

Contract Campaigns, Union Organizing and Leadership Development: The Case of Teamster Psychologists

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Introduction

Industrial relation research on union organizing (Despande and Viswesvaran 1987; Henenman and Sandver 1989; Grabelsky 1995; Hurd and Uehlein; Lucas 1997), leadership development (Burns et al 1987; Elkiss 1994; Goldberg 1995; Heshizer and Lund 1997) and strategic campaigns (Perry 1987; Northrup 1994; Bruno 1997a, b; Gramm, Maranto and Schnell 1997; Bronfrenbrenner and Juravich forthcoming) has conventionally prioritized the subjects as separate domains of interest. But in the case of a recently formed bargaining unit, first contract fights often become a test of the young union's organizing strength, and provide the impetus under which union leaders emerge. While it is commonly understood that certification elections are fraught with dangerous pitfalls (Cooke 1983; Bronfrenbrenner 1993), and that union win rates are typically no better than management's (*Labor Relations Week* 1997), the unlikelihood of an initial contract ever emerging from the collective bargaining process once an election has been won is less appreciated. A recent study from the Federal Mediation and Conciliation Service reported the disturbing fact that barely 25 percent of private sector unions certified in 1996 were able to negotiate a first labor agreement within a 12 month period (*UNION Labor Report* 1997).

The inability of union negotiators to persuade either a hostile or reluctant employer to do more than participate in "good faith" bargaining may result at best in accepting a sub-par agreement, or at worst exposing the union to the threat of

decertification. Regardless of the outcome, the employer's defiance is often designed to concoct and then perpetuate growing membership disillusionment with unionization. Thus it is the thesis of this article that during first collective bargaining negotiations, contract campaigns serve not only the conventionally understood purpose of attaining a signed labor agreement, but also of extending the recently completed formal organizing drive. Our objective here is to examine the way that contract campaigns can be understood and used as a mechanism to educate rank-and-file members, train new leadership and build an enduring union presence in the workplace.

The critical overlapping elements of external/internal organizing and worker mobilization are explored within a successful union 1996-7 contract struggle of a small group of psychologists against the Circuit Court of Cook County, Illinois. Organized into a large predominantly low-wage, low-skilled Teamster local, the psychologists at the Juvenile and Criminal Courts orchestrated and executed a methodical campaign against an uncommon target - the chief judge of the county court system. Relying on daily journal entries, the campaign is presented from a leading participant's point of view. In addition to the "hard" shopfloor and bargaining table data, the principles of contract campaigns will be discussed as they were applied in this particular case.

The remainder of this work is divided into three sections. Section one briefly defines contract campaigns. This is followed by a detailed practitioner's account of the case study. Section three concludes with a discussion of how the case study demonstrates the relevance of contract campaigns to union building and leadership development.

Principles and Purposes of Contract Campaigns

Bradley Cameron (1997, 51), CEO of the Situation Management Group warns that “when a series of events that hurt your company cannot be explained,” it is likely that the employer has been targeted. What corporate executives and public managers were being alerted to is a collection of ubiquitous union practices sharing principally the common characteristic that they occur away from the bargaining table and are targeted at the “basic legitimacy” of an employer. Inspired by the growing vulnerability of workers brought on by a politically endorsed, employer anti-union offensive in the late 1970s, a new set of union strategies called “alternatives to the strike,” “corporate campaigns,” or in the case of collective bargaining struggles, “contract campaigns” has become an effective weapon of choice for labor leaders.

Forced to rummage for forms of resistance that did not run afoul of the law or the employer’s indifference, unionized workers have adopted campaigns to bring economic, social and moral pressure to bear upon an uncooperative employer in support of collective bargaining objectives. Campaign tactics are as diverse as they are numerous. While always part of a larger strategy and coordinated with specific objectives, actions typically include media campaigns, community coalition building, stockholder resolutions, political actions, regulatory actions, inter-union solidarity committees, and retail forms of shopfloor resistance.

Unionized workers in both the private and the public sectors (Metzgar 1985; Mishel 1985; Oppenheim 1993; *UNION Labor Report* 1996, 1997 a, b, c; *The Unionite* 1996; *Labor Relations Week* 1996; *Daily Labor Report* 1997) have turned increasingly to unconventional “guerrilla warfare” where management is engaged in one or more of the following: (1) actively resisting an organizing drive, (2) not bargaining in good faith, (3)

provoking a walkout in order to bust a union, (4) attempting to divide the membership from its leadership in order to impose an agreement, and (5) trying to decertify the union (Bronfenbrenner 1994). While there is nothing particularly new in kind about these management practices, the ability of unionized workforces to counter them through conventional work stoppages has markedly decreased. Thus, in instances where workers have no effective means of putting pressure on an employer through bargaining or by threatening to strike, campaigns have been developed to provide workers with an opportunity for forceful, productive action. Recognizing the external and internal limitations of full-blown work stoppages, workers can use strategic campaigns to raise the cost of employer intransigence without suffering a legal penalty, a loss of wages or jobs, and in the case of first contract fights the union itself.

Workers have also adopted campaigns of resistance because they are inherently empowering. Unlike conventional approaches to bargaining, campaigns draw on the rank-and-file's basic need for job control. Instead of a small, elite cadre of union officials indirectly representing the rank-and-file, contract campaigns call up the membership to directly confront management and in this way participate in bargaining *by other means*. Along with being a practical tool for resisting the employer, strategic mobilization embodies a fight-back consciousness. By becoming active opponents to the boss, workers realize in the words of Saul Alinsky (1989, xxvi), "the power to direct [their] future."

As applied to the dual objective of attaining a labor agreement and of intensifying the union's shopfloor presence, contract campaigns are characterized by four essential elements. First, they are grounded in the idea that normal collective bargaining

procedures are insufficient for dealing with a hostile employer. While an employer may have to recognize a union, it does not have to agree to any contract language, and in the case of first contract negotiations the employer may be faced with a reality never imagined.

Second, campaigns depend on an advanced level of rank-and-file mobilization that legitimizes workers' opposition to their employer. Campaigns demand more of union members than having confidence in their union negotiators. Individual workers are asked to participate in an appropriate level of action against their employer. Third, campaigns depend on the exploitation of an employer's vulnerabilities or "leverage opportunities." The goal of the campaign is to extend the context in which the bargaining struggle is played out. In pursuing collective bargaining objectives, strategic campaigns are designed to negatively impact shopfloor efficiency and productivity through political, economic, social and moral apparatuses (i.e., laws, regulatory and employment policies, supplier networks, labor and product markets, civic associations and public reputation) which support the production process.

Finally, one significant by-product of extending bargaining into other domains is to transform narrow employer-employee issues into community concerns. Campaigns, "redefine what are relevant problems" to be settled through collective bargaining.¹

¹. Comments of Service Employees International Union, Assistant Regional Director, Hector Figueroa, made during a workshop titled, "Strategic and Coordinated Campaigns" at the 1998 Industrial Relations Research Association Conference in Chicago, Illinois (January 3).

By activating a community of concerned parties outside of the traditional bargaining environment, campaigns can generate new resources and allies to be utilized.

As the following section explains, the Cook County psychologists were transformed from an uncertain group of organized professional employees into the Teamster “Psychologists United for Quality” (here after, TPUQ). The path which took them from formal organization to “guerrilla warfare” against Cook County’s most esteemed legal professional is a lesson in union building.

First, Unionize

The psychologists are a bargaining unit of a dozen psychologists employed by the Circuit Court of Cook County in Chicago. They conduct psychological evaluations in the Forensic Clinical Services department at the Criminal and Juvenile courts. Their reports help judges make critical decisions such as whether a defendant is sane or insane, whether a teenager should be tried as a juvenile or adult, and whether a child should be returned to a previously abusive parent. In November 1994, after an earlier failed attempt to organize with a different union, they voted to join the International Brotherhood of Teamsters, Local 743. The organizing drive was sparked by the previous year’s merger of two court departments where the psychologists worked. The merger was implemented without any input from the psychologists and accompanied by arbitrary discipline, the elimination of some jobs and an increase in staff workloads.

The psychologists chose to unionize in order to advance their professional interests and standards, as well as to secure such basic union benefits as increased pay, improved working conditions, and a grievance procedure. For a first time bargaining unit, their goals were ambitious. The union’s list of negotiation items included salary

parity with the higher-paid psychiatrists in the department, a reduction in case load, greater flexibility in work hours, removal of certain restrictions on conducting private practice, a voiding of the rule against employees publicly speaking and writing about their work without authorization by management, funding for research and training, and educational and professional leave.

In May 1995, bargaining for a first contract began between the union, the Chief Judge of the Circuit Court, and the Cook County Board of Commissioners. By the end of the first year of negotiations, the employer had agreed to a number of basic proposals (recognition, seniority, disciplinary and grievance procedures), but only a few of the professional, quality-of-work proposals. It became clear to the psychologists that management was not willing to negotiate on those proposals that would be financially costly or that would set a precedent for the other unionized employees at the courts. After a prolonged period of meeting, management suddenly and without explanation shut down negotiations for three months. The union bargaining committee interpreted this move as a tactic aimed at demoralizing the psychologists.

The Campaign Follows

With the passage of the first several months of negotiations, it appeared that pure-and-simple bargaining would be insufficient to win substantial concessions on the quality-of-work issues. Although the Teamster staff on the bargaining committee was very supportive of the psychologists' goals, they did not have a perspective or strategy for overcoming such management resistance. Therefore, two of the four rank-and-file leaders of the group began contacting various trade union activists and others around the country in hopes of getting ideas on how to strengthen the position of the union. They

called speakers featured on a panel dealing with union representation presented at the 1995 convention of the American Psychological Association. One of the panelists referred them to Dr. Robert Bruno, a professor of Labor and Industrial Relations at the University of Illinois. Bruno offered to train the psychologists to organize a contract campaign employing pressure tactics outside of the bargaining table to help them wrest concessions from their employer.

After getting the Teamster business agent's approval, the four leaders called a meeting of the membership to allow Bruno to introduce the idea of a contract campaign. Having led the organizing drive and participated in negotiations, the leaders were deeply committed to the union's goals. They were also frustrated by the court's intransigence and desperately wanted to try the campaign approach as a means for achieving a respectable first contract. However, in thinking about such a bold project, they considered two fundamental questions. First, would the membership approve the idea? Without member support the campaign would never develop. Finally, if approval was attained, did the unit possess the necessary dedication and courage to participate in activities against their employer?

The questions posed were not purely academic. During the organizing drive, the leaders had faced several obstacles in trying to win their colleagues to the idea of unionizing. These obstacles included their peers' fear that management would punish them for organizing, a lack of confidence that a union could make a difference, and a desire not to alienate fellow psychologists who were part of management and with whom they enjoyed both professional and personal ties. Also, preexisting personality conflicts among the psychologists interfered with their ability to unite behind the union. A more

nebulous problem was that most of the psychologists did not have any experience with unions and, as middle-class professionals, did not really consider themselves to be union material.

Eventually, the leaders had been able to overcome their peers' reluctance to unionize. In the certification election, the union had won overwhelmingly, with eleven "yes" votes, one "no" vote, and one abstention. Furthermore, since the election, the two psychologists who had initially opposed unionizing had become supporters. However, while support for the union was a proverbial mile wide, the leaders feared that it was only an inch deep. For whatever reason, management had not visibly resisted the union drive, and it was not clear whether the union would have won the election if management had actively campaigned against it. Moreover, by the time Bruno met with the group, it was not clear whether management intransigence during the first frustrating year of negotiations was having the general effect of demoralizing the group or deepening its resolve. In any case, after Bruno made his presentation, a polarization occurred among the members. Encouraged by the leadership and inspired by Bruno's potentially winning perspective, the majority agreed to proceed with the contract campaign, while two members - both of whom had voted for the union - disassociated themselves from the group, apparently in opposition to its newly projected activist orientation.

In March 1996, Bruno led the membership through three classes on contract campaigns. During class sessions, he addressed the principles of campaigns and began the process of applying these principles to their concrete situation. The union identified its main strength as the potential to win allies on a set of quality-of-work issues. These issues directly impacted how the psychologists provided services to the clients. Allies

included other psychologists, other unions, their co-workers in the department, professionals who made referrals for court evaluations (e.g., judges, probation officers, and attorneys), representatives from client groups, and sympathetic politicians and community leaders, especially of the African-American and Latino communities, whose members were disproportionately involved in the courts. The psychologists considered the unit's small size as a weakness, but they also recognized that their modest numbers made the raises proposed by the union affordable for the employer.

Over the next eight months, the members, now calling themselves the "Psychologists United for Quality," met on five separate occasions to plan the contract campaign. At each session, they developed and assessed an "action plan" consisting of tactics to be employed in order of escalating intensity. Members creatively and strategically developed an arsenal of low-level, medium-level, and high-level tactics. Low-level tactics included wearing union buttons and posting fliers on office doors. Medium-level tactics included organizing supporters to write letters to the employer and distributing informational fliers to other employees at the courts. High-level tactics included holding a press conference, organizing a demonstration, and filing an unfair labor practice with the Illinois Labor Relations Board.

The meetings also served to recruit volunteers to assume responsibility for the various tasks involved. The plan was then typed and copies were personally distributed to the members as a way to exert subtle peer pressure on them to follow through on the work for which they had volunteered. At follow-up meetings, the group reviewed and evaluated the course of events since the previous meeting and used their experience as a

basis for developing the next plan. Most of the members attended the planning meetings and participated in the contract campaign to one degree or another.

During the first two months of the campaign, from late April through late June, the members employed a number of low-level tactics. One tactic included having a union lunch in the department at the Juvenile Court site. Members wore orange buttons that read “Psychologists United for Quality, Teamsters Local 743,” and put up orange fliers that read “Whatever it takes for as long as it takes.” They also donned orange clothes and armbands, celebrated with orange balloons, and sang the old labor song "Solidarity Forever" with a new verse about the Teamster psychologists. To “celebrate” the one year anniversary of negotiations, the general members accompanied the bargaining committee to negotiations and presented a carrot cake with orange frosting to the surprised and visibly shaken management committee. A few weeks later, a letter signed by the members was mailed to the Chief Judge asking him to meet directly with the bargaining committee. That same week, the first of two joint meetings with the other unionized court employees was held. These sessions were organized by the psychologists to build a coalition with the court employees concurrently involved in negotiations. Finally, by the end of June, TPUQ pressure tactics seemed to bear fruit. Management made a flurry of substantial concessions at the bargaining table - the first in eight months.

Over the summer, TPUQ implemented a mix of tactics. One mid-level action was that letters of support, written by the psychologists and signed by court personnel, were mailed to the employer. Letters were mailed, three per day, through mid-November. The psychologists also held a rally outside of the Democratic National Convention to publicize their union issues and protest management intransigence. The rally featured

various supportive speakers, including fellow psychologists and trade unionists, and members read letters of solidarity, including one from the AFL-CIO President John Sweeney. Although the rally demonstrated the psychologists' seriousness to the employer and boosted members' morale, its potential to pressure management was not fully realized because it did not receive any coverage by the major media in the city.

As fall ushered in, members distributed a newsletter to court employees, publicizing the union issues and asking them to send letters to the employer. Letters were also sent to court judges, mental health professionals, and labor leaders requesting them to contact the employers. An additional mailing from the presidents of the AFL-CIO and the Chicago Federation of Labor highlighting the salary and case load issues were sent to the employers through certified mail. Publicizing the Chief Judge's labor relations behavior appeared to have the desired effect. Shortly after the letters began to arrive, management, for the first time, discussed the case loads during negotiations. While progress was now being made, the psychologists decided to end the year by boycotting the upcoming holiday office party, and fliers stating, "Sure we'll celebrate...when we have a contract!!" went up on the office doors and union bulletin board (see appendix).

Despite slow and steady progress in negotiations, the bargaining committee began to make a number of tactical shifts at the bargaining table to facilitate faster movement towards a final settlement. While these shifts contributed to further progress, the impetus for settlement on the psychologists' terms appeared to come from an escalation of the contract campaign in the first five months of 1997. In January, the psychologists held informational pickets outside the court buildings. During this period, the leaders met

with about a dozen sympathetic politicians and labor leaders to elicit their support and interest them in participating in a press conference tentatively scheduled for some point in the future.

One of these public figures was Reverend Jesse Jackson, who arranged for the members to meet directly with the president of the Cook County Board. The president of Teamsters Local 743, Chester Glanton, also spoke at a public meeting of the Board, advocating raises for the psychologists. In May, the psychologists held their second informational picket, which, unlike the first, received media attention. The next day, a favorable article about the Teamster psychologists, accompanied by a photo of the picket, appeared in the *Chicago Tribune* (see appendix). In his highly politically sensitive position, the Chief Judge was especially concerned about negative publicity. Less than a month later, management agreed to substantial raises averaging about 20%.

Prompted by the increased notoriety of the dispute, the pace of negotiations quickened. Through the summer, the remaining issues were settled, and the tentatively planned press conference was postponed indefinitely. In early September 1997, two years and four months after negotiations began, a settlement was reached and subsequently ratified by the membership. Along with a hefty pay increase, TPUQ secured, among other items, the hiring of two additional psychologists, contractual recognition of ethical and professional codes and the right of free speech, protection of their private practices, a means to address the case load problems, educational and professional leaves, and funds for advanced training. While the union withdrew many of its original proposals, it made only one substantial concession to management. They

agreed to work, like the rest of the court employees, a standard forty-hour work week (from thirty seven and one-half hours).

Conclusion

The TPUQ-Cook County Court first contract fight highlights at least four ways in which strategic mobilization can further develop the union institutional building process initiated during an organizing drive. First, by involving the membership in the contract fight, the unit was doing much more than confronting the employer. TPUQ was actually training its members in unionization. The campaign became a “Union 101” course on employer-employee relations, the collective bargaining process, and most importantly, the power of collective voice. With each new tactic deployed, union members learned something new about their employer and their own capacity to influence shopfloor realities.

The campaign brought worker demands into focus, quantified and qualified their feelings of injustice and identified their sources of power. Before the campaign, most of the psychologists waited passively on the sidelines while their representatives negotiated with the employer. But by participating in the campaign and observing its incremental successes, members’ hopes and expectations were raised. They were encouraged to engage in more and bolder actions, and their commitment to the union project as a whole was deepened. In other words, the learning process which was likely begun and gave rise to the need to unionize was furthered by the campaign. Organizing in a de facto sense was now happening.

Second, the contract campaign established the union’s legitimacy. It is unlikely that the Chief Judge had ever viewed the union as a force to be reckoned with until the

campaign was commenced. TPUQ forced the highest ranking court official in the state's most populous county to remove his exalted robes and to make substantial concessions to people he had always considered to be working at his pleasure. For nearly a year after unionization, the employer delayed and acted generally with indifference. The union concluded that real bargaining would happen only when they made the Chief Judge feel less dominant. Thus, it was not until the psychologists launched the campaign that the employer began to witness any employee resistance. In effect, the campaign flushed out a vantage point from which the union could remove the court's sense of invincibility.

Third, there is a time dimension to first contract campaigns that goes beyond the effects of elite, bargaining table negotiations. Regardless of contractual language, if the rank-and-file have not been incorporated into the process of winning an agreement, any increase in union commitment or militancy is likely to last only until a ratification vote is taken. Before a deal is struck, meeting attendance temporarily spikes, but once the agreement is signed apathy returns, the job of contract enforcement falls back on the overtaxed union steward, and the much maligned "servicing model" of unionism reasserts itself. But because campaigns can extend union identity into the "minds and bellies" of the individual members, there is a greater likelihood of sustaining long term union interest. Instead of passive dues payers, Teamster psychologists became active stakeholders/agents in their union. Instead of loyal followers, they acted as leaders. Instead of retrospectively assessing union practice, union members participated in planning the union's future. The implications of this for political mobilization, new organizing efforts, and grievance processing are considerable.

A final institutional building element to contract campaigns is their potential for developing union leaders out of the rank-and-file. Limited to a negotiating team and a handful of staffers, there is little chance that new leaders will emerge out of the bargaining process. By “new leaders,” we do not necessarily mean challengers to union office. Leadership development in this sense means membership involvement based on relevant skills and situational needs. The campaign demanded that diverse workers’ skills be harnessed and that union members assume responsibility for their collective destinies.

TPUQ leaders, for instance, learned the importance of presenting clear, calm, and confident direction to other rank-and-filers. They also consistently acted as role models by being the first to volunteer for more aggressive action. In addition, while addressing members’ concerns about the campaign’s appropriateness, TPUQ leaders patiently argued against the conservative notions held by some of their peers that certain tactics were in some way “unprofessional” or otherwise unbecoming psychologists. Most importantly, the leaders promoted democratic decision-making in initially proposing and, subsequently, in implementing the campaign through various stages. While democratic deliberations insured majority rule and effective planning, it also forged a dual sense of accountability between the leaders and the membership. Therefore, without having to formalize new leadership positions, a contract campaign may come fairly close to operationalizing the basic, if unfilled union premise that “we are all leaders.”

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