

Shafted! Phelps Dodge Strips Miners of Their Rights

Story by Alex Duval

(*nom de plume*, Catherine J. Rourke) Copyright 1998

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Imagine 2,000 people herded into boxcars at gunpoint and left in the wilderness to die. Imagine armored military squads, automatic weapons, tear gas and barbed wire. Imagine unscrupulous tactics including terrorist threats, interrogation, surveillance and heart-wrenching accounts of shocking violence.

Bosnia? Gestapo Germany?

Nope – how about the 20th century Arizona workplace? This is precisely what the Phelps Dodge Corporation did to its workers in Bisbee in 1917 and again, more than six decades later, in 1983.

A heinous history

After more than six decades of anti-labor propaganda, PD succeeded in breaking up Arizona unions in 1983 with the support of then-governor Bruce Babbitt. Thanks to that vicious act, PD now employs non-union labor at its mining operations for half the wages of its former union workers.

PD's reputation remains heinous right up to the present day. *Wall Street Journal* columns refer to its "sheer ruthlessness" as PD continues to deploy similar cutthroat tactics to undermine workers' rights. Today only one union remains in PD's Southwest mining empire, and it too will be broken if the company gets its way.

Copper miners of United Steelworkers of America Local 890 at PD's Chino operation, situated just east of the Arizona border near Silver City, New Mexico, lost their union contract when it expired in 1996. The Chino miners have been working without an agreement ever since, refuting the company's unfair contract offer that would reduce their wages and benefits, among many other losses.

While some may consider the situation just another union saga or mining issue, the Chino tragedy is really a story about countless American workers getting the shaft. The PD miners only serve as a poignant metaphor for labor rights being stripped all across America.

Author supports miners

In *Holding the Line*, a stirring saga about the 1983-84 struggle of striking Phelps Dodge women miners, Tucson author Barbara Kingsolver voices the inner consciousness of the PD worker.

"These were the kinds of things that aren't supposed to occur in the land of the First Amendment," she writes. "...It is not precisely about the mine strike and not all about copper. It is, I think, about the sparks that fly when the flint of force strikes against human mettle."

Inspired "to write something more than the nightly sound bite wrap-up or the extended analysis of the surface of things that passes for news in our society," Kingsolver penned what she calls "an admittedly biased account" based on the events she witnessed.

Perhaps her words explain the blatant absence of any media during an anti-PD labor rally at a packed Tucson union hall one recent evening. Co-sponsored by the United Steelworkers of America and the National Writers Union to promote public awareness of the miners' plight, the event served as a platform for union representatives, labor activists, miners and their families – and Kingsolver herself – all gathered in solidarity to support the Chino workers of Local 890.

That night there were no television sound bites about the more than 2,000 Arizona families who unjustly lost their union rights in 1983. There was no extended analysis in the next day's paper about PD, a company that was able to call on the National Guard to tear-gas striking miners and their supporters – including pregnant women – in the little town of Clifton, Ariz.

Capitalizing on copper

One out of every eight Arizona jobs is related to copper mining, making the Grand Canyon state the nation's top copper producer. Used in everything from keys to coins and computers, copper remains an integral component of light bulbs, refrigerators, plumbing fixtures and even space-flight technology.



A multimillion-dollar corporation with international mining interests, PD ranks among the country's 300 wealthiest corporations, with earnings exceeding \$700 million in 1983 during the height of its last union-busting activity. In the first nine months of 1995, PD's net income was \$376 million, based on revenues of more than \$3 billion.

In Arizona, its mines are located near the towns of Ajo, Bisbee, Douglas and Clifton-Morenci. In New Mexico, the company's Chino Mines employ 1,250 workers who produce 333 million pounds of copper annually. PD controls more than 2.5 million acres in New Mexico, as well as the state legislature and the media, according to various local sources.

Cruel cutbacks

In 1996 – nearly 15 years after the Phoenix-based company broke its union contract with more than 2,000 employees – PD once again pulled the same dirty trick, offering a blatantly unacceptable contract to its workers at the Chino Mines. PD proposed a four-year wage freeze, reduced retirement benefits and the right to contract out union jobs while employees remained subject to the conditions of a long-expired agreement.

Despite what *Los Angeles Times* journalist and *Copper Crucible* author Jonathan Rosenblum refers to as “the highest profits in its 150 years of business, with \$740 million in 1995,” PD launched a brutal campaign to decertify Local 890. “While unions may have had a purpose in the past, that time is gone,” the company flatly declared in a statement.

PD's wish list includes elimination of the 60/30 pension plan, the 100-percent paid retirement and medical insurance premiums, as well as a \$130 monthly reduction in disability benefits. It wants the power to work employees through lunch, along with the right to contract out all jobs at will. It wants overall reductions in medical and dental coverage. It wants to discipline employees without hearings and to eliminate some apprenticeship programs. It wants and wants more – more greed and more power. And ultimately it has instigated two votes to decertify United Steelworkers of America as a bargaining agent.

A fight for working rights

Forty-four bargaining sessions later, PD simply won't budge. But rather than go on strike and be replaced by scabs, the Chino miners have responded with a campaign, led by Manuel Armenta of Tucson's United Steelworkers Subdistrict 8 office, against PD's union-busting, anti-worker activities. Also carrying the torch is Alex Lopez, international representative for the Steelworkers union, who describes his encounter with PD from 1983-86 as “one of the worst experiences of my entire career.”

“We're fighting to maintain wages, benefits and our pensions,” Lopez declared. “Plus, they've reverted our eight-hour work shift to a 12-hour day.”

What's PD's side of this?

Spokesperson Lynne Adams alleges that employees requested longer days to create shorter work weeks. She also claims the company made an offer that the union refuses to let its members vote on.

“Our goal is to keep our properties price-competitive while keeping employees very fairly paid,” she said. “Our offer is fair in keeping our operation highly competitive in this critical time.”

But PD's offers just don't measure up, according to workers faced with a proposed four-year wage freeze. They state that while the company attributes its benefit-whittling proposal to the decreasing price of copper and stiff competition in the foreign market, it holds multinational stakes in some of the world's richest copper-mining capitals.

Labor activists couldn't agree more.

Horror stories

At the Tucson solidarity rally, labor representatives included Ian Robertson, president of the Southern Arizona Central Labor Council; Jimmy Walker, president of the International Brotherhood of Electrical Workers Local 496; Don Manning, president of United Steelworkers Local 890; and Bob Guadiana, subdistrict director of the Steelworkers union.

“We could tell stories all night long,” Guadiana told the audience. And so they did.

There was one story about a worker who was terminated for writing an anti-company editorial. Manning described a workplace that “looks like Stalag 17,” outfitted in barbed wire to intimidate employees. Guadiana recounted an incident in which PD proposed a land swap with the federal Bureau of Land Management in exchange for ore at ludicrously low prices.

Similar stories poured in from steelworkers in Pueblo, Colo., who've been “locked out” by their company, Colorado Fuel and Iron Corporation. Workers claim that CFIC is doing to them precisely what PD did to striking Arizona miners in 1983: replacing them with low-wage scabs.

Jan Pacheco recalled “Gestapo tactics and threats over forced overtime.” Her husband Howard described the shortfalls of his \$190 monthly pension – after 31 years on the job. Like their colleagues at

PD, the Pachecos are asking customers to yank their accounts from Wells Fargo Bank, which is allegedly bankrolling CFIC as it tries to break their union in Pueblo.

No light at the end of the tunnel

Miners, along with many other American workers, see little light at the end of a long, dark tunnel. Current labor laws allow companies to rule their lives like feudal lords in right-to-work and employment-at-will states that discourage organized workplaces and favor employers over employees. PD's Chino miners tell new workers on the job: "When you walk through that gate, you no longer have any constitutional rights."

But, as Kingsolver points out in *Holding the Line*, the PD struggle is not about copper, nor about mining conditions. Rather, it represents a rude wake-up call for all Americans to take a hard look at the link between government and corporate power and how it undermines their workplace rights.

Reading passages from her book, Kingsolver reminded the audience that "...every single one of us needs to give up our self-righteous fantasy that miners are different from us." Warning that they could be in the same boat with the miners tomorrow, she stated, "We are all – each and every one of us – at the mercy of corporate America and we are getting somewhere all too slowly."

'We will not beg'

In January, the National Labor Relations Board issued a complaint alleging that PD not only withheld key economic information about the Chino Mines from the United Steelworkers, but that it also delayed negotiations while resorting to threats, surveillance and illegal interrogation of employees.

Robert Reisinger, acting regional director of the NLRB, claims he has found enough *prima facie* evidence to send the matter before an NLRB administrative law judge. The hearing is scheduled at 9 a.m. Tuesday, March 24, in Albuquerque.

Guadiana, of United Steelworkers District 12, said that the NLRB filing confirms what his union has been saying all along. "Phelps Dodge has no respect for its workers whose labor brings the company huge profits," he declared. "The only duty they feel is to spread corporate greed."

The company has responded to the complaint by filing a motion requesting that all eight charges be separated into individual hearings to prevent unfair bias against the company. "The NLRB will find that the grievances are meritless," said Adams, PD's spokesperson.

Guadiana contends this is merely an attempt to water down the charges and drag the case out with legal technicalities. "It would be like a defendant requesting separate trials with separate juries for numerous criminal charges," he said. "The Steelworkers will continue to work for an honorable labor agreement with Phelps Dodge, but we will not beg or crawl as the company wishes us to do."

For now, American workers remain on their hands and knees.

Alex Duval is a freelance journalist who believes that writing is a gift and therefore contributed the proceeds from this story to the miners and their families.