

Court decision here called landmark on union responsibility

Unions are not required to do everything they can to ensure that rank-and-file members obey labor laws. But union leaders can't promise to do something to avert labor violence and then do nothing, a Birmingham federal court judge ruled in what has been called a landmark decision on union responsibility.

U.S. District Judge William Acker decided last week that United Mine Workers of America International and UMW District 20 are liable for property loss at a non-union mine in Walker County as a result of union violence during a 1978 strike.

Some experts in the area of labor law said the decision will help re-establish accountability on the part of unions nationwide.

The suit, brought by Oakman Mining Co. and Prater Equipment Co. against the UMWA and District 20, which includes Alabama locals, resulted in more than \$500,000 in damages being assessed against the unions.

Acker said the case was an exception to the usual rule, set in an earlier federal court decision, that a union does not have to use "best efforts" or "all reasonable means" to ensure that members comply with labor laws such as the prohibition against interference with non-union operations.

The difference in the Birmingham case, Acker said, was that union officials met with Gov. George Wallace and promised to do their best to restrain violence. But they did nothing to prevent the violent confrontation between striking union miners and State Troopers who went to the aid of non-union employees at Oakman Mine on Feb. 2, 1978, Acker ruled.

"This case was an extreme example of coordinated violence," said Lee Bellinger, a spokesman for The Center on National Labor Policy, which supported the companies in the case.

"Had we lost this case, it would have given unions a free ticket to further violence. The decision will make unions more accountable for their actions," he said.

THE CENTER is a non-profit public interest legal foundation located just outside Washington, D.C. Michael Avakian, a foundation lawyer, joined Birmingham attorney Edward L. Ramsey as trial counsel for Oakman-Prater.

Bellinger said the small companies couldn't afford the long legal battle on their own.

Ramsey added that he believes Acker's decision will affect future actions of all unions, not just the United Mine Workers.

But an attorney representing District 20 disagrees with the view that Acker's ruling will greatly increase union accountability for members' actions.

"I feel the ruling is clearly wrong and will be reversed," Bill Mitch said, acknowledging that the union will appeal. The ruling is contrary to previous court decisions, he said.

He declined to comment further.

Trial testimony was that union officials did not attempt to discipline members involved in violence or investigate violent incidents at non-union mines. There was testimony also that union officials promised to do something to control violence but union agents tried to shut down the non-union mine at Oakman and were actively involved in the melee with State Troopers at that site.