ALAA WEEKLY ORGANIZER #23

October 5, 1990

The Association of Legal Aid Attorneys (District 65/UAW/AFL-CIO)

13 Astor Place, New York, NY 10003-6980 (212) 674-4188/673-5120/ (800) 221-5011, ext. 340

Attorneys And Support Staff Hold Mass Rally To Support Bargaining Demands

A mass rally at Park Row on October 1st opened the Union's public campaign to force management to respond to the Association's bargaining proposals.

Attendance and Determination

With as many as 400 people, the picket and rally was the largest Association demonstration in recent years. Large numbers of those present represented distant offices such as Queens CDD, attorneys from the most recently hired training classes, and the Union's Attorneys of Color of Legal Aid (ACLA) caucus. All of those who came were extremely pleased with the turnout, and made clear their determination for significant progress in this year's contract.

Association Speakers

Issues were addressed by Association speakers from across the Society, including Azalia Torres (Brooklyn CDD/ACLA), Les Helfman(S.I. Civil/Barg. Cttee), Martha Conforti (Bronx CDD/Secretary). Steve Dean (Brooklyn CDD/Treasurer), Susan Levine (Manhattan CDD/Barg. Cttee), Steve Statsinger (CAB/Lesbian & Gay Caucus Barg. Cttee rep.), David Addams Executive Director), John Woodruff(Manhattan CDD/ACLA), and Michael Z. Letwin (Brooklyn CDD/President).

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As many as 400 members of ALAA, 1199 and other supporters rallied at Park Row October 1st in support of Association demands to improve the Legal Aid Society.

Battle Over Judge's Strike Button Order

On October 4th, a Manhattan Supreme Court judge declared war on the staff attorneys's First Amendment right to wear the Union's "Ready to Strike" button to court.

That morning, Judge George Roberts (Part 30), ordered CDD attorney and Union delegate Robin Frankel to remove her button as she stood before the bench on a routine calendar call. When Frankel

refused, she was briefly held in contempt before Roberts lifted the order and proceeded to relieve her from her case. Immediately thereafter, attorney Troy Yancey was ordered from the courtroom for refusing to remove her button. The judge also announced that beginning the next day, he would hold in contempt anyone wearing the button. Soon, button-wearing attorneys and support staff from throughout

(Continued on Page 2)

Inside: Open Letter to Arch Murray, P. 3 Next EC Meeting: October 16th

oto: Sagrario Cordero

Demonstration Sends the Right Message (Continued from Page 1)

Particular attention was paid to debunking Arch Murray's memo of the same day which grossly mischaracterized the state of bargaining and issues such as salaries and affirmative action in the Society (see related article this issue).

Solidarity

Others who spoke in support of the Association were private attorney and former Legal Aid staff member Eric Poulos, Legal Services Staff Association co-president Anita Miller, Regina Little (District 65 Vice-President), and George Kennedy, Strike Solidarity Coordinator, from the Greyhound strikers (Amalgamated Transit Union local

1202). In addition, the rally was endorsed by District Council 37, the National Conference of Black Lawyers, and the NYC Chapter of the Coalition of Black Trade Unionists.

Messages of support were received from State Senator David Patterson, Assemblyman Frank Barbaro and Transit Workers Union leader Sonny Hall, who wrote a letter to Arch Murray calling for acceptance of the Association's demands.

Press Coverage

This rally received greater press coverage than any other Association

demonstration since the 1982 strike, including a lengthy and extremely sympathetic October 3d report by Mary Civiello on Channel 4 Eyewitness News, and reports on CNN and in the New York Law Journal. UPI put a substantial story on the wire. The New York Times is also preparing an article on bargaining at Legal Aid.

Further Action

Be sure to see this issue's calendar for upcoming strike committee meetings. And remember the date for the next major action, a mass demonstration at the Society's Annual Meeting at Boro of Manhattan Community College on October 23d.

Manhattan CDD Attorneys vs. Judge Over First Amendment

Manhattan CDD, joined by Association president Michael Letwin, met to organize a response.

Response

Society chief Arch Murray, CDD head Bob Baum and deputy head Ivar Goldart arrived shortly to announce their unconditional support for the right of attorneys to wear the "Strike" buttons in court and that the Society would file an article 78 proceeding in order to challenge Roberts' ruling.

The Association of Legal Aid Attorneys

Michael Z. Letwin/President
Annette DePalma/Vice President
Stephen Dean/Treasurer
Martha Conforti/Secretary
R. David Addams/Executive Director
Isabel Lobelo/Office Administrator
Ron Luciano/Office Secretary



After lunch, while attorneys and support staff packed the courtroom, management negotiated with Roberts and other judges. Finally, in a huge retreat, Roberts suspended his new-found rule pending the outcome of the Appellate Division's ruling on the Article 78 proceeding.

The Outlook

Roberts' attack on the Strike button represents both a blatant violation of the First Amendment and an open hostility to the Union. But when Manhattan CDD ALAA and 1199 members demonstrated a united response, Roberts had no choice but to back off, at least for the present. That's a powerful demonstration of our

power with great relevance to bargaining.

But Manhattan CDD attorneys are still under the gun if Roberts or other judges move ahead. Therefore, it is crucial that all attorneys who are not on trial show their support for their Manhattan colleagues by wearing the buttons to court every day.

Moreover, if an attorney is victimized for exercising their rights, members from around the city must be prepared to render assistance by immediately reporting to the courtroom in question.

We will only be taken seriously in contract bargaining if we are prepared to stand up for each other and the First Amendment.

Dear Arch, You've Got it All Wrong...

The following is a reply to Arch Murray's memo of October 1st, which complains that the Association has misrepresented the status of bargaining at Legal Aid.

Who Suspended Bargaining?

Had you been present at the four bargaining sessions held to date, you would be aware that the Association never "mutually agreed to suspend the [bargaining] process" until the City finalized the Legal Aid budget.

In fact, in early July we provided management with thirty-five pages of extremely detailed bargaining proposals -- none of which were accepted over the course of three bargaining sessions. At the fourth session, on August 28th, in response to our request for counterproposals, management counsel Bob Batterman stated "you will be hearing from us," and proceeded to lead his team out of the room. It was not until September 26th, nearly a full month later, that we received management's offer to reconvene. On October 3d, we agreed to meet to discuss any counterproposals that management is willing to advance.

We have requested counterproposals precisely because approval of the Legal Aid budget has little or nothing to do with such issues as affirmative action, job security, improved case resources or objective health, safety and working conditions standards, ending discrimination against gay and lesbian attorneys or Board representation, and we regard management's failure to address these crucial areas as a refusal to acknowledge their importance.

Uncompetitive Salaries

Your defense of our salary schedule as being "competitive with comparable publicly funded organizations" is likewise contradicted by the facts below:

Office	Starting Salary
Legal Aid Society	\$29,000
DC37 Legal Services Plan (NYC)	\$33,276
Human Resources Administration (NYC)	\$34,400
18-B Office of the Appellate Defender	\$35,000
Alameda (Calif.) Public Defender	\$37,460
San Francisco Public Defender	\$39,728

In contrast to our maximum 13th step staff salary of \$60,000, the maximum salary in the San Francisco Public Defender Office is \$82,394. Interestingly, San Francisco's head Public Defender makes \$101,714, an amount that is surely less than the secret salaries that Legal Aid management pays itself.

Myths of Affirmative Action at Legal Aid

The facts also contradict your claim that in the area of affirmative action the Society's "statistics...are second to no other even remotely comparable organization":

(Continued on Page 4)

Organization	% of Staff Attorneys of Color
Legal Aid Society	18%
Philadelphia Public Defender	24%
Bronx District Attorney	28%
Legal Services of New York	30%
Fresno (Calif.) Public Defender	30%
Los Angeles Public Defender	31%
Los Angeles City Attorney	33%
Los Angeles District Attorney	33%
Public Defender Services (D.C.)	39%
DC37 Legal Services Plan (NYC)	45%
San Francisco Public Defender	45%
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Organization	Attorneys of Color	Share in Managemen
Legal Aid Society		9%
Bronx District Att	orney	20%
California State Pi	ıblic Defender	21%
Philadelphia Publi	c Defender	22%
San Francisco Pub	lic Defender	27%
DC37 Legal Services Plan (NYC)		31%
Los Angeles City	,	31%

The absence of meaningful affirmative action at Legal Aid is of concern to each of our members. First, it is morally inexcusable that the Society, which purports to champion justice in the courts, has not done more to overcome ongoing exclusion of people of color from the legal system, particularly in this period of great attention to racial injustice in New York.

Moreover, in light of the fact that our clients are 85 to 90 percent people of color, the Society's failure to make significant affirmative action progress undermines our very mission. As Judge Wachtler's Judicial Commission on Minorities has pointed out, the gross racial imbalance between those who work in the judicial system, and those who are subjected to it, fulls "T]h perception" of "a predominantly white court system meting out 'justice' to litigants who in significant numbers are Black, Hispanic, Native American and Asian American..." Until by its deeds the Society clearly distinguishes itself from that perception, many of our clients, and the communities from which they come, will inevitably tend to view all Legal Aid attorneys as co-conspirators in injustice. The resulting threat to attorney-client trust cannot but jeopardize high quality representation.

Precisely because the Society is not in the lead that the Association has submitted a detailed program to improve affirmative action at Legal Aid, including a very moderate initial goal of 33 percent people of color among the ranks of staff attorneys and management, and to realize that goal through full involvement of staff attorneys in the affirmative action process.

Earlier this year, we criticized the Office of Court Administration for failing to carry out its affirmative action responsibilities in connection with the contract for juvenile representation in Manhattan. It would be hypocritical not to address the same injustice closer to home.

We trust that the above information sets the record straight.

ALAA October 1990 Calendar

Tuesday, October 9

6:30 p.m. Board Liaison Strike Committee meeting, union office

Wednesday, October 10

1 p.m. Manhattan CDD Affirmative Action Meeting, 9th Fl. Conf. room

5 p.m. District 65 Legal Division Health and Safety meeting, union office

6:30 p.m. Community Outreach Strike Committee meeting, union office

Thursday, October 11

1 p.m. Bronx CDD delegates and interested members meeting

6 p.m. Civil Division Affirmative Action meeting, 11 Park Place

6:15 p.m. Attorneys of Color of Legal Aid meeting, union office

6:30 p.m. Finance Strike Committee meeting, union office

Monday, October 15

6:30 p.m. Bargaining Committee meeting, union office

Tuesday, October 16

9 a.m. Union présentation at Society Board of Directors meeting, Paul Weiss

6:30 p.m. Executive Committee meeting, union office (everyone welcome)

(Continued on Page 6)

Thursday, October 18

1 p.m. Criminal Appeals Bureau Affirmative Action Committee welcome party for new attorneys

Saturday, October 20

12 p.m. FYI: "Brings the Troops Home" demonstration, Columbus Circle, 59th Street & Broadway

2 p.m. Conference: "Building Communities of Trust: Inside and Outside Prison Walls," sponsored by the American Friends Service Committee. Workshop on the drug wars Letwin. 15th Street Friends Meeting House, 15th Street and Rutherford Place, Man. (212) 598-0958

Monday, October 22

6 p.m. Picket/Phone Tree Strike Committee meeting, union office

Tuesday, October 23

After work: Mass bargaining demonstration at Legal Aid Society annual meeting

Wednesday, October 24

6:30 p.m. Inner-City drug wars conference planning meeting, Lawyers Guild, 55 Sixth Ave.,
Manhattan. Call office for details

Thursday, October 25

Evening: National Lawyers Guild Forum on Rikers Island, NYU Law School. Speakers to include ALAA member and Prisoners' Rights Project attorney John Boston and Michael Letwin

The New York Eimes

October 6, 1990, p. 23, col. 2

Wrong Way to Fight Crime

By Michael Z. Letwin

aced with understandable alarm over rising violence, Mayor David Dinkins has proposed a \$1.8 billion anti-crime plan, most of it devoted to greater numbers of police and jail cells. Even if it survives intact in the face of the city's financial troubles, the plan is unlikely to roll back the violence that is an inevitable result of an illegal crack trade flourishing amidst deepening poverty.

As the Prohibition Era made plain, when addictive substances are criminalized, users and traders resort to violence to obtain and sell them. Unable to contain the violence, law enforcement only compounds the harm.

Today, because crack is illegal and its high is short-lived, poor users — unlike their Wall Street brethren — commit street crime and sell drugs to support habits that can cost as much as \$100 a day. In addition, the immense, artifically inflated profit in illegal drugs, combined with dwindling economic opportunity, draws young people into the low-level trade.

If wars over those profits have turned entire inner-city neighborhoods into free-fire zones where, in the last few months, numerous victims have been small children, such as three-year-old Benjamin Williams.

Over all, fully half the city's 1988 homicides were drug-related, and three-quarters of those resulted from competition for control of street-level drug traffic. Drug-related violence encourages the settlement of even

Michael Z. Letwin is president of the Association of Legal Aid Attorneys.

The Dinkins plan won't curb viblence.

petty disputes with guns and knives. The 1990 homicide rate is already 19 percent above last year's record figure of 1,905, excluding the victims of the Happy Land social club fire. And while bloodshed has long plagued poor neighborhoods, roving bands of angry and alienated youths have increasingly brought it into formerly "safe" areas, an example of which was the recent murder of Brian Watkins in midtown Manhattan.

In the face of these powerful dynamics, highly touted police programs have consistently proved themselves to be impotent. Experts report that the New York Police Department's Operation Pressure Point on Manhattan's Lower East Side probably drove crime and drugs elsewhere; an August 1989 internal Police Department report admits that drug traffic in the target area continues indoors.

New York's Tactical Narcotics Team sweeps have had even less success in reducing drugs and crime, despite the allocation of huge sums of money, tens of thousands of drug arrests, prosecutions and incarcerations. The drug trade simply shifts to another area. Apprehended dealers are replaced from a seemingly bottomless pool, for jail is not a deterent to those who daily risk death in the drug trade. The Department's re-

cent "community policing program," Operation Take Back, has been similarly ineffective.

Identical results have come in from around the U.S. Although the District of Columbia police have twice the officers per capita as New York City, the capital has a homicide rate three times as high. In Oakland, Calif., a frustrated police lieutenant said: "Don't say give me more cars, give me more guns, give me more cops. That's been tried before, and it doesn't work."

Escalated police programs have succeeded only in crippling the criminal justice system and assaulting predominantly minority New Yorkers with illegal searches and seizures, frame-ups, physical abuse and questionable police shootings.

As a result of these policies and racially discriminatory sentencing, almost one in four young African-American men in New York is in jail, prison, on probation or parole. Worse, such policies are paid for by cutting to the bone services such as health care, housing, sanitation, libraries, education and residential drug treatment programs.

New York and other cities can be made safer only by treating drugs as a health and economic problem. Decriminalization would dramatically curtail street crime and turf wars by deflating the price of drugs and making them legally available to those who use them. Instead of punishment, treatment could be provided for those

who need it.
But decrin

But decriminalization is neither a complete nor permanent solution to drug abuse, crime and violence. They will yield only when racial and economic justice offer hope to every member of our community.



13 Astor Place

New York, N.Y. 10003

The New York Times

THE NEW YORK TIMES METROPOLITAN SUNDAY, OCTOBER 7, 1990

Legal-Aid Labor Dispute Could Cripple the Courts percent of all independences and independence of the professional atmosphere.

By WILLIAM GLABERSON

A labor dispute between the Legal a strike by the end of October. Aid Society and the union representing its lawyers is threatening to paralyze sively with criminal cases.

Representatives of the Legal Aid Society, a private group providing legal

Letwin, talking about the possibility of line with city contracts.

way to consider our proposals," Mr. don't see where he gets off talking the New York City courts just as they Letwin said, "they will force us to about a strike or closing the courts," he are gearing up to deal more aggres- strike. If that happens, the courts will said. "I think that's not responsible not be able to function."

Archibald R. Murray, the executive director of the Legal Aid Society, said ponent of the courts in New York City representation to poor people, and the society is waiting for the range of because, under the law, people accused more than 1,600 unionized lawyers ne expected pay increases for municipal of serious crimes who cannot afford to gotiated without reaching a settlement employees before making commit-hire their own lawyers must have lawafter the lawyers' contract expired on ments to its lawyers. Legal Aid repre- yers appointed for them. In recent June 36. The talks are now stalled, with sents indigent defendants in the city's years, as many as 85 percent of all city each side accusing the other of refus- courts under a contract with the city, criminal defendants have been judged ing to return to the bargaining table and city officials generally require too poor to hire their own lawyers. and the union's president, Michael Z. Legal Aid to keep its pay increases in Under its contract with the city

Mr. Murray criticized Mr. Letwin's "If management refuses in a general approach to the stalled negotiations. "I

Legal Aid lawyers are a critical com-

maining cases are handled by private lawyers appointed individually.

The Strike of '82

In 1982, a 10-week strike by the union slowed the courts and infuriated Mayor excellent representation in most cases. Edward I. Koch, who appointed a committee to study whether the city was \$29,000 for a beginning lawyer to too reliant on the Legal Aid Society. \$80,000 for those with more than 13 The committee concluded that the years experience. The union, the Ascity's agreement with Legal Aid "fails" by allowing the union "to seri- seeking a 15 percent pay increase and ously disrupt the criminal justice pro- changes in working conditions.

the lawyers. He said the union was ingly members of minority groups. seeking to raise their stature through measures that would encourage them office space, growing caseloads, job se- Letwin said.

Legal Aid provides lawyers in about 60 | to remain longer and work in a more | curity and a demand that gay and les-

"Clients should get from Legal Aid benefits for their partners. the same quality of representation they would get if they could pay for it," Mr. Letwin said.

Mr. Murray said poor clients receive

sociation of Legal Aid Attorneys, is

One main issue is a union demand for more minority hiring. Minority lawseparating the two sides as major dif- vers make up 18 percent of the Legal ferences in approach over the role of Aid staff, its clients are overwhelm-

Other issues involve concerns about

bian lawyers receive health and other

'Ready to Strike' Buttons

Last week, tension on the labor confrontation boiled over in State Supreme Court in Manhattan, On Thursday, Judge George F. Roberts ordered two Legal Aid lawyers removed from his courtroom because they were wearing buttons that said "Ready to Strike." Senior Legal Aid officials intervened and the judge agreed to suspend his order while the society appeals, arguing ment right to wear the buttons.

By Friday, Legal Aid lawyers were wearing the buttons in courtrooms all over the city. "We've put out the word for everybody to wear buttons."



THE ASSOCIATION OF LEGAL AID ATTORNEYS

(District 65/UAW)

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Michael Z. Letwin, President Annette DePalma, Vice President Martha Conforti, Secretary, Stephen Dean, Treasurer R. David Addams, Executive Director Isabel Lobelo, Office Administrator Ron Luciano, Office Secretary

(9/4/90)

WELCOME TO NEW ATTORNEYS!

Introduction

Attached are orientation materials compiled for you by the Association of Legal Aid Attorneys. The Union represents the attorneys at Legal Aid, and nearly all attorneys are members. We believe the representation it provides will lead you to join them.

Why Do Legal Aid Attorneys Need a Union?

In theory, The Legal Aid Society is committed to providing quality legal representation to poor people in New York City. In reality, however, Legal Aid management — and the legal system of which it is a part — has all too often put quantity representation over quality representation. The Union was formed in 1969 in order to ensure that the interests of clients



NO! WAIT! LETS TAKE A CLOSER LOOK AT THIS.

come first. Thus, in the early seventies, we twice went on strike to establish "vertical representation," so that clients could count on having the same attorney throughout their case.

To enable our members to seek justice for our clients, the Union has also fought for and won improvements in salaries and benefits, caseloads, working conditions, affirmative action and other areas. (See enclosed Union history). We have also addressed issues of concern in the City and beyond that are of concern to our members and clients. In short, the Union is widely recognized as the "conscience" of Legal Aid.

Who is in the Union?

We come from all of the Society's divisions: Civil, Criminal Defense (CDD), Criminal Appeals (CAB), Juvenile Rights (JRD) and Volunteer. We are of different racial and cultural backgrounds. We are of different genders and sexual preferences. We do not always agree. But together we strive to provide the best possible representation for indigent clients in the face of the same -- often miserable -- conditions. More broadly, we are a self-governing affiliate of the Legal Division of District 65, UAW, AFL-CIO. We staunchly support each other as union brothers and sisters guided by the principle of Solidarity.

Are There Other Unions at Legal Aid?

Legal Aid support staff (including secretaries, word processors, receptionists, switchboard operators, social workers, clerks and paralegals) are represented by our sister union, Local 1199. Although management does its best to keep attorneys and support staff apart, we regard 1199 members as our brothers and sisters. We must diligently apply mutual respect to each other and work out any differences between ourselves. United We Stand, Divided We Fall.

Do We Have a Union Contract?

The Union Contract (and sideletters) is your Legal Aid Bill of Rights. For your own protection, learn it like a statute and always keep a copy handy. You'll need it. But like all freedoms, our contract rights will atrophy if they are not enforced. If our rights are violated, we bring grievances, file for arbitration and take all other necessary action.

What Has the Union Done Lately?

New York City's court system increasingly resembles an assemblyline gone berserk. Because the Union has consistently insisted on quality rather than quantity, our members have come under increasing attack from both management and the courts. In 1990, for the first time in fifteen years, our members were laid off from the Juvenile Rights Division (JRD). Only the determination of Association and 1199 members won the affected attorneys transfers to other divisions, and prevented the state from dismantling the entire Manhattan JRD office.

Also in the last year, we fought against oppressive "quotas" in the Criminal Appeals Bureau (CAB), for decent health and safety in Manhattan CDD and Bronx Civil offices, for affirmative action in Civil Division and protested police and correction officer brutality against our clients. (See enclosed leaflets and clippings).

What is Bargaining About This Year?

We are now in the midst of contract negotiations with management to win improved salaries and benefits, affirmative action, working conditions, client representation, job security, dependent care and a wide variety of other important advances.

How is the Union Organized?

Nothing is won simply because we ask. Ultimately, our ability to move forward depends on the power of an organized and active membership. For this reason, ours is a profoundly democratic union and we invite your participation at every level.

Delegates

Each unit and/or office (depending on size) elects a Union delegate. The delegate brings the unit's concerns to the Union as a whole, brings Union information and decisions back to the unit and organizes the Unit's members. Units also elect one or more alternate delegates. Delegates and alternates are subject to recall by the Unit.

A key part of your delegate's job is to represent you in any disciplinary proceedings brought by management. So, remember that you should always have a delegate present if your supervisor wishes to discuss problems with your work. Always feel free to approach a delegate for help.

The Union Office

The office is conveniently located in Manhattan at 13 Astor Place, Room 901. (N or R trains to 8th Street, #6 to Astor Place). The fulltime staff includes Michael Letwin (president), David Addams (executive director), Isabel Lobelo (office administrator) and Ron Luciano (office secretary). If your delegate cannot help with a problem or question, call us or come by any time. Regular office hours are 9 a.m. to 5 p.m.

The Executive Committee

Composed of delegates and officers, the EC is the governing body of the Union. All members are encouraged to attend and participate in these meetings (but only delegates or substituting alternates may vote). Meetings are held at the office, usually on the third Tuesday of the month.

The Bargaining Committee

The Bargaining Committee exists during contract years to negotiate with management. It is made up of the officers, representatives of each major office and/or division, and members with special knowledge in areas such as affirmative action, health and safety, gay and lesbian rights, and health benefits. The Committee will bargain to its best ability and bring to the entire membership its recommendations. The last strike was in 1982 and a strike is possible this year. All members should put aside some extra savings and join a strike committee to prepare for every eventuality.

The Officers

In addition to the president, the Union has a vice president (Annette DePalma/Chelsea Civil), treasurer (Steve Dean/Brooklyn CDD) and secretary (Martha Conforti/Bronx CDD). These officers are fulltime staff attorneys. Officers are elected at the annual membership meeting in January. In 1991, the current positions will be replaced with a structure of president, secretary-treasurer and seven vice presidents, one from each major division and/or office.

Union Publications and Information

The office publishes the ALAA Weekly Organizer, which is distributed each week by your delegate. From time to time, the Union also publishes a longer newsletter, The ALAA Organizer. (Copies are enclosed). These contain essential information and if you aren't receiving it, let your delegate and/or the Union office know. Each delegate is also charged with maintaining a unit Union bulletin board on which relevant articles and announcements are posted.

Union Sub-Committees and Caucuses

Ongoing Union committees address various issues, including affirmative action, aid to other unions, political action and drug policy. The Attorneys of Color of Legal Aid, the Women's Caucus and the Gay and Lesbian Caucus also invite your participation. Fill out and return the enclosed activity sheet or call the office for information.



"It's settled. If they go on strike, we'll operate the plant ourselves.

Anyone know where it is?"

What's The Bottom Line?

Your colleagues invite you to fill out and return the enclosed membership form and dues checkoff authorization. Join and be active in your Union.