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## FOXES IN THE CHICKEN COOP = by John Williams =

"The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States." That statement is chiseled on the cornerstone of the Department of Labor (DOL) building in Washington, D.C. DOL was started in 1913 after 40 years of union pressure to give workers their own cabinet agency. When DOL Secretary Frances Perkins attempted an impartial stand during a 1930s steel contract dispute, President Roosevelt warned her, "The Secretary of Labor is the Secretary for Labor."

This philosophy doesn't impress the men President Reagan and Labor Secretary Donovan chose to administer policy at DOL. House Operations Subcommittee Hearings in June 1983, National Labor Relations Board (NLRB) records, and DOL investigations reveal that

- .... Some DOL appointees aggressively battled unions before their appointments. DOL investigated its own top legal officer for his anti union activities.
- .... A DOL official moonlighted on a court case against unions while working full time at DOL.
- .... DOL substantially restricted investigations of union busting consultants and employers.

What is the background of the men who've been running DOL?

**Donald Dotson**— Dotson served as Assistant Secretary for 18 months, in charge of the Labor Management Services Administration (LSA). In June 1983, he became the NLRB Chairman. Dotson formerly was labor counsel for Wheeling Pittsburgh Steel and Westinghouse. House hearings in June 1983, revealed Dotson's philosophical opposition to unions. In two letters written to labor law journals before his appointment, Dotson decried collective bargaining as destroying individual freedom. He suggested that anyone interested in how unions exploit the law should contact the J.P. Stevens Employee Education Committee. This committee, clandestinely funded by 65 Southern employers, was formed to decertify the union at J.P. Stevens.

Dotson's agency, LMSA, enforces the Landrum-Griffin Act, which requires employers and union busting consultants to file detailed financial reports on their efforts to "persuade" workers not to join unions. During Dotson's reign, the LMSA investigated the J.P. Stevens Committee and ordered it and its employer mentors to file the reports required by the Landrum-Griffin Act. Several employers did file the reports, but Dotson's assistant Hugh Reilly ordered the case closed before the Stevens Committee itself was forced to report, according to the case file (DOL Case 40-9798).

**Hugh Reilly** — Reilly served under Dotson at the LMSA and now works with Dotson at the NLRB as the Solicitor. Before his appointment, Reilly was staff attorney for the Right to Work Legal Defense Foundation, an employer funded group that battles unions with court suits and anti-union speakers.

While working full-time at DOL, Reilly moonlighted on an anti-union Right to Work Foundation court suit, according to *Newsday* (as quoted in *New Republic*, Sept. 26, 1983).

At the LMSA, Reilly frequently ruled on DOL investigations of Landrum-Griffin Act violations by anti-union employers and consultants. On seven cases, Reilly overruled other DOL officials and closed cases against consultants and employers, including the J.P. Stevens Committee case, according to DOL case files and records established by the House Subcommittee on Labor-Management Relations. Reilly never overruled other DOL officials to order investigations of consultants and employers.

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Timothy Ryan — Ryan served as Solicitor of Labor, DOL's top legal officer, until the Spring of 1983. He had been a management attorney with Pierson, Ball, and Dowd, a law firm listed by the AFL-CIO *Report on Union Busters (RUB) Sheet*, March 1981) among the top "union busting" firms in the nation.

While Ryan was Solicitor, DOL's Bureau of Criminal Investigations probed his role in a 1979 anti-Teamster campaign at Alexandria Hospital in Virginia. A hospital supervisor told DOL investigators during a July 13, 1980 interview that Ryan and his partner Coleman repeatedly pressured her to report on her subordinate employees' union sentiments. Ryan and Coleman also supplied anti-union movies and newspaper clippings, and advised the hospital supervisors how to denigrate the union to the employees. The case was closed "administratively." (DOL Case 22-9864.)

In private practice, Ryan and Coleman represented the Master Printers Association (MPA), an open shop organization, according to union testimony during Ryan's confirmation hearings. DOL records show MPA spent \$940,749 battling unions in 1981. When Ryan was appointed Solicitor, DOL had two suits in litigation against MPA for Landrum-Griffin reporting violations (108 LRRM 2051, 20-6554).

DOL had another investigation open against Capitol Associated Industries, represented by Ryan's former partner Coleman, for providing an anti-union slide show and speaker to an employer. The case was closed "administratively" without reports filed (DOL Case 40-9933). Although there is no evidence that Ryan intervened in the cases against his former clients, a General Accounting Office Report in February 1983 called the DOL investigation of Ryan a "possible conflict of interest."

John Vandewater — Vandewater is presently a special assistant to DOL Secretary Donovan. He was interim NLRB Chairman, but the Senate refused to confirm him as permanent Chairman after hearing testimony about his direction of 130 anti-union campaigns, according to the AFL-CIO News. NLRB records show three cases where Vandewater spoke directly to his clients' employees during union organizing campaigns; General Telephone (JD-SF-196-76), Stewart-Warner (1981 RC hearings in Region 20), and Bell Helmets (21-RC-14829).

The *Washington Monthly*, September 1983, noting Vandewater has been recruiting clients for his private law practice on official DOL stationery, editorialized, "The distinction between public duty and private profit has not, as we have alas learned, commended itself with crystal clarity to the members of the Regan Administration."

With these foxes in the chicken coop, how has DOL enforced the Landrum-Griffin law against anti-union activity? In 1980, the House Subcommittee on Labor Management Relations held extensive hearings on the growth of union-busting, and recommended stricter enforcement of the law requiring full financial reporting of anti-union activities.

The DOL's response stands in sharp contrast. On March 12, 1982, LMSA Memo 13-82 closed all pending cases of "indirect" anti-union actions, where a consultant does not meet the workers face to face (as in the investigation of Timothy Ryan). It also closed "self-initiated" DOL investigations. This destroyed DOL's power to begin probes on its own. The Landrum-Griffin Act specifically requires labor consultants to report "indirect" activity, and specifically entitled DOL to start investigations. House Subcommittee on Labor Management Relations studies show Memo 13-82 closed hundreds of in-progress investigations.

The United Auto Workers and United Food and Commercial Workers have federal court suits pending against DOL for failure to enforce the Landrum-Griffin Act against union busters. What does DOL enforce? The *National Journal* on July 2, 1983, reported that DOL has hired 120 new investigators to begin random audits of union finances.

If DOL's change in direction forecasts a return to pre-1913 days, when it was called the Department of Commerce and Labor, unions could face a return to pre-1913 days of industrial strife. William Winpisinger, Machinists Union President, referring to Dotson's and Reilly's appointments to the NLRB, speculated, "I think we'd do better if we returned to the law of the jungle." (*New Republic*, Sept. 26, 1983.)

- John Williams

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