

PRISONERS' UNION FORMED UPSTATE

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Green Haven Inmates Seek to Negotiate on Wages, Hours and Work Rules

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By EMANUEL PERLMUTTER

The formation of the first prisoners' union in the country —by inmates of Green Haven Prison at Stormville, N.Y.—was announced here yesterday.

The organization, called the Prisoners Labor Union at Green Haven, has notified State Correction Commissioner Russell G. Oswald that it wants to be recognized as exclusive bargaining agent for the inmates of the Hudson Valley prison.

A similar request has been sent by the Union to John L. Zelker, Superintendent of Green Haven. The letters, sent yesterday, also ask that a meeting be set up for negotiations on wages, hours and working conditions for the inmates.

At the request of inmate leaders of the union, the executive committee of District 65, Distributive Workers of America, has agreed to accept the prison group as an affiliate. The 30,000 members of District 65, an independent union, as well as the prisoners of Green Haven will soon be asked to vote on the proposed affiliation.

The constitution of the prison labor union and its aims were outlined at a news conference in the offices of the New York Urban Coalition, 55 Fifth Avenue.

Although the union was

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started by the prisoners last fall, most of the legal work has been done by the Prisoners Rights' Project of the Legal Aid Society.

William E. Hillerstein, the lawyer in charge of the Legal Aid project, said at the news conference that more than half the 1,800 prisoners at Green Haven had signed membership petitions in the union.

He said some of the funds for the organization of the union had been provided by a Federal grant to Mayor Lindsay's Criminal Justice Coordinating Council under the Law Enforcement Assistance Act and the rest by the Legal Aid Society.

Eugene Eisner, a labor lawyer of 351 Broadway, who has been retained as legal counsel to the prison union, said that since the inmates performed work for the state, they were entitled to collective bargaining rights under the Public Employees' Fair Employment Act—the Taylor Law.

The Taylor Law contains in part the following definition:

"The term public employ means any prson holding a position by appointment or employment in the service of a public employer except that such term shall not include persons holding positions by appointment or employment in the organized militia of the state.

An 'unusual' Subject

In answer to a query about the legitimacy of the prisoners' union as "public employes," Deputy Chairman Jerome Lefkowitz of the Public Employment Relations Board

said, "It is certainly an unusual subject" and added, "there is nothing in the Taylor Law that specifically exempts prisoners."

"However, if the union made an application to us for certification, we would have to determine whether they are public employes within the Taylor Law," he added.

A spokesman for Commissioner Oswald said he would have no comment on the letter to him until he had received it.

The prisoners at Green Haven earn an average of 35 cents a day. They make hospital gowns and bathrobes for men, women and children, slips, sheets, pillow cases, baby bibs

and United States flags, all destined for other state institutions. Other jobs performed are as maintenance workers, porters, tailors, barbers and agriculture workers at Green Haven.

Mr. Eisner said that there was a prisoners' union in Los Angeles, but that it was not an exclusively inmates unit since it included their families as well as other civilians.

representative Herman Badillo of the Bronx, one of the sponsors of the Union, at the news conference, said that it would provide a responsible bargaining unit for the inmates and could lead to improved prison conditions.

Eugene S. Callender, another

sponsor and president of the New York Urban Coalition, said that the project was "a historic development in the labor movement." He said that because the men were prisoners "does not mean they are not entitled to constitutional rights."

Public Support Sought

David Livingston, president of District 65, said that if the prisoners affiliated with his union an organizer would be assigned to them and that his union would try to mobilize public support for their efforts. The organizer would have to ask permission of prison authorities to talk to the men.

Mr. Livingston said that the idea for forming the union had come last summer from Earl Smoake Jr. a former member of District 65 who is an inmate at Green Haven. He said that if the union affiliated with District 65, nominal dues would be collected.

The constitution of the prisoners' union states that they will seek "through peaceful and lawful means" to equalize to the fullest extent possible "the rights, privileges and protections of prison labor with those of free labor everywhere." Also to "advance the economic, political, social and cultural interests" of the prisoners at Green Haven.