

# KNIGHT

News and Information  
of the NHCC  
United Faculty

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## JUDGE FINDS INTIMIDATION BUT DECLINES INJUNCTION

After six days of testimony in the preliminary hearing of the NHCC United Faculty versus North Harris County College in the Federal District Court for the Southern District of Texas, Judge Woodrow Seals declined to issue a preliminary injunction against the college. Pointing out that a preliminary injunction is an "extraordinary" action to take in the case of irreparable harm, Judge Seals found that no irreparable harm has been done against faculty members. He noted, however, that he was not ruling on the merits of the case, a ruling which will come at the trial.

Chapman Smith, a top Houston labor lawyer of the prestigious firm of Baker and Botts, One Shell Plaza, represented the college. The guild was represented by George Kirk, an attorney in private practice.

Judge Seals did conclude that NHCC faculty members have been intimidated by the administration and the Board of Trustees and that they are afraid. He felt that it was in the best interest of the college not to issue an injunction, which he believed might aggravate the conflict. He pointed out that this was not a case where two parties go their separate ways after

the hearing; instead, they must co-exist in the same academic community. He felt it best to leave conditions exactly as they were, emphasizing that neither party would "leave the courtroom a winner....I want time for the wounds to heal....I want to keep the parties in the same relative position." He expressed his belief that good and reasonable people can resolve their differences and suggested that much "soul searching" might take place before the trial and that perhaps the Board might re-evaluate its policies. Thus, the judge seemed to feel that the harm that has been done can be repaired through cooperation between the guild and the college. Again, he stressed that his decision not to grant the preliminary injunction was based solely on the irreparable harm issue, warning that when he hears the case on its merits, he is capable of "drastic" action.

Judge Seals also commented that political figures want power and are often reluctant to share power; he stated, "Shared power is the question here" and cited Lord Acton's, "Power tends to corrupt and absolute power corrupts absolutely."

Finally, praising the plaintiffs and the witnesses for the plaintiffs for

"their moral courage," Judge Seals noted that the case has been placed on the docket and will go to trial in the near future.

After the hearing, Guild Secretary Robert Locander expressed disappointment at the judge's ruling but said, "I can understand why Judge Seals ruled as he did. I felt that the violations of First Amendment rights established in court created a situation of irreparable harm; the judge seemed to feel that a firing or a demotion was needed to establish irreparable harm. I am disappointed in this preliminary matter but remain confident on the merits of our case when it comes to trial."

Kevin Bailey, President of NHCC/UF, explained why the guild requested a preliminary injunction rather than waiting for the trial: "The purpose of the hearing was to allow us to go before the judge and seek judicial relief sooner than the trial on merits--an emergency hearing. I don't feel that we've lost anything; Judge Seals has merely legally frozen everything in place. Based on testimony from the hearing, I remain confident that in the trial on the case's merits we can show that First Amendment and equal protection rights have been violated by the college and the Board of Trustees."

Alan Hall

## UNION-BUSTING AT NHCC

A newly developed trend in education is known as "union busting." It is a technique long practiced by private industry in the United States, and it involves the use of professional consultants to stop unionization by employees. A House subcommittee reported recently that outside labor-relations advisors gross more than \$500 million a year and typically charge \$700 a day plus expenses. In the field of education, public tax money is being used to pay for these "union-busting" consultants, and North Harris County College is one public institution that has hired these professional "hit men" to stop the NHCC United Faculty/AFT Guild.

The AFL-CIO's Public Employee Department (PED) recently charged that

public officials have spent "millions of dollars on union-busting campaigns.... State and local administrators are apparently taking the cue from the anti-union management consultant firms that are used by private sector employers.... Public officials are attending seminars on 'maintaining a union free status'... and are hiring hardline attorneys...."

In Florida, school boards in Pasco and Duval counties employed professional consultants to stop the growth of AFT locals. Administrators began an "internal public relations blitz," which involved sending intimidating letters to teachers. Both boards were later found guilty of violations of the law.

In the higher education field in

Florida, the State University Board of Regents also employed anti-union consultants. Their primary activity was a series of statements and letters aimed at convincing employees that it was not in their interest to join a union. Union busters have also been employed by Brevard Community College, Miami-Dade Community College, Palm Beach and Hillsborough Community Colleges and Valencia Community College, which formed the Valencia Community College Foundation, Incorporated to fund its anti-union activities because of protests by citizens over the spending of tax dollars for such purposes. Colleges like these regularly try to neutralize unions with personal conferences, threatening letters, and attempts to develop a split between rival faculty organizations, followed by the installation of a friendly union or other organization to represent employees.

The consultants who are brought in advise their clients to develop a humane, benevolent, almost disinterested concern for the common good. At the same time, unions are portrayed as harmful to employees, causing divisiveness and costing workers money in dues. The presence of "outsiders" is portrayed as being disruptive.

Many "union-busters" maintain that the failure to communicate effectively with employees causes unionization. So they recommend to management that they communicate more and convince employees to identify with their employer. Reporter Steven Lagerfeld notes that one consultant's manual states: "If management is clever about the thing, it can also make the employees feel they are involved in some of the decisions affecting them even though the employer had planned to do it all

along."

A recent study of union-busting by attorney John Bernstein found that consultants often advise their clients to screen out potential employees who might likely join a union. They are told to particularly stay away from Blacks and Hispanics and people who are actively involved in civic groups and other organizations. Meanwhile, consultants claim that women are ideal employees, feeling that they are more easily intimidated and are less prone to join a union.

These professional "union-busters" suggest that employers communicate their negative views on unions to employees and tell workers that they should be able to "speak for themselves," that unions disrupt work with "strikes," that dues are expensive, and consultants suggest that management "highlight seemingly inconsistent statements made by the union." The goal is either to anger or to frighten workers. Management often tries to isolate union members and to make them appear as "deviants." Often management establishes a system of rewards and punishments and creates a "routinized anxiety" designed to convince workers that union membership will lead to insecurity, threat to one's job security, hostility by supervisors, and possible loss of job.

In the state of Washington, consultants have advised officials to present uncomplimentary opinions about unions, emphasizing racketeering or other undesirable activities. In Oklahoma City, private detectives were hired to follow teachers who were AFT members. However in South Dakota, Governor William Janklow ordered administrators to stop employing these consultants, stating that "the state is not in the business

of making or breaking unions."

Missouri Federation of Teachers' President Kathy Cormack states that "unions do not get tax dollars to run their campaigns; I don't think management should either." John Leydon of PED concludes that "as long as public officials get away with it, they will use tax dollars to bust unions."

Here in Houston, at NHCC, tax dollars have been spent and "outsiders" brought in to "bust the union." President W.W. Thorne and Board member Floyd Hoffman attended a conference on November 10-12, 1980, sponsored by the Valencia Community College Foundation, Inc. Entitled "Maintaining Non-Union Status in Colleges and Universities," the program included such top union-busters as Myron Lieberman of Educational Employment Services, Kenneth Winters of Winters Associates, and William McHugh, an anti-union attorney. Topics included "Conducting Your Institution's Union Vulnerability Audit," "What to Do when the Union Knocks," and "Maintaining Non-Union Status."

The college spent \$700 on October 16, 1980 for the conference registration fee. On October 28, 1980, it spent \$419 for Thorne and Hoffman to fly to the conference, held in Tampa, and on November 6, 1980, \$200 was issued as a travel advance. In January, 1981, Mr. Thorne, accompanied by two or three Board members, traveled to Austin and attended a meeting with William McHugh, the "union-busting" attorney from Florida who spoke at the Valencia conference. Later, on February 27, 1981, Kenneth Winters of Winters Associates was paid \$1,102.90 for what the Board minutes describe as "In-Service Training." All of this was accomplished with public taxpayers' money.

Ironically, after indicting the union as an "outside group," Mr. Thorne admitted in Federal Court that he and Mr. Hoffman attended the conference in Florida and brought "union-buster" K.T. Winters to campus. Regarding Mr. Winters' "in-service," attended by top NHCC administrators, some NHCC Board members and local school superintendents, Board member Brad York admitted in Federal Court that Winters instructed them on how to send letters to employees, adopt anti-union policies, and use first line supervisors to intimidate employees.

It is curious indeed that the Board is willing to finance such activities when its anti-union policy states that faculty members "should not be forced to pay an outside party for unnecessary and unproductive services." At least the guild does not spend taxpayers' money.

Mr. Thorne's letter to faculty on February 12, 1981 states, in part, "...that you and I want to think, speak and act for ourselves....that we can resolve our problems without the intrusion of any outside group.... that the AFL-CIO's interest in faculty is that of a multi-million dollar giant wielding its power and filling its coffers.... the Board of Trustees has demonstrated its growing commitment to the College and to us...without the intervention of any outside group."

The administration and Board's decision to engage in professional "union-busting" was made well before the guild's decisions to involve itself in the Board election, file a lawsuit against the school, or any other related activities. The Board left the guild with no other alternative. They forced it to take the actions it did. Is it any

wonder that we need a union at North Harris County College?

Kevin Bailey  
Alan Hall

Sources:

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## TUF CONVENTION

Texas United Faculty/AFT held its second annual convention on May 21 and 22 at the Sheraton-Crest in Austin. Featured guests included Robert Neilson, AFT Vice-President for Higher Education; Warren Kessler, President of the United Professors of California; and John Cole, President of the Texas Federation of Teachers.

The program included workshops on "union-busting" techniques, political action, and guild organizing. A permanent TUF constitution was adopted after considerable debate, and three

new executive board members were elected.

The NHCC-UF/AFT was the recipient of three awards at the TUF luncheon on May 22. The guild was presented with an award for outstanding newsletter (as was San Jacinto College's guild); for outstanding Committee on Political Education (COPE) activity, with Bob Locander's being awarded a special COPE pin as director of the NHCC-UF COPE; and Kevin Bailey was given an award as the TUF "Activist of the Year."

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## NHCC/UF NEWS

As a result of the New Caney election, making a portion of Montgomery County part of the NHCC District, the NHCC-UF has affiliated with the Mont-

gomery County Central Labor Council of the AFL-CIO. Mike McFarland will serve as the guild's delegate on the council. Also affiliated with the

Montgomery CLC is the Houston Federation of Teachers and the AFT local at the Gulf Coast Trade Center in New Waverly, which is the bargaining agent for teachers there.

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An organizing meeting of the College of the Mainland Guild was held on July 1, 1981 to ratify a constitution. The guild presently has 30 members.

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Bob Locander has been appointed chairman of the Texas United Faculty (TUF) Legal Defense Committee, replacing Patsy Goss of San Jacinto College. The committee is responsible for reviewing potential litigation by TUF, and the chairman is responsible for maintaining direct contact with the AFT

legal committee and AFT lawyers in Washington.

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New executive board members of TUF include Jim Maroney of Lee College and Jim Finley of College of the Mainland.

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On July 6, a compromise was reached between the trustees at San Jacinto College and the San Jacinto Faculty Guild/AFT. The Board agreed to grant the guild access to campus mails but will not allow them to send mail between the three campuses. Mail will be distributed at each individual campus. This decision ends a year-long dispute between the college and the teachers' union, during which the AFT guild threatened legal action.

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TUF/AFT GUILDS-LOCALS include the following:

- San Jacinto College
- North Harris County College
- Stephen F. Austin State University
- North Texas State University
- University of Texas at San Antonio
- University of Houston/Clear Lake City
- Laredo State University
- San Antonio College
- College of the Mainland
- Soutwest Texas State University
- Lee College
- University of Houston Teaching Assistants
- Laredo Junior College

In the Houston area, TUF has members at the following:

- University of Houston/Central Campus
  - University of Houston/Downtown
  - Sam Houston State University
  - University of Houston/Victoria
  - Galveston College
  - Alvin Junior College
  - Prairie View A & M
  - Texas Southern University
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Excerpts from the opinion of Federal Judge Zavatt  
in Friedman vs. Union Free School District No. 1, Town of Islip, 1970:

*"First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.*

*"State operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority.... Free speech is not confined to the expression of those sentiments that are officially approved. The danger justifying restriction must be one which rises far above public inconvenience, annoyance, or unrest.*

*"The contention that the Board, as vested owner of school premises, has the absolute right to direct how its facilities may be used is without merit."*

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P L E A S E   R E S P O N D !

We urge you to compare TUF benefits with those of other faculty organizations. We are convinced that only the AFT provides the kind of benefits and support that college faculties need.

If you want more information or would like to join, simply fill out the information below and send it to an NHCC-UF/AFT member or mail it to:

NHCC-UF/AFT, P.O. Box 38893, Houston, Texas 77088

I would like more information.

Sign me up!

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Division/Extension \_\_\_\_\_