issues once and for all, and as the miners returned to the coalfields it looked like "business as usual," Moody and Woodward said it would be a mistake to think that the strike's effects were not far-reaching. At a Detroit solidarity rally during the strike, for instance, Jim White, a union safety committee chairman from Ohio, explained how the strike had affected the
Before, most of the young miners had never endured a long strike. A week under Tony Boyle, 30 or 40 days after we put in Arnold Miller—and that was about the extent of it. Nobody knew the suffering and sacrifices that people had to give up 30 years ago.

But instead of the wound closing as the BCOA turned this strike out longer and longer, it just reopened old wounds. And I think the union's got stronger.

Another miner echoed this sentiment: "The companies picked on Miller and backed him up against the wall because they thought the UMW was weak. As it turned out only Miller was weak." In this strike, the miners proved that to themselves, and in the process have probably succeeded in bringing the union's numerous coalitions closer together.

The strike also affected workers far removed from the coalfields. Across the United States, other unions held rallies, collected food and money, and sent car caravans to the coalfields to support the strikers. It was an effort unprecedented in recent American labor history, and it taught many workers something about their own potential power (Moody and Woodward, 1978, p. 8).
CHAPTER 4

AN EXAMINATION OF THE ROLE OF THE CARTER ADMINISTRATION IN ATTEMPTING TO SETTLE THE COAL STRIKE OF 1977-78

In an effort to determine whether the 109-day-long coal strike of 1977-78 constituted a national emergency within the meaning of the Taft-Hartley Act, this chapter focuses on the Carter administration's changing role during the negotiations. It traces Carter's involvement in the dispute from his original "hands-off" policy to his request for both the UMWA and the BCOA to resume contract talks at the White House on February 15, 1978. A review of the three options open to the Carter administration in settling the strike follows. These options include binding arbitration, federal seizure, and Taft-Hartley. Next is an analysis regarding Carter's decision to invoke Taft-Hartley, as well as a discussion as to whether the strike did indeed constitute a national emergency. The conclusion considers the impact of the media on Carter's decision to intervene in the negotiations.

A. President Carter Requests the UMWA and the BCOA to Resume Negotiations at the White House on 2/15/78

After the first tentative contract was defeated by the Bargaining Council on February 13, 1978, and the prospect of worse things to come loomed ahead, Carter reversed his hands-off policy on labor negotiations. In a cabinet meeting he declared that the nation's number one priority was to get the two sides back to the bargaining table; shortly thereafter he threatened to resort to unspecified "stronger measures" if the talks did not resume quickly. The implication was that he might invoke the Taft-Hartley Act. Theoretically, the Act compels striking workers to return to work, but the UMW defied it in three crises during the Truman Administration.
Carter invited the contending parties to negotiate at the White House, but much to his surprise, the BCOA refused. They feared that if they returned to the negotiations, the union would reopen all the issues that had been resolved over the four months of talks. Edward Leisenring Jr., chairman of Westmoreland Coal Company and chairman of the BCOA, sent Ray Marshall a letter attacking the White House for giving in to what he termed "lawlessness." As Leisenring put it: "The country should not be held hostage to any group which seizes the energy jugular" *(Time, 2/27/78, p. 13)*.

One reason Carter asked the BCOA and the miners to negotiate at the White House was that he had begun to hear from corporate executives and governors in coal-burning states that the situation was getting "perilous" *(Marshall, 3/4/78, pp. 20-1)*. And after the association's refusal to accept the President's offer to resume negotiations in the White House, Carter began getting calls from worried corporation executives, many of them officers in the parent companies owning the coal mines. They told White House officials that the operators' intransigence might cost them the public's sympathy. "It had become apparent that we were gaining public and private support," said a top White House official. "All that remained to do was let the operators know that this is not the way you play the game."

In an effort to pressure the BCOA to agree to holding a new round of negotiations at the White House, Jody Powell, Carter's Press Secretary, drafted a statement criticizing the BCOA for its lack of cooperation and its disregard of the national interest *(Time, 2/27/78, p. 13)*. Before it was issued, Carter asked Secretary of Labor Marshall to put in another call to Leisenring. Marshall told the BCOA the president was prepared to go on television and denounce the companies for their "outrageous" refusal to bargain. *Time* reported that ten minutes after Carter's request to Marshall to speak with Leisenring for the last time, the Secretary of Labor returned to the Oval Office and said: "They've agreed to come back in."

When the two sides gathered in the Roosevelt Room of the White House to start talking again, the operators were relieved to learn that Miller had expanded his negotiating committee to nine by adding three of the dissenting members of the UMWA Bargaining Council who had voted against the first tentative pact. Carter put in a brief appearance, urging the negotiators to come to
an agreement for the benefit of the country (Time, 2/27/78, p. 13). The negotiations that followed, accomplished nothing, except perhaps to compound the problems already existing to deadlock the talks. One White House aide said afterwards, "We acted too soon, and put the President himself much too deeply into the situation. The pace we set initially was too fast."

Indeed, Marshall unrealistically set a 48-hour deadline for the two sides to renegotiate the agreement. Moreover, Marshall, who had little experience as a mediator, whetted the expectations of the UMW's negotiating team by telling them of possible industry concessions before they were formally offered. When the industry's final offer turned out to be more modest than anticipated, the Bargaining Council voted it down 37 to 0 on February 18.

The council members were influenced by growing rank-and-file militancy in the coalfields. Miners had heard of the "takeaways" in the BCOA offer and, without waiting for guidance from their officers, began stepping up their efforts to halt shipments of nonunion coal. In many parts of Appalachia, they demonstrated their solidarity at rallies, such as the one held in Charleston, West Virginia. "Up to now, the pressure's been on the coal miners, but now the pressure's where it's intended to be," said one UMW official after the Bargaining Council rejected the industry's last offer (Business Week, 3/6/78, p. 95).

Faced with financial disaster and the possibility that the government would take control of bargaining out of their hands, the major non-steel coal operators rebelled against the "hard-liners" in big steel who had been directing negotiations. On February 21, a meeting of the BCOA's Executive Committee unofficially pushed J. Bruce Johnston of U.S. Steel aside and replaced him with Nicholas T. Camicia as chief negotiator. Camicia, chairman of the Connecticut-based Pittston Company and a former coal miner himself, was chairman of the BCOA in 1974 when a settlement was reached after a three-week strike. It was clear to Camicia and most of his colleagues that compromises were necessary to get a contract past the rank and file. Thus, the unity, militancy, and determination of the membership of the UMW had succeeded in forcing a break in the ranks of the coal operators and regaining some leverage in the negotiations (Moody and Woodward, 1978, pp. 47-8).

Carter's posture during the first two months of the strike was viewed by some observers as prudent patience and by others as vacillation. "His patience has run out," claimed one administration source after the president put his prestige on the line when he tried to force a settlement by bringing the UMW and the BCOA together at the White House to resume contract talks (Sperling, 2/27/78, p. 3). Carter's precise formula for government intervention was generally considered to include some sort of binding arbitration, federal seizure, or Taft-Hartley.

The BCOA had suggested that the miners and the companies should turn their dispute over to a triumvirate of arbitrators. Whatever the arbitrators decide would be binding. In the interim, the BCOA said the miners should be asked to return to work. One of the Bargaining Council members, who said he spoke for a majority of miners, rejected the idea the day it was brought up. Miller also rejected it. The BCOA plan for arbitration probably would fail for the same reasons that make other temporary measures unattractive to the rank and file. When Appalachian miners go out on strike, they traditionally stay out until a new contract has been signed (Marshall, 3/4/78, p. 20).

UMW leadership and rank-and-file miners concurred in the belief that the operators wanted Taft-Hartley in the hope of generating bad publicity for the Mine Workers and bringing government pressure on the union. But the companies did not want government seizure of the mines because, argued Patterson, a member of the UMW International Executive Board and a strong opponent of Miller's, "then they [the government] would have seen the profits--I mean all the hidden profits--these companies make" (Bardach, 9/25/78, p. 54).

Under federal seizure, the government would become a temporary owner and sign a contract that would satisfy the mineworkers. In time, the mines would be returned to the companies. Seizure, however, presented a big political problem for Carter. For one thing, big business does not like it because it involves government tampering with management prerogatives. For another, while profits would still go to the owners,
seizure means that the government would take responsibility for working conditions, safety, production standards, and labor relations. Finally, although seizure legislation was said to be sitting on Congressman Frank Thompson's desk, it was doubtful that Congress would give Carter the legislation he needed, when he needed it (Moody and Woodward, 1978, pp. 63-4). In effect, seizure of the mines would be unpalatable to the operators, who had already given way under presidential pressure on the new contract, because they might lose still more if the government ran the mines. The takeover, however, would probably have the approval of the miners, who figured they could get a better contract from the White House than from the operators.

The Taft-Hartley Act, on the other hand, permits the president of the United States to send striking workers back to work before a contract is signed, as would the BCOA's proposal for binding arbitration. Still, the Taft-Hartley Act does not guarantee that the miners who return to the coalfields will do any labor; they cannot be coerced. President Truman confronted UMW President John L. Lewis with similar threats in the 1940's, and Lewis answered: "Let Truman dig coal with his bayonets." Although in 1978 the miners were essentially without a leader, they still felt the same way about government orders as they did in the 1940's. If Carter tried to herd the miners back to the coalfields at gunpoint, he would most likely create a more serious crisis than already existed. There would undoubtedly be violence.

Truman's showdown with Lewis, it should be noted, took place in a very different atmosphere than did the 1978 confrontation. The government had already seized the mines during World War II, and to avoid shutdowns and production delays, had signed contracts directly with the miners, giving them benefits more generous than the companies would have agreed to. The confrontation in 1946 occurred when Lewis charged the government with violating the terms of its contract. It was a contest between two powerful men in charge of two well-run political machines. Public opinion was solidly against the miners, and Truman won in the end by imposing fines and threatening to bankrupt the UMW. In 1978, the UMW was already on the verge of bankruptcy and was nearly broken. Carter would win no points by sending troops to do battle with a chaotic and insubordinate band of miners (Marshall, 3/4/78, p. 20).
Given the options of arbitration, seizure, and Taft-Hartley, Carter's ability to settle the strike was limited. Both the UMW and the BCOA had proved to be stubborn, factious, and suspicious of each other, as well as of government intervention. In addition, owners and miners both take for granted a degree of conflict that does not exist in other industries in the United States. From the start of the negotiations, the BCOA showed a determination to "bludgeon" the union into a contract that had little chance of ratification by the rank and file. In exchange for a 37 percent pay increase over a three-year period, the operators insisted on making the miners pay for part of their medical benefits and fining them for wildcat strikes. And for reasons that are still obscure, Miller went along with a settlement that he must have known would be unacceptable to his membership. When the first tentative agreement was rejected by the Bargaining Council, Miller had to go back to the bargaining table under a barrage of criticism from the press, the BCOA, and from his own union (Time, 3/13/78, p. 11).


On February 24, 1978, Carter announced that the BCOA and the UMW negotiators had achieved a new agreement, and the president strongly urged the union membership to accept the offer. The settlement was essentially the P&M agreement. There were to be no fines for striking workers, but the companies had the right to fire "instigators." The health and medical question was cleared up by dismantling the UMW Health Fund and making each company provide private health insurance for its workers.

Miller did not take this offer to the union's Bargaining Council because he insisted that since it was basically the same as the P&M agreement, it already had the approval of the council. Subsequently, this offer was presented directly to the rank and file, and when the results of the voting were announced on March 6, the contract had been rejected by more than a 2 to 1 margin (Moody and Woodward, 1978, pp. 49-50).

Rejection of the February 24 accord prompted Carter to invoke the emergency provisions of the Taft-Hartley
Act on March 6 and thereby moved the federal government squarely into the middle of the 91-day-old dispute. The Taft-Hartley Act, which was last used in 1971 against the International Longshoremen's Association, required the United Mine Workers to return to work for an 80-day cooling-off period. To enforce the law, Carter had a limited array of weapons, ranging from White House oratory to U.S. marshals and federal troops. But although the president said the miners were "patriotic citizens [who] will comply with the law," few UMW members would admit a willingness to bend to Taft-Hartley, which the union has defied twice before (Time, 3/20/78, p. 8).

After Carter announced that he was invoking the Taft-Hartley Act, a three-member panel was appointed, as prescribed by law, to examine the facts of the strike and make a report. Setting a March 9 deadline to receive this completed analysis, the president appointed three attorneys with experience in labor disputes. The chairman was John N. Gentry, a manpower expert who served for 13 years with the Department of Labor as an executive assistant to the Under Secretary and as Deputy Assistant Secretary for labor-management relations. At the time of his appointment to Carter's board of inquiry, Gentry was a partner in a Washington management consulting firm run by his onetime superior, Willard Wirtz, who was Secretary of Labor in the Kennedy administration.

Gentry was joined by Carl A. Warns and Eva Robins. Warns, a professor of labor law and collective bargaining at the University of Louisville, had served as labor arbitrator for the Goodyear Rubber Company and the Atomic Energy Commission. Robins, who had become the first woman mediator at the New York State Mediation Board in 1956, had served as deputy chairman of the New York City Office of Collective Bargaining, which administers labor laws for 300,000 municipal workers. For the six years immediately prior to her appointment to the board, Robins had been in private arbitration practice, handling a wide variety of disputes, including those involving Actors' Equity, Bloomingdale's department store, the New York City police department, and social workers (Hunter, 3/7/78, p. 24).

At a six-hour meeting on March 8, the board heard 50 witnesses. The top officials of both the UMW and the BCOA were heard, as were rank-and-file union
members. The board had its eleven-page report completed by 3:00 A.M. Containing no surprises, it recapitulated the events of the strike and concluded that a national emergency existed.

On March 9, a Justice Department attorney delivered the Government's suit to the judge's chamber in the Federal Court Building. To support its case, the Government included eleven affidavits from top administration officials. Charles Schultze, chairman of the Council of Economic Advisers, estimated that if coal was not flowing by mid-April, unemployment in states with shortages could eventually exceed 3.5 million persons. John P. White, an Assistant Secretary of Defense, claimed that electric power would be cut off in the plants of Pentagon suppliers if the walkout continued.

When U.S. District Aubrey Robinson convened his court at 3:30 P.M. on March 9, U.S. Attorney General Griffin Bell argued the case for the Government. The only significant opposition came from Harrison Combs, the UMW's veteran general counsel. Reminding the court that this was his third defense of the union in a Taft-Hartley proceeding, Combs pointed out that coal was still being exported, that substantial stockpiles existed, and that negotiations between the union and management had resumed. Combs said the UMW leadership would do whatever the court ordered, but, he added, "I can't speak for 20-some districts and more than 700 locals." After the hearing adjourned, the judge, as expected, granted the restraining order. With that, the U.W. marshals started fanning out throughout the coalfields to serve a copy of the order, along with the Government's complaint, to each of the 1,450 defendants—including 616 coal operators and 789 UMW locals (Time, 3/20/78, pp. 9-10).

D. Did the Coal Strike Constitute a National Emergency?

On December 6, 1977, nearly 160,000 members of the United Mine Workers went on strike; within one week, coal production was cut by about two-thirds—from three million to about one million tons per day. The strike was particularly effective in the region of the East-Central Area Reliability group (ECAR), where the UMW is strongest. For example, in Ohio and Indiana, only about 15 percent of the mines remained in operation; in Pennsylvania, the figure was less than 10 percent; and
in West Virginia, virtually no mines were operating for a while. To make matters worse, the strike was of record duration. It lasted 109 days, encompassing one of the worst winters in history. Still, despite forecasts of a short strike, the nation's utilities stockpiled almost 150 million tons of coal, which represented about a 110-day supply.

The ECAR area has a population of about 33 million and stretches from a point slightly west of Washington, D.C., in the East to the Illinois border in the West, and from Michigan in the North to the Tennessee line in the South. It includes the nation's industrial heartland—one-fourth of America's manufacturing production—and is served by 26 major bulk power suppliers of electricity. These utilities, sitting as most of them do atop the eastern coalfields, are heavily dependent upon coal. About 90 percent of their approximately 77 million kilowatts of generating capacity is fired by coal. In Indiana, the figure is 97 percent. Under normal circumstances, ECAR utilities would have burned about three million tons of coal per week during the 1977-78 winter season.

At the outset of the strike, coal piles among the ECAR companies had been built up to 46 million tons, or an average of about 103 days. But during January, these coal piles were being depleted at the rate of about 2.5 million tons per week, and alarm began to set in. By mid-March, the ECAR stockpile averaged about 40 days. However, coal pile averages can be misleading, notes A. Joseph Dowd, senior vice president and general counsel of the American Electric Power Service Corporation. He claims that in addition to being misleading, coal pile averages during the strike created some confusion and even distrust on the part of the press and the general public.

A 40-day ECAR-wide average does not indicate, for example, that the Allegheny Power System was down to 19 days or that Duquesne Light Company was down in the low twenties during mid-March, with practically no new coal being received. Ohio Edison Company, at one point was down to 33 days, only three days away from a 50 percent mandatory load curtailment.

How does one treat substantial quantities of frozen coal that may not be burnable at the moment but will be when temperatures moderate? How does one deal with
coal stockpiled at plants that are down for emergency repairs and may be out of service for one or more months? Whether such coal is included in or excluded from consideration could have a pronounced effect upon coal stockpile averages. Clearly, it is the amount of coal available at each plant, rather than the system average, that is critical.

Coal located where it cannot be used is useless. For example, the Tennessee Valley Authority at 10 of its 12 coal-fired plants had, at one time, less than a 24-day supply even while holding large stockpiles at its Paradise and Cumberland plants, the latter because two 1.3 million-kilowatt units had been forced out of service in early March by mechanical problems. Recognizing this problem, the ECAR utilities early abandoned the economic dispatch of their generating units and proceeded to load them in a manner giving paramount importance to balancing stockpiles at their various plants.

"All the while," recalls Dowd, "there seemed to be a lack of comprehension by the press and the public... that stockpiles were being supplemented by deliveries of nonunion and western coal, and that the daily coal burn rate was being reduced by the substantial amounts of energy that were being purchased from less coal dependent neighbors, as well as by voluntary and mandatory curtailment of load." In short, economic disruptions were much less severe than anticipated (6/8/78, pp. 15-6).

Two days after the settlement, The New York Times reported that:

...the strike's effect on employment will apparently prove minimal. Even at the strike's height, Administration predictions of three million unemployed never materialized, with fewer than 25,000 people temporarily jobless as a result of the stoppage (3/26/78, p. 13).

Indeed, as late as March 20, Secretary of Labor Marshall told reporters that there was still no severe nationwide energy shortage, and that it appeared the miners would go back to work without Government seizure of the mines. Thus, there were no cascading power failures or mass layoffs. In fact, industrial production in
February actually rose by 0.5 percent. Dowd adds, however, that had the strike continued into April, the administration's dire predictions might have been realized (6/8/78, p. 16).

While voluntary curtailment helped very little, mandatory curtailment helped somewhat, and purchased power helped considerably, what really seemed to turn the tide was the increasing availability of nonunion and western coal during the latter stages of the strike. During January and February, utilities in the ECAR region were receiving only about 10 percent of their burn. By early March the figure was up to 54 percent of the reduced burn, and just a few days before the strike's end, according to Department of Energy statistics as reported by the White House, coal deliveries to the ECAR companies had reached 72 percent of their normal burn.

This dramatic increase in coal supply is probably due to a combination of factors. The divisiveness within the UMW may have reduced its effectiveness in intimidating the nonunion miners. Strong police action in some areas also helped. In Indiana, for instance, the National Guard was activated. Finally, the influx of coal from union as well as nonunion mines in the West had to be a major contributing factor (Dowd, 6/8/78, p. 19).

Yet, on March 6, 1978, the day after the miners-workers' rejection of the February 24 agreement, Carter invoked the emergency provisions of the Taft-Hartley Act. Although the clamor for governmental intervention in the coal strike had been increasing since early February, such intervention was by no means inevitable. In this regard, The New York Times pointed out on March 8:

Although Administration and private economists have said repeatedly that the prolonged coal strike would soon cause power cutbacks and large-scale layoffs, the actual extent of the coal shortage is unclear so far. Few Government and industry experts doubt that coal production in the nation is substantially below normal, or that, if current depressed levels of production persist, substantial impacts will eventually occur. But they say they are uncertain about how quickly the adverse effects will come and how broad
they will be.

The issue of how serious the coal shortage is bears directly on President Carter's plan to invoke provisions of the Taft-Hartley Act ... The law requires a court finding that the strike would "imperil the national health or safety" (3/8/78, p. 1).

The government's case for intervention under Taft-Hartley was most clearly summarized in a "strike-impact" memorandum submitted to the federal court that ultimately issued the temporary restraining order on March 9. In essence, the memorandum made three main points: first, the strike had significantly reduced U.S. coal production and increased national dependence on foreign oil; second, the strike threatened to cause massive power cutbacks and layoffs in an eight-state region within the next three weeks; and third, the well-being of this severely affected region was essential to the economic well-being of the nation as a whole (BNA, No. 47: AA-1, 3/9/78).

Significantly, observes Ackermann, the government made no claims that the strike had yet had emergency effects. Instead, the government based its claim for a temporary restraining order on the premise that a continuation of the strike would necessarily imperil the national health and safety within the foreseeable future (1/79, p. 185). This argument was largely based on the predictions of James R. Schlesinger, the Secretary of Energy, and Charles L. Schultze, chairman of the Council of Economic Advisors, who contended that continuation of the strike could mean as many as three million people out of work by mid-April (Rattner, 3/8/78, p. B8).

Ackerman questioned the accuracy of the government's forecasts, as well as the basis of its predictions of imminent massive layoffs and economic disruption at both the regional and national levels. Ackermann bases his conclusion that an impending or actual national emergency did not clearly exist on the data published by the Bureau of Labor Statistics (BLS). Beginning in mid-February, the BLS carried out weekly surveys of the strike's impact on employment levels and hours worked on the manufacturing and wholesale and retail trade sectors of the 11 states most dependent on coal. The large establishments surveyed were also asked each week to estimate the effect the strike's
continuation would have on total employment and hours worked in the following week. These data are summarized in Table 1.

Ackermann argues the impossibility of deriving any exact characterization of the strike's impact from Table 1. But the data are extremely significant if viewed in the context of the numerous warnings of impending emergency that were current at the time the federal government intervened in the coal strike.

In the first place, the table reveals the extent to which employer predictions of strike-related effects proved to be consistently exaggerated. Such "alarmist" overestimations of future strike effects pervade the data, particularly for the manufacturing sector in terms of both layoffs and reductions in hours. The table overstates the strike's impact to the extent that it summarizes the effect of the strike on one peculiarly sensitive urban-industrial area of the nation. The strike's impact on this region was certainly far more severe than it had been on the nation as a whole.

A second significant point revealed by the data is that between the week of February 26-March 4, at the end of which the miners rejected the second contract offer, and the week of March 5-11, during which Carter invoked Taft-Hartley, strike-related layoffs and reductions in hours in the coal-dependent 11-state region actually declined in the manufacturing sector. In sum, the available data, claims Ackermann (1/79), indicate Carter's invocation of Taft-Hartley was to be set against the backdrop of an energy situation less dire than had existed when the administration still held to its contention that federal intervention in the strike would be unwarranted (p. 183).

Labor Secretary Marshall said the administration had several goals in mind when it decided to invoke the Taft-Hartley Act:

The major goal was to use this action as a catalyst to bring about the resumption of productive collective bargaining negotiations. We also hoped to trigger a limited increase in coal production that would be sufficient to meet the short-term emergency needs of the Midwest. Finally, Taft-Hartley gives the Federal government broad authority
Table 1
Actual and Predicted Effects of the Coal Strike of 1977-78*

<table>
<thead>
<tr>
<th>Survey Period &amp; Data Group</th>
<th>11 Coal Dependent States</th>
<th>5-State &amp; Pitt. Area</th>
<th>11 Coal Dependent States</th>
<th>5-State &amp; Pitt. Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 1978 Employees on Payroll</td>
<td>7,784,000</td>
<td>3,852,000</td>
<td>6,118,000</td>
<td>2,705,000</td>
</tr>
<tr>
<td>Feb 12-18 Workers on Layoff</td>
<td>9,500</td>
<td>7,000</td>
<td>c</td>
<td>c</td>
</tr>
<tr>
<td>Percent Reduction in Total Manhours Worked</td>
<td>1.3</td>
<td>1.5</td>
<td>2.0</td>
<td>4.0</td>
</tr>
<tr>
<td>Feb 26-March 4 Workers on Layoff</td>
<td>25,500</td>
<td>17,100</td>
<td>c</td>
<td>c</td>
</tr>
<tr>
<td>Percent Reduction in Total Manhours Worked</td>
<td>1.8</td>
<td>2.1</td>
<td>3.0</td>
<td>5.0</td>
</tr>
<tr>
<td>March 5-11 Workers on Layoff</td>
<td>22,900</td>
<td>14,800</td>
<td>c</td>
<td>c</td>
</tr>
<tr>
<td>Percent Reduction in Total Manhours Worked</td>
<td>1.3</td>
<td>1.5</td>
<td>3.0</td>
<td>6.0</td>
</tr>
</tbody>
</table>

*Figures for 5-State and Pitt. Area are based on two coal states in 1977 and 1978. Figures for 11 coal states in 1977 and in 1978 are adjusted to correspond to the two-state sample for consistency.
Table 1, continued


(Figures underlined represent estimates of strike effects expected in the following week.)

a Indiana, Kentucky, Michigan, Pennsylvania, Ohio, West Virginia, Illinois, Maryland, Missouri, Tennessee, Virginia.

b Indiana, Kentucky, Michigan, Ohio, West Virginia, Pittsburgh area.

c Fewer than 1,000 layoffs reported or predicted.
to protect those miners who return to
work and safeguard the shipment of exist-
ing stocks of coal to areas that are in
critical need (BNA, No. 53: E-2, 3/17/78).

The government seemed to have achieved its major objec-
tive—the resumption of meaningful collective bargain-
ing between the UMWA and the BCOA. In compliance with
the terms of the temporary restraining order, negotiators
for each side returned to the bargaining table on
March 10, and a new agreement was reached on March 14.
According to one account, "both sides in the negotia-
tions appeared anxious to avert further government
intervention" (BNA, No. 50: AA-2, 3/14/78).

The Carter administration also appeared to have
partially attained its second objective, that of secur-
ing some measure of increased coal production prior to
final settlement of the strike, although any increased
production came solely from nonunion mines, which re-
opened with greater government protection, rather than
from union mines reopening in compliance with the order.

Governmental intervention was a complete failure, how-
however, in securing the return to work of any sig-
nificant number of striking miners. Indeed, the miners'
almost total defiance of the back-to-work order revealed
that a chaotic union may be far more resistant to
government control than one more tightly disciplined.

On March 17, one week before the final ratification
vote on the March 14 agreement, the government's request
for an extension of the temporary restraining order was
rejected by the same federal judge who had originally
issued the order. In the process, the emergency status
of the strike was drawn further into question. Judge
Robinson's refusal to approve the Justice Department's
routine application for extension of the temporary
injunction could, argues Raskin, "relegate the law to
the waxworks as a shield against strike emergencies
in any industry" (4/24/78, p. 59).

One basis for the judicial refusal was understand-
able enough, though most unusual. The judge held that
the bundle of affidavits Carter had submitted from the
heads of government agencies failed to provide con-
vincing evidence that the strike menaced the national
health and safety enough to justify a no-strike order.
The definition of what constitutes an emergency within
the law's terms is an elastic one, and federal courts
have consistently deferred to the president's judgment. Still, a good case could be made for finding the White House certification of imminent disaster too thin when over 50 percent of the nation's coal needs were being met through deliveries from nonunion mines (Raskin, 4/24/78, p. 59). Judge Robinson's unprecedented decision, notes Ackermann, was the product of a shrewd assessment of both the strike's actual impact on the nation's health and safety and the course the collective bargaining process would likely take in the absence of further government intervention.

Ackermann concludes that the coal strike was not a national emergency warranting federal intervention. The dispute failed to embrace all, or substantially, all of the affected industry, and a high level of production was maintained throughout the strike (1/79, p. 187). Between December 1977 and mid-February 1978, nearly three million tons of coal were exported, and as of the end of February, "the stockpiles of coal at coke-oven plants (39 days) were larger than they were at the beginning of the 1974 strike (34 days)" (BNA, No. 46: F-1, 3/8/78).

In addition, the strike had a significant impact on only one region of the country, albeit an important one, and even within that region the economic impact of the strike did not seem to be sufficiently severe to warrant the "emergency" designation. Finally, the data gathered by Ackermann indicate that the strike's impact seemed to be lessening at precisely the time the administration intervened in the dispute in accordance with emergency provisions of the Taft-Hartley Act. The point here is not that the strike could have continued indefinitely without creating a national emergency, but rather that the strike had not caused an emergency by March 7 and did not seem likely to do so in the near future (Ackermann, 1/79, pp. 186-7).

E. Conclusion

On October 6, 1977, two months before the expiration date of the national contract between the UMW and the BCOA, The Wall Street Journal (p. 44) published an analysis of the existing state of labor relations in the bituminous coal industry and noted, "Some people don't think there would be a crisis no matter how long a strike lasted." It also quoted a government official
as saying, "It looks like the UMW could strike forever and there would be a lot of coal."

This view was seconded on December 7, 1977, the first day after the UMW decided to strike. A New York Times (p. 28) editorial proclaimed,

...whereas once the UMW and its autocratic president John L. Lewis could tie the nation in a knot with the mere threat of a strike...this week Arnold Miller...called a strike, but the nation is not particularly worried--indeed, it is hardly even concerned...Mr. Miller's union of 180,000 controls only half the nation's coal production;...What's more, the nation expected the strike, and companies have built up three- and four-month coal stockpiles.

Yet, as the strike continued, the media's optimistic tone changed. On February 25, 1978, for example, America reported that "the prolonged strike of the UMW is exacting a bitter price. Its costs have been felt not only within the industry but by all the people of the states most affected by the strike: Ohio, Illinois, Indiana and West Virginia" (p. 132).

Indeed, the situation reached the point that by March 6, 1978, President Carter invoked Taft-Hartley, declaring, "as Americans, we all share the responsibility for preserving the health and safety of our country, which is now in danger" (The New York Times, 3/7/78, p. 24). The process by which a strike that "hardly even concerned" the nation developed into a national emergency reveals much about the way a prolonged strike in a major industry may, argues Ackermann, "generate virtually irresistible pressures for governmental intervention, even when the measurable effects of the strike do not seem to support the conclusion that a national emergency either exists or is imminent" (1/79, p. 178).

When the coal strike began on December 6, 1977, there was good reason to believe it would almost certainly not develop into a national emergency dispute. In the first place, the UMW appeared incapable of completely shutting off the nation's coal production because the nonunion mines in the West were producing an ever-greater percentage of America's coal. As of late
1977, The Wall Street Journal reported, "the 130,000 members of the UMW covered by the current contract almost half the nation's soft coal...off from more than 70% in 1970" (11/28/77, p. 3). In fact, on March 9, 1978, Carter informed the nation that:

...while approximately 82 percent of the miners in the country were out on strike, the nation's overall coal production had dropped by only 50 percent, and reserve supplies of coal were down by only about 45 percent (BNA, No. 47: AA-1, 3/9/78).

It should be pointed out, however, that continued operation of the western mines during the strike probably would not have protected the eastern and midwestern states from all the adverse effects of a lengthy dispute. Basic differences in the physical properties of western and nonwestern coal limit the extent to which the former can be substituted for the latter. For example, boilers are designed for certain kinds of coal, and it would be very difficult to substitute low-energy western coal even if surplus supply and cars to carry it were available (U.S. News & World Report, 2/27/78, p. 26).

The likelihood of the strike's attaining national emergency status was further reduced when such major coal consumers as the steel and auto industries and the power companies accumulated massive stockpiles of coal in anticipation of the strike. Intensive prestrike production and consumer stockpiling meant, of course, that the strike would have to last for a relatively long time to create an emergency, perhaps longer than the internally divided UMW would be able to sustain its effort.

The nation's initial lack of concern for the coal strike was also related in part to the prevailing notion that the UMW leadership under Miller was incapable of managing an effective strike effort. The Times reported, "The nation is not particularly worried by the strike...for Mr. Miller heads an unruly union, full of independent-minded Vietnam veterans who pay little heed to national leadership of any sort" (12/7/77, p. 28). It was certainly true that the UMW was in a considerable state of disarray in December 1977. Nevertheless, the events of the next three months were to reveal the questionable nature of the assumption that an internally divided union would pose a lesser threat to the national
health and safety than would a tightly disciplined union with strong central leadership. As dissident rank-and-file miners forced the UMWA's Bargaining Council to reject the first tentative agreement and then rejected a second tentative settlement despite the imminence of federal intervention under Taft-Hartley, it became evident that the UMWA under Miller was in a sense more uncontrollable than it had been in the heyday of John L. Lewis.

Accounts in the popular press of the progress of the coal negotiations and the effects the strike was having on the nation throughout December 1977 and most of January 1978 reflect little popular or official concern regarding the emergency potential of the strike. Not until roughly the third week in January, when contract talks had repeatedly broken down and it had become evident that the strike would be of record duration, did the first expressions of serious concern and growing impatience with the noninterventionist policy of the Carter administration begin to be heard. These expressions were to become increasingly loud, persistent, and widespread during the next two months, culminating in Carter's decision to invoke Taft-Hartley (Ackermann, 1/79, pp. 179-80).

The pro-intervention campaign, led by industrial special interest groups and officials of the most severely affected states, may be viewed as an attempt to raise the specter of national emergency in such a way as to convince both the UMWA leadership and the rank and file that only an immediate settlement could forestall governmental intervention. On the other hand, it appears the repeated warning of an impending emergency had the effect of rousing public concern, thereby increasing the political pressure on Carter to intervene in the dispute and making it easier for him to do so from the standpoint of public acceptance of the necessity of the action. One need only look at some of the headlines the press was releasing to its public to recognize the nation's growing receptivity toward governmental action. A particularly telling headline appeared in the March 6, 1978, issue of Time: "Carter Acts--Just in Time" (p. 10). Such overstatements coupled with tales of impending doom illustrate the impact the media had on pressuring Carter to intervene in the strike.
Still, even after the Bargaining Council rejected the proposed pact on February 13 by a 30 to 6 vote, Carter continued to downplay the necessity of federal intervention. However, it was around this time that the uncertain nature of the administration's strike policy became evident. Carter summoned the negotiators to the White House and hinted at the possibility that he would have to invoke Taft-Hartley and gave the parties 48 hours to settle on their own. Meanwhile, Labor Secretary Marshall was pointing out that, "the urgency of the problem--dwindling energy supplies and potential large-scale industrial layoffs as a result of coal shortages--required setting some deadline on the talks" (BNA, No. 33: A-10, 2/13/78). But despite Carter's new hard-line approach and Marshall's threatening predictions, Deputy Energy Secretary O'Leary was testifying before the House that, "the coal shortage caused by the strike...has not reached critical proportions yet, and there is no need for President Carter to declare a national emergency...The coal problem is not critical" (BNA, No. 33: A-11, 2/13/78).

The existence of such conflicting views within the administration concerning the strike's impact served to highlight the extent to which the national emergency concept is bound up with tactical and political considerations. Thus, argues Ackermann, it appears that Carter and Marshall were attempting to use the injunction threat as a way of applying pressure on the parties to settle, even as O'Leary was addressing the problem from the very different perspective of one who was concerned with essentially technical questions of energy supply and availability. It also seems apparent that the publicly-aired internal administration debate over strike effects and tactics lent credence to the increasingly prevalent view that the government was losing control of the situation, and that Carter would have to take some sort of decisive action to force the disputants to act in a more responsible manner (1/79, p. 181).

The need for the president to take some sort of decisive action was discussed in the Christian Science Monitor. The report noted that Carter's shift to a tougher position came at a time when new polls showed his public approval rating slipping down into the mid-to-upper 30 percent range. The Monitor's own surveys of America's reaction to Carter indicated that a growing number of people saw the president as someone less
than a strong leader. While continuing to "like" and trust Carter, more and more Americans were asking whether he had the "driving force" to bring the nation forward (Sperling, 2/27/78, p. 3).

Carter's decision to intervene in the dispute was primarily political because the mineworkers' continued refusal to reach an agreement was perceived by the press, the public, and by Washington's politicians as a major test of the new president's judgment and will. This forced him to take command of the situation even though intervention was not necessary from the standpoint of the national health and safety of the country. Senator Howard Baker's remark best sums up the feelings of many: "I think the President must do whatever he needs to do." Thus, by Washington's birthday the prevailing view in the nation's capital was that Carter should do something, and do it quickly. In effect, the strike offered Carter the perfect occasion to act "presidential," and couple this with his failing popularity, it presented an opportunity he could not ignore (Marshall, 3/4/78, p. 19).

In the final analysis, Ackermann argues in favor of Carter's "get tough" strike policy as a politically sound response to public expectations. In addition, it is apparent that "free" collective bargaining can only take place when the contest of the parties does not imperil, or perhaps more importantly, seem to imperil, the public welfare. For this reason, the emergency strike provisions of the Taft-Hartley and Railway Labor Acts will continue to play an important role in national labor policy as a buffer between private and public interests (1/79, pp. 187-8).

However, one cannot ignore one of Judge Robinson's main reasons for refusing to extend the temporary restraining order which he had granted a week earlier, as the implications it holds for future labor disputes are considerable. Because there was no concrete evidence indicating the existence of a national emergency, Robinson said he would not extend the injunction because the miners "are not paying any attention to what I do anyhow" (Raskin, 4/24/78, p. 59). If that is to be the criterion for Taft-Hartley compliance, what group of workers will ever again heed a national emergency injunction under the law? As a result of Carter's inability to withstand the mounting pressure which demanded he invoke Taft-Hartley, plus his desire to do
something presidential, he may have contributed to other unions ignoring court orders to return to work. In short, by pressuring the courts to issue an injunction in the face of a phony emergency, Carter may have encouraged labor to disregard the law in future disputes.

The combination of executive and judicial default during the coal strike has increased the possibility of future rebellions by the railroad brotherhoods against the cooling-off provisions of the Railway Labor Act. The railroad workers have adhered to that pioneer of labor law ever since it was passed in 1926. But following the refusal of the miners to obey the back-to-work mandate, Al H. Chesser, president of the largest rail union, the 180,000-member United Transportation Union, had a new perspective on the law. He said after the strike that he felt about the Railway Labor Act's restraints on strikes exactly the way the miners did about the Taft-Hartley restraints. "If there is an emergency that requires the trains to run," Chesser said, "then the government should seize the railroads just as it should have done with the mines if the country needed coal" (Raskin, 4/24/78, p. 59). In an effort to advance the image of being a strong president by making what appeared to have been a politically sound move, Carter may have unwittingly sacrificed the emergency provisions of the Taft-Hartley and Railway Labor Acts to do so.
CHAPTER 5
CONCLUSION AND SUMMARY

This concluding chapter offers a practical framework providing a better understanding of some of the problems that may surface during the upcoming contract talks in 1981. Consequently, this chapter is divided into two sections, both of which draw from material previously discussed in the text. The first section reviews the unresolved issues from the 1977-78 negotiations and projects issues expected to surface during the 1981 contract talks. The second section offers recommendations and proposals, which, if seriously researched and examined, should contribute to promoting peace in the coal industry.

A. A Review of Unresolved Issues and Projections for the Next Round of Negotiations in 1981

All of the major issues in labor-management relations in the coal industry have been touched on in this study. They will be elaborated on in this section, with particular emphasis on projections of key issues in 1981.

The major concern of management is unauthorized work stoppages. In the period from 1971 to 1974, there was an average of more than 1,500 wildcat strikes per year. The rate doubled in the 1975 to 1977 period to an average of more than 3,000 strikes (Brett and Goldberg, 7/79, p. 465). It came as no surprise, therefore, when, during the 1977-78 coal strike, the BCOA was determined to arrive at a stability package, thereby insuring the companies industrial peace. As one coal management official put it: "Getting that work force when we need it is our gut issue." For the operators, that meant getting an industry-wide contract under which no local could quit work over grievances of its own. On the other hand, it also meant that management could take advantage of a union whose leadership was deeply
split and therefore powerless to function for the welfare of its members (*The Nation*, 12/17/77, p. 642).

In an effort to rectify the situation of increasing time lost due to wildcat strikes, during the 1977 contract talks the industry produced a package of punitive provisions aimed at imposing harsh discipline, even discharge, on any miner participating in an unauthorized strike. Taking this approach, instead of pursuing a solution to the underlying friction that resulted in so many disputes was, writes Bethell, "the rough equivalent of a doctor treating a persistent cancer by beating the patient over the head with a board" (3/78, p. 21).

Weakened by its internal divisions and by the repeated strikes sweeping the coalfields in the months just prior to the expiration date of the old contract, the UMW was not prepared to deal with the BCOA's hard-line approach to bargaining. But if anything was clear in the otherwise hopeless muddle of the negotiations and the long strike that followed, it was the lack of initiative on both sides that might eventually lead to improved long-term relations in the coal industry (Bethell, 3/78, p. 21).

Management's approach appears to have been short-sighted, as it ignored the miners' long tradition of taking direct action when they believe an employer has violated the contract, when they have some reason to believe that one of their fellow workers has been wronged, or even to protest political decisions which they feel may affect them adversely. Miners exhibit high levels of solidarity in such actions and a few disgruntled workers can shut down an entire operation by walking out. Since the UMW has a long tradition of honoring picket lines, a single miner can tie up an entire colliery.

In a number of cases, illegal walkouts have spread across counties and even states to idle thousands of miners who were not directly involved in the grievance or dispute. During the years of declining coal production and excess capacity in the industry these wildcat strikes, while annoying and disruptive, were not critical to the industry. In the last few years, however, wildcat strikes have become an issue of major importance (Craft, 1976, p. 4).
Another way the operators exhibited their short-sightedness was by refusing to recognize that the miners' intransigence is "a concomitant of their dangerous craft." When society ignored the coal miners' problems, the rank and file had only themselves and their right to withhold their labor to depend on. So if a weakened UMWA was the problem, what better way to restore its morale than to grant the miners the right to decide collectively at the pit head whether they will work (The Nation, 12/17/77, pp. 642-3)?

On the union's side, the issue of the right to strike is not a collective bargaining question in West Virginia. It is, argues Horvitz, a cultural question. It is the legacy of John L. Lewis. Perhaps the most significant statement made on the question of the right to strike during the entire negotiations in 1977-78 was by a miner in West Virginia who said:

I don't understand what they're talking about up in Washington. They're arguing about whether we have the right to strike or not. What they are going to put in the contract doesn't make a damn bit of difference. If we want to strike, we're going to strike.

But there was a determination made by the BCBA in 1977 to get the wildcat strike problem settled by writing into the contract the kinds of procedures and a kind of commitment with the union that the mine workers would behave like workers in other industries behaved (Horvitz, 8/78, p. 460).

Thus, at the heart of the dispute and the issue expected to head the list of demands in 1981 lies one of the oldest problems in the coal industry, the wildcat strike. For the miners, the local strike is a way of life. Though it has not been an infallible weapon in their battles, it has served them well when all else failed. One reason for their effectiveness is that miners abide by tradition. In Appalachia, tradition is clear and exact on the subject of strikes: decent people do not cross picket lines. In addition, observes Marshall, strikes in Appalachia are different than other wildcat walkouts in other industries because they can be an outlet for frustrations that have nothing to do with the mine being struck. Marshall adds, "They serve as a form of community protest in a land where the highest authority is King Coal. The union may have
a national policy of discouraging such strikes, but in fact it cannot stop them." Consequently, the wildcat strike is a source of endless annoyance to the company managers, and a concern which will be considered the top-priority item during the 1981 contract talks (3/4/78, p. 19).

Another major problem has little to do with collective bargaining per se; it is a problem engendered by the recent history of internal strife within the UMW and the BCOA. Many rank-and-file miners lost respect for union leaders after the 1977-78 coal strike fiasco. Miernyk claims they will continue to be responsive to local leaders, and their loyalty to the union remains as strong as ever. But until the national leaders regain the respect of the working miners, it might be impossible for them to control wildcat strikes. If there is widespread distrust of national officers, locals are likely to take matters into their own hands, with or without a right-to-strike agreement. But, warns Miernyk, another round of unauthorized strikes will have only two certain consequences: 1) a further reduction of employer contributions to the UMW funds, and 2) an increase in the output of non-UMW mines (1980, p. 47).

Indeed, the strike-period coal production statistics gathered during the 1977-78 walkout are even more ominous. Because of the rapid expansion of production in the West, where the UMW has been unable to organize, it seems when the present contract expires, a union strike will not shut off anywhere near half the nation's coal supply. If the mine owners and utilities can stockpile in anticipation of such a strike—as they did so effectively during the 1977-78 strike—the UMW will have very little leverage as it attempts to recover the losses it suffered in the last bargaining round (Bethell, 4/1/78, p. 9).

However, things may be looking up for the United Mine Workers. The appointment of a new UMW president was expected to restore some of the union's lost unity and organizing effectiveness, but whether the UMW's steadily declining fortunes can be reversed by the 1981 contract talks remains unclear. Samuel Church Jr., vice president of the UMW, was elected president on November 16, 1979, after the UMW Executive Board unanimously accepted the resignation of Arnold Miller. Miller had suffered his second heart attack in two years
during the second week in November when he decided to resign. It was on November 15 that he signed his resignation letter after his attorney, Harry Hugel, exacted assurance from Church and others that Miller would continue to draw his $42,000 salary as president emeritus.

Since Church's election as Miller's running mate in 1977, his time has been devoted almost exclusively to the tasks Miller had been either unable or unwilling to do himself. It was Church who negotiated the agreement that ended the 109-day strike in 1978 while Miller looked on. After the strike, when Miller had a stroke and his first heart attack, Church ran the union's day-to-day affairs (Petzinger, 11/19/79, p. 16).

At the union's triennial convention in Denver, Colorado, Church won on a number of important issues, including a dues increase, a newly established strike fund, and presidential authority to appoint a vice president. More than 1,200 delegates, representing 230,000 active and retired members, adopted as a basic theme for the December 10-19, 1979 meeting: "unity and rebuilding of the UMW." They revised a number of significant provisions of the union's constitution and formulated guidelines for the 1981 negotiations with the BCOA. For the first time, members of working committees were elected by the delegates, rather than appointed by the president.

In Church's keynote address, the new president invoked "the spirit of Lewis" by urging unity and stressing, "we must once again become the mighty power that we were. With your help, I will see to it that America and its leaders know we are strong, and above all united for the common good of the union. Unity is important to the future of the UMW, the labor movement, and the future of the United States and Canada" (Andrews, 3/80, p. 48).

In an article entitled "A New Harmony at the UMW", Business Week (12/24/79, p. 68) reports that the union appears ready to make peace with the coal industry and with itself. The pressures caused by increasing non-union competition, combined with the growing maturity of the UMW's predominantly young membership, seemed to have improved labor-management relations since the 109-day coal strike. Moreover, after a decade of catching up with workers in other major industries, the miners
now have relatively few complaints about wages and benefits. In fact, Business Week notes for the first time in more than a decade, a major strike is not a foregone conclusion in the next round of coal bargaining in 1981.

The prediction that 1981 will bring the first peaceful coal settlement since the early 1960's is based upon the strong support Church received at the Denver convention. The delegates' positive reaction to Church was a major sign that stability was returning to the United Mine Workers. Before the convention, Church was already regarded by industry executives and many union insiders as a more competent leader than Miller, and as one who would exercise more control over the rank and file. Church was also aware of the weak coal market; more than 20,000 coal miners were jobless in February 1981. The BCOA hopes these factors will convince Church to maintain a moderate position in the 1981 negotiations.

Moreover, interviews conducted by Business Week (12/24/79, p. 68) correspondents with many convention delegates showed a distinct absence of the angry "catch-up" atmosphere that pervaded the 1973 and 1976 conventions, both of which preceded long strikes. The union won increases in wages and benefits of 54 percent and 39 percent in 1974 and 1978 respectively, and this has brought its members into near-parity with steelworkers, auto workers, rubber workers, and truck drivers. Thus, it appears some of the miners' highest priorities in 1981 are likely to be the reintroduction of a cost-of-living adjustment provision, which union negotiators traded away in 1978, plus higher pensions for current retirees, especially those who retired before 1976 and who draw only $275 a month.

While the UMW was reorganizing and unifying its members in preparation for the 1981 contract talks and apparently settling some of the differences within the organization which could severely harm its bargaining position, the BCOA was also moving to strengthen itself. U.S. Steel Corporation, long critical of the coal industry's conduct of labor negotiations, will soon get its chance to see if its approach can work any better. Directors of the BCOA voted on January 14, 1980, to reorganize the group's bargaining structure along lines that U.S. Steel had demanded as a price for its continuing membership in the association. The change
resulted in the return of Consolidation Coal Company, the nation's second largest producer, which had quit the BCOA in May 1979 because it believed there was excessive disunity in the ranks of the operators—particularly the smaller ones—during the 1977-78 negotiations.

The new structure culminated months of backroom maneuvering beginning in September 1979. Disturbed that coal talks in 1974 and 1978 had resulted in both big contracts and long strikes, U.S. Steel threatened to lead other coal-producing steel companies out of the BCOA unless its proposals were accepted. U.S. Steel's goal was a more formal structure, similar to one used in steel bargaining, in which the economic pattern for the whole industry is set by a small group of large companies. Steel also wanted to avoid a repetition of 1978 when the BCOA's bargaining unity was splintered, and the industry had four different chief negotiators during the 109-day walkout.

Under the new structure, there will be an executive committee consisting of the chief executives of the nine largest BCOA producers. This group will oversee a three-man bargaining committee made up of one member each from Peabody Coal Company, the nation's largest producer; Consolidation Coal; and a steel company, presumably U.S. Steel. To prevent defections, the nine large companies represented on the executive committee will be bound by its decisions. This committee's chairman will be the only spokesman for the industry in contacts with the government.

The new format made two concessions to opponents of the original U.S. Steel proposal. Two executives representing small BCOA members—which account for about 30 percent of BCOA production—will be included on the chief executive committee, either as replacements for two of the top nine or in addition to them. The chief objection to the steel plan had been its exclusion of input by small producers. Moreover, the BCOA will continue to administer the contract between negotiations and work informally with the UMW to improve labor relations. The steel proposal had implicitly suggested that the BCOA's role be downgraded.

As a practical matter, these changes mean that the industry will take an aggressive stance in the 1981 negotiations. U.S. Steel would like to impose a uniform, industry-wide labor relations policy on the coal
industry. One UMW insider said that, "Consol and U.S. Steel are just sticklers in general on labor relations issues." Both companies want a much smaller settlement than the 54 percent package the industry gave up in 1974 and the 39 percent it granted in 1978. In addition, both will push hard for contract changes that will let the industry improve its productivity, which has fallen steadily over the past decade. UMW observers expect Consolidation to press for the right to produce coal seven days a week instead of six, a demand it has made in previous talks.

The most intriguing question is what impact the changes will have on chances for avoiding a coal strike in 1981. "Most people are all smiles around here," said one union source. "Even though it's an awfully hard-line group, it's better than being at three bargaining tables at once," a situation that could have developed if the BCOA split apart.

If the BCOA has solved its structural problem, an issue that will be quickly addressed once contract talks begin, it is unclear whether it has solved personality problems that have divided the coal producers in the past. For example, some coal executives anticipate—with some apprehension—that Bobby R. Brown, Consolidation's president, will be on the bargaining team. Brown gained considerable bargaining experience in the oil industry when he was an executive of Conoco Incorporated, Consol's parent. But one industry official said that while Brown "is a competent and professional guy, in terms of having a feeling for the coal miner and his views on life, he has more learning to do" (Business Week, 1/28/80, p. 40).

Another key issue sure to surface in the 1981 negotiations concerns whether the coal industry will be able to modernize. Rattner claims this is crucial, for if the industry cannot modernize, output will be restricted, raising questions as to whether coal can assume a larger role in meeting the nation's energy needs. This becomes a critical issue when placed in the context of President Carter's national energy plan, which calls for nearly doubling coal production by 1985, to 1.2 billion tons annually. Even to reach a billion tons by 1985, the Bureau of Mines reported in March 1978 that it would require opening 254 new mines, training 157,000 new miners, and raising $15.7 billion in new capital (Rattner, 3/26/78, pp. 1, 13).
Briefly, the productivity record in U.S. coal mines has been disappointing in recent years. Output per miner still appears to be well ahead of other countries, but it has declined steadily since 1969. The periods 1960-67 and 1967-77 illustrate the changing productivity of the industry. In the earlier period, output per hour for coal miners rose 5.8 percent annually; it fell at a -3.8 percent annual rate in the latter period. By 1977, output per hour had fallen to about 70 percent of the 1968 level, although the decline has not been confined to underground mines, but output per hour in strip mines has declined at a somewhat smaller rate.

Factors cited by Kassalow (5/79, p. 24) to explain the decline in productivity include: the lack of trained personnel resulting in the hiring of many untrained, young workers; labor-management difficulties leading to an unusually high number of strikes; new Federal and local environmental restraints that have delayed both the opening of new mines and the expansion of existing properties; an increase in personnel devoted to new exploration and reclamation work; new health and safety standards that have led to the hiring of new personnel not directly linked to the production process; and, in some companies, lack of available capital.

Putting this productivity decline into proper perspective, Kassalow notes that the past decade has been a period of slowdown in productivity growth for the U.S. economy generally. It is estimated that output per hour in the private economy advanced 3.2 percent annually from 1947 to 1967, and only 1.6 percent from 1967 to 1977. This general slowdown has resulted from some of the same factors associated with the decline in coal-mining productivity.

Some developments, such as new safety and environmental laws, have affected the coal industry even more sharply than the economy as a whole, because coal has been subject to special legislative action. In both the general economy and the coal industry, existing productivity conceptions (and measures) may be biased and may exaggerate the downward influence of such legislation. It will take time before improvements in workers' health or reductions in occupational loss of life have an upward impact on productivity measures (Kassalow, 5/79, p. 24).

Yet given the sagging productivity in the coalfields, the final agreement reached in 1978 contained
none of the productivity incentives sought by the operators. It appears certain, therefore, that the issue of productivity will be given considerable attention during the 1981 talks, and that the operators will insist on provisions to insure a higher output. Miners, on the other hand, will probably see these provisions as a threat of more accidents and deaths. One proposal rejected in 1978 but which Consol will try to push through in 1981 is an agreement providing around-the-clock, seven-day-a-week production. Besides finding compulsory overtime distasteful, many miners fear that coal mine maintenance, now largely done on weekends, will be neglected.

Lastly, an issue sure to be discussed during the next round of negotiations concerns the UMW grievance procedure. As mentioned earlier, the local strike is a way of life for miners. Usually, local walkouts have lasted one or two days and have been mounted without UMW sanction. And while approximately 30 percent of the man-hours lost because of local strikes are over economic issues (wages, hours, and fringe benefits), most are over disputes that could be settled by the grievance procedure—work and safety conditions (ventilation, dust levels, dangerous areas, lighting, or unsafe equipment) or job security (seniority and work assignments or supervisory nonunion personnel doing production work) (Brett and Goldberg, 7/79, p. 465).

Keith Dix, an economist and labor historian at the West Virginia University Institute for Labor Studies, claims, "If strikes or lockouts occur over issues normally considered to be grievable, it would seem to point up weaknesses in the grievance procedure, particularly when the contract provides for arbitration as an alternative to work stoppages" (Koeppe1, 10/76, pp. 28-9). In fact, to discover why coal miners strike when they have a contractual procedure for resolving grievances, a study conducted in 1972 concluded that the strikes were due to excessive delay in the grievance procedure. Changes in the 1974 National Bituminous Coal Wage Agreement were intended to reduce the delay and lessen strikes, but these changes accomplished neither goal (Brett and Goldberg, 7/79, pp. 465-6).

In 1970, the local strike came under attack from operators who hoped to make it a relic of the past. They were aided by the 1970 Supreme Court decision in Boys Market v. Retail Clerks, Local 770 that a union contract which includes a grievance procedure with
binding arbitration in effect bars any strike during the life of the contract. Thus, if a strike is called (except in the case of "imminent danger"), it is automatically illegal. It can be enjoined, and miners refusing to return to work can be held in contempt of court with the threat of jail and stiff fines for individuals and union locals. After 1970, when the miners walked off their jobs, the companies turned to the courts, and federal judges responded with injunctions. The number of instances in which work resumed under court order rose significantly, from one or two in 1970 to 111 in 1974. But the more frequently the operators turned to the courts for settling their disputes, the more frequently the miners used the strike. In the same period, the number of strikes increased from 493 a year to 983.

Why is the local strike so important? Why do miners feel it must be preserved despite the heavy costs and certain reprisals? And why do the miners generally ignore the grievance procedure that was set up specifically to settle the disputes which rank-and-file miners are striking over?

One mine inspector observed, "most companies break the contract 100 times a day and continue to do so if they can get away with it, in the interest of production. To fight this, the miners are supposed to use the grievance procedure." But, according to Dix, "While the grievance procedure probably resolved many differences along the way, miners feel it isn't adequate to protect them. So they strike when the procedure breaks down."

Mine operators claim the walkouts are "irrational" because management will not discuss grievances during a strike. They insist the miners strike only because of tradition. One frequently hears the management comment: "Their grandfathers used it, their fathers used it, so they think they must use it too." On the other hand, Koeppel (10/76, p. 29) argues it may be exactly that "tradition" that has protected the miners' interests in their continuing struggle with the operators.

Koeppel says the grievance process is crippled with flaws and is stacked against the miners. Using the step-by-step procedure, a miner with a complaint must first see his foreman and may be accompanied by a union representative. Even at this stage, miners insist the
system does not work. For example, step one provides, "The employee will make his complaint to his immediate foreman who shall have the authority to settle the matter" (National Bituminous Coal Wage Agreement of 1978, Article XXIII, Section c, p. 23). In reality, foremen seldom have the authority to settle an issue. In fact, at some mines the foremen are under strict orders not to settle anything if the decision might establish a precedent. Confronted with that kind of instruction, the cautious foreman concludes that any decision could be precedent-setting, and accordingly, settles nothing (Business Week, 4/24/78, p. 15).

Since most foremen cannot or will not settle the dispute, a case is often passed from one boss to another until it reaches the mine superintendent. Given a choice of seeking a resolution of his problem through successively higher levels of mine management (with the potentially intimidating characteristics of such an encounter), or of asking the assistance of his fellow workers in putting direct pressure on management by closing the mine down, the latter tactic becomes more understandable (Brett and Goldberg, 7/79, p. 468).

Moreover, as the grievance gets bucked up the chain of command, the cause of the original grievance tends to disappear. Now, notes Bethell, "we are dealing with a matter of principle. Resolving a matter of principle is close to impossible." Oftentimes, rationality is absent, and "machismo is the name of the game" (4/24/78, p. 15).

Furthermore, when a rank-and-file miner confronts a foreman who he knows will not settle the dispute immediately, the grievant knows that a quick or even a reasonably fast resolution of the grievance is impossible. Since many of these grievances directly or indirectly affect the safety of the miners, the grievance procedure is not an adequate means of enforcing the contract. So, they strike.

There is another reason why the procedure for settling grievances is a failure. As prescribed by step one of the procedure, a miner may be accompanied by a union representative (called the mine committeeman) when he informs his foreman of the grievance. Because there are normally three committeemen in each mine who may all be on the day shift, there are often full shifts where no committeeman is available. So the miner must face his employers alone, and dealing with
management alone, miners say, is intimidating. After it happens once, miners are less likely to use the grievance procedure again. Many miners also claim that those who do complain, regardless of the issue, are branded as "troublemakers" by their employers (Koeppel, 10/76, p. 29).

In The Long Tunnel: A Coal Miner's Journal (1976), Arble explains what happens when miners complain:

Legally we could have refused to work there, claiming imminent danger. But refusal meant crawling the half mile out or waiting a half shift until the section boss came up. Then it would be into the office with the superintendent, an inspection by a committeeman, arguments, bad feelings. Clive, in constant pain from arthritis, is dependent on the foreman Cooper's good will to keep him out of water and allow him to spend a large part of his last year working in the high main shaft. Cooper is not noted for his good will (p. 84).

While a miner who complains cannot be fired, more subtle methods of discipline are found. A troublemaker may be moved from his normal job to the dirtiest one in the mine, or he may be passed over for promotion and overtime work with its time and a half pay. On the other hand, if a miner "plays ball and keeps his mouth shut," he will get the better jobs when they open up. Though the contract is supposed to ensure that senior men can bid on these first, the company often finds ways to reward its favorites. Sometimes, they are invited to become foremen.

If a case is not resolved in the early steps, it goes to the UMW district office, which follows up with meetings with the company. If this fails, the case is sent to an impartial umpire whose services are paid for by both the company and the union. But snags and delays surface all along the way. The district office, Koeppel claims, is remote from the problems at the mine and often refuses to handle a grievance. Some miners also charge that districts are too "chummy" with management. If the dispute is not settled at this stage, the district may choose to drop it, since the next step, using the umpires, costs an average of $750 per case (10/76, p. 29).
Though the 1974 contract promised to speed up the process, the time lag is still enormous. It is reported that the average number of days for settlement of grievances from the date the written grievance was received in the union's district office doubled between 1959-1963 and 1966-1970. Brett and Goldberg argue that, "those delays may have given miners additional justification for side-stepping the grievance procedure and thereby may have had an influence on the increasing number of industry work stoppages" (7/79, p. 469).

Further, they found the average time from the filing of a written grievance to the issuance of the arbitrator's decision at the four mines examined varied from 138 days to 240 days, and the average time in American industry in general for that year was 268 days (p. 481). Koeppel claims that in 1976 it usually took four months before a case was decided, and that about 70 percent of the cases settled after being completely processed by the grievance procedure were decided in favor of the companies.

Although it was supposed to be streamlined, Dix says,

...the grievance procedure that exists today is basically the same as the one begun in Illinois in 1906, and it reflects that traditional attitude of the operators. Even if they had tried to improve it, there is a basic lack of effort to try honestly to solve problems at the mine. And this hard-line attitude is the result of the industry's fundamental emphasis on production.

The only substantive change in the procedure /with the 1974 contract/ was the establishment of an arbitration review board, to reconcile differences among decisions handed down by umpires. While this reform was needed, it is distant from the day-to-day problems confronting the miner at the work place (10/76, pp. 29-30).

As long as the grievance procedure scores few points with the rank and file, the local strike will remain their most potent weapon.
B. Recommendations and Proposals for Promoting Peace in the Coal Industry

The 1977-78 coal strike focused attention on labor relations in the industry. The fragmented character of union leadership, divisions on the management side, the slippage in the United Mine Workers' organizing reach, the growing importance of the less unionized sub-bituminous western strip mines, and the spread of wildcat strikes were seen as creating an unstable pattern of labor relations.

In assessing future coal needs, it is essential to take a realistic view of all these elements. The UMW has only recently emerged from an extended period of concentrated, "top-down" leadership control, the results of which appear favorable. It may have been inevitable that once this control was relaxed, a certain lessening of centralized leadership would take place, thereby giving way to a more democratic, decentralized union.

Labor relations in the coal industry have also been affected by the explosive rate of change in the demographics of the industry's work force. As recently as 1966, the median age of coal miners was 46; it dropped to 34 by 1975 and to around 30 by 1977. When comparing miners of 20 or 30 years ago, Kassalow claims that younger, better educated workers are more likely to question authority, are less patient with fixed routine work, and have a keener appreciation of leisure. On management's side, the degree of professionalism in many supervisory positions leaves much to be desired, especially in many of the older mines.

It is reasonable to conjecture that the impact of demographic change is focused as sharply in the coal industry, if not more so, as in any other economic sector. It is also likely that the decline in the average age of coal miners contributes to a value gap between some union leaders and members. Given the great respect for seniority in most union settings, it is inevitable that most union leaders are older than their followers (Kassalow, 5/79, p. 25). By the early 1980's, however, the composition of the UMW membership will not be so widely split between the older and younger workers. By then, a large proportion of the older miners will have retired, as a result of the improved pension provisions of the 1974 agreement. The number of miners in the young and middle-aged groups
will increase. This could promote more unity in immediate collective bargaining demands and may reduce some of the factionalism based on the age dichotomy (Craft, 1976, p. 6).

The new quality of labor relations in the coal industry also has been manifest in its daily labor problems. The "top-down" control of negotiations during the 1970's on the union side tended to neglect lower levels of negotiations. Added to this was the unsuccessful effort to improve local grievance procedures in the 1974 UMW-BCOA collective agreement. This was particularly troublesome in light of the newer, more assertive mining work force of the early 1970's--at the same time demand for coal was rising. The results were a glut of grievances, growing impatience among miners, and a rash of wildcat strikes as miners sought to bypass the ineffective local grievance machinery. The unstable coal supply resulting from hundreds of small strikes may have led some consumers of coal to shift to other fuels or to nonunion coal whenever possible.

More recently, the BCOA and the UMW have made new efforts to come to grips with the grievance problem. Under their new agreement, the grievance procedure has been streamlined, tight time limits have been set for each step of this machinery, and authority to settle a grievance at the first step has been passed to grievants and foremen at the worksite (Kassalow, 5/79, pp. 25-6).

It has been found in a study by Brett and Goldberg (7/79) that the key to resolving the wildcat strike problem may lie at the local level by giving foremen increased power and encouragement to settle disputes when and where they happen. They suggest two possible courses of action: improve the ability of mine committees and local management to resolve problems at the mine site, and increase the confidence of the miners in the nonlocal steps of the grievance procedure. Improving the effectiveness of problem solving at the mine site is a formidable but not insurmountable task. A problem-solving relationship between mine management and the mine committee cannot be built overnight. Such a relationship evolves from the experiences of the two parties working together (pp. 480-1).

One method to change those experiences is for the UMW and the BCOA to launch a program of extensive and intensive labor-relations training where it counts--at
the mine level. In many mines, the managers are of one generation and the miners are of another, a situation largely created by the great influx of young, inexperienced men and women into the mines during the sudden recovery of the coal industry. Recovery caught the industry short of skilled miners and skilled managers. Today, argues Bethell (4/24/78), there exists a guaranteed formula for conflict: older mine managers deeply resenting what they perceive as the unwarranted arrogance of youth, and younger miners filled with disgust at what they perceive as an outmoded, inefficient, and arbitrary way of getting things done.

Archaic work rules have been colliding regularly with the miners' changed aspirations, expectations, and economic status, and when all these conflicting elements are mixed with a grievance system backlogged with complaints, the product is endless trouble. In the southern coalfields, such conflict most often takes the form of wildcat strikes.

Thus, based on the research examined in this study, the following suggestions are provided for improving labor relations in the coal industry. First, industry-wide training programs for local union and management officials should be instituted. When a miner is elected president of his local or chairman of the mine committee, the company should be willing to let him take a short, paid sabbatical—perhaps a week—on neutral territory, at the nearest university or other facility that offers a worker-education program. At the very least, the individual returns to the mine better equipped to handle grievances on their merits, and not on the need to "out-macho" the mine manager. Mine managers should get the same kind of training immediately prior to assuming the responsibilities as managers. Bethell claims the cost to the industry in lost-time wages is nothing compared to the expense of perpetuating the friction that permeates the coalfields (pp. 15-6).

Brett and Goldberg offer a second recommendation for promoting industrial peace. Since training programs may not alter the experiences between the mine management and the mine committee, they contend that such programs do not get to the heart of the matter of building a problem-solving relationship, though they admit training may be useful to familiarize local officials with the wage agreement. They recommend that the most satisfactory means of encouraging the growth
of a problem-solving relationship is to reward the parties for solving problems. On the management side, this means mine managers must be rewarded for solving problems without strikes. At small mines, mine managers may be able to avoid strikes by dealing with problems as they arise. At larger mines, where mine managers are less accessible, structures can be developed to deal with problems quickly. Such structures might include giving foremen the legitimate authority and power to resolve grievances and rewarding them for doing so. An industrial relations position could be created and that individual could be given the authority to act for the mine manager on labor relations problems.

It is more difficult to build a reward structure for problem solving on the union side. Local union members who want to work, not strike, will have to support the mine committee's attempts to solve problems with management. The miners who want to work will have to apply social pressures on those who want to walk out. It might be necessary to provide a procedure to ensure that the majority rules. The union could amend its constitution to provide, for example, that no miner should engage in a strike unless the strike has been authorized in a secret-ballot vote by a majority of the miners employed at the mine involved. The amendment could also provide that any member engaging in an unauthorized strike would be subject to discipline, including expulsion from the union.

Of course, such a provision would represent a substantial change in UMW practice, but it is entitled to serious consideration. For, whatever the consequences of frequent wildcat strikes for the future of the coal mining industry as a whole, it is clear that the destructive impact of such strikes will weaken the unionized portion of the coal mining industry and further reduce the proportion of coal mined by UMW miners. The stakes, in short, are great, and the changes required to meet the problem may have to be equally great (Brett and Goldberg, 7/79, p. 481).

A third proposal—one specifically aimed at curbing wildcat strikes—is to endorse the right to strike at the local level after a secret-ballot majority vote. The BCOA, however, has been obdurate in its opposition to this suggestion, which was one of the major proposals submitted by the UMW in its initial meeting with the association to discuss 1977 negotiations. Coal operators fear the right-to-strike
arrangement at the local level will fail because of low attendance at union meetings. They assert that only those in favor of the strike would show up for the vote. Their counterproposal is that the union discipline workers who strike without authorization. But according to Miernyk (1980), the association's proposal is scarcely compatible with the union's attitude toward greater worker participation in labor-management decisions (p. 46). Whether the right to strike at the local level pending a majority vote will work is unclear, but it certainly seems worth experimentation. The BCOA's counterproposal simply demonstrates its shortsightedness and its refusal to recognize the power tradition has on the United Mine Workers.

A fourth proposition for promoting industrial peace in the coalfields is for the operators to stop bringing in the courts to settle their labor disputes. The mine owners, who generally have little trouble getting back-to-work injunctions from coalfield judges, often go to court rather than confront the root causes of unauthorized strikes. The following scenario illustrates what usually happens in this situation: The miners ignore the court orders. The judges then slap them with contempt citations. The miners appeal, and when they lose, the treasuries of their locals are emptied out to pay the fines. As a result, able miners tend to think twice before they run for local office, often forfeiting these important jobs to individuals equipped with more bluster than skill. Confronted with a serious issue, people like that are more inclined to encourage a strike than to negotiate. And the mine owners respond in kind with another quick trip to court, and the process once again repeats itself. Keeping the courts out of labor disputes would do much to encourage both parties to settle their differences in a more efficient, less antagonistic manner (Bethell, 4/24/78, p. 15).

Immediately after the 1977-78 strike was settled, President Carter announced that a commission on the coal industry would be appointed to address the industry's long-term labor-management relations problems. The President's Commission on Coal was chaired by John D. Rockefeller IV, Governor of West Virginia. Other members were Jesse F. Core, Adjunct Professor of Mining Engineering, Pennsylvania State University; Marvin Friedman, Vice President, Ruttenberg, Friedman, Kilgallon, Gutches and Associates, Incorporated, Washington, D.C.; W. Dewey Presley, Director and Chairman of the Executive Committee, First International Bancshares,
Incorporated, Dallas, Texas; and W. Willard Wirtz, Wirtz and Lapointe, Washington, D.C.

The Commission's final report called upon the UMW and the BCOA to begin negotiating on renewal of the coal contract which expires in March 1981 in April 1980. Recalling that the last five contract settlements in the industry have been preceded by strikes, the commission attributed the strained labor-management relations to internal factors, such as dissension among leaders of the UMW and an influx of young, inexperienced workers. On the management side, the commission said that the BCOA's unity had been broken by a growing diversity of interest between underground and surface mining firms and between the traditional operators and some of the newer producers. The commission concluded this portion of its report on an optimistic note, however, saying that the young supervisors and workers in the industry are maturing and gaining experience in mining--wildcat strikes have declined and productivity appears to be improving--and cited the growing realization by labor and management of their mutual role in attaining a healthy, stable industry.

In addition to calling for an early start in collective bargaining, the commission also recommended the continuation of the union leaders' efforts to stop wildcat strikes and "stranger picketing" and respect for the growing body of arbitration awards regarding these activities; continuing labor and management's efforts to improve productivity, and expansion of training in this area, as well as in job safety, grievance handling, and labor-management relations; and that the parties establish a joint-committee, headed by a neutral person, for continuing action on issues of mutual concern.

The commission presented statistics showing that coal mining is the most hazardous major occupation and made four recommendations: 1) that labor and management accept the principle that there is no place in the industry for firms and employees who are not prepared to observe safe mining practices; 2) that the Mine Safety and Health Administration increase its inspection and enforcement activities in mines the commission finds to have accident and fatality rates consistently and substantially above national averages; 3) that the National Academy of Science, in cooperation with all interested parties, conduct an investigation of the factors that distinguish safe mines from unsafe mines,
and 4) that the BCOA and the UMWA continue the joint task force on safety that had been established in cooperation with the commission.

A fifth suggestion is based on the commission's investigation of the miners' living conditions. The commission observed an improvement in the miners' living conditions in the last generation to the point of being "more closely in line with mainstream America." Nevertheless, it advocated three actions to counter problems resulting from expansion of the industry: 1) that coal companies and other large landholders in areas lacking adequate housing make available parcels of land for new housing; 2) that coal companies retain part of their working capital in local lending institutions committed to improving local housing; and 3) that regional government subdivisions, in cooperation with mine owners and employees, identify and obtain public sector funding to encourage the building of homes, roads, and utilities, and that the power of eminent domain be used to acquire land otherwise not available for housing (Ruben, 5/80, pp. 54-5).

Although the commission claimed the miners' living conditions have improved, Doug Arnet (3/25/78), director of the National Coal Policy Project, says local communities simply have not been able to keep pace with the demand for public services, such as water and sewage treatment, education and health facilities, and adequate transportation systems. He claims,

Deteriorating public services, exacerbated by rapid population growth and congestion, have contributed to an overall decline in the quality of life for many residents of the high-growth areas, even some who have received considerable economic benefits... Something approaching hyperinflation is presently a reality in many coalfield communities. Most notable is the cost of housing.

These sentiments are echoed by Deborah Tuck, who works in Beckley, West Virginia, for Coalfield Housing Incorporated, an organization jointly supported by labor and management. She says, "You could triple salaries down here, and it wouldn't improve the quality of life. Your kids would still go to crummy schools, you'd still get second-rate health care, and for housing, you'd still have a choice between a 50-year-old coal-camp cottage or a trailer."
It seems that in the steep Appalachian valleys, it is difficult to find sites for housing, and often the land is tied up by mining and timber interests that refuse to sell. According to Tuck, residents are also concerned about the threat of flooding, which many feel is becoming more severe because of the effects of strip mining and the clearing of forests (Kirschoten, 3/25/78, pp. 462-3).

In effect, Caudill argues that miners and their wives and families deserve a chance for a decent life: decent housing on adequate lots, sewerage and pure-water connections, trash collection and disposal, clean streams, an end of industry-caused floods, modern shopping facilities and fair prices, good schools, safe working places, sound medical services, pure-water recreational lakes, art displays, adult education programs, and diversification of industry so wives can also have a chance of employment. Ultimately, the coal industry must stop ignoring the sensibilities of its miners and their families, and, "Unless a reasonable measure of justice and peace are assured for this region," concludes Caudell, "Schlesinger's 'black hope' may be remembered as simply one more bureaucratic dream" (6/78, p. 41).

One final recommendation for promoting peace in the coalfields was discussed in Chapter 2 regarding contract ratification procedures, which seem to heighten the probability of strikes occurring. For one thing, the procedure is cumbersome and invites misunderstanding. Although the present arrangement encourages democratic membership control over policy, it has the effect of creating a greater uncertainty in labor-management relations. Moreover, the very time it takes to ratify a contract increases the probability of strike. Unfortunately, it is not clear at this time precisely how the ratification process should be altered to minimize the occurrence of work stoppages, but it does present an area worth examining in greater detail.

To summarize, the following recommendations for advancing industrial peace in the coalfields should be given serious consideration:

- Launch a labor-relations training program at the mine level for both local union and management officials.
- Improve the ability of mine committees and local management to resolve problems at the mine site quickly and efficiently.

- Increase the confidence of the miners in the non-local steps of the grievance procedure.

- Reward local union and management officials for solving problems without strikes.

- Experiment with promoting the right to strike at the local level after a secret-ballot majority vote.

- Stop bringing labor disputes into the courts.

- Make available parcels of land for new housing, and generally take steps to improve the overall quality of life of the miners and their families.

- Encourage coal companies to retain part of their working capital in local lending institutions committed to improving local housing.

- Have regional government subdivisions identify and obtain public sector funding to encourage the building of homes, roads, and utilities.

- Reexamine the contract ratification process to determine a more efficient, less time-consuming way for the rank and file to vote on a tentative agreement.

Unless both labor and management elect to push for the kind of initiatives that might eventually lead to improved long-term labor relations in the coal industry, continued turmoil in the coalfields is certain to drag on indefinitely. If the problems evidenced during the 1970's continue unabated throughout the 1980's, there will be no winners in the struggle, only losers.
BIBLIOGRAPHY


"Coal's Bungled Negotiations." Business Week, March 6, 1978, 94-95.


"Feuding Stifles UMW Reform." Business Week, February 16, 1976, 102.


"The Leaderless Miners Edge Toward a National Strike." Business Week, October 11, 1976, 97-98.


"A New Harmony at the UMW." Business Week, December 24, 1979, 68-69.


"One Non-Union Coal Miner Is a Threat to All Members." UMW Journal, June 1, 1968, 11.


Raskin, A.H. "Coal Dust Darkens the Bargaining Table." Fortune, April 24, 1978, 58-64.


"To Work--Or Not To Work?" Time, March 20, 1978, 8-16.


