

Newspaper Industry B
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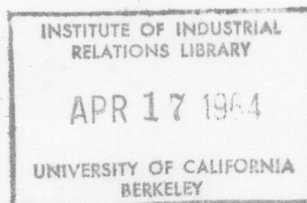
IMPLICATIONS OF THE NEW YORK NEWSPAPER STRIKE
FOR COLLECTIVE BARGAINING.

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OUTLINE

I CONTROLLING PURPOSE -- To examine the present and *FUTURE* implications for collective bargaining, applying the New York Newspaper Strike as a framework of reference.

II FACTORS UPON WHICH EFFECTIVE COLLECTIVE BARGAINING DEPENDS.

- a Relative bargaining strength of the parties.
- b Attitude of the parties toward one another.
- c The stage of maturity of the bargaining relationship.

III NEW OUTSIDE PRESSURES ON COLLECTIVE BARGAINING

- a Fast-changing technology.
- b Anti-union and management reaction to strikes

IV CONCLUDING REMARKS ON:

- a Management and union worry.
- b Future responsibility.
- c Crisis bargaining.
- d New legislative powers necessary in some situations.
- e Future cooperation.

The ability to strike effectively is one of the most important bargaining weapons of unions. It is an implicit factor in their right to bargain and organize collectively. Without this right to strike, there would be little bargaining power equality between labor and management. Since collective bargaining's inception in the '30s, its original purpose to serve as a basis for industrial peace has largely been achieved.¹ There has been a pronounced decline in the level of strike activity. In the years preceding 1940 about one third of all union members would go on strike each year. At the present time figures show that only about 10% of all union members go on strike annually.²

1. A.M. Ross, "Is Collective Bargaining a Success?" New Pressures on Collective Bargaining, address from San Francisco Conference May 25, 1962, LLR library U. of Cal., Berkeley, p. 47-59.

2. Ross, "Changing Patterns of Industrial Conflict" University of California, Institute of Industrial Relations. Reprint #144, 1960.

These figures indicate that the original purpose of collective bargaining (industrial peace) has largely been accomplished. However, collective bargaining as we know it today has proved to be rather limited when dealing with certain situations. Where there is little recognition of mutual interest by the conflicting parties, and where the strike is used strictly as an economic weapon, with little, if any concern for the public interest, present day collective bargaining has been largely ineffective.

Such a situation was the recent New York newspaper strike, and it is within this framework that this strike should be discussed. It was one of a rash of strikes which occurred last year, others being the Cleveland newspaper strike and the walkout of the dockworkers. Because of these strikes the institution of free collective bargaining came under severe criticism from many sides. The reaction ranged from cries for Government intervention to a more rational "collective bargaining like most modern institutions must accept changing times." The last reaction is the area within which the New York strike must be examined.

The real interest of the strike lies in the consideration of why Collective Bargaining was largely

ineffective in this area and the consequent implications for future collective bargaining. Accordingly a detailed summary of the strike and its subsequent cost does not lie within the scope of this paper. The right or wrong of the settlement is not dealt with. Our main concern is the publisher-union relation and the bargaining atmosphere between them.

In examining the New York City conflict the following areas will be discussed: effective factors in free collective bargaining and their absence in the strike, various reactions to the strike and the possibility of compulsory arbitration. A summary of present collective bargaining trends which are forcing collective bargaining to change as an institution concludes the thesis.

The factors upon which adequate bargaining procedures appear to depend are:

- (a) The relative bargaining strength or equality of bargaining power of the respective parties.
- (b) The attitude of the parties toward one another.
- (c) The stage of maturity of the bargaining relationship.

There were several views on the relative bargaining strength of the publishers and the unions in

the New York City newspaper strike. Many publications felt that it was a case of big labor (in this instance, the International Typographers Union with a war fund of \$17 million) versus small business (the New York City publishers).³ However, this position is somewhat misleading. The New York City unions voted to strike, and bargained with the publishers locally. Therefore the more rational approach appears to be to compare the relative bargaining strength of the publishers and unions within New York City, although the nationals did strengthen the bargaining power of the New York locals by contributing to the strike fund.

In 1950, the New York newspaper unions formed a blood brotherhood binding 16,040 members of seven unions to concerted strike action against the publishers if any union in the agreement struck.⁴ In a defensive measure, the New York publishers formed the publisher's alliance, supporting any paper struck by the unions with lock-out action. Although the unions protested this as

3. "A New Look at the New York Newspaper Strike" U.S. News and World Report. March 4, 1963 pp. 50.

4. "The Strike Nobody Won", Readers Digest, August 26, 1963 p.p.

an unfair practice, the N.L.R.B. in November, 1962, upheld this alliance on the grounds that it was a defensive measure ensuring equality of bargaining power.⁵ As a result, bargaining power equality in the publisher-union relationship appears to have been present. However, the negative feature of the alliances on both sides was that both were overemphasizing the use of economic force as a bargaining factor, a situation hardly conducive to good bargaining relations. The very length of the strike (114 days) appears to point out the futility of using economic force in settling this particular dispute.

Successful collective bargaining is also reflected in the attitudes of the parties toward one another. In most cases the respective attitudes of management and labor can be perceived and evaluated through: 1) the union contract demands, 2) management's approach and policy toward collective bargaining, 3) by public posturing on the part of both sides, 4) by the attitudes of the respective leaders.

That there was little cooperation in bargaining in the newspaper strike can best be shown by several illustrative quotes from leaders on both sides. First

5. "N.L.R.B. Upholds Publishers' Pact", New York Times, New York, November 21, 1962, page 21, col. 1

the union attitude:

- a) Elmer Brown, President of the ITU:
"A conspiracy established by the New York Publishers to avoid their legal and moral responsibilities to bargain collectively with the New York Typographers"⁶
- b) W.J. Hall, president of the Photoengravers:
"Union side has been distorted by the papers plus no mention was made that five newspapers locked out the workers."⁷
- c) An editorial in the January edition of the Typographical Journal stated that they believe publishers anticipate a long strike that will result in permanently closing one or more of the eight daily newspapers. This would add to the profit of the others at the expense of both the community and union employees of all New York newspapers.⁸

The following statements report the publisher's attitude:

- a) From Mr. A.H. Bradford, chairman of the association's negotiation committee with the printers union:
"The publishers have tried to persuade the union representatives to reduce their inflated demands and to put bargaining upon a more realistic plane"⁹
- b) From the mock Tribune front page:
"For the privilege of publishing today, we'd risk sudden death tomorrow."^{9a}

These attitudes were carried to the bargaining table by both parties, leading both sides to accuse

6. Brown, Elmer, "Contract Negotiations Take a Holiday", The Typographical Journal, March, 1963 p.

7. Hall, W. J. in his "President's Message", The American Photoengraver, May, 1963, p. 36.

8. "New York Newspaper Publishers Embark on Cynical and Reckless Course", The Typographical Journal January 1963, p. 4.

9. The New York Times, New York, December 3, 1962.

9a. "POST TIME", Newsweek, March 11, 1963, p. 60.

each other of not bargaining in good faith.

In the Monthly Labor Review, March 1963, David W. Peck, a former appellant justice of the New York Supreme Court and a member of the board of Public Accountability investigating the strike, summarized the inflexible attitudes take by both parties with the following words:

"Indeed, it must be said that there has been no real bargaining--bargaining was intended to be postponed for a long period until the strike had taken its toll."¹⁰

Leadership on both sides has an important effect upon collective bargaining. There is little doubt that Bertram Powers' (president of the New York City printers), militant demands, had a great deal to do with the inflexible attitude taken by the unions. Powers' attitude is illustrated by the following quote attributed to him in The New York Times.

"A short strike would be not only unsuccessful, but worse than no strike at all, because it would dissipate union strength."¹¹

The publishers, accordingly, would not bargain because they felt that union demands threatened their

10. "Developments in Industrial Relations", Monthly Labor Review, March, 1963, p. 311.

11. Publishers Get Unions' Warning Newspaper Strike Would Be a Long One" New York Times, New York, Oct. 15, p. 29, col. 1.

very existence.

The right or wrong of the above attitudes and statements does not lie within this discussion. Our concern lies in the fact that an insoluble labor impasse had resulted because of the inflexible attitudes of both parties. Collective bargaining had not only failed to bring an end to the dispute, but for the most part had ceased to exist.

The third factor in the bargaining relationship which should be examined is the stage of maturity which the relationship has reached, i.e. the degree to which both sides are cooperating in the mutual interest. The publishers' bargaining policy reveals little accommodation on their part; if anything their policy could be called "arm's length bargaining." The unions appeared to be in the "ritual stage", using the same ^{remedies} ~~reminders~~ that would have worked two decades ago¹² (economic force etc.).

In a situation which called for increased accommodation by both sides, blind resistance appeared to be the only policy. This is evidenced by their use of economic force to deliberately postpone negotiations until one was forced to surrender.

12. Edward L. Cushman, "New Goals for Collective Bargaining", Steel, Sept. 24, 1962, p. 91.

To this point the general "internal characteristics" necessary for an adequate bargaining relationship have been discussed. Although the characteristics were reviewed within the framework of the New York newspaper strike, the lessons to be learned from that conflict can be applied to all labor-management bargaining relationships.

Like most modern day institutions, Collective bargaining has been subject to new outside pressures, which threaten the future of ~~the~~ bargaining.

Fast-changing technology, consequent unemployment, over capacity, and increasing world competition have put great pressure on the institution of collective bargaining.¹³ Much of the inflexibility in the New York bargaining relationship was due to union anxiety over the effect of automation on job security.¹⁴

The publishers felt that much of the cost of the increased wage package could be offset only by increased efficiency with the use of automatic typesetting machines etc. However, the unions ^{WERE} ~~are~~ not completely adverse to increased efficiency. For

13. Ross, A.M. "Is Collective Bargaining a Success?" p.p. 50-54.

14. "Where Bargaining Fails", Nation, January 5, 1963, p.p. 2

example, Elmer Brown in the January ITU Journal cites that the ITU contributed a training center plus the "Washla-mat" equipment room.¹⁴ The unions, however, did fear that a free automation policy for the publishers would threaten the unions' existence.

An equally serious threat to free collective bargaining as an institution was ~~the~~^{the} anti-union and anti-management reaction by the public (represented by various publications) and of Congress to the New York newspaper strike as well as the Cleveland and maritime strikes. In the New York City strike, manyk felt that the publishers and unions were neglecting their public responsibility. The New Republic, April 13, 1962, pointed out a singular abuse to the public interest caused by the strike:

"In the single case of short weighing butchers and grocers, city market inspectors found that the cheaters were increasingly willing to risk being fined. The reason--no fear of notority through the press." 15

Sample reactions to the strike by two influential congressional leaders were:¹⁶

(1) Barry Goldwater (Repk, Ariz.) formulated a

15. "During the Blackout", The New Republic, April 13, 1962 p.p.

16. "Why Kennedy Holds Back on New Laws to Prevent Strikes", U.S. News and World Report, Jan. 28, 1963 p.p. 93

plan to curb union power and to limit power of unions to call strikes, and to ban compulsory union membership

(2) McClellan, (rep. ARKANSAS), wanted to apply anti-trust measures to unions.

The Kennedy Administration's reluctance to move in with new labor legislation may have been the only reason collective bargaining is not being faced with new restrictions.

Union and management anxiety that collective bargaining may have been dealt serious blows ~~by~~ ^{by} the strikes is best exemplified by the warning of Williard Wirtz (Secretary of Labor):

"It is very serious when collective bargaining is on trial as it is in the New York strike, because not only freedom of the press is involved, but the freedom to settle economic disputes privately. This is not an absolute freedom. It can be taken away."17

"This is not an absolute freedom," a phrase which appears to be a key to future successful collective bargaining relationships. Management and Labor may have to face drastic consequences in the future if they allow negotiations to stalemate into insoluble labor impasses such as that of the New York strike. The graphic lesson to be learned from the New York strike; is that new collective bargaining goals are

17. "Why Strikes Are Worrying Union Leaders," U.S. News and World Report, March 1963.

needed. If collective bargaining is to remain free (a very desirable goal for both labor and management) both parties must adapt themselves to greater responsibility in their attitudes, not only toward each other, and to the public interest, but also to new approaches and suggestions to the rapidly changing technology. A greater responsibility in negotiations and more concrete proposals on the part of management is both necessary and desirable. Cooperation by unions in reevaluating "sacred cows" such as the seniority system is also required. The Kaiser plan, and American Motors progress sharing plan, are evidence that creation of a new cooperative climate for collective bargaining is both possible, and necessary.

Both crisis bargaining and public posturing must be eliminated. Last-second negotiations should be replaced by careful-year-long negotiations conducted in an aura of mutual cooperation and responsibility.

Certain changes in the legislative powers available to Government are probably desirable in situations where responsible negotiations have broken down, or where there is a lack of willingness by both parties to temper their own economic concerns in the public interest. A.H. Raskin sees these powers to be used more as a threat than anything else.¹⁸ The

18. Raskin, A.H. "Government's Role When Bargaining Breaks Down", Reporter January 1963, p.

purpose being to keep both sides guessing as to when and if they will be used, as well as providing a greater incentive for responsible bargaining. It must be kept in mind that insoluble labor impasses such as the New York strike are relatively rare, and too much Government intervention will probably only frustrate bargaining as a means to settle disputes.

But mutual cooperation between Government, management and labor is needed to keep future collective bargaining effective and free (i.e. within an area of increased cooperation by all parties and greater responsibility in negotiations.) This should be the goal for collective bargaining today and in the future, a goal which the New York newspaper strike clearly showed was necessary.



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