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Occupy Labor Law!

By Ursula Levelt

General strike in Madison!

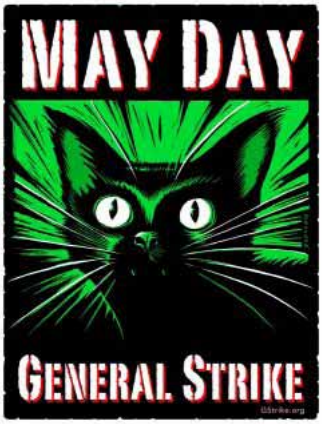
Don't cross the picket line to evict Occupy protestors in Maryland!

General strike in Oakland!

It has been a long time since we have heard these calls in the mainstream media.

The collaboration between labor and the Occupy Wall Street movement over the past six months has seen the revival of what were once the basic tools of the labor movement—strikes, picketing and other appeals to solidarity. Our experience of the last six months also reminds us, however, that labor unions have weaker First Amendment rights than any other organization in this country, with their most powerful weapons subject to more state repression than the very similar methods, such as protest rallies, consumer boycotts, and civil disobedience, that other organizations use.

Occupy activists discovered this as they saw their labor allies reluctant to go as far as they would go. They got an object lesson of the strength of these limitations in the case of Longview, where they tried to pick up where unions could or would not go.



It is as if last year labor woke up, stirred, and then felt again the chains of decades of bad labor law. Will this be the occasion to finally break these chains? This was the challenge the organizers of the recent "Occupy Labor Law!" panel in New York City set themselves.

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JOIN US AT THE LCC CONFERENCE

MONDAY, MAY 21
NLG L&EC RECEPTION
8:00 pm to whenever
Details at the Guild's table

TUESDAY, MAY 22
NLG L&EC MEETING
6:50 - 8:00 am
Details at the Guild's table

TUESDAY, MAY 22
March and Rally in Support of Hyatt Hotel Workers
12:45-2:00 p.m.
Led by Leaders of UNITE-HERE Local 1

WEDNESDAY, MAY 23
ANNUAL NLG L&EC BREAKFAST
Occupy Labor Law: What Labor Can Learn
Fairmont Chicago Millennium
Regent Room - 3rd floor
6:50 - 8:00 am
Breakfast is free for L&EC members and $30 for non-members; no one will be turned away for lack of funds
See page 8 for details

Occupy Labor Law! (*continued*)

Labor in chains

First the chains. The National Labor Relations Act protects the right to strike—or at least some strikes—but not strikers. Economic strikers can be permanently replaced, while others engaged in strikes the Board deems unprotected can be fired outright. The NLRB took this line in the case of the 2006 May Day protests for immigrants' rights, which sought to change the law rather than making demands on any particular employer.

Respecting other workers' picket lines can be just as risky: workers who are not covered by a collective bargaining agreement that protects the right to refuse to cross a picket line risk being replaced or fired. And if the line turns out to be a secondary one, even good contract language will not protect them.

The outlook is even bleaker for public employees in those states, such as New York, that bar public employees from striking. As Mario Dartayet-Rodriguez, Organizing Director for AFSCME DC 37 and OWS activist, put it, "if a tactic is effective, it is unlawful."

These restrictions on workers' rights go far beyond what the First Amendment allows for other types of popular protests. The NAACP's boycott of white-owned businesses in Port Gibson, Mississippi in support of larger political demands is a case in point: the Supreme Court not only held that the boycott campaign was protected by the First Amendment, but made it clear that protesters did not lose this protection simply because of isolated acts of violence or inflammatory language. *NAACP v. Claiborne Hardware Co*., 458 U.S. 886 (1982). But the Court also quoted with approval the Fifth Circuit's decision, which drew a distinction between the "public issues" at stake in that case and the "parochial economic interests" involved in a purely economic boycott.

This gap between workers' rights and civil rights has led to similar differences between labor and the Occupy movement. Calling on New York City workers to respect a picket line at an Occupy encampment is tantamount to asking them to risk their jobs. Similarly, while dock workers in Oakland would have liked to shut down the port in solidarity with the workers in Longview who had a dispute with EGT, a grain shipper seeking to open a non-union facility in Longview, Washington, that likely would have been a secondary strike, against which the law allows employers to seek damages and injunctive relief.

Occupy activists recognized no such limits and proceeded to shut down the port on November 2nd and December 12th. While differences between labor and Occupy over tactics and decision-making methods were sometimes sharp, the Occupy activists' ability to defy or avoid the worst parts of federal labor law gave them the freedom to act that labor did not have—and may have helped win the battle with EGT.

We can expect employers to start attacking the Occupy movement when it mobilizes in support of workers' rights—as they already have done in the case of workers' centers. As E. Tammy Kim of the Urban Justice Center pointed out, workers' centers, just like unions, have had to defend themselves against frivolous lawsuits alleging RICO, conspiracy, extortion, and defamation claims. While New York has enacted an anti-SLAPP statute to protect free speech activities from this sort of harassment, the law has been so denatured by the courts as to lose its effectiveness; at the same time, workers' centers are not protected by New York's "little Norris-LaGuardia Act." The results are just what you would expect: just as federal courts did ninety years ago, state courts have enjoined workers' centers from engaging in First Amendment activities without even holding a hearing on the claims against them.

But as bad as the situation may be for workers' centers, an anecdote related by Kim shows how much worse they are for unions. An employer charged Restaurant Opportunities Center of New York with engaging in recognitional picketing and demanding recognition without proof of majority support when it organized demonstrations protesting employers' violations of the law and demanded

that they enter into negotiations to settle employees' EEOC claims. Those charges required, of course, proving that ROC-NY was a labor organization—and therefore subject to all of the limitations of the NLRA. ROC-NY still had some freedoms as long as it was not covered by the Act.

Breaking the chains

So here we are: unions that do not have the same free speech rights as others, unions whose mass mobilizations will be enjoined, union members who risk their jobs if they show solidarity with fellow workers. People power, the power of numbers, the power to disrupt severely restrained when exercised by unions.

Meanwhile another form of power is being freed from almost every restriction. As *Citizens United* reminds us, money talks.

But can we use this same decision to allow unions to speak through people power? As Bennet Zurofsky argues, the two justifications for treating the NLRA's ban on secondary picketing—(1) that picketing is inherently coercive and (2) that unions' speech is merely economic speech have been undermined by recent decisions from the Court's rightwing majority.

Is picketing inherently coercive? It depends on who is doing the picketing. A human rights activist walking back and forth in front of a shoe store with a picket sign stating "Nike™ products are made by sweatshop labor! Don't shop here!" is exercising free speech, while a union activist with the same picket sign relating to a primary dispute with Nike™ is breaking the law.

It is impossible to avoid the obvious conclusion: the NLRA's ban on secondary picketing is a restriction on free speech that discriminates on the basis of the identity of the speaker and the content of the message. That is, of course, what the Supreme Court found unconstitutional in the *Citizens United* decision: "We find no basis for the proposition that, in the context of political speech, the Government may impose restrictions on certain disfavored speakers.... The Government may not by these means deprive the public of the right and privilege to determine for itself what speech and speakers are worthy of consideration."

The alternative justification for Section 8(b)(4)—the supposed distinction between issues of public concern and unions' "parochial economic interests"—is just as shaky. The Supreme Court delivered another blow to that distinction in *Sorrell v. IMS Health Inc.*, 564 U.S. __,131 S.Ct. 2653 (2011), in which it overturned Vermont's ban on selling data relating to the prescription practices of doctors. While it is hard to imagine a more parochial interest than that of pharmaceutical companies that want to know how to sell more drugs to doctors, the Court elevated that to the level of protected speech.

Has the time come to take a secondary picketing case to the Supreme Court? Even if the challenge does not succeed, given the composition of the Court, it might give the Court an opportunity to reverse or limit the impact of the anti-democratic horror show called *Citizens United*.

Restoring the right to strike

But what about private sector employers' ability to punish workers for exercising their statutory right to strike, be it an intermittent, sympathy or political strike? The First Amendment will not help us here, since it requires some showing of state action.

Yet there is that one Amendment that directly addresses what employers may not do: the Thirteenth, which bars slavery and involuntary servitude. This Amendment speaks to the foundation of the labor system desired by the nation: one in which workers engage in the free exchange of their labor for wages. Over time this freedom has come to be reduced to the right to quit one's job, but that was not how Samuel Gompers saw it: for decades he trumpeted the Thirteenth Amendment as "the glorious labor amendment" which protected workers' rights to organize. Panelist Jim Pope from Rutgers University made Gompers' argument again: the right to quit is a hollow freedom when basic needs are at stake and no alternatives are available.

From the time of adoption of the Thirteenth Amendment, courts and Congress have acknowledged that in order to have a truly free market in labor, it was necessary for workers to act together. And acting together includes withdrawing one's labor together to protest conditions at work or in society at large, wherefore the right to strike.

In *Pollock v. Williams*, a Thirteenth Amendment case from the 1940s, the Supreme Court recognized that without organization there is no "power below" to redress and no "incentive above" to prevent "a harsh overlordship or unwholesome conditions of work." Harsh conditions should be modified by the market but the market will only do so if workers have the power to strike. Why would the right to strike (without replacement workers) be considered more coercive than the right of an employer to move a plant?

Pope also reminds us that in Gompers' time this right existed in people's minds even if not in actual case law. Just as a right does not exist if we do not use it, it cannot exist if

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we do not claim it. As the Supreme Court's recent decisions on the Second Amendment show, the Constitution becomes what the people make of it, even in the hands of originalists.

And then there is civil disobedience: intentionally breaking a law because it is unjust or to call attention to a larger cause. Last Fall saw thousands of arrests of protesters refusing to disperse at police orders. But the legal consequences are far heavier if a labor organization were to engage in this sort of concerted civil disobedience—or even if its members acted without its authorization. The Union is not only denied the right to act, but held liable even if it does not act.

We are at a crossroads. We should seize the opportunity to challenge existing labor law everywhere we can, push the cases, appeal the Board decisions, make the constitutional arguments as many times and as long as it takes. We should speak of workers' right to free speech and freedom of association as Constitutional rights—and attack the restrictions on those rights, such as the Taylor Act's prohibition against public employee strikes, as a denial of workers' human rights, as the ILO has held. While we are at it: let's also start limiting those ubiquitous no-strike clauses that make unions enforcers for the employer.

But words without deeds are not enough. How many immigrant strikers lost their jobs after May Day 2006? How much did the threat of future confrontations contribute to the settlement of the Longview dispute? If there is a real mass mobilization, then we can win the argument where it counts—in the workplace and the streets. Our voices, our bodies, our actions have power—let's use them.

VOTER SUPPRESSION— Why It Matters

By Dean Hubbard

The 2012 election is taking pace in the midst of an economic crisis that is having a devastating impact on working people around the world. However, we also face a political crisis. Well-funded conservative voter suppression efforts seek to turn the clock back to the days when workers couldn't organize and the only people who could vote were white men who owned property.

After the *Citizens United* decision, which unleashed unlimited "independent" corporate political expenditures, billionaires bankrolled the Tea Party movement and let loose a flood of cash to elect over 600 new Republican legislators and governors in the 2010 mid-term elections. Political control shifted from Democrats to Republicans in states all over the country, as well as in the U.S. House. The American Legislative Exchange Council, the coordinating body for right wing legislative initiatives, developed a national voter suppression strategy based on direct attacks against the groups that made Obama's election possible by voting in record numbers in 2008: union members, young people, people of color (especially African-Americans and Latinos) and recent immigrants.

These voter suppression initiatives included direct attacks on public sector collective bargaining, right to work (without a union) laws, paycheck deception, voter i.d. laws and anti-immigrant laws. The outcome of the 2012 elections will directly impact the economic and political crises we face now.

Why focus on voter suppression?

Last year, Tea Party-inspired legislators in 34 states introduced voter ID laws that, in effect, would disenfranchise 21 million voters who don't possess the kind of ID these laws mandate, even though years of research have shown voter impersonation to be an extremely rare, almost nonexistent problem. At the same time, over 800 bills were introduced in state capitals last year seeking to restrict or eliminate collective bargaining rights of public workers. Anti-immigrant bills were introduced in 36 states last year, almost all of which were copycat versions of Arizona's SB 1070, which effectively legalizes racial profiling.

Is there a connection? We only have to look back to 2008, when the Presidential election saw record numbers of union

members, students, people of color, recent immigrants and low income voters cast their ballots. Some 15.1 percent more African-Americans cast ballots in 2008 than in the 2004 elections. For Latinos, the increase in 2008 was 28.4 percent. These are the same communities who would face the most severe degree of disenfranchisement votes if voter ID and anti-immigrant laws are passed. Similarly, weakening unions removes one of the last obstacles to total political control by billionaires and their allies.

These laws should be opposed on their merits, because they are un-American—they are designed to both keep people from exercising their hard-won right to vote and to push workers and immigrants to the margins. In one sense, they are trying to hold back the tide of change. On the other hand, they could also have a significant, long-term impact on the kind of country we live in, and on our ability as workers to band together for a voice at work.

Voter Suppression: What's the State of Play?

Let's look at the potential consequences of this legislation in just three of the dozens of states that were targeted after the Tea Party sweep in the 2010 mid-term elections: Florida, Ohio and Wisconsin. Each of those states was a staging ground for the assault on workers' rights that began last winter. All are considered election battleground states that could go either way in the 2012 elections. And between the three of them, they have 57 electoral votes: key to reaching the 270 needed for victory.

Anti-union legislation: the battle for democracy

Anti-union legislation was proposed and passed in all three of those Republican-controlled battleground states in 2011. Let's just look at the state of play in each of them.

Ohioans overwhelmingly voted in a November referendum to repeal that state's virtual ban on collective bargaining, 61 to 39 percent. The monumental effort behind that victory put the infrastructure in place for a tremendous ground game in the November election. Now Republican leaders are panicking, with the Attorney General calling on the legislature to repeal the voter suppression initiative they passed last year, out of fear that Democrats will turn out in massive numbers in November to vote on the referendum to repeal it. At the same time, the enemies of labor have filed the paperwork to get a Right to Work (without a union) Constitutional amendment on the ballot in Ohio this November.

The Wisconsin recall will set the stage for the Presidential election in November. Wisconsin was one of several Midwestern states (like Ohio) that gave Barack Obama solid victories in 2008 but then, in the midst of continuing economic woes, elected Republicans, including Governor Scott Walker, in significant numbers in 2010.

Wisconsinites submitted over one million signatures to recall Scott Walker on January 17, demonstrating the depth of continued public outrage over the attack on collective bargaining he unleashed last winter. And the good news doesn't stop there. United Wisconsin also submitted hundreds of thousands of additional signatures supporting the recall of five Walker allies, including Senate Majority Leader Scott Fitzgerald and Lt. Governor Rebecca Kleefisch.

If Walker is recalled, he will be only the third Governor in the history of the Republic to be handed that fate by angry voters. It will show that Wisconsinites, like their neighbors in Ohio, have repudiated the Tea Party agenda driven by far-right politicians who came to power during the 2010 mid-term elections with the financial help of billionaires like the Koch Brothers, taking advantage of the Supreme Court's controversial *Citizens United* decision.

Workers' rights activists in the Sunshine State defeated the most outrageous of the avalanche of anti-union bills pressed by Republican state legislators in 2011, a Worker Gag law that would have prohibited union dues money from being used for political purposes without similarly limiting corporate funds. They also defeated a bill that would have required members of public unions to recertify their unions each year, a bill that would have required unions to send each member a reminder of how they can decertify the union, and a bill that would have prohibited local communities from passing ordinances to prevent theft of wages by unscrupulous employers. However, the most right wing Florida legislature in 60 years did succeed in passing a number of new laws that will be deeply harmful to workers and ordinary people. They passed a law which, in a time of record joblessness, reduces the duration of unemployment benefits by up to 54 percent, depending on the state's unemployment rate. Right wing Republican Governor Rick Scott also signed a new law that ends teacher tenure and establishes a merit pay plan based on student test scores.

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Direct voter suppression legislation:

Ohio, Florida and Wisconsin were also among the many states in which Republican politicians passed vote suppressing "voter i.d." laws in 2011. A report by Sarah Jaffe describes the impact of the voter i.d. laws in those three states:

Florida. The ground zero of voter suppression … Former President Bill Clinton turned his wrath Rick Scott's way over one provision, that imposes a five-year waiting period for ex-prisoners to get their voting rights back.

> *"Why should we disenfranchise people forever once they've paid their price? Because most of them in Florida were African-Americans and Hispanics who would tend to vote for Democrats, that's why," he said.*

Scott's bill requires outside groups who register voters to register their volunteers with the state and face fines if they don't turn in ballots within 48 hours. The League of Women Voters says it'll shut down voter registration activity.

It cuts down early voting from 15 days to eight—this after the 2008 election saw more than half of all votes in Florida cast early or by absentee ballot.

Cristina Francisco-McGuire of the Progressive States Network noted of 2008:

> *"… Overall, 1.1 million African-American voters cast ballots in the state [in 2008], and 96% of those votes went to Obama. Obama won the state by a margin of less than 240,000 votes, thanks in part to the 54% of African American voters who cast a ballot at early voting sites."*

The Florida ACLU and Project Vote have challenged the law under the Voting Rights Act of 1965—and in five counties, the law cannot go into effect without pre-clearance by the Justice Department because of the long history of black voter suppression there. Historian Karl Shepard, incensed by attacks on voters in Florida and around the country, noted the long history of Southern voter disenfranchisement, and warns,

> *"Welcome to the new face of Jim Crow—in 2011—black people and college students."*

Ohio. Ohio State Rep. Robert Mecklenborg was one of the key sponsors of Ohio's bill that requires a driver's license or one of five other forms of ID to vote. It's been called possibly the nation's most restrictive voter identification law because of the narrow range of acceptable documents. Meanwhile, not content with pushing for stricter requirements for voters, Ohio Republicans passed a bill that will shorten the period of time in which people can vote, and eliminate the "Golden Week" in which voters can both register to vote and cast an in-person absentee ballot. Early voting allows people without flexible schedules more time to vote and cuts down on long election-day poll lines, and same-day voter registration has been shown to significantly increase voter turnout . . . .

Wisconsin. Meredith Clark called [Wisconsin Governor] Walker's voter suppression bill his "evil genius masterpiece," and it's easy to see why. The bill changes the residency requirement from 10 days to 28 days before the election (effective immediately), shortens early voting (also effective immediately), enacts a strict photo ID requirement as of 2012 that will require state overhaul of student ID as well as requiring extra proof of residency from students … Clark noted:

> *"According to a University of Milwaukee study, non-white Wisconsin voters are far less likely to have a valid driver's license than white voters, and nearly a quarter of voters older than 65 lack one. This means thousands of elderly and men and women of color will be required to pay for new identification cards before they will be allowed to exercise their right to vote. There are four times as many people of color living in poverty as there are white people. Democratic State Senator Lena Taylor called it a poll tax, and she's right."*

Since Jaffe wrote her report, Ohio workers' rights activists have succeeded in placing a referendum on the ballot to repeal the voter i.d. law there. Under Ohio law, that means the law doesn't take effect unless and until voters approve it.

In short, strong worker fightback struggles in each of these three Republican-controlled battleground states rolled back or blocked Tea Party anti-union measures. Ultimately, Republican anti-union and voter-suppression measures failed completely in Ohio, and had mixed success in Wisconsin and Florida.

As busy as working families are, fighting for survival in this desperate economy, it is also vital that we take a look at the big picture and realize just how high the stakes are this election year, and how seriously these union-busting and voter suppression laws could impact our futures.

D.R. HORTON: THE NLRB ENTERS THE FIGHT OVER CLASS ACTION WAIVERS

By Henry Willis

The triumph of arbitration over class actions appeared to be complete with the Supreme Court's decisions in *Stolt-Nielsen S.A. v. AnimalFeeds International Corp*., 559 U.S. __, 130 S.Ct. 1758 (2010) and *AT&T Mobility LLC v. Concepcion*, 563 U.S. __, 131 S.Ct. 1740 (2011), which capped decades of decisions overriding nearly every effort to limit arbitration. The Board's decision in *D.R. Horton Inc.*, 357 NLRB No. 184 (2012) may—emphasis on the word "may"—change that trend as far as employment law claims are concerned.

D.R. Horton holds that a contractual waiver of the right to file a class action is unlawful under Section 7 of the NLRA. The Charging Party, Michael Cuda, claimed that D. R. Horton had misclassified him and other superintendents as exempt under the Fair Labor Standards Act. When he attempted to initiate arbitration proceedings on behalf of a nationwide class, D. R. Horton opposed it on the ground that his arbitration agreement expressly barred arbitration of class or collective claims.

The Board started from the uncontroversial proposition that employees' Section 7 right "to engage in other concerted activities for the purpose of . . . [their] mutual aid or protection" is not limited to the workplace, but includes employees' efforts to "improve terms and conditions of employment or otherwise improve their lot as employees through channels outside the immediate employee-employer relationship." *Eastex, Inc. v. NLRB*, 437 U.S. 556 (1978). Justice Powell made this point expressly in *Eastex*, noting that "the 'mutual aid or protection' clause protects employees from retaliation by their employers when they seek to improve working conditions through resort to administrative and judicial forums." *Id*., 437 U.S. at 565–66.

The Board went on to hold that Cuda's attempt to initiate arbitration on behalf of a nationwide class of superintendents was "concerted" activity. Board law is less clear on this issue. On the one hand, cases such as *Meyers Industries, Inc*., 268 NLRB 493 (1984), *remanded sub nom. Prill v. NLRB*, 755 F.2d 941 (D.C. Cir. 1985), on remand 281 NLRB 882 (1986), *affirmed* 835 F.2d 1481 (D.C. Cir. 1987) hold that purely individual attempts to enforce rights affecting a group of workers are unprotected. But *Meyers* also holds that conduct by a single employee is nonetheless concerted activity if he or she "seek[s] to initiate or to induce or to prepare for group action." *Meyers*, 281 NLRB at 887. And since filing a class action is necessarily done on behalf of a group of employees and in preparation for a subsequent group action, that is by definition concerted action within the meaning of section 7, even when the action is filed by a single employee.

The harder question is whether the NLRA's protection of individuals' Section 7 rights must give way to the FAA's endorsement of arbitration clauses generally, as the ALJ had held. This conflict, however, may not be that sharp: as the Board pointed out, the problem was not so much the requirement that the employee arbitrate employment claims as the prohibition against any collective or class actions. ("The MAA would . . . violate the NLRA if it said nothing about arbitration, but merely required employees, as a condition of employment, to agree to pursue any claims in court against the Respondent solely on an individual basis.") The Board not only did not hold that an arbitration agreement that allowed for class or collective claims in arbitration, but barred class or collective litigation, would be unlawful, but expressly declined to decide that issue. *D.R. Horton*, slip opinion at 13, n.28.

The judicial reaction to Horton so far has been mixed. Two cases deserve special note, however: *Brown v. Trueblue*, Inc., 2012 WL 1268644 (M.D. Pa. April 16, 2012) and *Jasso v. Money Mart Express, Inc*., 2012 WL 1309171 (N.D. Cal. April 13, 2012).

Brown and *Jasso* disagree on a fundamental issue: do the courts have the authority to decide the NLRA issues raised in *D. R. Horton*? The Court in Brown, after denying the plaintiff's motion for reconsideration as untimely and improper, went on to hold that it did not have subject matter jurisdiction over the objection, citing *Breininger v. Sheet Metal Workers Int'l Ass'n Local 6*, 493 U.S. 67, 74, (1989) and *San Diego Bldg. Trades Council v. Garmon*, 359 U.S. 236, 245 (1959). *Jasso* disagrees, citing *Kaiser Steel Corp. v. Mullins*, 455 U.S. 72 (1982).

This is a difficult issue: while *Kaiser Steel* states that the federal courts not only have the authority, but the duty, to determine whether a contract violates federal law before enforcing it, the NLRA issue in that case arose under Section 8(e) of the Act, which charges the courts with deciding whether a particular contract provision is an unenforceable hot cargo clause. Which leaves some unanswered questions: do plaintiffs need to file charges with the NLRB to obtain a ruling that a particular clause is illegal? And, if they do, how long does the district court need to wait? We still have a long way to go before we can tell whether *Horton* makes a difference.

Occupy Labor Law: What Labor Can Learn

The relationship between Occupy Wall Street and Occupy Movements across the country and organized labor was complicated at first. There was the initial tension, when Occupy thought labor was going to co-opt them. Labor said "we just want to make their message louder" and the forces were joined.

What lessons can labor learn from the street actions of OWS? Can unions become more aggressive in their messaging and activity? Can labor return to the days of non-violent civil disobedience? Should it? Will Constitutional arguments regarding speech and assembly be the new weapons of labor?

We will address these and other issues at the 2012 annual NLG L&EC Breakfast on Wednesday, May 23, from 6:50 to 8 a.m., at the Regent Room of the Fairmont Chicago Millennium Park. This breakfast is free for members of the L&EC and $30 for non-members (the cost of the breakfast at the hotel is $43), but no one will be turned away for lack of funds. Please RSVP to fschreiberg@kazanlaw.com or (510) 302-1071. Our speakers include:

• **Steven Ashby** is a full Clinical Professor and Coordinator of the Global Labor Studies Program at the School of Labor and Employment Relations, University of Illinois - Chicago Campus.

• **Scott Marshall** is a political activist and Vice Chair of the Communist Party USA and is chair of its Labor Commission. Scott is part of the Labor Working Group for Occupy Chicago and was a member of the United Steelworkers from 1971 to 1982. He is District 7 coordinator of SOAR (Steelworkers Organization of Active Retirees).

Our commentators include:

• **Joan Hill**, Attorney and Labor Educator with the United Steelworkers International, is the lead Occupy attorney in City of Murfreesboro (TN) v. Occupy Murfreesboro.

• **Glen Downey**, Attorney with Healey & Hornack, PC, is counsel for Occupy Pittsburgh.

Details and updates can be found at: http://www.nlg-laboremploy-comm.org/LEC_Events_at_AFL-CIO.php.

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