



ARA WORKERS

DESERVE
A PAY RAISE
NOW

JOBS WITH JUSTICE

Showdown at Nacogdoches

The CWA in Texas

■ *Danny Fetonte & Larry Braden*

When a state university in the East Texas town of Nacogdoches decided to contract out and de-unionize 156 food service jobs in 1985, they did not expect to face a fight that would mobilize the combined strength of the civil rights, women's and labor movements in the state of Texas. But that's what they got—a fight they lost and one which no state administrator will soon forget.

After carrying on their fight for three years in every possible way, the workers at Stephen F. Austin State University and the union that represents them, CWA/Texas State Employees Union Local 6186, brought 3,000 people to the streets of Nacogdoches on December 12, 1987, to show their solidarity. Among their supporters were 500 state workers from outside Nacogdoches (members of CWA/TSEU), 1,500 telephone workers (members of 27 CWA locals at Southwestern Bell, General Telephone and A.T.&T.), unionists from 14 unions in four states, and activists from the Texas NAACP, the National Organization of Women, and the Rainbow Coalition.

CWA/TSEU 6186, a statewide union of some 5,000 Texas state

-
- *Danny Fetonte is Organizing Coordinator of the Communications Workers of America (CWA) District 6, which covers Texas, Oklahoma, Arkansas, Kansas and Missouri. Larry Braden, staff for CWA/Texas State Employees Union, was active in the Nacogdoches campaign.*

workers, has fought a number of privatization efforts over the past several years. We've been able to fight effectively partly because we approach each battle as a fight to defend our right to have an organization.

CWA/TSEU Strategy

Our strategy first emerged in 1984 when it became obvious that privatization forces would be launching a major political effort in the Texas Legislature for massive contracting out of state worker jobs.

Our union decided against allowing the battle to be fought on the narrow grounds that privatization advocates prefer. We refused to base our strategy on a few union lobbyists playing the "numbers game"—quoting agency statistics and invoking financial analyses that would "prove" that contracting out was not economical. Contracting-out advocates can always manipulate the financial numbers to their advantage, while union lobbyists have to show that it is not economical to cut the wages, pensions and health benefits of the workers who provide state services.

We refused to buy into the idea that state legislators possess an exaggerated sense of moral or public service values. We refused to believe that a few union lobbyists could stop contracting out by appealing to concerns about workers' welfare or about how privatization represents a threat to America's tradition of public service. Because the wages, benefits and day-to-day realities of state employment are determined by legislative action, we understood that this would be a *power struggle* both in the legislature and on the job.

At the basis of CWA/TSEU's strategy is the mobilization of our entire membership and all our union's resources into a gut-wrenching fight against privatization as an attack on our union's very right to exist—an attack on workers' right to have any kind of organization. We mobilize the workers directly threatened, other state workers, the rest of CWA in Texas (which has 32,000 telephone workers), and as much of the rest of Texas labor as we can involve. We broaden the front by being inclusive, seeking allies, and mobilizing as many people as we can into an intensive, broad-based, participatory campaign.

We utilize a broad range of tactics. We avoid elevating tactics to strategies—putting all our eggs in one basket. While some may counterpose a lobbying strategy (to convince legislators that we are "right"), a research/investigative strategy (to prove corruption or inefficiency), a media strategy (to turn public opinion against

privatization), or a community coalition strategy, we incorporate all these tactics into our strategy and find ways for our members and allies to participate. While any of these tactics can be defeated when used in isolation, privatizers have a hard time handling all of them when used by a heavily mobilized, activist membership that refuses to accept that contracting out is inevitable.

Our policy is to fight tenaciously anytime our members are threatened with contracting out. We seek to have a disproportionate response to any "reasonable" contracting-out proposal. Disproportionate, massive resistance has earned us the reputation that attempts to contract CWA/TSEU members' jobs will result in all kinds of grief. Where public officials are faced with a totally unreasonable group of constituents, where a town is faced with constant demonstrations and mobilizations, where officials have to fight a battle every time they have a public event, then privatization becomes a less appealing panacea.

Killing Privatization Legislation

In the state legislature, our main fight was against the Texas Sunset Commission's 1985 bill that would have initiated privatization activities in the departments of Mental Health & Retardation, Human Services, and Corrections—the three agencies with the largest number of CWA/TSEU members.

The proposed legislation would have required these three departments to cost out all parts of their operations, to seek private contractors' bids for these operations, and to award private contracts wherever a bid for any fraction of the work was lower than the in-house cost (regardless of any other implications).

Our response to this privatization initiative was unexpected. The privatization lobby would have preferred to see us walking the halls of the state capitol in nice suits, quoting agency statistics, making moral arguments, and seeking political compromise. Instead, CWA/TSEU took the position that there could be no compromise on contracting out our members' jobs and that this was a direct attack on unionization.

CWA/TSEU immediately cranked up our membership mobilization across the state. Our membership is scattered across Texas in many legislative districts where few other labor unions exist. This presence is enhanced by having one unified CWA local to coordinate efforts throughout the state. Our tactic in this case was to turn up the heat on state legislators with a massive outpouring of anger and outrage at the grassroots. Telephone calls and letters began pouring in to legislators letting them know that politicians

who joined in the chic rhetoric about saving taxpayers' dollars by cutting state workers' throats would pay a political price.

While we were mobilizing against the Sunset proposal, privatization forces in the legislature filed other legislation to privatize state workers' jobs. The first bill to come up for consideration called for contracting out prisons, which were concentrated in four geographical regions at that time. If our union had depended only on our members in the Department of Corrections to speak out against privatizing the prisons, our impact on the Texas Legislature would have been limited to just those districts where we had members who were directly affected.

We acted quickly to include this bill in our statewide political mobilization. Over a period of time, our members had developed a sense of that old-fashioned trade unionism expressed in slogans like "an injury to one is an injury to all." We also had a sense that, even though we did different jobs and were paid differently, we were all state workers building a union to make all our jobs better. This sense of unity paid off when state representatives in the Rio Grande Valley (where there are no prisons) were suddenly besieged by calls from human service workers in their home districts demanding that legislation calling for privatization of prisons be stopped cold.

The legislative sponsors of the prisons bill were unable to understand why the reasoning of "if it ain't happening to you, why should you care" held no sway over mental health workers in West Texas, university workers in Austin and Dallas, and human service workers in the Rio Grande Valley. The collective heat coming from state workers throughout the state, in addition to heavy activism by our Correctional Officers, was able to blunt the effort to privatize the prisons.

The unity of TSEU's 5,000 members was supplemented by the strength of 32,000 CWA telephone workers in Texas—all focused on bringing forward floor leaders to stand up strongly against privatization. As a result, the Sunset Commission's broad legislation was soundly defeated, and Texas legislators have been shy since then about proposing privatization as a panacea for the state's budgetary problems.

Toward a Showdown in Nacogdoches

Beating state legislation that mandates privatization efforts across the board is a crucial part of the fight. But it does not stop public agencies from pursuing private contracts on their own. These have to be fought agency by agency, at workplace after

workplace. We've used the same kind of multi-front mobilization tactics in these fights as in beating back legislation.

CWA/TSEU's most dramatic victory in this area was, of course, at Stephen F. Austin State University in Nacogdoches in 1987. But that fight began as a civil rights battle by the NAACP 15 years earlier.

For many years, the university had a policy of referring blacks only to jobs as janitors and food service workers. Employment applications had the name of the institution at the top—StepheN F. AustiN University. If the applicant was black, the personnel worker would circle one of the two *Ns*. Any application circled in this manner was referred to the Housekeeping and Food Service departments. As a result, the university had large numbers of black workers, but all clerical workers were white women, all maintenance workers were white men, and all administrators were white. The food service department was practically all black women, except for the supervisors, who were almost always white men.

The Nacogdoches NAACP filed a lawsuit in 1972 claiming racial discrimination in hiring, job placement, and promotions. As the lawsuit developed, the NAACP gained access to university records, and the pattern became clear. At one court hearing, when all the boxes of job applications were entered as evidence and the university's personnel director was asked why all the black workers' applications had the *Ns* circled, he claimed it was a coincidence that someone had inadvertently made a mark on these applications—even though this "coincidence" had happened on hundreds of black applicants' forms and on none of the hundreds of white applicants' forms.

After three years in court, the NAACP won its lawsuit in 1975, but it took until 1979 for the university to exhaust all its appeals. But even after its defeat in the courts, the university continued to stonewall the payment of backpay to the workers who had suffered discrimination. The NAACP began looking for allies to help break the logjam.

In 1983, the NAACP and CWA/TSEU made contact during a TSEU organizing drive at a mental hospital in a neighboring county. As a result, CWA/TSEU began the process of bringing the NAACP contacts at the university into our union. The union organizing was strongest with the food service workers, with about 80% organized.

The university's effort to block the victory of the workers around the civil rights issues had backfired. The workers refused to give up, expanded their struggle into a labor struggle as well as a civil rights struggle, and gained valuable new allies. But the university

also refused to give up, refusing both to settle the initial civil rights issue or to accept any kind of union on the campus.

The university announced in January 1985 that they would contract out the food service department—despite the fact that the food service was renowned for its quality and was earning several million dollars in profit for the university. This was a blatant attempt to stop the organizing drive by isolating the food service workers from other state workers.

Showdown at Nacogdoches

CWA/TSEU decided to fight the contracting out of the food service workers in Nacogdoches in every way possible, using old tactics, new tactics, and any wild idea that we could think of to upset this latest attack by the university.

Our overall attitude was that, if the university was going to eliminate the jobs of 156 workers, then we would throw everything—including the kitchen sink—at the university to make it pay a high price for attacking these workers. Far more resources than were available to an isolated group of 156 workers were committed to this fight because CWA/TSEU knew that the university's use of privatization to destroy the union in Nacogdoches would be followed by other state agencies' attempting to set back the organizational gains that Texas state workers had made over the previous five years.

We adopted a strategy of basing our fight on the unity, activism and determination of the workers directly involved, uniting them with a statewide local of other state workers and utilizing many tactics—legal, investigative, political, coalitional—in a multi-pronged battle to make university officials pay a dear price for their decision to attack 156 workers.

Workers were united in the workplace around what was happening to them. There were no individual "outs" and everyone understood that; if the university had its way, everybody would be on the street. Workers agreed that our legal, political, coalitional, publicity and other tactics would be effective only if they—the workers directly affected—were involved in every aspect. With the support of lawyers from CWA and NAACP, for example, it was agreed that our legal efforts had a chance of being effective only with the active involvement of the membership, with affected workers turning out for court dates.

CWA/TSEU filed injunctions in court to stop the contracting out, arguing that the university was retaliating for the workers' active involvement in the civil rights lawsuit and for their union



activities. Using the Texas open records law, requests were submitted to gather all information from the university on the bidding process and on possible contractors.

The Board of Regents were identified to figure out what kind of pressure could be put on them to overturn the university administrators' decision to contract out. Workers, in teams, divided up responsibilities to set up meetings with each of the regents before Board meetings. The regents came up with one excuse after another to avoid meeting with the worker delegations. They had never been called before by university cooks, servers, dishwashers and bakers and asked to sit down and talk through a problem. The one black regent, a school principal in a neighboring county, agreed to meet with a delegation. Eight members drove two hours to meet with that regent in her home town.

Stephen F. Austin (SFA) is governed by the Texas Open Meetings Act, which allows citizens to attend official meetings. In practice, very rarely had anyone actually had the nerve to show up at a meeting of the Board of Regents—much less black food service workers from the university itself. After protest letters were sent to all the regents, the entire membership of CWA/TSEU in Nacogdoches was mobilized to attend the board meeting of April 23, 1985.

We made a chart of every church in Nacogdoches, showing each minister's name and which of our members were members of each church. Members divided up responsibilities to ask each minister for support in opposing the contracting out. The NAACP in Nacogdoches and in the neighboring town of Mount Enterprise were active in planning meetings and expanding our base within the black community. Three out of the 62 black ministers agreed to join the fight, along with leaders of the Nacogdoches Young

Democrats, two liberal SFA professors and the local chapter of the National Organization of Women.

As the fight continued, CWA/TSEU uncovered information that four top university officials—including two who would make the decision to award the contract—had set up their own private food service corporation and were getting their stationery and other corporate paraphernalia done by the university itself. The major executive of this new corporation was the SFA vice-president in charge of the food service department.

With this information, the food service workers asked for appointments with their local state representative and state senator—both of whom were politically tied to the university and the business community in Nacogdoches. Both legislators refused to meet locally with the workers, so CWA/TSEU organized a car caravan to take 32 workers to the state capitol in Austin, more than four hours away.

The state representative, when confronted with 32 of his constituents, tried to get away from the meeting and avoided giving any kind of straight answer to the workers' concerns. But the workers got some results from their meeting with the vice-chair of the Higher Education Committee, who had been supported by CWA/TSEU and the Texas AFL-CIO and represented another district in East Texas. This state representative initiated an investigation of the new food service corporation being set up by the university officials, who then announced that their food service venture was being dissolved.

When university administrators subsequently announced that they proposed to award the food service contract to ARA Food Services, CWA/TSEU members in Nacogdoches mobilized again for the Board of Regents meeting. At the last moment, the Regents moved the meeting four hours' drive away to Dallas to prevent a mass turnout opposing approval of the ARA contract. Twenty-six workers attended the meeting anyway, presenting their case to the Regents who, again, refused to accept any input from SFA workers.

On the legal front, we got a partial victory when a federal judge ordered the university and ARA Food Services to negotiate a court-supervised agreement with the NAACP and the union. The judge ruled that while he would not block the privatization of the food service, the workers could not be replaced in retaliation for their civil rights and union activities. The negotiated agreement recognized ARA as the employer, but required that all workers retain their jobs with wages and benefits at existing levels.

With this agreement in place, the workers would have jobs with

the new contractor. Now that they were no longer public employees and were no longer excluded from NLRB jurisdiction, CWA/TSEU prepared to deliver an NLRB petition to gain a collective-bargaining agreement just as soon as ARA set up its operation at the university. In September 1985, 126 of the 156 ARA workers in Nacogdoches had signed authorization cards, and CWA petitioned the NLRB for recognition.

ARA immediately began a stall strategy to prevent the workers from exercising their right to union representation and began firing workers on any pretext. The NLRB process to establish the workers' right to have an election took two years—until September 1987.

During this two-year period, the battle continued on a legal front, a political front, and a mass mobilization front.

On the legal front, CWA initiated a series of appeals to establish the right of the workers to have an NLRB election, which eventually landed before the National Board. NLRB charges were filed to protest the firing of 86 workers; workers were assisted with 18 hearings before the Texas Employment Commission to gain unemployment benefits; and two workers' jobs were won back by forcing ARA to deal with the union even though there was no collective-bargaining agreement.

The union also continued to fight on the political front, turning up the heat whenever university officials appeared to testify before the Higher Education Committee of the state legislature. Busloads of workers from Nacogdoches joined with hundreds of other workers for CWA/TSEU's Lobby Days at the state capitol in Austin. The governor eventually agreed to meet with representatives of the CWA and the AFL-CIO, and then agreed to start an investigation of the matter from his office.

But our main tactic was the mobilizing of mass support in Nacogdoches, which gradually escalated to our 3,000-person Jobs with Justice march in December 1987.

This process began in January 1986 when 16 people demonstrated to protest the firing of 86 workers by ARA. This demonstration resulted in an injunction challenging the union's right to demonstrate, so in February 100 supporters showed up at the County Courthouse in Nacogdoches to protest the injunction. A picket line was held in March to continue the fight. A demonstration of 65 workers and supporters was held in October and yet another demonstration, with 106 workers and supporters, was held in January 1987.

With each demonstration and rally, the workers and their community supporters became more deeply committed to the

fight, winning new allies all the time. The Nacogdoches Young Democrats organized a debate between CWA and the university, and used the campus newspaper and TV station to start a petition campaign to throw ARA off the campus. Nacogdoches NOW helped the union win the jobs back of two women who had been fired for being pregnant. Increasing numbers of supporters, fired workers, ARA workers, and labor people throughout Texas started to see this as one of the key battles for labor in Texas.

The constant activity helped to hold the workers together for an NLRB election conducted on September 2, 1987, which the union won by a 2-to-1 margin. But when the workers elected a negotiating committee, ARA Food Services sent out strong signals that they would stall the process of negotiating a contract for as long as possible.

CWA's response to the negotiating stall was to pull together a statewide Jobs with Justice Coalition with leaders from throughout labor in Texas, the National Organization of Women, the Texas NAACP, the Texas Coalition of Labor Union Women, the Texas Labor Council for Latin American Advancement, and the Rainbow Coalition.

The long-term activism and determination of the workers in Nacogdoches had earned the respect of labor, civil rights, and women's groups throughout Texas. Activists from all over the state loaded into buses, and were joined by yet other busloads from Louisiana, Arkansas, and Oklahoma to march 3,000 strong through the streets of Nacogdoches on December 12, 1987. In the labor contingent were Auto Workers, Carpenters, IBEW, Farmworkers, Food and Commercial Workers, Paperworkers, Rubber Workers, Pipefitters, Sheet Metal Workers, AFSCME, Steelworkers, Teachers, Service Employees, and Letter Carriers.

For weeks before the march, the workers and their supporters in Nacogdoches prepared for the Jobs with Justice march. Nearly 30 teenagers, some of them children of the food service workers, made Jobs with Justice yard signs; workers and supporters placed 346 of these signs in yards and in store windows along the route of the march. McDonald's refused to display our sign, but Wendy's displayed one prominently and did a brisk business the day of the march and since. CWA/TSEU workers were joined by other workers in the town, including hundreds of retirees who showed up for the march and related activities.

The march—followed by a rally that was addressed by Texas Agriculture Commissioner Jim Hightower, Texas AFL-CIO leaders Harry Hubbard and Joe Gunn, NOW Vice-President Patricia Ireland, and CWA National President Morty Bahr—broke wide

open the stalemate in Nacogdoches. The town fathers contacted university officials and informed them, in a very direct way, that they were tired of Nacogdoches being the focus of one demonstration after another and they wanted Nacogdoches out of the labor limelight.

The pressure brought to bear on university officials helped ARA and CWA reach a contract settlement and broke the deadlock on the longstanding discrimination lawsuit. Workers gained a new contract with a 9% wage increase, dues checkoff, a grievance procedure with arbitration, job bidding and job protection. One year later, the union and the NAACP were able to distribute \$800,000 in backpay to SFA workers who had been discriminated against in 1972.

These victories of the workers in Nacogdoches also helped kick off organizing drives by SEIU in the county and by the Steelworkers at two area manufacturing plants.

Conclusion

Those of us who have participated in the fight to stop contracting out of state worker jobs have learned that winning is very hard, but can be done. We have learned that workers who are not organized, who are weakly organized, or who try to fight against contracting out in isolation from the rest of labor and their communities have little chance of winning against determined public officials and contractors who are perfectly willing to mount a long-term and persistent attack on their jobs.

Our experience fighting privatization has also taught us that there is power in a mobilized and involved membership. We found ways to involve our membership on every front of the fight—whether legal, political, or coalitional—so that the workers directly affected and their supporters increasingly found ways and opportunities to contribute to what became "our victory." Only with this kind of intensive mobilization were we able to have the staying power to continue the battle against privatization.

These two key elements—involvement and allies—were brought together in the organizational form of the Jobs with Justice Coalition. The strength of thousands of workers who were willing to say "I'll Be There" to support Nacogdoches food service workers was not counted on by either university officials or the food contractor. The Jobs with Justice Coalition turned the tide in one Texas town and can be used effectively in other places where public and private sector workers, civil rights activists, and womens' rights activists choose to fight and win a battle for justice. ■