



Magazine of the Socialist Party USA

The Socialist

Volume 32, Number 3 | May • June 2006 | \$1.00

**CIW
Rallies
Again!**



Labor Issue

MAY DAY, 2006

May Day is a day to commemorate the struggles of working people around the world over the last 150 years. It is also a day to reaffirm our vision of a working class united by its dedication to toppling its subordinate role at the workplace, a unity transcending national loyalties, gender, ethnicity, religious dogma, and sexual orientation. The rich and powerful will always seek to exacerbate these fault lines, but we as socialist internationalists need to renew our commitment to building a new society in which every form of oppression and exploitation will be abolished.

The last year has seen significant breakthroughs for the international working class. In Bolivia, a coalition of unions and community groups organized mass protests that brought the downfall of a government subservient to the transnational energy corporations that control its natural gas reserves.

Workers in Argentina continue to defend cooperatively owned and controlled factories from attacks by the state and corporations. A recent one-day strike closed ports throughout Western Europe in protest of a plan to displace dockworkers by forcing sailors to unload cargo, in addition to their own work. Transit workers in New York shut down the city for three days in an effort to fend off cutbacks in health care and pensions.

All of these clashes are important in that they demonstrate that working people can act collectively even

under the current conditions. Nevertheless, we need to realize that the global integration of capitalism has led to a fundamental shift in the balance of class forces.

Wages and working conditions are under attack here and around the world as an unrestrained world market drives everyone down to the lowest common denominator. International working class solidarity has always been a goal, but it is now an urgent necessity. As transnational corporations shift investments in search of the greatest profits, workers must organize across national boundaries.

In the United States, corporations continue to press a frontal assault on working people, savagely cutting wages and benefits.

A strategy that relies on union bureaucrats is bound to fail. Only a militant rank and file movement that organizes actions across companies, and even industries, can effectively resist this corporate onslaught. Needless to say, such a movement will quickly run afoul of a plethora of anti-labor laws.

Union reform slates that emphasize internal democracy without linking this to a wider program miss the point. As radicals, we need to develop a strategic agenda that moves beyond militant solidarity to a call for a definitive break with the Democratic Party. All too often, mainstream business unions depend on closed door, confidential discussions with Democratic politicians, while avoiding public confrontations.

May Day is an opportunity to remember past struggles and to celebrate current ones; to recognize that the time is short, and that we have a long way to go. •

Discovering May Day

by *Mary-Alice Herbert*

Coming of age in the 1950's, a time shaped by the Cold War abroad, and the anti-communist hysteria of the McCarthy Era here at home, I assumed that May Day was a holiday unique to the USSR. I eventually learned that it became International Workers Day around the world and is celebrated everywhere but the US and Canada even though it originated in the US. It's ironic that I had to travel and live abroad to learn about my own country's labor history.

During the summer of 1964, my husband, our two young children, and I were traveling in Mexico. Walking in a park in the town of Matehuala, we came across a large monument dedicated to Los Martires de Chicago, which had been erected in 1925 by local labor unions. We were very puzzled.

In 1978, my two youngest sons and I lived in Paris for a year. The boys came home from the public schools they attended announcing that they had a long weekend off because of May 1. "It's a workers' day because of something that happened in Chicago. Do you know anything about it, Mom?" I had to admit that it was news to me, but I did remember the obelisk in Matehuala with its eight unfamiliar names--The Martyrs of Chicago. That summer a school-teacher couple I visited in Nimes gave me a prize for being the first American who knew May Day had started in the US. It was a booklet for high school students about the origin of May Day as International Labor Day.

Reading the booklet was a good start in understanding what had happened in Chicago in 1886. Once at home, I read every thing I could find about the events that came to be known as the Haymarket Affair, and began to understand why this

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THE SOCIALIST

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**Printed by Saltus Press, a
unionized printshop
Worcester, Massachusetts**

Subscription Rates

1-year individual • \$10

1-year institution • \$25

Bulk Rate No. 1: 25 copies/issue • \$45

Bulk Rate No. 2: 50 copies/issue • \$80

Cover Art: Photograph of the CIW
2005 Taco Bell Truth Tour. Photogra-
pher, Sean Sellers. Image provided
courtesy of the CIW.

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The Socialist is always looking for interesting, insightful, well-written stories. In particular, we are looking for work that highlights the struggles and triumphs of the working class. We will accept news articles and stories about organizing and protests, but we are also looking for short fiction, poetry, and music/arts/theater/film review. Please mark all letters to the editor as such and limit letters to 250 words; articles should not exceed 2,500 words. Submit as e-mail attachments in Microsoft Word .doc or .rtf format to SocialistParty@sp-usa.org, or by mail to: The Socialist, 339 Lafayette St. Room 303, New York, NY 10012. The deadline is the first of the month preceding each issue date.

The Coalition of Immokalee Workers: One Year Later

by Steven Sears

One year after the Coalition of Immokalee Workers' groundbreaking victory for fair food with Taco Bell, another fight is looming, this time with McDonald's.

Ignoring the CIW's calls to pay a fair price for tomatoes and to work with the CIW in ending human rights violations in the fields, McDonald's has instead embraced a new program by the Florida Fruit and Vegetable Association (FFVA) that sidesteps the CIW completely.

McDonald's and Florida growers have recently announced that "rigorous new practices," along with the previously announced "SAFE" initiative, "equal or exceed one penny per pound."

"SAFE," which stands for "Socially Accountable Farm Employers," was described by one founder and grower as "a seal of approval, kind of like fair-trade coffee, that says these tomatoes or lettuce are grown, produced and harvested with labor that is treated fairly, paid fairly and has access to safety equipment."

But Florida farm workers still work from dawn to dusk, earn the same wages they did in 1978, and still have no right to organize, or to overtime pay. So what has changed? Apparently, nothing, as this is just another war of publicity by the very powerful FFVA, now with the help of McDonald's.

McDonald's could easily use its influence to improve the lives of workers dramatically, as well as change how the entire agricultural industry does business. Instead, they have praised the newly created code of conduct put together by the "independent" SAFE organization. This group is comprised of the Florida Fruit and Vegetable Association, a membership organization created by and for agricultural employers to represent their own interest, and a children's advocacy group that has received money from the FFVA and



Photograph by Sean Sellers

CIW members celebrating the Taco Bell victory.

has no experience in labor issues, the Redland Christian Migrant Association. (RCMA)

And what is the goal of SAFE's code of conduct? To ensure that growers follow the law. The fact that an organization needed to be created to ensure that growers do this is a problem in itself. A statement from the Robert F. Kennedy Center for Human Rights said, "SAFE and its code of conduct cannot be considered a serious solution to the human rights violations now occurring in U.S. fields," along with other problems SAFE "does nothing to address the urgent economic needs of the farmworkers in McDonald's supply chain."

The initiative does not guarantee workers overtime, or the right to organize. It only requires that growers follow all applicable laws, which for farmworkers in the US, provide few legal protections. The National Labor Relations Act, which guar-

antees the rights to unionize, does not apply to agricultural workers, and the Fair Standards Act exempts them from overtime pay.

And who was listed on the press release announcing SAFE's launch? Not FFVA or RCMA but CBR Public Relations. Here's where things get interesting. Who is listed as one of Carlman Booker Reis (CBR) Public Relations' star clients? Yup, it's McDonald's. CBR states on its website that one of its areas of expertise is "Activist Response Management." The site goes on to list the corporate misdeeds CBR has successfully defended.

Lucas Benitez, a spokesperson for the CIW recently said, "McDonald's has invested a great deal of resources in establishing its reputation as a leader in social responsibility. Rather than cast doubt on that reputation by taking half-measures seemingly

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About the Coalition of Immokalee Workers

The CIW is a community-based worker organization whose members are largely Latino, Haitian, and Mayan Indian immigrants working in low-wage jobs throughout the state of Florida. Forming in 1993, the CIW has combined community-wide work stoppages with intense public pressure to improve their community and the lives of its members.

Florida Tomato pickers are some of the lowest, if not the lowest, paid workers in the country. Living in cramped trailers and paying exorbitant rents, they get up before dawn with the hope of finding work. If hired that day, they can expect to work until dusk, and with luck, bring home \$50 for picking two tons of tomatoes. For each 32-pound bucket of tomatoes they pick, farmworkers earn 40-45 cents, the same wages they earned in 1978.

If farmworkers are fortunate enough to pick tomatoes for a Taco Bell supplier, they earn about 75 cents per bucketful, almost double the normal rate. A lot has been written about farmworkers and their living conditions, so I won't go over it again. You can always read more at the CIW website (www.ciw-online.org).

CIW tactics have varied from general strikes, hunger strikes, marches (including a 230 mile march from Ft. Myers to Orlando in 2000) to the first ever farmworker boycott of a major fast-food company--Taco Bell. This four year boycott ended last March with a complete victory for the CIW, gaining not only the "penny per pound" but real

improvements in the working conditions of Florida Tomato pickers in the Taco Bell supply chain.

The agreement last year with Yum! Brands has broken ground in several areas. The company agrees to pay a penny more per pound and to pass this directly to the workers. During the harvest season, Taco Bell sends the CIW a weekly report with the amount of tomatoes picked by its suppliers, along with the names of the workers. A third party cuts a check for each picker, which amounts to \$10 to \$30 more a week per person.

Buying about 10 million pounds of Florida tomatoes each year, this agreement cost Taco Bell about \$100,000, and it affects about 1,000 workers, just a fraction of the estimated 16,000 workers in the area

But the CIW has been active in other areas too, taking the fight to the fields to end modern-day slavery in South Florida. From 1997-2004, the CIW helped bring an end to five slavery operations resulting in the freedom of over 1,200 workers from debt bondage. The CIW Anti-Slavery Campaign has earned both national and international recognition because of its innovative use of worker-led investigation, human rights education, and a track record of real success.

Recognizing early that they would need to form alliances to win the changes that were needed in the fields, the CIW has been joined by some powerful organizations. Others were formed directly to support the CIW. The Student

Farmworker Alliance was instrumental on campuses around the country during the Taco Bell boycott. Recognizing that TB was targeting students as a major demographic, the SFA quickly spread through over 300 college and high schools. While educating students they were successful in booting Taco Bell from 22 campuses.

Religious organizations proved instrumental also. With groups like the Presbyterian Church USA and The National Council of Churches, as well as many others. Providing food, shelter, and other material support, as well as encouraging their members to join the boycott they put heavy pressure on Taco Bell and YUM! Brands.

And now the looming fight with McDonald's has spawned a new alliance. Founded by the Robert F. Kennedy Memorial Center for Human Rights, the Presbyterian Church (U.S.A.), the National Economic and Social Rights Initiative (NESRI), Student/Farmworker Alliance, and Interfaith Action, the Alliance for Fair Food (AFF)(www.allianceforfairfood.org) has been endorsed by nationally and internationally respected organizations and individuals, including: Congressman John Lewis (D-GA), Amnesty International USA, United Students Against Sweatshops, the AFL-CIO, author Eric Schlosser (*Fast Food Nation*), NAACP Board Chairman Julian Bond, Grammy Award-winning singer/songwriter Bonnie Raitt, SEIU, and Rev. Dr. Robert Edgar, General Secretary of the National Council of Churches of Christ in the U.S.A.

designed to deflect efforts for real change for Florida farm workers, we certainly hope that McDonald's will soon work directly with CIW to address the serious issues of sub-poverty wages and substandard working conditions."

FFVA

With the Taco Bell victory, the growers and other fast food giants can see the writing on the wall. They must either appear to change their ways or bear the weight of their actions. Therefore, SAFE has come into being. To understand the how and why of SAFE, we must look at some of the players.

Agriculture is Florida's second largest industry after tourism. The FFVA is a membership organization of Florida fruit and vegetable growers that provides services crucial to its members' economic well-being. At the top of those services is "Communication and Government Relations," better known as media relations and lobbying. Lobbying in this case is working to limit government regulation of the industry.

The FFVA also attends to its members' labor needs by "helping growers meet labor needs while keeping costs down." According to their website, "Florida agriculture has got to manage labor cost if it's going to compete."

A recent article in the Palm Beach post reported, "the FFVA is the state's largest pool of agricultural donors" to the Florida legislature and "recently held its annual convention at the Ritz-Carlton where the governor and the chairs of the House and Senate agricultural committees all made appearances."

The article also points to the FFVA's financial clout and the growers lobby power by reporting that "Half the 14 members of the House Agriculture Committee are farmers or have worked in agriculture. Combined, they have raked in nearly \$480,000 in campaign contributions from agribusiness. The other seven members--who have no ties to agriculture--have received a cumulative \$64,000." Among those legislators

is Marty Bowen of Winter Haven, "a wealthy citrus heiress who chairs the House Agricultural Committee, is also a grower whose company has been accused of violating farmworker labor laws."

RCMA

RCMA is an organization that provides excellent childcare and survival needs for hard working farmworkers and their families. Its mission includes providing quality child care, support services for their families and other educational and welfare programs for workers. They have no history or experience in labor relations. RCMA also appears to be the FFVA's favorite charity. According to a press release issued by the FFVA in 2003, "A live auction and a silent auction raised approximately \$40,000 for Redlands Christian Migrant Association (RCMA) and a group of generous donors who pledged \$1,000 apiece raised an additional \$31,000. The total of \$71,000 was matched by federal and state funds at a rate of \$16 to \$1, bringing the total to over \$1 million ..." (www.ffva.com/newsroom/nw71.htm)

The FFVA makes large annual donations to the RCMA and for many years, the VP and General Manager of the FFVA, George Sorn, served as President of the RCMA Board of directors. At the time of writing, RCMA held one of two seats on the SAFE board of directors.

We have already talked a bit about CBR and its role as spokesperson for the "independent" SAFE program. There is not much more to add except this quote from their website, "In our 16+ years in this industry, there's not a lot we've missed. We've successfully handled: buckshot in beef steaks, beachside gas spills, needles in apples, assaults in malls..." So why is a firm that specializes in "activist response management" acting as spokesperson for SAFE? I'll let you decide that one.

McDonald's

There is not a lot to say that we don't already know about McDonald's. Over the years there have been enough

stories to tell us that McDonald's, like every large corporation, will lie to the public if and when it benefits them. But here is the bottom line. McDonald's is a \$40 billion dollar company with over 6,500 fast food outlets around the world. They purchase about 1.5% of the tomatoes grown in Florida. To work with the CIW and pay the Fair Food addition of one penny per pound would cost McDonald's about \$200,000 per year.

The Fair Food Fight Goes On

Before this article goes to press, the CIW and its allies will hold their first McDonald's Truth Tour, the "Real Rights Tour." Leaving Immokalee, a bus load of workers and allies will tour cities on their way to the McDonald's Corporate office outside Chicago. There, hundreds of allies, including members of the Socialist Party will converge and demand that McDonald's support farmworkers and fair food. The demands are simple, and drafted and agreed upon by the workers themselves:

- the right to a fair wage, after more than 25 years of sub-poverty wages and stagnant piece rates
- the right for farmworkers to participate in the decisions that affect their lives, after decades of sweatshop conditions and humiliating labor relations
- the right to a real code of conduct based on modern labor standards, after McDonald's and its suppliers unilaterally imposed a hollow code of conduct comprised of minimal labor standards and suspect monitoring

It may be too late to join us in Chicago, but it's not too late to get involved in your town. Visit the CIW web site at www.ciw-online.org, or the Student Farmworker Alliance site at www.sfalliance.org for up to date information and actions you can participate in. •

history, available to French students, had been hidden from me. There had been a large peaceful march for the 8-hour workday in Chicago on May 1, 1886. (The were 8-hour day demonstrations on that day in other US cities as well.) Two days later police fired on striking workers at the McCormick Reaper Plant. A meeting to protest the police violence was held on May 4 at Haymarket Square. August Spies and Albert Parsons had already spoken and left the meeting. Samuel Fielden was speaking from a wagon when police charged the crowd with weapons drawn and a bomb exploded in their midst. Policemen and workers were killed in the “Haymarket Riot” that followed. I wondered why I had never learned about this in high school or college.

That bomb gave the capitalists and the government the opportunity to crush the 8-hour day movement and severely limit the rights of workers in the US to organize. Labor was blamed for the violence, and newspapers, business, and the public turned against labor unions and called for “law and order.” Eight men were eventually tried, and four of them, August Spies, Albert Parsons, George Engel, and Adolph Fischer, were hanged on November 11, 1887. Louis Ling was found dead in his cell the day before his hanging, and Samuel Fielden, Oscar Neebe, and Michael Schwab were sentenced to life in prison.

Judge Gary justified his decision by saying that though none of them had thrown the bomb, they had, through their words, inspired the person who had. Their anarchist beliefs were also used to convict them.

In 1889, the International Labor Congress met in Paris and adopted May Day as International Labor Day. Workers around the world would march on that day for the 8-hour day, democracy, and the right of workers to organize. It would also be a day to remember the martyrs of Chicago. That same year, President Grover Cleveland designated the first Monday of September as Labor Day, thus separating US labor from the rest of the world, banishing “communist” influences from the US. (During the “red scare” of that era, the word “communist” referred to the Paris Commune of 1771 when workers

had occupied the city for several months.)

A group of us became the Haymarket Centennial Committee and began celebrating May Day on the Brattleboro Common in 1984. As the 100th anniversary passed, we changed our name to the Haymarket BiCentennial Committee and from 1990 on shared sponsorship of the annual event with local labor unions. When May 1 falls on a weekday, we have an evening labor forum to follow the afternoon celebration. On the common, at about 3:15 p.m., we begin with a Maypole and end with the story of the Haymarket Martyrs, relating it to the present day labor struggles. In between, a local clown, sponsored by the teacher’s union twists balloon creations for children. Members of the nurses’ and health professionals’ union do face painting and give away red balloons. The paper workers set up a grill and provide free hot dogs and drinks. The boilermakers union brings free ice cream. There are speeches, and a soapbox, and music.

In 1987, we commemorated the centennial of the execution on a snow covered common on November 11. We listened to one of the speeches written by Voltarine de Cleyre, for the annual

Martyrs Day celebrations, which were held in the US and Europe until the day became Armistice Day at the end of WW1. (These gatherings, I’ve read, were sometimes larger than those on May Day.) We added a wreath and a sign in memory of the martyrs to the war memorial on the common. Both stayed there for weeks.

Over the years, The Haymarket BiCentennial Committee has given books to the Brattleboro Library, including Roediger and Rosemont’s Haymarket Scrapbook, which had become our “bible” for pictures and information. A short piece by Wm J Adelman, from Haymarket Revisited, has been a hand-out at every May Day. It includes this paragraph:

“The Haymarket Affair of 1886 occurred a long time ago and may seem to some an event reserved for the history books. But, the issues that led to the Haymarket Affair are problems that are still with us today ... unemployment, the rights of minority groups, a fair distribution of wealth, freedom of speech and assembly, political corruption, police surveillance and brutality, and the right of American workers to organize unions of their choice.” •

May Day Greetings from the Brattleboro, Vt Area Local

Celebrating 23 years of
International Labor Day observances
on the Brattleboro Common

Information: malherbe@surfglobal.net

Importing Lessons for Labor

by Matthew Andrews

The “American Way” is not the only way to do things. In fact, we often hurt ourselves when we fail to examine how things work in other countries. This is especially true for labor. Although globalization has become a popular buzzword, the U.S. labor movement has failed to shake its nationalist perspective. There is much we could learn from both the successes and failures of other labor movements around the world. As activists in the Socialist Party USA organize to run candidates for public office this fall, the role of the state in labor relations should be of particular interest.

Despite the globalization of capital and the erosion of national sovereignty caused by free trade agreements, the state remains critically important to setting the terms of engagement between labor and management. Many western European states have systems that recognize organized labor as a legitimate force in representing the interests of regular people. Even under the most progressive governments, however, the primary goal of the state continues to be the smooth operation of capitalist production and the status quo of power relations, which makes organized labor a junior partner in the production process. So while it is essential to understand what can be accomplished through reform, it is equally important to know what is beyond the limits of the bourgeois state. By drawing this sharp distinction our political movement can achieve strategic reforms that build toward a socialist transformation of society.

In societies that frown upon direct repression, the co-optation of labor organizations is the preferred method of quelling discord. Sometimes the benefits can seem quite substantial, such as in Germany, where labor can elect board members to German corporations. Unfortunately, this puts

labor in the awkward position of managing capitalist enterprise. Even with the best intentions, labor cannot change the rules of the game by simply becoming the new boss.

Closer to home, we have the United Auto Workers, which recently reviewed the financial records of General Motors and agreed that wage cuts and layoffs were the only way for the company to survive. This pattern will repeat as long as production is market-driven.

Mainstream unions in the United States have a long history of supporting Democrats to try winning an inside edge on legislation. Rather than working to empower workers, many union bosses are content to schmooze in elite circles with other big money donors. The payoff for American workers has always been paltry compared to our European counterparts, but today even those meager benefits are being thrown out the window as organized labor’s role in the modern economy diminishes.

When labor works too closely with management or the political parties of the ruling class, it inevitably confuses the underlying class conflict. The results can be worse than just a stymied socialist movement. As workers in Australia are learning, it leads to weaker unions and the rollback of hard won rights.

In Australia, rather than unions and employers sitting down and negotiating contracts, the Australian Industrial Relations Commission (AIRC) sets industry standards that cover 83% of Australian workers. The union’s role in this system is more like a lawyer in a court, than a party to an agreement. Labor standards are not set at the workplace or company level, but by industrial sector and region. Consequently, Australian workers have found little reason to actually join the unions that rep-

resent them. Now the Australian government under the leadership of Prime Minister Howard has passed new legislation severely limiting the right to strike. Despite relatively low strike activity in Australia in recent years, employers and the government are moving to take advantage of labor’s weak condition.

Many European countries have also developed models of inclusion for labor, which socialists should seek to recreate in the United States. Union strength must have an institutional form in order to survive the ebb and flow of class struggle. The legal framework will play a major role in shaping a sustainable labor movement. The French, for example, have developed an inclusive and democratic system of representing workers. French unions are like political parties within the workplace. A worker may join any union and the employer must then bargain with that union, even if they don’t represent the majority of workers at that workplace. In contrast, a majority of U.S. workers in a workplace must agree upon a single union to represent them. Once a union is elected in the U.S., they become the sole bargaining agent of those workers. There are only minor political differences between the major unions in the U.S., and minority radical unions are shut out. Furthermore, because of this one-shot, winner-take-all system of union elections, unions in the U.S. regularly engage in nasty turf battles, raiding each other’s organizing campaigns. The French model of recognizing minority unions and allowing multiple unions in a single workplace gives radicals a role in the system without suppressing political differences.

Many western European governments also have “works councils” to give workers a democratic voice in management alongside union repre-

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Change To Win: Six Months After

by Chuck Wynns

During the past summer, the U.S. labor movement, for about a week, seized the headlines of the mainstream media. For once, labor was on the front page! No, it wasn't a strike, a national lockout, or any other kind of David vs. Goliath confrontation with the forces of corporate America.

What the mainstream media was hailing as the biggest event in labor's last 50-75 years was the July 25-29, 2005, National AFL-CIO Convention where SEIU, The Teamsters, UFCW, UNITE-HERE, the Carpenters Union (which had already left the AFL-CIO), and the Laborers left the AFL-CIO to form a new national labor organization called Change to Win.

With the help of the public relations departments of the Change to Win unions, what was touted in the mainstream media was a bold and daring break on the part of some unions to reverse labor's steady history of declining numbers and declining effectiveness.

With the AFL-CIO mired in a sea of indecision and complacency, the Change to Win unions were marching into the ranks of the low-wage American workforce to organize new members in a way which hasn't happened in the United States in 75 years, or so the Change to Win unions said, and the mainstream media repeated in trumpet tones.

It's now been six months since the Change to Win unions left the AFL-CIO. Since the July headlines, the UFCW, UNITE-HERE, and the Laborers have formally disaffiliated from the AFL-CIO, and the United Farm Workers have joined the Change to Win unions too.

On the other hand, how much has really changed since the formation of Change to Win? As this author looks back over the last six months, the answer that comes to mind is, "not much."

And this is no surprise. Given the lead up to the July 2005 split, the internal arguments and the proposed solutions, Change to Win is in a tough position to carry through on its July promises.

Inauspicious Start

Following the July AFL-CIO Convention, Change to Win can't really be said to have hit the track running; it was more like a bang and a splat.

While Change to Win had put its primary agenda forward as a new direction for the AFL-CIO--that is, to organize America's most vulnerable and oppressed workers into the unions--Change to Win was immediately caught in the trip wire of the good old way of doing union business in America--good old Democratic Party politics!

The trip wire, bang and splat in this case was Change to Win's disaffiliation from the AFL-CIO itself. While

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MAY DAY GREETINGS

"I WANT TO FIGHT AND TAKE WHAT
BELONGS TO US"



MOTHER JONES

TOM MOONEY LOCAL (WESTERN MASSACHUSETTS)

the Change to Win leadership had arrived in Chicago more than ready to announce a public disaffiliation from the National AFL-CIO, the Change to Win unions had no intention of leaving the AFL-CIO's state federations or local labor councils.

A related and second big mistake was the Change to Win leadership's failure to take into account the vindictiveness and personal animosities of the AFL-CIO presidents towards the Change to Win leaders, and it seems, in particular to Andy Stern of SEIU.

So, the dynamic was this: Change to Win announced that it was leaving the sclerotic and backdated AFL-CIO to rebuild the labor movement. The AFL-CIO retaliated with a message that said, if you leave the national AFL-CIO body, you're out of the organization at the state and local levels too.

From there, Change to Win accused the AFL-CIO of wrecking union solidarity, and the bold new step forward becomes an embarrassing semipublic three-to-four month negotiation between the AFL-CIO and the Change to Win unions regarding terms under which the Change to Win unions would be allowed to participate in the AFL-CIO at the state and local levels.

Anybody who knows how American unions work knows that labor's primary political work happens at the state federation and local labor council levels. Thus, while Change to Win was ready to break with the AFL-CIO as representative of the American labor movement, it appears Change to Win was not ready to break labor's "turn out the vote" machinery, a la work at state and local levels.

Then there was the September 2005 Change to Win founding convention itself. Blogger Jonathan Tasini referred to this founding convention as a "dog and pony show."

What Tasini was referring to was the thorough lack of debate, the hand-picked delegates, and the rah-rah public relations nature of the event itself. From the start, Tasini has seen the whole Change to Win/AFL-CIO spit as nothing but a power play on the part of the Change to Win unions.

Fellow blogger Eric Lee, who takes a far more positive view and sees real promise in the Change to Win agenda, acknowledged many of Tasini's criticisms, and found a few oddities himself.

Lee, however, chose to take the Change to Win leadership at face value (no slight to Brother Lee here, he's being fair); thus, a more positive view of Change to Win in its beginnings.

View From Below

Meanwhile, back in July while the heads of the AFL-CIO and Change to Win unions were posturing for the best at the AFL-CIO National Convention in Chicago, a couple of Chicago Tribune reporters, Barbara Rose and Erika Slife (July 27, 2005, "For Many Workers, Change Sounds Fine"), were out interviewing some of Chicago's rank and file union members to get their take on the Change to Win split and the labor movement in general. The following statements are excerpts from their article:

"James May, 47, a shipping clerk, says, 'I'm not so much pro-union as I used to be because they make a lot of promises that don't pan out.' May evidently joined a union seven years ago when his job was under subcontracting threat. He still has his job. May knows he's a member of Local 681, but he doesn't know the name of the union.

"I know that they take our money and give it to the Democratic Party," said Barbara Woodson-Silas. Barbara goes on to say ... 'To me, the union used to be strong in the day. But today, it's not.'

"Dan Lasota, 58, a Chicago Building engineer says, '... you can go around this neighborhood, and there's been strike busters ... one right next door here. They were striking there for three months. It didn't do any good ... and you know, years ago, unions were strong. Now they are nothing.'

"When asked about what he thought was happening at the AFL-CIO Convention, Byron Dumas, an SEIU doorman, said, 'I've been almost completely in the dark. ... I've seen my union mentioned, but I don't know what's going on.' Dumas is a committed unionist. He says, 'I'm probably one of

the few people who carries their union card with them.'"

The article written by Rose and Slife is telling. While the presidents of America's unions and a handful of delegates in Chicago were debating the labor movement's future, Chicago's rank and file union members are telling tales of powerlessness, distance from their unions, and a sense of having no idea what was going on. Rose and Slife's interviewees are not an odd exception.

Folks who have spent time in the trenches of the U.S. labor movement will recognize many of the comments made by these interviewees as a pretty reflection of where lots and lots and lots of union members are these days.

It is important to remember too that the discussion leading up to the Change to Win split included only the officers and heads of the AFL-CIO unions themselves.

Thousands of stewards, bargaining committee members, local union presidents and officers, activists and other leaders were never included in the discussions around revitalizing labor and were never invited at any level to any of the discussions that lead to Change to Win. Is this important? I think so. These are the people who make the labor unions function as institutions; these are the people who do the unions' work.

Put to the Test

Whether Change to Win will be able to effectively deal with U.S. labor's 60-year slide to powerlessness might become clear sooner rather than later. I am referring to Change to Win's campaign to organize the North American hotel industry--lock, stock, and barrel.

In most ways, the 2006 hotel campaign represents the best that Change to Win has to offer. Lead by UNITE-HERE, this campaign will tackle some of the world's nastiest corporations on an industry-wide basis.

The approach involves labor confrontations with hotel industry capital in major North American cities where union density is at its greatest, and where conventions and tour-

ism bring in super-large profits from convention and hotel centers.

Further, this ability to confront has been in the works for quite a while, with UNITE-HERE attempting to negotiate common contract expiration dates across the industry or, such as in San Francisco, working without contracts in 14 major hotels and thus preserving freedom of action.

Finally, the Change to Win/UNITE-HERE strategy includes a strong global component, which is absolutely essential as the major corporate players such as the Hilton, Marriott, and other major chains are first-rate global corporations.

Yet, I am uneasy, and here's the crux: For the first time in the roughly 250 years of western industrialized society, a handful of unions are attempting a major assault against dominant corporate institutions in the context of a nonexistent labor movement.

"Of course there's a labor movement!" many will say. "We have unions ... That's the labor movement!" But all of that is a bit simplistic. When we talk about a "movement," we are talking about masses of human beings with common aims; people and organizations with a wide social impact, with a social voice which extends across the full range of a society, with a purpose, aim, and goals.

And it is this meaning of movement that unfortunately doesn't exist in our current national historical context.

Workers of the World, Unite!

This thing about "movement" is where comparison made by the Change to Win unions with the formation of the Congress of Industrial Organizations (CIO) 70 years ago becomes a bit odious.

In 1935, the social context facing the CIO was entirely different. When John L. Lewis and the CIO unions walked out of the AFL to organize America's industrial workers, a class war had already been raging for five years.

While the AFL stood aside in its ideology of craft-based Americanism, the IWW was organizing autoworkers in Detroit, the Communists and the TUUL unions were organizing unions and building towards industrial actions

in a number of industries, the Socialists were actively engaged in organizing tenant farmers and lumber workers--every major city had an active unemployed workers' council, a broad left with deep roots among working class folk was speaking society-wide about what was wrong with capitalism ...

Compare That with Now

When New York's transit workers struck for a couple of days around Christmas, where was the AFL-CIO? Where was Change to Win? It's a rhetorical question, but when the transit workers were being hammered with fines and threats of jailing, not a word was said from a wider labor movement.

Airline workers have eaten cut after cut after cut, yet the mainstream dialogue around these workers involves little more than an analysis of the vagaries of bankruptcy court.

News that America's working class is poorer always seems lost in the news of the growing ranks of billionaires.

Most importantly, 70 years ago, neighbors stood on the side of striking workers whether they were union members or not. At this stage of the game, however, scabbing is epidemic. Every strike and job action represents little more than a new job opportunity for a scabbing nonunion set of workers.

The slogans--an injury to one is the concern of all or when you take one of us on, you take all of us on--are the language of a movement with clear notions of unity. In practice, however, how far does this rhetoric really extend?

The Missing Movement

All of the factors mentioned earlier--workers disconnected and ignorant about their unions, a sense of powerlessness, the thousands and thousands of union activists and leaders who have never been part of any discussion around revitalizing labor, a schism where 5 or 6 million unionized workers have left the AFL-CIO based complaints of maybe 100 union presidents--were all mentioned for a reason.

All of the above are strong indicators that a real labor movement does not yet exist in the US.

The lack of a real labor movement, and more importantly, the need to build a labor movement, has never been on the agenda of either the AFL-CIO or the Change to Win unions.

Indeed, a key concern on this author's part is that the Change to Win unions, in the context of great resources, slick strategies and public relations work, and an emphasis on top-down campaigns and events, have decided that maybe a movement and sense of mass social solidarity are no longer necessary ingredients in pulling off social change.

Summing Up

There is a difference between building a labor movement on one hand, and preserving a group of deeply vulnerable organizations on the other.

Unfortunately, the commonality between the AFL-CIO and Change to Win is that both are operating out of the latter rather than the former intent; both seem equally oblivious to the history of their own movement.

I suggest that the formation of the Change to Win coalition doesn't represent much in the way of real change.

Does this mean that a labor movement is impossible? Absolutely not!

If Change to Win develops into a real movement, through a series of hard-fought campaigns where organization is built out of the widest possible participation, it wouldn't be the first time that workers have set the direction and prevailed in spite of the limitations of their leaders.

Socialists must be involved. Our first loyalty must be to our class. When picket lines happen, we need to show; we need to participate in the e-mail campaigns, we need to be at the meetings; most of all, as socialists we need to make the point that it's all about class and how workers deal with it ... in the widest sense! Maybe that's our key to building a real labor movement. •

sentation. Workers are elected by their peers to the works council and are given paid time off to serve. Although workers can be elected as independents, they often run campaigns affiliated with their particular union. The works councils take on much of the servicing work that unions in the U.S. must do such as addressing grievances and ensuring workplace health and safety. In Germany, works councils even bargain over issues such as work schedules and the introduction of new technologies in the workplace. Unions bargain separately over wages and other forms of compensation. Works councils facilitate the work of unions, lowering administrative costs and freeing the union to focus on key bargaining and political issues.

Labor activists in the US should also take to heart the great benefits of universal healthcare enjoyed by Europeans and Canadians. In nearly every recent union contract struggle in the U.S., employers have fought to pass the rising cost of our private healthcare system onto workers. The traditional link between healthcare and employment in the U.S. has isolated unions. As a result, we are losing our healthcare benefits in one battle after another with employers. Working within the Democratic Party has been a fool's errand for unions seeking a legislative solution to the healthcare crisis. A new political vehicle for labor outside the two-party system will be essential to achieving universal healthcare.

While the most important factor in any successful labor movement is the attitudes of working people, looking abroad is one valuable way to inject optimism and creativity into the U.S. labor movement. Labor must be willing to make big demands to turn the tide against labor's obscurity. Socialists must push an internationalist perspective that links campaigns across borders, expands our understanding of what is possible, and builds a class conscious movement that will lay the foundation for a new socialist society. •

Corporations as Persons

by Safford Chamberlain

Editor's note: The Socialist Party does not believe that corporations can be regulated. We are committed to moving away from a capitalist market economy and toward a new, democratic socialist society. The Socialist Party Statement of Principles states that "socialism is a new social and economic order in which workers and consumers control production and community residents control their neighborhoods, homes and schools." Furthermore, "planning takes place at the community, regional and national levels, and is determined democratically with the input of workers, consumers, and the public to be served." In this context, the following article is printed as a contribution to a continuing dialogue on a crucial set of issues.

Corporations are not born of woman; they do not grow from childhood to adulthood; they do not have brains or hearts or livers. If, because of bankruptcy or some other reason, they cease to exist, they are not buried or cremated. All that remains of their prior existence is a bunch of legal documents.

It is obvious, then, that corporations are not persons. Yet since at least 1886 they have had the legal status of persons under the 14th amendment. That amendment, passed in 1868 to protect freed slaves, decreed that no state shall "deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."

How did corporations become "persons" covered, now, not only by the 14th but also the 1st, 4th, and 5th amendments?

The usual answer is that the legal personhood of corporations was established by a Supreme Court decision on May 10, 1886, in the case of *Santa Clara County v. Southern Pacific Railroad*. Yet there is not a word in that decision about corporate personhood.

The case was about taxation of railroad property by Santa Clara County, and the decision, written by Justice James Harlan, includes a lengthy discussion of fences and mortgages, ending with a decision favoring the property rights of the railroad.

The only reference to corporate personhood was in an introductory "Statement of Facts," written by the court reporter, J.C. Bancroft Davis.

Davis quoted Chief Justice Morrison Waite as having remarked, orally, before the case was argued, "The Court does not wish to hear argument on the question of whether the provision in the Fourteenth Amendment to the Constitution, which forbids a State to deny to any person within its jurisdiction the equal protection of the laws, applies to these corporations. We are all of the opinion that it does."

So it was not the Supreme Court Justices who made corporate personhood a major aspect of the case, but the court reporter Davis, who was a political player in his own right, having served as Assistant Secretary of State under two presidents and as president of the board of directors of the Newburgh and New York Railroad Company. And six months later it was Justice Harlan who, in his dissenting opinion in another case, quoted approvingly Davis's "Statement of Facts" for the *Santa Clara* case as having established the personhood of corporations under the Fourteenth Amendment.

Three-quarters of a century later, in 1960, notes passing between Davis and Chief Justice Waite were discovered showing that Waite did not consider the case to have decided the constitutional issue of corporate personhood. In a note to Waite, Davis summarized what he had understood the Chief Justice to say before argument and asked

Corporations, continued on p. 13

“whether I correctly caught your words.”

In his answering note Waite conceded that Davis’ summary “expresses with sufficient accuracy what was said before the argument began.” But he continued, “I leave it with you to determine whether anything need be said about it in the report *inasmuch as we avoided meeting the constitutional question in the decision.*” (Italics added.)

Was leaving the mention of Waite’s pre-argument remarks up to Davis a way of avoiding responsibility for the impact that Waite should have known his remarks would have? There is no record of Waite’s having objected to either Davis’s or Harlan’s highlighting of the personhood issue. Why did he allow it? Why did he make those remarks in the first place?

It appears that he and the rest of the court had been convinced that corporations were protected as persons under the 14th amendment by arguments made in a previous, very similar case, *San Mateo County v. Southern Pacific Railroad*.

The railroad’s attorney for that case, former Senator Roscoe Conkling, had been a member of the Committee of Fifteen on Reconstruction that *wrote* the 14th amendment. Using as evidence not just his own testimony but also a previously unknown journal of the Committee’s deliberations, he contended that the Committee intended corporations to be covered, and the proof was that they had gone back and forth in different drafts between the words *person* and *citizen* before finally deciding on *person*, in order to allow corporations to be included.

Many years later, when the legal scholar Howard Graham read the Journal of the Joint Committee of Fifteen on Reconstruction, which had been misplaced for three decades, he found that all drafts of the amendment had used the word *person* consistently, and that Conkling’s emphasis on the significance of switching from *citizen* to *person* was a deliberate deception.

Nevertheless, Conkling’s argument that the framers of the 14th Amendment intended to include corporations as “persons” appears to have won over Chief Justice Waite and the rest of the court, and to have led Waite to make his oral remarks preceding the decision in *Santa Clara*. Ironically, the case of *San Mateo v. Southern Pacific*, which came to the court on appeal from the Ninth District Circuit Court, was withdrawn before it was decided!

Actually, Waite was not known as particularly pro-corporate. That role belonged to Justice Stephen J. Field. After coming to California in the gold rush of 1849, Field was elected to the California Supreme Court in 1857 and became Chief Justice in 1859. In 1863 President Lincoln, partly on the personal recommendation of California Governor Leland Stanford, nominated Field to the federal Supreme Court. Field was closely associated socially and ideologically with Stanford, Collis Huntington, Mark Hopkins, and Charles Crocker, the organizers of the Central Pacific and Southern Pacific railroads.

Field’s specialty was a new interpretation of the 14th amendment, not as a protective shield for freed slaves but as a protective shield for corporations.

He arrived at this interpretation by arguing that a corporation consisted of its stockholders, and that attempts by states to regulate corporate behavior violated these persons’ due process rights under the 14th amendment.

The fact that shareholders could die without affecting the corporation’s existence was lost on Field, whose admiration for corporations knew no bounds. In his 1882 Ninth Circuit Court opinion in the *San Mateo* case--Field belonged concurrently both to the Ninth Circuit Court in California and the Supreme Court--he ended a rhapsodic passage extolling the wonderful things corporations do for us with this paean of praise: “Indeed, there is nothing which is lawful to be done to feed

and clothe our people, to beautify and adorn their dwellings, to relieve the sick, to help the needy, and to enrich and ennoble humanity, which is not to a great extent done through the instrumentalities of corporations.”

It wasn’t until 1896 that Field’s pro-corporate position became an unassailable majority on the Supreme Court, but he was representative of the times. As early as 1819, in the Dartmouth College case, the Supreme Court had found that corporate charters were contracts covered by the “contract clause” of the Constitution, and that states had no power to change or revoke them.

Outraged state legislatures got around this by including the right of revocation in the charters, thus confirming the traditional mistrust of corporations and continuing the practice of chartering corporations for a limited time and for a particular purpose, such as building roads or canals, and forbidding them to engage in any activity other than the one specified, or to own stock in any other corporation.

But by 1864, as the Civil War was ending, the growing power of corporations caused President Lincoln to write the following to his friend

William Elkins: “I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war, corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign ... until all wealth is aggregated in a few hands and the Republic is destroyed.”

What Lincoln feared and predicted has largely come to pass, in part because of the presumption of legal personhood attached to the *Santa Clara* case.

There is, however, some cause for hope, in that an anti-corporate movement has developed in this country. Books like David Korten’s *When Corporations Rule the World* and *The Post-Corporate World* are both a help and a hindrance--a hindrance in that they are ignorant of democratic socialism’s calls for economic democracy. But in 1990 the

legal scholar Carl Mayer, writing in the *Hastings Law Journal*, proposed a constitutional amendment including the statement that “corporations are not considered ‘persons,’ nor are they entitled to the same Bill of Rights protections as individuals.”

Various groups have given this proposed amendment their support, including the Green Party, the Alliance for Democracy, the Community Environmental Legal Defense Fund (CELDF), Public Citizen, the Program on Corporations, Law, and Democracy (POCLAD), and Women’s International League for Peace and Freedom.

Similarly, ReclaimDemocracy.org proposes an “Amendment to Revoke Corporate Constitutional Privileges” stating that “The U.S. Constitution protects only the rights of living human beings” and “Corporations shall be subordinate to any and all laws enacted by citizens and their elected governments.”

POCLAD’s website begins with this: “Giant corporations govern, even though they are mentioned nowhere in our Constitution or Bill of Rights. So when corporations govern, democracy is nowhere to be found.” CELDF’s Tom Linzey writes that his organization considers corporate personhood as a logical next step “from a Constitution whose text enabled and codified a Slave State ... to post-Civil War in which the formation of a Corporate State was accelerated ... In our minds, it’s all about minority rule--and a ‘corporate class’ who now wields governing power ...”

It appears that there is a good deal of common ground between the Socialist Party and many of these groups, especially organizations like CELDF, and that it might be strategically appropriate to work with some of them to put a constitutional amendment stripping corporations of their legal personhood on the national agenda.

[A prime source for this article is Ted Nace’s *Gangs of America: The Rise of Corporate Power and the Disabling*

Rosa Luxemburg and Karl Liebnrecht Remembered

by Peter Moody

Eighty-seven years ago, on January 15, 1919, Rosa Luxemburg and Karl Liebnrecht were murdered by the members of the right wing Freikorps militia. Their murders were a result of their call and action towards creating a socialist republic in Germany, based on workers’ and soldiers’ councils, after the models of the soviets of the Russian Revolution, and the sailors’ council in Kiel, Germany. They were murdered also with the complacency of the Social Democratic government in power at the time, which used the Freikorps to put down revolutionary socialist uprisings throughout Germany. Both Luxemburg and Liebnrecht were influential figures in the German Social Democracy and later the German communist movement that came out of the ashes of the First World War.

Rosa Luxemburg was born in what is now Poland, where she helped form a socialist organization in opposition to the Polish Socialist Party of the time. Her group stressed workers unity and internationalist ties, as opposed to the Polish Socialist Party, which argued for an independent Poland before socialism. By the turn of the century, she was a fairly well known writer and activist in the Polish, German, and Russian Social Democracies. In Germany, she acted on the left wing of the Social Democratic Party, agitating for a more Marxist program and platform, in opposition

to the more moderate leaders like Karl Katusky and Eduard Bernstein. She sometimes felt that the party was becoming too moderate and reformist, and once commented that she was one of the two men left in the party (the other “man” being Clara Zetkin!).

As a contemporary of Lenin, she was very critical of his views on party centralism, and by the time the Bolsheviks seized power in Russia, she had warned of the potential for over-centralization and totalitarianism in Leninism by the dictatorship of a few men rather than the dictatorship of the proletariat as a class.

Still, despite her criticisms of Leninist theory, she was very supportive of the Russian Revolution, not only for having attempted revolution, but because they succeeded in taking power. Rosa Luxemburg’s ideas on socialist organization made their way into part of the council communist movement, but her theories were eventually overshadowed by the ideological war between Stalinism and Trotskyism.

Karl Liebnrecht was less of a prolific writer than Rosa Luxemburg; probably his most famous work is “Militarism and Anti-Militarism,” criticizing the Prussian-based German military state. Still, he was very similar to Rosa Luxemburg in his ideas on organization, and was definitely on the left of the German Social Democracy.

Luxemburg, continued on p. 15

Southern California Local

2617 S. Hauser Bl., Los Angeles 90016

CARRY ON!

While he followed the party line in voting for war funds in mid 1914, he was the only Member of Parliament, including the rest of his own party, to vote against World War I. His opposition to the war continued, and by 1916-17, left the SPD with Rosa Luxemburg, Clara Zetkin, and others to create the Spartakusbund, which was influential in leading the socialist insurrections in 1918 and 1919, and was one of the founding members of the Communist Party of Germany.

Both Rosa Luxemburg and Karl Liebknecht were influential and passionate socialists of their time, equals to the myriad of well-known revolutionaries coming out of Russia. Their contributions to socialism are sometimes overlooked due to the crisis of leadership within the Soviet Union, but they represent an integral aspect of any movement that would consider itself revolutionary democratic socialist.

Peter Moody is a soon-to-be college student currently living in New Jersey and the National Chair of the Young People's Socialist League (www.ypsl.org).

May Day

by Rosa Luxemburg (1913)

The brilliant idea of May Day is the autonomous, immediate stepping forward of the proletarian

masses, the political mass action of the millions of workers who are otherwise atomized by the barriers of the state in the day-to-day parliamentary affairs.

The whole tendency of imperialism in the last decade leads the international working class to see more clearly and more tangibly that only the stepping forward of the broadest masses, their personal political action, mass demonstrations, and mass strikes that must sooner or later open into a period of revolutionary struggles for the power in the state, can give the correct answer of the proletariat to the immense oppression of imperialistic policy. In this moment of armament lunacy and war orgies, only the resolute will to struggle of the working masses, their capacity for powerful mass actions, can maintain world peace and push away the menacing world conflagration. And the more the idea of May Day, the idea of resolute mass actions as a manifestation of international unity, and as a means of struggle for peace and socialism, takes root ... the greater is our guarantee that out of the world war which, sooner or later, is unavoidable, will come forth a definite and victorious struggle between the world of labor and that of capital. •

Party News

Brattleboro, Vt.

Members of the Brattleboro, VT Area SPUSA Local are involved in efforts to close Vermont's only nuclear power plant on schedule in 2012.

Jane Newton and Mary Alice Herbert were among a group of 11 who were arrested as they tried to deliver a letter requesting that Entergy, a Mississippi based company which now owns VT-Yankee, convert to green energy and retain it's workforce.

Herbert and Newton were joined by local members Low Waronker and Robert Santway at a weekly "Green Energy Vigil" in downtown Brattleboro, which they expect to continue every Thursday from 4-5 p.m. until Entergy agrees to close it's 33-year-old reactor on schedule.

At present Entergy has been given permission by the Nuclear Regulatory Commission to proceed with a 20% power increase and has requested a 20-year license extension beyond 2012. (The plant made the first incremental increase of 5%, but there was so much vibration and noise that they decided to keep it at that level.)

Party News, continued on back page

Maggie Phair

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from the
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Bay Area Socialist Party

P.O. Box 22822

Oakland, CA 94609

Web: www.sp-usa.org/basp/

List: bayareasplocal@yahoo.com

Party News, continued from p. 15

Socialists Anne Tobey and Robert Santway are regulars at a weekly anti-war protest in front of the Brattleboro Post Office every Saturday morning from 11:00-12:00. Doris Lake, along with Herbert and Santway demonstrated there on International Women's Day, passing out literature about IWD. Lake's shocking pink poster read "Women against War and Nukes."

Northern New Jersey

The Northern New Jersey Socialist Party members joined one hundred other demonstrators at the March 18th March to Bring U.S. Troops Home Now in Englewood.

U.S. Senate candidate Greg Pason (www.votepason.org) spoke at the rally afterward and SPNJ members Angel Martinez and Carlos Dufflar as well as SP NYC member David Gordon read poetry at the event.

The Local endorsed independent candidate Tommy Silva for the non-partisan Mayoral election in Paterson New Jersey. That election will be held in mid-May. •

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