

Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Blackwell, Morton: Files
Folder Title: Center for National Labor Policy
Box: 3

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>



The Center On National Labor Policy, Inc.

5211 Port Royal Road, Suite 400
North Springfield, Virginia 22151
(703) 321-9180

File

Steve M. Antosh
Executive Director

June 8, 1983

The Honorable Raymond J. Donovan
Secretary of Labor
United States Department of Labor
200 Constitution Avenue
Washington, D. C. 20210

Re: Testimonial Evidence to Support Regulatory Action
to Remove Homework Prohibitions

Dear Secretary Donovan:

In December 1980, the Labor Department was confronted with the possibility of enforcing a forty year old regulation that prohibited individual citizens from working in their homes. This homework restriction, codified in 29 CFR Part 530.1, reached seven industries -- knitted outerwear, embroidery, gloves and mittens, buttons and buckles, women's apparel, jewelry, and handkerchiefs. When this regulation was about to be enforced against a number of Vermont homeknitters, the Department decided to hold hearings for the purpose of determining whether the regulations were still compelling and thus avoid an unnecessary dispute.

As a result of the evidence produced at the hearings and comments received afterwards, you issued a final rule on October 7, 1981 which lifted the restrictions with respect to knitted outerwear only. You left intact the ban on the other six industries ostensibly because no formal evidence was submitted concerning the need to overturn those restrictions. However, in that final rule, you were very careful to note that "should the Department receive specific evidence supporting the removal of restrictions in the other six industries, the Department will reexamine the issue of whether those restrictions should be lifted as well."

Relying on your statement, the Center on National Labor Policy, Inc. undertook a lengthy and expensive mission to locate groups, businesses, and individuals engaged in restricted homework operations to encourage them to come forward and express their support for the regulation's abolishment. Over the past year and one half, we have been successful in identifying many of those affected by the prohibition.

For instance, in the past few months at least nine arguably illegal homework businesses in as many states have come to our

Secretary Donovan
June 8, 1983
Page Two

attention. A total of approximately five hundred homeworkers associated with these companies are currently producing merchandise to be sold to an estimated half million customers. All the homeworkers we have spoken to have indicated that "substantial curtailment of employment opportunities and earning power" would result if the restrictions were enforced against them.

In 1981, support for removal of the restrictions was noticeably non-existent from the business community. Today the Center can affirmatively state that the U. S. Chamber of Commerce and National Association of Manufacturers as well as the Council For a Competitive Economy and the U.S. Small Business Administration stand firmly behind lifting of the restrictions.

The Center understands that any request to review the continued necessity of the homework prohibition with the goal of having it repealed, must address the compelling issue of minimum wage enforcement raised in the 1945 Supreme Court case of Gemsco v. Walling. This the Center has done. We can affirmatively state that the factual premise upon which the Court relied to uphold the Department's authority to prohibit homework in 1945 is no longer existent today.

In Gemsco, the Court discussed the problems that the Department was experiencing in enforcing the minimum wage at the time. Since enactment of the FLSA in 1938, Department records were replete with wholesale violations of minimum wage payment requirements.

The homeworkers that the Center has located within the past year and one half who are engaged within the restricted industries are willing to testify that they receive at least the minimum wage, many receiving well above that figure. They are prepared to explain to the Department that minimum wage concerns should no longer be a basis for continued imposition of the regulations.

In the last three months, Illinois and Maryland have sought to introduce legislation that would ban homework in certain industries. When a Maryland House Committee scheduled a vote on March 29 on a bill to ban homework in the garment industry, it sparked a flood of opposition from homeworkers in that state who marched on the capital. The bill was substantially amended to allow most homeworkers in the garment industry to continue to work. However, Governor Hughes vetoed the bill.

Finally, through our efforts we have uncovered at least three situations in which the Department has sought to enforce the regulation against certain homeworkers when the facts showed they were not even covered by the FLSA. For example, there is now a case pending in Wisconsin involving 30 women who work at home sewing skirts, dresses, and other wearing apparel and also perform embroidery

designs on the product. The case clearly illustrates a legitimate independent contractor relationship between the women and the companies whom the women sell their product to. The Regional Office, however, decided to classify the women as employees and thereby subject them to the homework prohibitions of the FLSA.

The Wisconsin case highlights the fact that the Department needs to develop a test which can be applied to a homeworking situation to distinguish an employer-employee relationship from an independent contractor situation. Since the passage of the FLSA, courts have applied the following six factor test to homework cases to determine the nature of the relationship between a company and a worker:

- (1) Is the service rendered an integral part of the employer's business?
- (2) What is the extent of the so-called contractor's investments in facilities and equipment?
- (3) Is the relationship characterized by permanency and long duration?
- (4) To what extent does the principal exercise control over the individual whose status is in question?
- (5) What opportunity does the so-called contractor have for profit or loss as the result of sound management of risk-undertaken?
- (6) What amount of initiative judgment and energy is required for the success of the enterprise which is claimed to be independent?

The Department has acknowledged this test in WH Publication 1297, but has unequivocally stated in the Preface that the test is not officially binding on the agency. The Department has no regulation or compliance directive which might otherwise provide guidance to the regional offices on this question. Consequently, the Center requests the Department to adopt a test similar to those developed by the Federal Courts under the FLSA for use by compliance officers in assessing a homework operation. This will provide officers with a clear set of guidelines to follow while also enabling businesses and homeworkers to reliably predict the exact nature of their relationship. This test could be developed concurrently with homework rulemaking hearings.

The individuals, groups, and businesses that the Center has located are vitally interested in proclaiming their support for having the restrictions lifted and explaining the serious consequences of the

Secretary Donovan
June 8, 1983
Page Four

regulation's impact upon employment opportunities. These groups include: National Alliance of Homebased Businesswomen, National Homeworker Extension Council, National Association of Cottage Industry, American Farm Bureau, World Relief, U.S. Chamber of Commerce, and the National Association of Glove Manufacturers. I believe a personal meeting with you would provide the most efficient and effective means of explaining the degree of new evidence and support which exists to repeal the bans.

We believe that lifting the homework prohibitions will lead to new job openings and strengthen family ties by allowing mothers to stay home with their children yet still be able to earn an income. Evidence shows that the elderly are now involved in work at home which supplements their social security and makes them feel productive. The World Relief organization has stated that placing refugees in homework industries is vital to the success of its resettlement objectives.

Therefore, pursuant to Section 530.13 of the Code of Federal Regulations of Title 29 of the United States Code and in keeping with your October 1981 regulatory promise, we petition you to reopen rulemaking hearings to hear this evidence.

Sincerely,

A handwritten signature in cursive script, reading "Steve M. Antosh".

Steve M. Antosh
Executive Director

SMA/cm

3/24/83

Morton:

I am sorry this was inadvertently left out. Your help in encouraging this meeting for us with Secretary Donovan will be most helpful.

Thanks!!!!

St 3/28
Morton
letter is now
attached

From

Steve M. Antosh

MS. Ask Al to set up meeting w/ Ray + Steve MB



The Center On National Labor Policy, Inc.

5211 Port Royal Road, Suite 400
North Springfield, Virginia 22151
(703) 321-9180

Steve M. Antosh
Executive Director

March 14, 1983

The Honorable Raymond J. Donovan
Secretary of Labor
United States Department of Labor
200 Constitution Avenue
Washington, D. C. 20210

Dear Secretary Donovan:

In 1981, as you will recall, the Labor Department held hearings to obtain information on the situation with respect to the Department's limited prohibition on industrial homework. The purpose of the hearings was to examine whether restrictions were still necessary to safeguard the minimum wage.

After having assessed all the evidence produced at the hearings, you decided that of the then seven restricted industries, only knitted outerwear warranted exemption from the regulation on the basis of the evidence produced.

Since that time, the Center has come across extensive documentation which controverts the current regulatory program on homework. In Ripon, Wisconsin, for example, the Department has sought to prevent approximately thirty women from sewing skirts and pants in their homes and selling their product to area retailers. In addition, we have located other groups and individuals in Virginia, Georgia, Ohio and elsewhere who are seriously affected by the regulations and who have expressed a strong interest in having the restrictions repealed.

In your final regulation of October 9, 1981, you stated that if new evidence comes to your attention concerning the six non-released industries, you will reopen the hearings and implement a new rule-making process. Not only have brave workers decided to come forward and expose themselves to possible elimination of their jobs if you hold hearings, but they trust your judgment and official duty to protect them. Moreover, the issue of homework has finally generated broad based support from the business community in this regard.

I believe a personal meeting with you would provide the most efficient and effective means of explaining the degree of new evidence

Honorable Raymond J. Donovan
Page Two
March 14, 1983

accumulated in the six restricted industries and the nationwide support which exists to repeal the bans.

I will be calling you shortly to arrange the details of this meeting.

Very truly yours,

A handwritten signature in cursive script, reading "Steve M. Antosh". The signature is written in dark ink and is positioned above the printed name and title.

Steve M. Antosh
Executive Director

SMA/cm

March 14, 1983

Morton,

Attached is a copy of a letter requesting a meeting with Donovan about eliminating the restrictions on home enterprise.

We need your help in two respects:

1. Encouraging Secretary Donovan to meet with us, and
2. Making this a White House-promoted policy.

Thanks!!



321-9180

From

Steve M. Antosh



request 3/24
M.S.
ask Steve
for referenced
letter.
It wasn't
enclosed

HOMEWORK

TV Commentary - March 1, 1983

If you want to do some extra sewing at home and sell what you sew -- why not?

It seems unconscionable, but there's a 1943 law that says you may not. Unions sought and got regulation in 1943 which specifically forbids an individual to produce homecraft in his or her own home.

That includes embroidery, womens' apparel, jewelry, gloves, mittens, belts, buckles, handkerchiefs and knitwear.

Some independently-minded New Englanders, riled by this intrusion, sent a feisty contingent of grandmothers to Washington to confront union officials and to convince enough members of Congress so that in May of 1981, Labor Secretary Donovan proposed lifting the homework ban on all seven industries.

But union officials applied more pressure on Congress and forced Donovan to back down; the law presently permits home manufacture of only knitted outerwear -- nothing else.

Cottage industries, elsewhere in the world, are useful, profitable and greatly beneficial in holding families together, furnishing constructive activity for elderly living at home.

Most all Swiss watch parts are made by highland families during the long winters between dairying seasons.

But here in the United States the Labor Department has been required, under law, to impose heavy fines for homework.

Now, individuals who dare to continue working at home must do so underground -- risking tax evasion prosecution because they dare not report any income.

In the computer industry -- as in Swiss watchmaking -- there is great opportunity for cottage industry.

But union leaders persist in portraying at-home workers as "gullible, fear-ridden, exploited" people.

On the other side is a public interest legal group called the Center on National Labor Policy seeking, with one court challenge at a time, to reopen the marketplace to homecraft.

-MORE-

-PAGE TWO-

Democrat Congressman George Miller of California is chairman of the House Subcommittee on Labor Standards. He says, "If all (Mr. Donovan) wants to do is take care of a few people who want to sit around their hearths in Vermont and knit, that is one thing. If he is going to allow women and children in urban slums to be exploited, that is something else..."

Presently in litigation in Milwaukee is a suit by Wisconsin women who want to do embroidery in their homes and sell it through an outlet for homemade wares in Ripon.

My own frequent travel has kept me reminded of the singular skills and interests characteristic of each geographical area and/or ethnic concentration.

I cannot believe that it is useful to throttle talent or to discourage individual industry.

And with our increasing elderly population, homework is not only economically useful but profoundly therapeutic.

Women seek to stop U.S. from banning jobs sewing at home

By Glenn Emery
WASHINGTON TIMES STAFF

For the women of Ripon, Wis., who make a modest living sewing in their homes, the idea that the federal government would threaten to cut off their livelihood was inconceivable, especially at a time when more than 12 percent of their state's labor force is unemployed.

But last year the Department of Labor determined that the women were in violation of a 40-year-old regulation prohibiting the home manufacture of women's garments for profit. It ruled that the Silent Woman company, which buys the lion's share of the women's handiwork, owed them more than \$70,000 in back wages. The department maintained that the women are not independent contractors, as they claimed, but rather employees of Silent Woman.

How the department arrived at that determination is not clear, but both the owners of the company and the seamstresses believe it is an unwarranted intrusion by the government that will result in the company's shutting down. The Center on National Labor Policy has filed suit in U.S. District Court in Milwaukee against the Labor Department on behalf of Silent Woman.

Diane Krauss, one of several dozen women faced with the loss of significant income if Silent Woman is forced out of business, is doubly frustrated, because her husband already is unemployed.

"I can't see why the Department of Labor wants to shut me down just because I stay at home with my kids and make money. I'd be unemployed and have to collect fuel assistance and welfare," she said in a telephone interview.

Aside from providing the women with the basic materials to sew, Krauss said, Silent Woman makes no demands on them and pays them a fair price for the completed garments, in some cases higher than local factory rates.

The type of work done by the women is just one of six cottage industries banned by the Labor Department under the reasoning that such homeworkers

are subject to exploitation. When Secretary of Labor Raymond J. Donovan proposed lifting the bans on home work in 1980, the department was deluged with complaints from union officials and organizers.

"Women need protection to ensure they get paid basic minimum wages for the hours worked, including overtime, (and) that children not be employed in the manufacture of such products. That's the historical basis for the regulations," said Rudy Oswald of the AFL-CIO.

Although a Labor Department task force recently found a number of "sweatshops" in urban areas, which would tend to support the union's arguments, department officials said in off-the-record comments that the 1943 regulations are antiquated and in need of revision.

The women in Wisconsin, for example, all have testified to making well over the minimum wage and take particular offense at the suggestion that they work in sweatshops. As Jon Imbody from the CNLP observed: "It's not a sweatshop, it's a home. A sweatshop is a factory-style operation. If officials want to go in and tell these ladies they have messy houses, that's their business, but these women maintain clean homes. They're not going to live in a sweatshop."

The CNLP, besides seeking an injunction against the department, is also pushing for renewed hearings on banned home work. Hearings in early 1981, in which the CNLP represented a group of Vermont women, resulted in the lifting of the ban on home knitting for profit.

Since that ban was lifted, the Labor Department has been sued by the International Ladies Garment Workers Union, which sought to have the ban reinstated. The union's real complaint, Imbody claims, is that home workers are too difficult to organize, which translates into lost dues.

"I really don't think the officials of the Ladies Garment Workers Union, who are 50-year-old men, can relate to the motivations of a mother who is living at home, wants to take care of her kids, but still wants an extra family income," Imbody said.

Labor Department Would Outlaw Labor

Donald Lambro

While President Reagan and Congress wrestle over a jobs bill, the Labor Department is actually trying to take jobs away from a group of hardworking Wisconsin women.



This little-noticed story is not just another isolated bureaucratic nightmare which we have come to expect out of Washington. Rather, it is typical of numerous cases throughout the government in

which obstacles thrown up by antiquated special-interest laws are preventing hundreds of thousands—perhaps millions—of jobs from being created.

Consider the plight of a group of Ripon, Wis., women who help to support their families by embroidering skirts and blouses in their homes. The Labor Department, in spite of its name, wants to put them out of work.

Department bureaucrats are actively enforcing a 1943 regulation that forbids Americans from producing six crafts categories in their homes for profit: embroidery, women's apparel, gloves and mittens, buttons and buckles, jewelry and handkerchiefs.

A ban on knitted outerwear was erased from the books in 1981 by Labor Secretary Raymond Donovan. That decision was reached after angry Vermont housewives, who make a living knitting ski sweaters and hats in their homes, were compelled to go to Washington at their own expense to plead for their jobs.

Now another group of women who want to work in their homes instead of a factory are once more pleading with the feds not to take away what, in many cases, is their sole means of livelihood.

Championing their cause is the Center on National Labor Policy, a young, aggressive public-interest law firm that specializes in little-guy-fights-City Hall cases and whose lawyers successfully defended the knitters. Recently, the CNLP filed suit in District Court in Milwaukee against the Labor Department, whose actions would effectively shut down Silent Women, Inc., the company that buys the women's embroidery.

To his credit, Donovan originally had proposed repealing all regulations that forbid these cottage industries. However, bitter labor union opposition—particularly from the International Ladies Garment Workers Union (ILGWU)—forced him to back down.

The unions say that they merely want to prevent "sweatshop" conditions. Yet, the real reason for their intense opposition is that these women are competing with union-dominated factories, often turning out work that is as good or better than that being manufactured in America's garment centers. Moreover, notes CNLP executive director Steve Antosh, "Homeworkers don't pay union dues."

What else do the unions fear? ILGWU President Sol Chaiken blurted out his confession during a heated debate last year with a Vermont knitter on Phil Donohue's TV show: "You want every worker to be free to work at home at whatever they desire to do, under whatever conditions they want to work." Exactly. But to

Chaiken, "That's anti-social, it's wrong."

Tell that to the Vermont knitters, Sol—some of whom are still out of work today because a few firms refuse to buy their merchandise for fear of government reprisals. Tell that to Mary Clements of Ripon, Wis., whose livelihood would be denied if the feds and the unions have their way.

"I do this because I want to be with my kids," she says of her home embroidery work. "The No. 1 reason for doing a job like this is because you have children at home."

The average homemaker earns between \$3,000 and \$10,000 a year from embroidery work, depending on the time she spends on her craft. All of the workers for whom CNLP is suing the Labor Department earn more than the minimum wage, and in some cases they earn much

more than local factory pay scales.

Indeed, Mrs. Clement's business has become so profitable that she and her husband have added a separate sewing room to their home.

Removing the ban on these home industries would legalize what is already being practiced in many low-income homes. More important, it would open up vast new employment opportunities for the jobless, would allow welfare mothers to free themselves from a life of dependency and would let working mothers keep their children at home instead of putting them in costly day-care centers.

It is estimated that by 1990 about 15 million jobs will be done at home in the United States, much of it through computers. But instead of encouraging this sensible trend, with all of the benefits it can bestow, the government is doing its utmost to discourage it.

© 1983 United Feature Syndicate

FEBRUARY 24, 1983

SYNDICATED COLUMN APPEARING IN
151 NATIONAL NEWSPAPERS

BIRMINGHAM (AL) NEWS

February 24, 1983

Abuse Of Labor Law

The potential for abuse of the country's labor laws, passed for the most part during the Roosevelt years, is fully illustrated by circumstances surrounding a suit filed by 10 Milwaukee Seamstresses and a clothing retailer.

The suit filed against Labor Secretary Raymond Donovan claims the Labor Department has violated the constitutional rights of the seamstresses when it refused to recognize that they had a legitimate right to contract work with The Silent Woman Inc., a clothing retailer. The Labor Department, without due process, ruled they were employees of the retailer and must be paid the minimum hourly wage and paid back wages to cover work already done.

The women do not work in the place of business, but contract to do certain work in their homes for an agreed fee.

This is not a sweatshop situation, where a greedy employer is taking advantage of a hapless group of immigrants. The working agreement is between consenting adults, made without force or pressure, and is in the best tradition of the free market.

The seamstresses know what their work is worth to them and their price meets the ability of the employer to pay. Furthermore, both workers and employer are happy with the arrangement.

How then is it incumbent on the U.S. government to step in and order them to dissolve the arrangement?

Behind the action by the Labor Department, of course, lurks the presence of big unions, pledged to keep as much control of the nation's labor force as possible. It is clear that workers who contract for their own labor at a price which suits them will have little need of a union to represent them in labor negotiations. It is also clear that they would not be eager candidates as dues-paying members of unions.

The women are right to file suit and it will be no loss to the nation if they win their case.

The Washington Post Magazine

December 26, 1982

●●●●●●●●●● FUTURE SHOCK



Alvin Toffler's book Future Shock was a watchword on technological and social change for the '70s and beyond. Toffler's latest book, Previews and Premises, will be released in the spring:

✓ By 1990, it has been estimated 15 million jobs can

be done at home. What we may be heading toward is the officeless office. The energy economics, the cost of commuting against electronic transmission of information, all point toward a radical decentralization of work. There's no reason why the typing pool has to come to a central location. Instead of 100 typists working eight hours a day at a central pool, we could have 1,000 typists working one or two hours at home. Yet I don't believe people will work at home all the time. We may go to the office for a meeting or a social event.

State women battle U.S. labor department to sew at home

Ripon

More than 30 Wisconsin women will be forbidden to sew in their own homes if the U.S. Department of Labor wins in a dispute over home work for profit.

A week ago, the Center on National Labor Policy in Springfield, Va. filed a complaint in Federal District Court in Milwaukee on behalf of the Silent Woman, a clothing business, and 10 home workers who sew and applique skirts and T-shirts for the Silent Woman. The complaint claims that the women are not employees but independent contractors who are free to sew for anyone, including the Silent Woman.

As independent contractors, any attempt by the labor department to prevent the women from sewing in their homes for the Silent Woman "would be wrongful," a center lawyer explained in a recent interview.

Owners Jean Bice and Mary Ann Montanaro started manufacturing women's clothing for their shop here about three years ago. They did all the sewing until they could no longer keep up with orders. They now own two stores, a second one in Boca Raton, Fla., and wholesale their merchandise to over 300 women's stores.

At issue is a 1943 labor department regulation which restricts the sale of seven home crafts for profit.

The restrictions were prompted by union concern over competitive labor in those areas and do not extend to other at-home work such as wood working or typing.

"The areas restricted depended on what the unions were pushing at the time," Jon Imbody of the center explained.

The Center on National Labor Policy, which also represented a group of Vermont knitters in a similar dispute over knitted outer wear is a litigating legal foundation which is supported by tax-exempt donations. Its avowed goal is to preserve individual rights and to create a balance in labor relations.

Recent crackdowns have occurred in Los Angeles, Dallas and New York where women, many of whom are refugees, sew out of their own homes. Union leaders claim these women often work for less than the minimum per-hour wage and produce shoddy work.

Labor department regulations specifically forbid home work in women's apparel, jewelry, gloves and mittens, buttons and buckles, handkerchiefs, embroidery and, until recently, knitted outer wear. The Ripon case falls under both the women's apparel and the embroidery classifications.

In 1981, the knitted outer wear restriction came under review when the group of women from Vermont disputed labor department restrictions on their knitting ski sweaters and caps for a general contractor in Stowe, Vt. The restrictions on knitted outer wear were eliminated following national labor department hearings. However, the other categories remained restricted.

"They (the knitters) were the only ones who came forward," Mr. Imbody explained.

According to owner Jean Bice, she and her partner sought advice before beginning the venture which now wholesales "over \$350,000" worth of clothing. Their advisers recommended that they find people who would work in their homes.

"We really didn't want a factory," she explained. "The advice we got was to find people who sew in their own homes, who own their own sewing machines and you employ them as outside contractors."

They designed a contract which stated that the women were responsible for their own time and equipment. The business supplied only the materials and design.

The check earned by more than 30 women who sew for the Silent Woman do not have deductions or withholding. The labor department insists that, because the women are "employees" of the Silent Woman, taxes and social security should be deducted and the women should work in a factory. The Silent Woman insists they are not employees.

"They then can deduct their machine, deduct their sewing room, they can deduct their costs...they can put that on their taxes," Ms. Bice explained. "But what the government is saying is that these women can no longer be their own business people. The government is saying that they must be my employees."

But, Ms. Bice explained, "Every woman cannot go out to work. She cannot go out to a factory. Maybe she has children.

Even if her children are raised, there are demands on her life from her husband, she can't go out and carry a full-time job. But yet she would like some extra income."

She explained that many of the women who sew for the Silent Woman are farm women who want or need extra income but need flexibility to help during haying season or with the plowing and planting.

"Or it's canning time, they don't sew. Or it's Christmas time they do their baking, they don't sew. They have this option because they are running their own business," Ms. Bice pointed out.

If the labor department ruling stands, it will, according to some estimates, cost Ms. Bice 11 percent more to adopt the official procedures and record keeping. It could force her out of business, she said. However, if the business is able to bear the increased cost, the owners will still have to build a factory.

Jackie Simon, of rural Princeton in Green Lake County, has sewn for the Silent Woman for about a year. She does it for the extra income and because she likes to sew, she said.

She is also responsible for raising veal calves on their specialized farming operation.

"I don't think I could (work in a shop). I do most of the farming. I needed something so I can raise the calves. I took it so I could be at home," she explained. "I enjoy it because of the flexibility."

The Simons raise about 400 veal calves a year.

Joan Mollett, who also does sewing for the Silent Woman, said, "For me, this is the only kind of job I could get with a small child at home and three other children."

The Molletts live in rural Ripon in Fond du Lac County and have three children. The youngest is a three-year-old girl.

"I can do it whenever I want to," she said. "I set my own pace. That's really an ideal thing for someone like me with a family and other obligations...plus having a little bit of income."

Mrs. Mollett has done work for the Silent Woman for two and one-half years. She sews for her family in addition to the work she does for the Silent Woman, and she noted that being able to stay at home was important to her.

"I think it's a great opportunity to earn some extra money and still do the job you want to do at home," she said.

The government doesn't see it that way. According to Michael Avakian, the center lawyer pressing the case, the Fair Labor Standards Act is applied flatly to the six remaining home crafts. Anyone paid for working at home in those six areas is assumed to be an employee and must work in a factory.

Gordon Shay, a spokesman for the labor department, explained that the action seeks to enforce the Fair Labor Standards Act. Although he refused to discuss the Ripon case, he described the position of the Department of Labor as generally opposed to industrial home work in the six specified areas.

There are exemptions for individuals caring for invalids and elderly in their homes. The exemption does not cover individuals caring for young children in their homes.

According to Mr. Shay, when the regulations were passed in the 1940s, Congress found it impossible to enforce the minimum wage because of widespread violations in the six industries. He contended that many women were underpaid according to minimum wages of the time.

Exploitation of home workers continues although perhaps not commonly in the Midwest, he conceded. He noted that the regulations are open to revision.

In order to be included under the DOL restrictions, the women doing piece work for the Silent Woman would have to be identified as "employees" rather than "independent contractors."

Supreme Court has set guidelines, "although no definition ...solves all the problems of the employer/employee relationship," he said.

The guidelines look at the pattern of work in order to distinguish between an employee and an independent worker. The court looks at an individual's importance to the existence of the business, at the permanence of the relationship between business and individual, the individual's risk and the measure of control the individual has over the final product, and the initiative and judgement the individual must bring to the enterprise.

Labor department investigators and union leaders say at-home industry is exploitive because laborers in those areas are paid less than minimum wage. They also charge that such work is shoddy. Currently in Florida, a crackdown on home garment workers seeks to get women out of their homes and into factories.

At the Silent Woman, head seamstress Mary Clemant sews a model to estimate how much time the piece will take. The price paid for women sewing that piece is determined by paying the minimum rate for the number of hours Mrs. Clemant estimates the piece would take to sew.

Each piece is an assembled kit. The cut-out skirt pieces, applique pieces, thread and other notions are packed together in the kit. Each woman estimates how much she can do for the week and takes that many kits.

According to Sandy Dunn, wholesale operations manager at the Silent Woman, the home sewers are mostly women with preschoolers or early school-age children.

"It's worked well and has meant work and employment for people who otherwise might not be able work outside the home," she said.

None of the workers is on welfare and at least one is the sole support of her family.

"We could do it cheaper elsewhere in the country," Ms. Bice claimed. "But we have the most honest group of women. Scraps, they return scraps to us," she marvelled. "The Wisconsin woman is a fantastic woman."

Shabby workmanship is out of the question, Ms. Bice exclaimed. "I can't have (the work) done in a factory because it is so spectacular. Those women take pride in their work." In checking with factories to see if they could do the work when they started expanding the business, Ms. Bice found that none could.

"I put my quality up against anybody, any day," she insisted.

The American Farm Bureau's opposition to "undue" restrictions and regulations on cottage industry led C. H. Fields, assistant director of national affairs for the bureau, to come out against the labor department regulations.

"We think the labor union leaders have too much power — political and economic — why should they have this power over people who work in their homes? Why is it any of the federal government's business if somebody wants to do small crafts work in the home — why is it anybody's business?" he asked.

If the work is poor quality, he speculated, people wouldn't buy it. "The truth of the matter is that the union is concerned because the quality is higher."

Attorney Avakian agreed. "Quality is not part of the dispute. I keep wondering, how could manufacturers continue to sell sloppy work and stay in business? And the people that are complaining about it are the people that are competing with it. ... I don't think the buying public is going to buy something that is sloppily made and shoddy."

The government has 60 days to answer the complaint. Following that, a hearing will be scheduled within 30 days and the judge can make a ruling at that time. However, the issue may not be resolved by a ruling and may go to trial.

Mr. Avakian is optimistic that the Silent Woman and the home workers will prevail.

—Kitz Cleary

Home sewers battle labor rule

Silent Woman seeks exemption in federal court

by Terry Bolda

The Silent Woman Ltd. and 31 independent home sewers in the Ripon area are fighting to change a Department of Labor rule which declares their employment illegal. The results of their fight could have national implication on the status of thousands of women working in their homes.

The Silent Woman and its contracted home sewers are seeking to be exempted from the ruling which prohibits their work in the home and subjects them to wage and hour provisions of the Fair Labor Standards Act.

John Imbody of the Center on National Labor Policy (CNLP) said he expects the Silent Woman case to be filed this week in federal district court in Milwaukee. The CNLP, a non-profit corporation headquartered in Virginia, is representing the Silent Woman and its home sewers.

Prompt action

"We're saying they should be exempt because they are independent contractors and shouldn't be subject to the paperwork and regulation. The federal government is saying they (the home sewers) are employees of Silent Woman," Imbody said.

"We're hoping to prompt hearings in Washington with this case and remove all home industries from the regulation," he added.

The Ripon women's apparel business, founded by Jean Bice and Mary Ann Montanaro, is one of 6 home-worker industries subject to the regulation. Under specific federal guidelines, the others are: jewelry, gloves and mittens, button and buckle, handkerchief and embroideries.

The rule was enacted in 1943 as a measure to close down "sweatshop" working conditions which proliferated in the nation's inner cities. It serves to protect immigrants, minorities and others from working for below minimum wage.

But owners of Silent Woman and the 31 Ripon area women who do piece-work for the business believe the rule is out of date and does not apply in their situation.

Was investigated

"The women are running their own business and it works out beautiful. They work on their own time," said Montanaro, manager of the Silent Woman store in Boca Raton, FL. She is originally from Ripon and helped Bice open the business here in 1976.

Bice said she was unaware of the regulation until her business was investigated by the Department of Labor last spring. The investigation came after a broadcast on a Green Bay television station on the plight of several Laotian women who were con-

tracted to work for Silent Woman.

The broadcast, in December 1981, charged that the Laotian women could not make minimum wage. Bice said her employees had difficulty training the women, who could not speak English, to operate the sewing machines. Under normal conditions, a sewer makes far above minimum wage, she said. The Laotian women are no longer contracted by Silent Woman.

Bice said she was approached last spring by a Department of Labor investigator who charged that Silent Woman owed \$70,000 in back wages. "The government ran its own survey and I don't know how they came up with that figure," Bice said.

Later, the Department of Labor said it would forgive the back wages if Bice would hire the home sewers as employees subject to federal wage and hour regulations. Bice says that is ridiculous because she would either have to supervise the sewers in their homes or build a factory. The Department of Labor would "in effect be closing us down," she said.

"We've struggled to build a business and now the government comes at us with this, and the rules are so gray; there's nothing in writing."

Unaware of legality

Bice chose to fight the government and contacted the CNLP for legal assistance.

The women who sew for Silent Woman said they didn't know what they were doing was illegal until they

were called by the Department of Labor last spring.

Bice said the majority of the women are working mothers who have small children at home. Their work for Silent Woman consists of sewing applique (fabric designs) on women's skirts, sweaters, pants and T-shirts. The women maintain their own sewing machines.

Mary Clement, 1043 Carol St., left her Ripon teaching job 5 years ago and began home sewing because she wanted to be home with her children.

"We feel the law is unfair to us; we have no quarrel with our wages and hours. The Department of Labor is trying to put us out of work," Clement said.

If she is forced to stop her contract work for Silent Woman, "I would have to go out and look for something else; but there aren't many teaching jobs today."

Needs income

Diane Krauss, 412 John St., said the \$400 a month she receives from Silent Woman is "very important" to her family's income. Her husband, Norton, sells real estate and is a seasonal worker for Thorp Exteriors. They have 3 young children at home.

"I did not want to work outside my home and right now I'm not sure I could get outside employment," Krauss said.

Krauss said she sews an average of 20 hours a week for Silent Woman and earns \$6 an hour. She also sews special

(Continued on page 5)

Silent Woman...

(Continued from page 1)

orders for individuals in her spare time. Clement said she averaged \$5.72 an hour on her piecework for Silent Woman in 1982.

"I can see why they had (the regulation) in the 1930s because of the sweatshops, but I make \$6 an hour and I'm not working in a sweatshop," Krauss said.

Clement said the TV broadcast on the Laotian women was biased and did not present the whole story.

"A woman can easily make \$4 to \$5 an hour and if she can't make minimum wage, she has a problem."

Appeal decision

Both Clement and Krauss have told their stories in interviews with the

Washington Times and *USA Today*.

In a similar action on a national level, Imbody said the CNLP has filed a brief in Washington, D.C. in a suit which appeals a 1981 decision by Labor Secretary Raymond Donovan.

That decision lifted the knitted outerwear home industries from the homeworkers' regulation. Donovan had sought to lift the ban from all homework industries but backed down under pressure from labor unions, particularly the International Ladies Garment Workers Union.

"The home knitters were well represented in 1981 while the other homeworker industries were not. We want to see new hearings on the federal regulations as it applies to the remaining 6 homework industries," he said.



WORKING IN her son's bedroom which she converted to a sewing room, Mary Clement sews applique work for Silent Woman Ltd.

She argues that she is an independent sewer, not an employee.

staff photo



The Center On National Labor Policy, Inc.

5211 Port Royal Road, Suite 400

North Springfield, Virginia 22151

(703) 321-9180

HOMEWORK

Do you have the right to work in your own home? Don't bet on it.

Believe it or not, a federal regulation actually forbids work at home in six traditional crafts: embroidery, sewing womens' clothing (mens' clothing is OK), making handkerchiefs, buttons and buckles, jewelry, gloves and mittens.

The homework ban is backed by union officials bent on eliminating independent, non-dues-paying workers. The ban is also favored by some big-industries anxious to appease the unions and avoid competition.

Two years ago, a Springfield, Virginia-based legal foundation called the Center on National Labor Policy (CNLP) fought to lift the homework ban. The Labor Department initially agreed, but after a deluge of union protest letters and political pressure, lifted only the ban on home knitting.

Since then, the CNLP has been coordinating a drive to repeal the homework ban. Unless the Labor Department receives significant support for the move, union officials will again use their political muscle to stop the homeworkers.

Let Secretary of Labor Raymond Donovan know your support for lifting the homework ban. Even a simple, "Free the homeworkers!" message will help the fight. You may also wish to address these points:

1. Why you think Americans have a right to work in their own homes.
2. Why the government should encourage rather than eliminate jobs in a time of high unemployment.
3. Why mothers with small children and elderly on fixed incomes should be able to earn an income by working at home.

Letters should be sent to: The Honorable Raymond Donovan
Secretary of Labor
c/o Employment Standards Division
Room S-3502
United States Department of Labor
Washington, D.C. 20210



HOMEWORK

TV Commentary - March 1, 1983

If you want to do some extra sewing at home and sell what you sew -- why not?

It seems unconscionable, but there's a 1943 law that says you may not. Unions sought and got regulation in 1943 which specifically forbids an individual to produce homecraft in his or her own home.

That includes embroidery, womens' apparel, jewelry, gloves, mittens, belts, buckles, handkerchiefs and knitwear.

Some independently-minded New Englanders, riled by this intrusion, sent a feisty contingent of grandmothers to Washington to confront union officials and to convince enough members of Congress so that in May of 1981, Labor Secretary Donovan proposed lifting the homework ban on all seven industries.

But union officials applied more pressure on Congress and forced Donovan to back down; the law presently permits home manufacture of only knitted outerwear -- nothing else.

Cottage industries, elsewhere in the world, are useful, profitable and greatly beneficial in holding families together, furnishing constructive activity for elderly living at home.

Most all Swiss watch parts are made by highland families during the long winters between dairying seasons.

But here in the United States the Labor Department has been required, under law, to impose heavy fines for homework.

Now, individuals who dare to continue working at home must do so underground -- risking tax evasion prosecution because they dare not report any income.

In the computer industry -- as in Swiss watchmaking -- there is great opportunity for cottage industry.

But union leaders persist in portraying at-home workers as "gullible, fear-ridden, exploited" people.

On the other side is a public interest legal group called the Center on National Labor Policy seeking, with one court challenge at a time, to reopen the marketplace to homecraft.

-MORE-

-PAGE TWO-

Democrat Congressman George Miller of California is chairman of the House Subcommittee on Labor Standards. He says, "If all (Mr. Donovan) wants to do is take care of a few people who want to sit around their hearths in Vermont and knit, that is one thing. If he is going to allow women and children in urban slums to be exploited, that is something else..."

Presently in litigation in Milwaukee is a suit by Wisconsin women who want to do embroidery in their homes and sell it through an outlet for homemade wares in Ripon.

My own frequent travel has kept me reminded of the singular skills and interests characteristic of each geographical area and/or ethnic concentration.

I cannot believe that it is useful to throttle talent or to discourage individual industry.

And with our increasing elderly population, homework is not only economically useful but profoundly therapeutic.

BIRMINGHAM (AL) NEWS

February 24, 1983

Abuse Of Labor Law

The potential for abuse of the country's labor laws, passed for the most part during the Roosevelt years, is fully illustrated by circumstances surrounding a suit filed by 10 Milwaukee Seamstresses and a clothing retailer.

The suit filed against Labor Secretary Raymond Donovan claims the Labor Department has violated the constitutional rights of the seamstresses when it refused to recognize that they had a legitimate right to contract work with The Silent Woman Inc., a clothing retailer. The Labor Department, without due process, ruled they were employees of the retailer and must be paid the minimum hourly wage and paid back wages to cover work already done.

The women do not work in the place of business, but contract to do certain work in their homes for an agreed fee.

This is not a sweatshop situation, where a greedy employer is taking advantage of a hapless group of immigrants. The working agreement is between consenting adults, made without force or pressure, and is in the best tradition of the free market.

The seamstresses know what their work is worth to them and their price meets the ability of the employer to pay. Furthermore, both workers and employer are happy with the arrangement.

How then is it incumbent on the U.S. government to step in and order them to dissolve the arrangement?

Behind the action by the Labor Department, of course, lurks the presence of big unions, pledged to keep as much control of the nation's labor force as possible. It is clear that workers who contract for their own labor at a price which suits them will have little need of a union to represent them in labor negotiations. It is also clear that they would not be eager candidates as dues-paying members of unions.

The women are right to file suit and it will be no loss to the nation if they win their case.

Labor Department Would Outlaw Labor

Donald Lambro

While President Reagan and Congress wrestle over a jobs bill, the Labor Department is actually trying to take jobs away from a group of hardworking Wisconsin women.



This little-noticed story is not just another isolated bureaucratic nightmare which we have come to expect out of Washington. Rather, it is typical of numerous cases throughout the government in which obstacles thrown up by antiquated special-interest laws are preventing hundreds of thousands—perhaps millions—of jobs from being created.

Consider the plight of a group of Ripon, Wis., women who help to support their families by embroidering skirts and blouses in their homes. The Labor Department, in spite of its name, wants to put them out of work.

Department bureaucrats are actively enforcing a 1943 regulation that forbids Americans from producing six crafts categories in their homes for profit: embroidery, women's apparel, gloves and mittens, buttons and buckles, jewelry and handkerchiefs.

A ban on knitted outerwear was erased from the books in 1981 by Labor Secretary Raymond Donovan. That decision was reached after angry Vermont housewives, who make a living knitting ski sweaters and hats in their homes, were compelled to go to Washington at their own expense to plead for their jobs.

Now another group of women who want to work in their homes instead of a factory are once more pleading with the feds not to take away what, in many cases, is their sole means of livelihood.

Championing their cause is the Center on National Labor Policy, a young, aggressive public-interest law firm that specializes in little-guy-fights-City Hall cases and whose lawyers successfully defended the knitters. Recently, the CNLP filed suit in District Court in Milwaukee against the Labor Department, whose actions would effectively shut down Silent Women, Inc., the company that buys the women's embroidery.

To his credit, Donovan originally had proposed repealing all regulations that forbid these cottage industries. However, bitter labor union opposition—particularly from the International Ladies Garment Workers Union (ILGWU)—forced him to back down.

The unions say that they merely want to prevent "sweatshop" conditions. Yet, the real reason for their intense opposition is that these women are competing with union-dominated factories, often turning out work that is as good or better than that being manufactured in America's garment centers. Moreover, notes CNLP executive director Steve Antosh, "Homeworkers don't pay union dues."

What else do the unions fear? ILGWU President Sol Chaiken blurted out his confession during a heated debate last year with a Vermont knitter on Phil Donohue's TV show: "You want every worker to be free to work at home at whatever they desire to do, under whatever conditions they want to work." Exactly. But to

Chaiken, "That's anti-social, it's wrong."

Tell that to the Vermont knitters, Sol—some of whom are still out of work today because a few firms refuse to buy their merchandise for fear of government reprisals. Tell that to Mary Clements of Ripon, Wis., whose livelihood would be denied if the feds and the unions have their way.

"I do this because I want to be with my kids," she says of her home embroidery work. "The No. 1 reason for doing a job like this is because you have children at home."

The average homeworker earns between \$3,000 and \$10,000 a year from embroidery work, depending on the time she spends on her craft. All of the workers for whom CNLP is suing the Labor Department earn more than the minimum wage, and in some cases they earn much

more than local factory pay scales.

Indeed, Mrs. Clement's business has become so profitable that she and her husband have added a separate sewing room to their home.

Removing the ban on these home industries would legalize what is already being practiced in many low-income homes. More important, it would open up vast new employment opportunities for the jobless, would allow welfare mothers to free themselves from a life of dependency and would let working mothers keep their children at home instead of putting them in costly day-care centers.

It is estimated that by 1990 about 15 million jobs will be done at home in the United States, much of it through computers. But instead of encouraging this sensible trend, with all of the benefits it can bestow, the government is doing its utmost to discourage it.

© 1983 United Feature Syndicate

FEBRUARY 24, 1983

SYNDICATED COLUMN APPEARING IN
151 NATIONAL NEWSPAPERS

Nationally Syndicated Column
151 Newspapers
February 24, 1983

Women seek to stop U.S. from banning jobs sewing at home

By Glenn Emery
WASHINGTON TIMES STAFF

For the women of Ripon, Wis., who make a modest living sewing in their homes, the idea that the federal government would threaten to cut off their livelihood was inconceivable, especially at a time when more than 12 percent of their state's labor force is unemployed.

But last year the Department of Labor determined that the women were in violation of a 40-year-old regulation prohibiting the home manufacture of women's garments for profit. It ruled that the Silent Woman company, which buys the lion's share of the women's handiwork, owed them more than \$70,000 in back wages. The department maintained that the women are not independent contractors, as they claimed, but rather employees of Silent Woman.

How the department arrived at that determination is not clear, but both the owners of the company and the seamstresses believe it is an unwarranted intrusion by the government that will result in the company's shutting down. The Center on National Labor Policy has filed suit in U.S. District Court in Milwaukee against the Labor Department on behalf of Silent Woman.

Diane Krauss, one of several dozen women faced with the loss of significant income if Silent Woman is forced out of business, is doubly frustrated, because her husband already is unemployed.

"I can't see why the Department of Labor wants to shut me down just because I stay at home with my kids and make money. I'd be unemployed and have to collect fuel assistance and welfare," she said in a telephone interview.

Aside from providing the women with the basic materials to sew, Krauss said, Silent Woman makes no demands on them and pays them a fair price for the completed garments, in some cases higher than local factory rates.

The type of work done by the women is just one of six cottage industries banned by the Labor Department under the reasoning that such homeworkers

are subject to exploitation. When Secretary of Labor Raymond J. Donovan proposed lifting the bans on home work in 1980, the department was deluged with complaints from union officials and organizers.

"Women need protection to ensure they get paid basic minimum wages for the hours worked, including overtime, (and) that children not be employed in the manufacture of such products. That's the historical basis for the regulations," said Rudy Oswald of the AFL-CIO.

Although a Labor Department task force recently found a number of "sweatshops" in urban areas, which would tend to support the union's arguments, department officials said in off-the-record comments that the 1943 regulations are antiquated and in need of revision.

The women in Wisconsin, for example, all have testified to making well over the minimum wage and take particular offense at the suggestion that they work in sweatshops. As Jon Imbody from the CNLP observed: "It's not a sweatshop, it's a home. A sweatshop is a factory-style operation. If officials want to go in and tell these ladies they have messy houses, that's their business, but these women maintain clean homes. They're not going to live in a sweatshop."

The CNLP, besides seeking an injunction against the department, is also pushing for renewed hearings on banned home work. Hearings in early 1981, in which the CNLP represented a group of Vermont women, resulted in the lifting of the ban on home knitting for profit.

Since that ban was lifted, the Labor Department has been sued by the International Ladies Garment Workers Union, which sought to have the ban reinstated. The union's real complaint, Imbody claims, is that home workers are too difficult to organize, which translates into lost dues.

"I really don't think the officials of the Ladies Garment Workers Union, who are 50-year-old men, can relate to the motivations of a mother who is living at home, wants to take care of her kids, but still wants an extra family income," Imbody said.

The Washington Post Magazine

December 26, 1982

●●●●●●●●●● FUTURE SHOCK



Alvin Toffler's book Future Shock was a watchword on technological and social change for the '70s and beyond. Toffler's latest book, Previews and Premises, will be released in the spring:

✓ By 1990, it has been estimated 15 million jobs can be done at home. What we may be heading toward is the officeless office. The energy economics, the cost of commuting against electronic transmission of information, all point toward a radical decentralization of work. There's no reason why the typing pool has to come to a central location. Instead of 100 typists working eight hours a day at a central pool, we could have 1,000 typists working one or two hours at home. Yet I don't believe people will work at home all the time. We may go to the office for a meeting or a social event.

Home sewers battle labor rule

Silent Woman seeks exemption in federal court

by Terry Bolda

The Silent Woman Ltd. and 31 independent home sewers in the Ripon area are fighting to change a Department of Labor rule which declares their employment illegal. The results of their fight could have national implication on the status of thousands of women working in their homes.

The Silent Woman and its contracted home sewers are seeking to be exempted from the ruling which prohibits their work in the home and subjects them to wage and hour provisions of the Fair Labor Standards Act.

John Imbody of the Center on National Labor Policy (CNLP) said he expects the Silent Woman case to be filed this week in federal district court in Milwaukee. The CNLP, a non-profit corporation headquartered in Virginia, is representing the Silent Woman and its home sewers.

Prompt action

"We're saying they should be exempt because they are independent contractors and shouldn't be subject to the paperwork and regulation. The federal government is saying they (the home sewers) are employees of Silent Woman," Imbody said.

"We're hoping to prompt hearings in Washington with this case and remove all home industries from the regulation," he added.

The Ripon women's apparel business, founded by Jean Bice and Mary Ann Montanaro, is one of 6 home-worker industries subject to the regulation. Under specific federal guidelines, the others are: jewelry, gloves and mittens, button and buckle, handkerchief and embroideries.

The rule was enacted in 1943 as a measure to close down "sweatshop" working conditions which proliferated in the nation's inner cities. It serves to protect immigrants, minorities and others from working for below minimum wage.

But owners of Silent Woman and the 31 Ripon area women who do piece-work for the business believe the rule is out of date and does not apply in their situation.

Was investigated

"The women are running their own business and it works out beautiful. They work on their own time," said Montanaro, manager of the Silent Woman store in Boca Raton, FL. She is originally from Ripon and helped Bice open the business here in 1976.

Bice said she was unaware of the regulation until her business was investigated by the Department of Labor last spring. The investigation came after a broadcast on a Green Bay television station on the plight of several Laotian women who were con-

tracted to work for Silent Woman.

The broadcast, in December 1981, charged that the Laotian women could not make minimum wage. Bice said her employees had difficulty training the women, who could not speak English, to operate the sewing machines. Under normal conditions, a sewer makes far above minimum wage, she said. The Laotian women are no longer contracted by Silent Woman.

Bice said she was approached last spring by a Department of Labor investigator who charged that Silent Woman owed \$70,000 in back wages. "The government ran its own survey and I don't know how they came up with that figure," Bice said.

Later, the Department of Labor said it would forgive the back wages if Bice would hire the home sewers as employees subject to federal wage and hour regulations. Bice says that is ridiculous because she would either have to supervise the sewers in their homes or build a factory. The Department of Labor would "in effect be closing us down," she said.

"We've struggled to build a business and now the government comes at us with this, and the rules are so gray; there's nothing in writing."

Unaware of legality

Bice chose to fight the government and contacted the CNLP for legal assistance.

The women who sew for Silent Woman said they didn't know what they were doing was illegal until they

were called by the Department of Labor last spring.

Bice said the majority of the women are working mothers who have small children at home. Their work for Silent Woman consists of sewing applique (fabric designs) on women's skirts, sweaters, pants and T-shirts. The women maintain their own sewing machines.

Mary Clement, 1043 Carol St., left her Ripon teaching job 5 years ago and began home sewing because she wanted to be home with her children.

"We feel the law is unfair to us; we have no quarrel with our wages and hours. The Department of Labor is trying to put us out of work," Clement said.

If she is forced to stop her contract work for Silent Woman, "I would have to go out and look for something else; but there aren't many teaching jobs today."

Needs income

Diane Krauss, 412 John St., said the \$400 a month she receives from Silent Woman is "very important" to her family's income. Her husband, Norton, sells real estate and is a seasonal worker for Thorp Exteriors. They have 3 young children at home.

"I did not want to work outside my home and right now I'm not sure I could get outside employment," Krauss said.

Krauss said she sews an average of 20 hours a week for Silent Woman and earns \$6 an hour. She also sews special

(Continued on page 5)

Silent Woman...

(Continued from page 1)

orders for individuals in her spare time. Clement said she averaged \$5.72 an hour on her piecework for Silent Woman in 1982.

"I can see why they had (the regulation) in the 1930s because of the sweatshops, but I make \$6 an hour and I'm not working in a sweatshop," Krauss said.

Clement said the TV broadcast on the Laotian women was biased and did not present the whole story.

"A woman can easily make \$4 to \$5 an hour and if she can't make minimum wage, she has a problem."

Appeal decision

Both Clement and Krauss have told their stories in interviews with the

Washington Times and *USA Today*.

In a similar action on a national level, Imbody said the CNLP has filed a brief in Washington, D.C. in a suit which appeals a 1981 decision by Labor Secretary Raymond Donovan.

That decision lifted the knitted outerwear home industries from the homeworkers' regulation. Donovan had sought to lift the ban from all homework industries but backed down under pressure from labor unions, particularly the International Ladies Garment Workers Union.

"The home knitters were well represented in 1981 while the other homeworker industries were not. We want to see new hearings on the federal regulations as it applies to the remaining 6 homework industries," he said.



WORKING IN her son's bedroom which she converted to a sewing room, Mary Clement sews applique work for Silent Woman Ltd.

She argues that she is an independent sewer, not an employee.

staff photo

State women battle U.S. labor department to sew at home

Ripon

More than 30 Wisconsin women will be forbidden to sew in their own homes if the U.S. Department of Labor wins in a dispute over home work for profit.

A week ago, the Center on National Labor Policy in Springfield, Va. filed a complaint in Federal District Court in Milwaukee on behalf of the Silent Woman, a clothing business, and 10 home workers who sew and applique skirts and T-shirts for the Silent Woman. The complaint claims that the women are not employees but independent contractors who are free to sew for anyone, including the Silent Woman.

As independent contractors, any attempt by the labor department to prevent the women from sewing in their homes for the Silent Woman "would be wrongful," a center lawyer explained in a recent interview.

Owners Jean Bice and Mary Ann Montanaro started manufacturing women's clothing for their shop here about three years ago. They did all the sewing until they could no longer keep up with orders. They now own two stores, a second one in Boca Raton, Fla., and wholesale their merchandise to over 300 women's stores.

At issue is a 1943 labor department regulation which restricts the sale of seven home crafts for profit.

The restrictions were prompted by union concern over competitive labor in those areas and do not extend to other at-home work such as wood working or typing.

"The areas restricted depended on what the unions were pushing at the time," Jon Imbody of the center explained.

The Center on National Labor Policy, which also represented a group of Vermont knitters in a similar dispute over knitted outer wear is a litigating legal foundation which is supported by tax-exempt donations. Its avowed goal is to preserve individual rights and to create a balance in labor relations.

Recent crackdowns have occurred in Los Angeles, Dallas and New York where women, many of whom are refugees, sew out of their own homes. Union leaders claim these women often work for less than the minimum per-hour wage and produce shoddy work.

Labor department regulations specifically forbid home work in women's apparel, jewelry, gloves and mittens, buttons and buckles, handkerchiefs, embroidery and, until recently, knitted outer wear. The Ripon case falls under both the women's apparel and the embroidery classifications.

In 1981, the knitted outer wear restriction came under review when the group of women from Vermont disputed labor department restrictions on their knitting ski sweaters and caps for a general contractor in Stowe, Vt. The restrictions on knitted outer wear were eliminated following national labor department hearings. However, the other categories remained restricted.

"They (the knitters) were the only ones who came forward," Mr. Imbody explained.

According to owner Jean Bice, she and her partner sought advice before beginning the venture which now wholesales "over \$350,000" worth of clothing. Their advisers recommended that they find people who would work in their homes.

"We really didn't want a factory," she explained. "The advice we got was to find people who sew in their own homes, who own their own sewing machines and you employ them as outside contractors."

They designed a contract which stated that the women were responsible for their own time and equipment. The business supplied only the materials and design.

The check earned by more than 30 women who sew for the Silent Woman do not have deductions or withholding. The labor department insists that, because the women are "employees" of the Silent Woman, taxes and social security should be deducted and the women should work in a factory. The Silent Woman insists they are not employees.

"They then can deduct their machine, deduct their sewing room, they can deduct their costs...they can put that on their taxes," Ms. Bice explained. "But what the government is saying is that these women can no longer be their own business people. The government is saying that they must be my employees."

But, Ms. Bice explained, "Every woman cannot go out to work. She cannot go out to a factory. Maybe she has children.

Even if her children are raised, there are demands on her life from her husband, she can't go out and carry a full-time job. But yet she would like some extra income."

She explained that many of the women who sew for the Silent Woman are farm women who want or need extra income but need flexibility to help during haying season or with the plowing and planting.

"Or it's canning time, they don't sew. Or it's Christmas time they do their baking, they don't sew. They have this option because they are running their own business," Ms. Bice pointed out.

If the labor department ruling stands, it will, according to some estimates, cost Ms. Bice 11 percent more to adopt the official procedures and record keeping. It could force her out of business, she said. However, if the business is able to bear the increased cost, the owners will still have to build a factory.

Jackie Simon, of rural Princeton in Green Lake County, has sewn for the Silent Woman for about a year. She does it for the extra income and because she likes to sew, she said.

She is also responsible for raising veal calves on their specialized farming operation.

"I don't think I could (work in a shop). I do most of the farming. I needed something so I can raise the calves. I took it so I could be at home," she explained. "I enjoy it because of the flexibility."

The Simons raise about 400 veal calves a year.

Joan Mollett, who also does sewing for the Silent Woman, said, "For me, this is the only kind of job I could get with a small child at home and three other children."

The Molletts live in rural Ripon in Fond du Lac County and have three children. The youngest is a three-year-old girl.

"I can do it whenever I want to," she said. "I set my own pace. That's really an ideal thing for someone like me with a family and other obligations...plus having a little bit of income."

Mrs. Mollett has done work for the Silent Woman for two and one-half years. She sews for her family in addition to the work she does for the Silent Woman, and she noted that being able to stay at home was important to her.

(over)

"I think it's a great opportunity to earn some extra money and still do the job you want to do at home," she said.

The government doesn't see it that way. According to Michael Avakian, the center lawyer pressing the case, the Fair Labor Standards Act is applied flatly to the six remaining home crafts. Anyone paid for working at home in those six areas is assumed to be an employee and must work in a factory.

Gordon Shay, a spokesman for the labor department, explained that the action seeks to enforce the Fair Labor Standards Act. Although he refused to discuss the Ripon case, he described the position of the Department of Labor as generally opposed to industrial home work in the six specified areas.

There are exemptions for individuals caring for invalids and elderly in their homes. The exemption does not cover individuals caring for young children in their homes.

According to Mr. Shay, when the regulations were passed in the 1940s, Congress found it impossible to enforce the minimum wage because of widespread violations in the six industries. He contended that many women were underpaid according to minimum wages of the time.

Exploitation of home workers continues although perhaps not commonly in the Midwest, he conceded. He noted that the regulations are open to revision.

In order to be included under the DOL restrictions, the women doing piece work for the Silent Woman would have to be identified as "employees" rather than "independent contractors."

Supreme Court has set guidelines, "although no definition ... solves all the problems of the employer/employee relationship," he said.

The guidelines look at the pattern of work in order to distinguish between an employee and an independent worker. The court looks at an individual's importance to the existence of the business, at the permanence of the relationship between business and individual, the individual's risk and the measure of control the individual has over the final product, and the initiative and judgement the individual must bring to the enterprise.

Labor department investigators and union leaders say at-home industry is exploitive because laborers in those areas are paid less than minimum wage. They also charge that such work is shoddy. Currently in Florida, a crackdown on home garment workers seeks to get women out of their homes and into factories.

At the Silent Woman, head seamstress Mary Clemant sews a model to estimate how much time the piece will take. The price paid for women sewing that piece is determined by paying the minimum rate for the number of hours Mrs. Clemant estimates the piece would take to sew.

Each piece is an assembled kit. The cut-out skirt pieces, applique pieces, thread and other notions are packed together in the kit. Each woman estimates how much she can do for the week and takes that many kits.

According to Sandy Dunn, wholesale operations manager at the Silent Woman, the home sewers are mostly women with preschoolers or early school-age children.

"It's worked well and has meant work and employment for people who otherwise might not be able to work outside the home," she said.

None of the workers is on welfare and at least one is the sole support of her family.

"We could do it cheaper elsewhere in the country," Ms. Bice claimed. "But we have the most honest group of women. Scraps, they return scraps to us," she marvelled. "The Wisconsin woman is a fantastic woman."

Shabby workmanship is out of the question, Ms. Bice exclaimed. "I can't have (the work) done in a factory because it is so spectacular. Those women take pride in their work." In checking with factories to see if they could do the work when they started expanding the business, Ms. Bice found that none could.

"I put my quality up against anybody, any day," she insisted.

The American Farm Bureau's opposition to "undue" restrictions and regulations on cottage industry led C. H. Fields, assistant director of national affairs for the bureau, to come out against the labor department regulations.

"We think the labor union leaders have too much power — political and economic — why should they have this power over people who work in their homes? Why is it any of the federal government's business if somebody wants to do small crafts work in the home — why is it anybody's business?" he asked.

If the work is poor quality, he speculated, people wouldn't buy it. "The truth of the matter is that the union is concerned because the quality is higher."

Attorney Avakian agreed. "Quality is not part of the dispute. I keep wondering, how could manufacturers continue to sell sloppy work and stay in business? And the people that are complaining about it are the people that are competing with it. ... I don't think the buying public is going to buy something that is sloppily made and shoddy."

The government has 60 days to answer the complaint. Following that, a hearing will be scheduled within 30 days and the judge can make a ruling at that time. However, the issue may not be resolved by a ruling and may go to trial.

Mr. Avakian is optimistic that the Silent Woman and the home workers will prevail.

—Kitz Cleary



The Center On National Labor Policy, Inc.

5211 Port Royal Road, Suite 400
North Springfield, Virginia 22151
(703) 321-9180

Steve M. Antosh
Executive Director

October 21, 1982

Mr. Morton Blackwell
The White House
Washington, D.C. 20500

Dear Morton:

The Center on National Labor Policy is seeking to hire an additional full-time staff attorney and a part-time law clerk.

I've enclosed a brochure describing the program of the Center. The Center is a non-profit, non-partisan public interest legal foundation that works through the courts to restore individual rights lost through the abuse of union power.

The Staff Attorney position would be ideal for a recent law school graduate. It would afford experience in litigation and administrative agency work as well as expertise in labor, employment and constitutional law.

If you know of an aggressive, philosophically motivated attorney who would be interested in such a position, please pass this information along to them or have them give me a call.

Thank you very much for your time.

Sincerely,

Steve M. Antosh
Executive Director

SMA/jh

Enclosures



The Center On National Labor Policy, Inc.

5211 Port Royal Road, Suite 400
North Springfield, Virginia 22151
(703) 321-9180

Steve M. Antosh
Executive Director

September 3, 1982

Senator Robert Dole
U.S. Senate
Dirksen Building, Room 2213
Washington, D.C. 20510

Dear Senator Dole:

I am writing to you in regards to the provision in the recently enacted Senate Finance Committee tax bill on medicare reimbursement to hospitals for the costs they incur in union related activity.

Earlier this year, Secretary Schweiker announced that HHS was proposing to change the medicare regulations to allow reimbursement for management initiatives to inform themselves and their employees concerning collective bargaining issues. The Center on National Labor Policy supported this move as providing a needed balance in hospital labor relations.

The administration supported this regulation. Hearings were held on April 1, 1982 in the House Subcommittee on Labor Management Relations. The matter appeared to be resolved and settled at that time. Even Congressman Burton seemed resigned to it.

Then all of a sudden I read in the August 28, 1982 AFL-CIO News that the payments have been scuttled!!!

Please explain to me what in the world is going on. Absolutely no one who participated in the earlier hearings in support of Secretary Schweiker's regulations had any idea that this was in the tax bill.


Where did this come from? How was it inserted in the tax bill? Why was no one in the administration or the house subcommittee alerted

Senator Dole
September 3, 1982
Page 2

to this proposal?

Senator, something appears to be horribly wrong when the AFL-CIO knows more about what is in the President's tax bill than the President. I would greatly appreciate your attention to this matter.

Sincerely,

A handwritten signature in cursive script, reading "Steve M. Antosh". The signature is written in dark ink and is positioned above the printed name and title.

Steve M. Antosh
Executive Director

SMA/cc

✓ bcc: Morton C. Blackwell



The Center On National Labor Policy, Inc.

5211 Port Royal Road, Suite 400
North Springfield, Virginia 22151
(703) 321-9180

Steve M. Antosh
Executive Director

September 3, 1982

The Honorable Barber Conable
U.S. House of Representatives
Cannon HOB, Room 237
Washington, D.C. 20510

Dear Congressman Conable:

I am writing to you in regards to the provision in the recently enacted Senate Finance Committee tax bill on medicare reimbursement to hospitals for the costs they incur in union related activity.

Earlier this year, Secretary Schweiker announced that HHS was proposing to change the medicare regulations to allow reimbursement for management initiatives to inform themselves and their employees concerning collective bargaining issues. The Center on National Labor Policy supported this move as providing a needed balance in hospital labor relations.

The administration supported this regulation. Hearings were held on April 1, 1982 in the House Subcommittee on Labor Management Relations. The matter appeared to be resolved and settled at that time. Even Congressman Burton seemed resigned to it.

Then all of a sudden I read in the August 28, 1982 AFL-CIO News that the payments have been scuttled!!!

Please explain to me what in the world is going on. Absolutely no one who participated in the earlier hearings in support of Secretary Schweiker's regulations had any idea that this was in the tax bill.

Where did this come from? How was it inserted in the tax bill? Why was no one in the administration or the house subcommittee alerted

Congressman Conable
September 3, 1982
Page 2

to this proposal?

Congressman, something appears to be horribly wrong when the AFL-CIO knows more about what is in the President's tax bill than the President. I would greatly appreciate your attention to this matter.

Sincerely,

A handwritten signature in cursive script, reading "Steve M. Antosh". The signature is fluid and stylized, with a large initial "S" and a prominent "A".

Steve M. Antosh
Executive Director

SMA/cc

✓ bcc: Morton C. Blackwell

Union-Busting Payments Killed

HHS Policy Overturned By Congress

Congress overruled the Reagan Administration and barred hospitals and nursing homes from charging the cost of hiring union-busting consultants to the Medicare program.

The policy reversal, urged by the AFL-CIO and unions in the health care field, was accomplished by a three-paragraph item in the 400-page tax bill Congress passed before starting a two-week recess.

UNDER THE heading, "Prohibiting Payment for Anti-Unionization Activities," the provision specified that the "reasonable costs" that health care institutions may charge to Medicare may not include expenses "incurred for activities directly related to influencing employees respecting unionization."

That's the policy that had been set by the Dept. of Health & Human Services in the Carter Administration after congressional hearings spotlighted the increased use of management consultants to thwart union organizing efforts or to bring about the decertification of an already established union.

LAST MARCH, the department scrapped the regulation instead of defending it against a court challenge brought by the American Hospital Association.

The new Reagan Administration policy specified that reimbursement would be allowed for any consultant services that did not actually violate the National Labor Relations Act. The department further agreed to make the change retroactive so that hospitals could recoup expenses for past anti-union activities.

The labor movement protested vigorously.

AFL-CIO President Lane Kirkland termed the policy changeover "outrageous" and scored the Administration claim that allowing reimbursement for management consultants in campaigns against unions

Congress Halts Payments For Hospital Union-Busting

(Continued from Page 1)
represented a "neutral" policy by the government on labor-management issues.

IT'S NOT "neutral," Kirkland protested, to use federal funds to discourage workers from joining unions.

Service Employees President John J. Sweeney told a news conference that professional union-busters have been hired by management in at least 75 percent of union organizing campaigns at health care institutions with billings averaging about \$100,000 a campaign.

The SEIU and other unions in the health care field mounted a campaign to block such payments.

Chairmen of four House committees and subcommittees concerned with health

care costs wrote a letter of protest to HHS Sec. Richard S. Schweiker. And Rep. Charles B. Rangel, chairman of a Ways & Means subcommittee, achieved committee approval for legislation restoring the ban on the use of Medicare funds to fight unions.

UNDER THE procedures agreed to in the House-Senate conference on the tax bill, measures approved by the Ways & Means Committee could be included in the final version of the bill even if they had not been acted on by the House or Senate.

That stratagem made it possible to include language reversing the Administration policy in a veto-proof bill. The new policy will take effect when the President signs the tax bill.

AFL-CIO NEWS
Saturday, August 28, 1982

This is. . .



**The Center on
National Labor
Policy**

**Protecting Individual Rights from excesses
of Union and Government Power.**

Union Power

"No one man, no one group, above the law"—the high standard of justice.

If law and order are to be maintained in this country, all citizens must be equally subject to the rule of law. Yet a series of special legal privileges and immunities have uniquely exempted one group—union officials—from the law of the land.

In spite of a dramatic loss of worker support in recent years, union officials have dramatically increased their power through court-sponsored privileges and immunities:

- In 1973 the Supreme Court granted **immunity from federal prosecution** to union agents committing extortion, coercion and violence.
- Union lawyers have won significant court decisions allowing unions to coerce employees by **manipulating pension funds**.
- A history of **bureaucratic regulations favoring unions** has made it impossible for employees and employers to know what their rights are and how to manage their affairs.
- A network of lobbyists, poorly monitored campaign contributions, and political activity deemed **immune from federal election laws** have given unions disproportionate political power.
- Union officials have devoted intensive efforts to get **tax-paid grants** for their pet projects.

"...labor unions have become uniquely privileged institutions to which the general rules of law do not apply. They have become the only instance in which governments signally fail their prime function—the prevention of coercion and violence."

—Nobel prize winner F.A. von Hayek

Nowhere has union officials' grip of economic and political power been more firmly entrenched than in the courts.

Even with various efforts at legislative reform, until 1975 there remained a critical gap in the **courts**, where decades of uninformed decisions had built up a great body of bad case precedents.

In 1975, a group of citizens addressed this imbalance by establishing the Center on National Labor Policy.

The Center on National Labor Policy was chartered to address a broad scope of union and government abuses. In addition, the Center was empowered to represent employees, employers and consumers.

The Center on National Labor Policy was thus established with a unique and vital purpose:

**TO PROTECT INDIVIDUAL RIGHTS
FROM EXCESSES OF UNION AND
GOVERNMENT POWER**

The Center On Nation

Protecting Individual Rights. . .

The goal of the Center—to protect individual rights from excesses of union and government power—is expressed in specific objectives:

- To halt the use of violence and coercion as a union organizing tool;
- To promote free enterprise as the guiding force in labor policy;
- To stop the flow of government grants to unions;
- To establish union liability for monopoly behavior;
- To protect the public against illegal public employee strikes;
- To prevent government interference with employee and employer freedom of choice;
- To prevent union control of pension funds for coercive purposes;
- To overturn bureaucratic procedures and regulations which frustrate individual rights;
- To apply civil rights laws equally against union officials.

Founded For Action. . .

The Center on National Labor Policy is result-oriented. Its job is to protect the rights of individuals in a variety of forums.

To do this—and do it right—requires talent, knowledge, experience, perseverance, insight. But it also requires a plan.

The Center gets results by addressing its objectives in three forums:



LITIGATION—The Center's principal job. When union special interests go after helpless citizens, CNLP steps in. By giving free legal aid to the victims of union power, the Center is able to set legal precedent to help countless others.



PUBLIC POLICY—Nowhere has the regulatory maze hit harder than in the field of labor relations. CNLP is often the only advocate the employer or employee has in eliminating the complexity and bias in regulations and regulatory hearings.



PUBLIC EDUCATION—The Center's ongoing education program seeks to educate the public on key labor issues from a free-enterprise, individual rights standpoint. This function is achieved through nationally distributed editorials and public addresses.

nal Labor Policy-CNLP

Meeting The Challenge. . .

Flexibility is another key to the Center's success. When special problems arise, the Center has the proven ability to quickly meet the challenge. This may include special teams such as:

NLRB Watch

NLRB Watch was formed to counter the pro-union bias at the National Labor Relations Board that has forced unwanted unionization on employers and employees alike.

Litigation springing out of the NLRB Watch has resulted in significant policy reversals and a new accountability at the National Labor Relations Board.

Thanks to the Center's NLRB Watch, no longer can the NLRB act with impunity in handing down biased pro-union decisions.

TASK FORCE ON GOVERNMENT GRANTS

Literally millions of taxpayer dollars each year quietly find their way into the hands of union officials.

These public monies are allocated to union officials for supposedly non-partisan purposes, but a growing body of evidence suggests otherwise. The Center on National Labor Policy launched its Task Force on Government Grants to uncover these giveaways and expose union mishandling of public funds.

Early successes in Task Force projects prove that government grants to unions can be shut down and American taxpayers' dollars saved.

Ready To Fight. . .

In accordance with the Center's charter, *employers, workers, and consumers* are eligible for legal assistance.

The following factors are considered in evaluating cases:

- Will the case advance the key rights outlined in the Center's goals and objectives?
- Can the case protect others from similar abuses by setting a legal precedent or by calling public attention to the problem?
- Does the estimated cost and duration of the litigation justify the results?

WITH YOUR HELP . . .

The Center's vital program is made possible only through the voluntary contributions of concerned Americans like yourself.

The Center is a registered non-profit corporation under Section 501(c)(3) of the Internal Revenue Code. Your gifts—private or corporate—are *tax deductible*.

When you give to the Center on National Labor Policy, you are supporting a crucial fight to uphold our personal safety, the freedom to enjoy the fruits of our labor, and the economic and moral prosperity of our country.

So please, give generously, and give today. Every moment lost puts our opponents yet another step ahead in this crucial battle.

OFFICERS

Charles R. Sligh, Jr.

Chairman of the Board

Oscar M. Austad

President

Steve M. Antosh

Executive Director

BOARD OF ADVISORS

Dr. Paul Gottfried

Professor, Rockford College, Rockford, IL

Hon. Jesse Helms

U.S. Senator, NC

W. David Stedman

Chairman of the Board

Stedman Corporation, Asheboro, NC

Mrs. Mildred Ramsey

Textile Worker, Greenville, SC

Hon. Philip M. Crane

U.S. Congressman, IL

Ralph de Toledano

Syndicated Columnist, Washington, D.C.

Audrey Pudvah

HomeKnitter, East Calais, VT

Hon. Dan Marriott

U.S. Congressman, UT

Dr. Sylvester Petro

Author and Professor of Law, Winston-Salem, NC

Dr. Henry Hazlitt

Economist, Wilton, CT

Gordon Bown

Electrical Engineer, West Jordan, UT

William A. Krupman, Esq.

Jackson, Lewis, Schnitzler & Krupman
New York, NY

Hon. S. I. Hayakawa

U.S. Senator, CA

Francis T. Coleman, Jr., Esq.

Venable, Baetjer, Howard & Civiletti
Washington, D.C.

David E. Wallace

Mechanic Welder, Tridell, Utah

Dr. Charles A. Kothe

Dean, Coburn School of Law, Tulsa, OK

Dr. Ernest van den Haag

Professor of Criminal Justice

State University of New York, Albany, NY

Henry W. Sebasta, Jr., Esq.

Attorney at Law, San Antonio, TX

Partial Listing with Titles for Identification
Purposes Only



...To Restore Individual Rights Lost Through the Abuse of Union Power

★ ★ ★
The Center on National Labor Policy, Inc.
is seeking a dedicated individual to serve as

★ STAFF ATTORNEY ★

The Center on National Labor Policy is a non-profit public interest legal foundation that works through the courts to restore individual rights lost through abuses of union power.

The Center provides free legal aid to workers, consumers, and employers victimized by union coercion, corruption, and violence.

The work will afford experience in litigation and administrative practice and labor, employment, and constitutional law.

Conveniently located near Washington, DC just off the Capital Beltway in North Springfield, Virginia, the Center offers free parking and spacious, modern office facilities.

Interested? Send a letter explaining your interest in the activities of the Center, a resume, a transcript showing class standing, and a writing sample, addressed to:

Center on National Labor Policy, Inc.

Attention: Mr. Michael Avakian
5211 Port Royal Road
Suite 400
North Springfield, VA 22151
(703) 321-9180



The Center On National Labor Policy, Inc.

5211 Port Royal Road, Suite 400
North Springfield, Virginia 22151
(703) 321-9180

Steve M. Antosh
Executive Director

November 4, 1981

Mr. Morton C. Blackwell
Special Assistant to the President
The White House
Washington, DC 20500

Dear Mr. Blackwell,

When White House Chief of Staff, James A. Baker, was quoted as saying that the Department of Justice is "out of control," he wasn't kidding. The case of Mildred Ramsey and her small pro-employee group is illustrative.

Mildred Ramsey and her co-workers have been successful in preventing the Unionization of their jobs at their textile plant in South Carolina. They believe in the right to deal directly with their employer on the basis of their individual work performances and have deep seated philosophic and religious differences with union representation.

These "incredible" acts of individuality were apparently beyond the comprehension of the unions and their former friends in the Carter Administration.

The Department of Labor attempted to subpoena Mildred and the records, membership lists and contributor lists of her group. The government frankly admitted they had no evidence of wrongdoing to justify such an investigation. The effect was to chill the enthusiasm of and cast suspicion on Mildred's group.

Given the close connection between the Carter Administration and organized labor, this behavior is understandable. [The Carter administration's labor inspired subpoena request was quashed by the district court as a willful violation of the First Amendment freedom of association.]

The D.O.L. appealed and the Fourth Circuit partially rejected the district court's holding. The Fourth Circuit's decision restored the Department of Labor's power to intimidate employee groups, leaving

Mr. Blackwell
November 4, 1981
Page 2

only some minor procedural impediments. By this time, however, we are in the Reagan era, and such abuse of governmental authority is not supposed to happen, right?

Well, just recently, the Reagan Department of Justice has moved to enforce the subpoenas, even though they know Mildred is appealing to the Supreme Court. This is particularly disturbing for two reasons.

First, when Reagan appointees at the Department of Labor were asked to find out why this action against Mildred was proceeding, the Labor officials did not even know that the subpoena had been issued.

Secondly, a comparison of the names of bureaucrats working on this case before and after the Reagan election is even more shocking. Those attorneys who are moving again to chill Mildred Ramsey's rights are the same Carter Administration attorneys that took her to court in the first place!

Enclosed you will find a copy of the subpoena served upon Mildred Ramsey. This type of action is entirely inconsistent for an Administration headed by Ronald Reagan to be taking. Perhaps you can provide us with help in convincing the Department of Justice to rescind this ill advised action.

Any advice or assistance in this matter will be greatly appreciated.

Sincerely,



Steve M. Antosh
Executive Director

SMA/cm

Enclosure

United States of America
DEPARTMENT OF LABOR
LABOR-MANAGEMENT SERVICES ADMINISTRATION
SUBPENA DUCES TECUM

TO Stevens People and Friends for Freedom

P.O. Box 7436

Greenville, South Carolina 29610

At the instance of the DIRECTOR, OFFICE OF LABOR-MANAGEMENT STANDARDS ENFORCEMENT,
DEPARTMENT OF LABOR, you are hereby required to appear before Resident Investigator Hal Swain
and/or Investigator Terrill Dixon

of the LABOR-MANAGEMENT SERVICES ADMINISTRATION, DEPARTMENT OF LABOR, at U. S. Attorney's Office
Federal Building, Room 257, 300 East Washington Street

in the City of Greenville, South Carolina

on the 19th day of November, 19 79, at 9:00 o'clock A m.

of that day, in the Matter of an investigation by the said Office involving a determination
whether any person has violated or is about to violate any provision of the Labor-
Management Reporting and Disclosure Act of 1959, 29 U.S.C. 401 et seq., except
Title I or amendments made by the Act to other Statutes.

And you are hereby required to bring with you and produce at said time and place the following books, papers,
and documents:

Any and all records of the Stevens People and Friends for Freedom, and the Southern
Employees Education Fund, for the period January 1, 1976 to the present date,
specifically, but not limited to: 1. lists of contributors, their addresses, dates
and amounts contributed; 2. records of receipts and disbursements; 3. bank state-
ments, and cancelled checks; 4. all correspondence records; 5. minutes of meetings;
6. any agreements, requests or contracts to represent or assist the J. P. Stevens
Company, the J. P. Stevens Employees Education Committee, or the North Carolina
Fund for Individual Rights.

FAIL NOT AT YOUR PERIL.



IN TESTIMONY WHEREOF, the seal of the DEPARTMENT OF LABOR is
affixed hereto, and the undersigned, the DIRECTOR, OFFICE OF LABOR,
MANAGEMENT STANDARDS ENFORCEMENT of said DEPARTMENT OF
LABOR, has hereunto set his hand at Washington, D.C.

this 7th day of November, 19 79
Barclay G. Gish

NOTICE TO WITNESS.—If claim is made for witness fee or mileage, this subpoena should accompany voucher.



The Center On National Labor Policy, Inc.

5211 Port Royal Road, Suite 400
North Springfield, Virginia 22151
(703) 321-9180

NEWS RELEASE

For Immediate Release

ANTOSH TO HEAD PUBLIC INTEREST LEGAL FOUNDATION

Washington, DC -- Steve Antosh, former national campaign chairman of Youth for Reagan, has been named executive director of the Center on National Labor Policy, a public interest legal foundation.

The announcement was made by Oscar Austad, president of the Center.

Mr. Antosh most recently served as executive vice president of the Leadership Institute, a foundation set up to train and place young conservatives in positions of public policy. He also served as legislative assistant to Senator Don Nickles (R-OK).

The Center on National Labor Policy is a non-partisan, non-profit public interest legal foundation that works through the

-MORE-

courts to "restore individual rights lost through the abuse of union power." The Springfield, Virginia-based organization provides free legal assistance to victims of union coercion, corruption, and violence.

In making the announcement, Austad said, "We're delighted to have Steve on board. His broad range of experience will be a great asset to the Center."

Mr. Antosh is a graduate of Oklahoma State University in electrical engineering and attended the University of Oklahoma School of Law.

Mr. Antosh served as national chairman for the Committee for Responsible Youth Politics, Oklahoma state chairman of Young Americans for Freedom, and as delegate to the 1976 and 1980 Republican National Conventions.

Former executive director of the Center, Baker Armstrong Smith, will be serving the Reagan administration as Assistant for Labor Relations to the Secretary of Housing and Urban Development.



...To Restore Individual Rights Lost Through the Abuse of Union Power

★ ★ ★

The Center on National Labor Policy, Inc.
is seeking a dedicated individual to serve as

★ Law Clerk ★

The Center on National Labor Policy is a non-profit public interest legal foundation that works through the courts to restore individual rights lost through the abuse of union power.

The Center provides free legal aid to workers, consumers, and employers victimized by union coercion, corruption, and violence.

Conveniently located near Washington, DC just off the Capital Beltway in North Springfield, Virginia, the Center offers free parking and spacious, modern office facilities.

Interested? Send a letter explaining your interest in the activities of the Center, a resume, a transcript showing class standing, and a writing sample, addressed to:

Center on National Labor Policy, Inc.

Attention: Mr. Michael Avakian
5211 Port Royal Road
Suite 400
North Springfield, VA 22151
(703) 321-9180



The Center On National Labor Policy, Inc.

5211 Port Royal Road, Suite 400
North Springfield, Virginia 22151
(703) 321-9180

Steve M. Antosh
Executive Director

June 3, 1982

Mr. Morton Blackwell
Special Assistant to the President
Office of Public Liaison
The White House
The Old Executive Office Building
Washington, D. C. 20500

Dear Morton:

As you are well aware, among many people who should be President Reagan's staunchest supporters, the President has received harsh criticism for not being "Reagan" enough.

I believe that this criticism is seldom justified because critics are ascribing to the President actions of various civil servants over whom he has little control or authority to dismiss.

I respectfully request your assistance in setting right a situation that is a clear example of the type of thing for which the President is often blamed.

Over the past four years, the Center on National Labor Policy has served as counsel for Mrs. Mildred Ramsey in the case Ramsey v. Department of Labor. The case involves a dispute with the Carter Department of Labor over Mrs. Ramsey's right to organize an anti-union employee group without undue governmental harassment.

A final resolution in the case was reached on May 3, 1982 when William Wilkins, United States District Judge for the District Court for Greenville, South Carolina, rendered an order that would have allowed some scrutiny of Mrs. Ramsey's records, but contained protections for their confidentiality.

The enclosed documents implicitly charge two agents of the Department of Labor with violations of the Code of Professional Responsibility.

The Center on National Labor Policy has successfully suspended enforcement of the court order, and is further moving to have the lawyers disbarred.

As you can read from the affidavits attached to the Motion to Show Cause, a DOL agent on four separate occasions conducted discovery and investigation of our client without limitation or reference to the explicit exclusiveness of the

Page Two

court order of May 3, 1982 by Judge William Wilkins.

These facts are corroborated by LMSA Area Administrator Howard L. Marsh in his letter of May 25, 1982 (attached).

The actions taken by the Department of Labor agents in this matter are outrageous, oppressive violations of a citizen's constitutional rights of representation. The conduct is, in addition, totally reprehensible to the lawyers Code of Professional Responsibility, as outlined in Disciplinary Rule 7-104(A)(1).

This situation is a clear demonstration that a certain divisive element within the bureaucracy is undermining the President's commitment to individual rights. The actions of the two DOL agents in this case leaves little doubt that the bureaucracy needs an effective and immediate purge.

Judge Wilkins has already suspended compliance with his earlier order, and is requiring the Departments of Labor and Justice to show cause why his order of May 3rd should not be vacated.

I respectfully ask that you do all in your power to have these agents summarily dismissed, and that action be taken to prohibit this behavior by representatives of the Administration in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve M. Antosh". The signature is fluid and cursive, with a large initial "S" and "M".

Steve Antosh
Executive Director

SMA/jw

Enclosures