



# VOICE OF THE ILWU

HONOLULU HAWAII  
LOCAL 142

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The VOICE of the ILWU—Published by Local 142, International Longshore & Warehouse Union

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## Recruitment begins for 8th ILWU Labor Institute

HONOLULU—The 8th ILWU Labor Institute, a five-day long leadership training program for rank and file leaders, is scheduled for October 15-20, 2007, at the ILWU Hall in Honolulu. All delegates, including Oahu, will be housed at the Ala Moana Hotel across the street.

Top labor educators from the mainland and Hawaii have been recruited to teach workshops on the skills and practical knowledge needed by rank and file union activists.

A highlight of this year's institute will be workshops and panels by Robert M. Schwartz and Marsha Niemeijer. Schwartz is an attorney and author of a number of labor books, including Strikes, Picketing and Inside Campaigns: A Legal Guide for Unions. Marsha Niemeijer is a writer for "Labor Notes" and contributed to the writing of A Troublemaker's Handbook 2 - How to fight back where you work — and Win.

The two books are important and powerful tools for labor activists and union leaders. These tools can help unions develop more creative and effective strategies to win improvements when a contract expires and also help union activists in their everyday struggle on the job. All participants will receive a copy of the two books

The Institute will begin at 10:00 am on Monday October 15. Classes will run from Monday through Friday, and delegates will return home on Saturday, October 20, 2007. Units on Oahu may send additional delegates for shorter periods of one or more days.

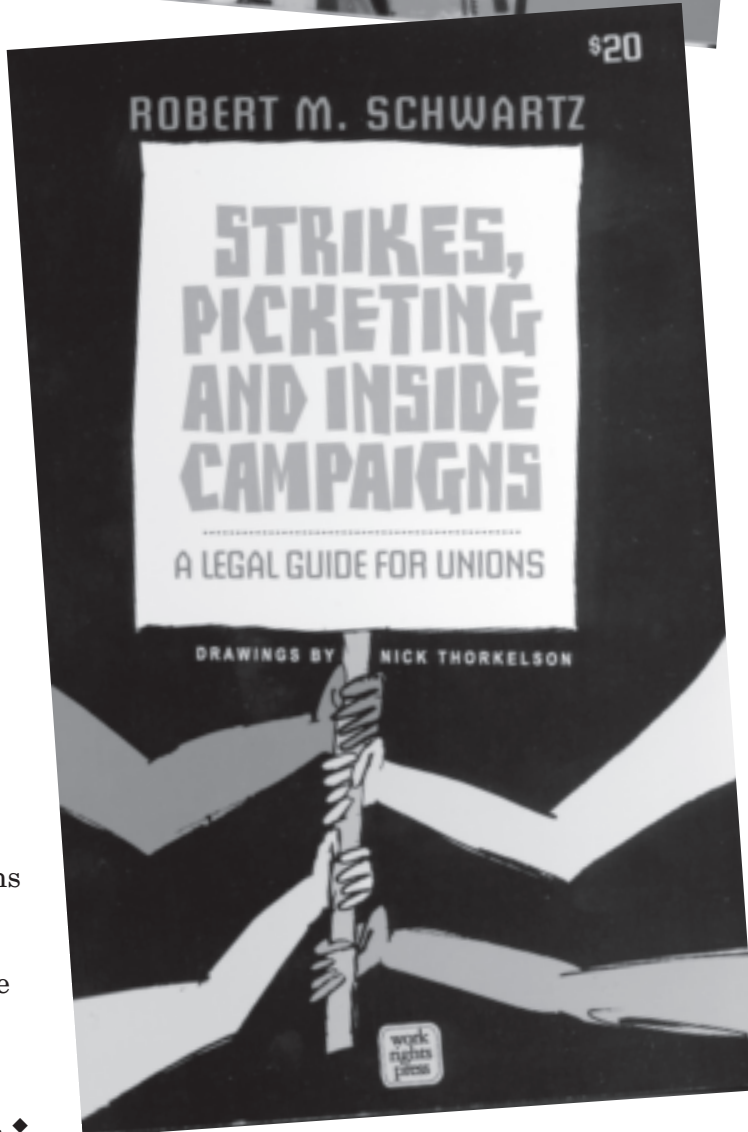
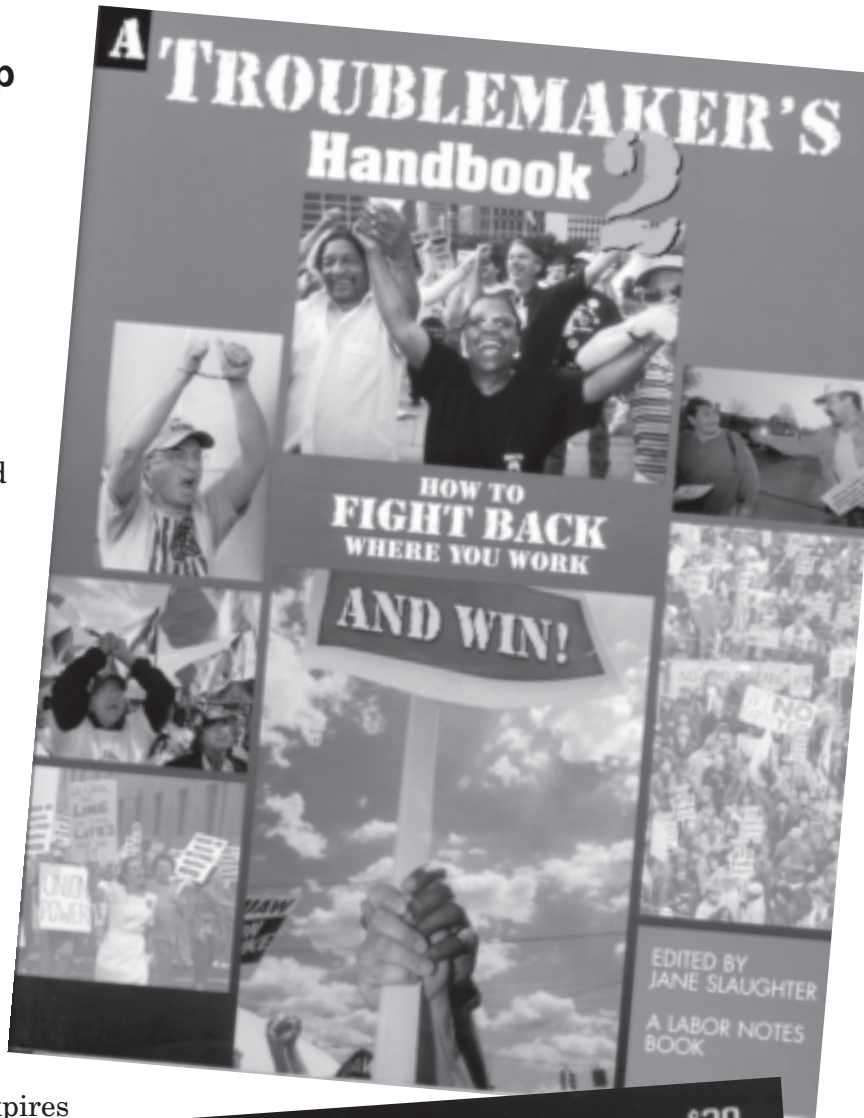
### Sending Delegates

Units are encouraged to take this opportunity to improve the skills and education of their unit leaders. The Local will pay for all instructional costs, materials, travel, room and board for all delegates. Units are responsible for paying lost wages for any delegates they may send. Units will need to hold membership meetings to choose delegates and get membership approval to spend unit funds for this purpose.

Units should work with their Business Agents to submit names of delegates and alternates to their Division in July 2007. The Division will make the final selection of delegates. The deadline for Divisions to submit names to the Local for the Institute is September 1, 2007.

A total of 120 participants will be accepted into the Institute. Following are the number of delegates allocated to each Division: Hawaii - 28; Maui - 47; Kauai - 12; and Oahu - 33.

For more information contact your business agent. ♦



ADDRESS LABEL

## On the Inside

*Pineapple industry news, page 2*

*Meet your Local President, page 3*

*Hawaii Division recognition night, pages 4 & 5*

*Remembering Edwina Smythe, James A. King, and Nobu Tamura, pages 6, 7 & 8*

**Next Local Executive Board Meeting scheduled for June 28-29, 2007 • 10:00 am • 451 Atkinson Drive, Honolulu**

**The VOICE of the ILWU welcomes letters, photographs and other submissions from members.**

Write to: Editor, VOICE of the ILWU, 451 Atkinson Drive, Honolulu, HI 96814, or e-mail: [ilwuvoice@ilwulocal142.org](mailto:ilwuvoice@ilwulocal142.org)

# Pineapple Industry News

## Labor board orders Del Monte Hawaii to pay more to laidoff pineapple workers

**HONOLULU—A ruling by the Hawaii Labor Relations Board orders Del Monte Fresh Produce (Hawaii) to pay additional severance and medical benefits to eligible former employees of Del Monte. The workers lost their jobs in January 2007 when the Florida-based company permanently closed pineapple operations on Oahu.**

The March 21, 2007 ruling by the Hawaii Labor Relations Board (HLRB) was the result of unfair labor practice complaints filed in August 2006 by the workers' union, the International Longshore and Warehouse Union, Local 142 (ILWU). The ILWU complaints charged Del Monte Fresh Produce with failing to bargain in good faith between February 2006 and July 2006, after the company first announced they would cease Hawaii pineapple operations in December 2008.

tion on the union and employer to bargain collectively in good faith.

On November 17, 2006, three months after the ILWU filed its unfair labor practice complaint, Del Monte Fresh Produce announced it would close immediately, two years ahead of schedule.

### Remedy ordered by Board

The three-member Hawaii Labor Relations Board was unanimous in its conclusion that Del Monte Hawaii did not bargain in good faith. In a thorough and well-reasoned 22-page



**ILWU Local President Fred Galdones answers Del Monte workers' questions about many topics, including severance, medical coverage, and unemployment benefits at a meeting held at the Kunia Gym.**

The duty to bargain in good faith is required by the Hawaii Revised Statutes Chapter 377. The Hawaii law is patterned after the US National Labor Relations Act which states in Section 1 of the Act:

It is declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

Both laws impose a mutual obliga-

document, the Board laid out their findings of the facts, their conclusions of law, and their orders to remedy the situation.

The Board ordered Del Monte to pay each eligible worker an additional severance allowance based on a closure date of December 2008. Workers had already received severance benefits based on their years of service to January 22, 2007. The additional severance would amount to about 15 days of pay or over \$1,600 for a Grade VI worker earning \$13.66 an hour.

The collective bargaining agreement with the ILWU provides workers classified as "Regulars" a severance benefit of 8 days at the current rate of pay for every year of service with the company. For example, a worker earning \$14 an hour with 10 years of seniority would receive a severance allowance of about \$8,900. The money is intended to help support workers as they seek



**Many Del Monte workers have a positive outlook despite being faced with the challenge of finding a new job. Some have taken advantage of job training opportunities and are learning new skills, such as how to use computers.**

new jobs.

The Board further concluded Del Monte's bad faith bargaining resulted in the loss of over two years of medical coverage for eligible workers and their families. The opinion by the Board's majority stated: "Health insurance often stands as the last barrier between families and poverty or tragedy in the [face] of medical emergencies . . . It is difficult, if not impossible, for the Board to calculate the damages that flowed as a result of Del Monte's bad faith bargaining of health insurance. But it would be cruel and unfair to not try to address the effects of the violation."

The Board's remedy to the loss of medical coverage was to order the union and company to reopen nego-

tiations on the single issue of providing at least 12 months of extended medical coverage to workers and their families who have not yet acquired insurance.

Negotiations concluded in May and eligible workers are being contacted about their interest in restoring coverage to February 2008. "For those workers who have no medical

plan, the HLRB's decision goes a long way to correct the injustice of Del Monte's bad faith bargaining," said Fred Galdones, ILWU Local 142 President. "We're hopeful that all former Del Monte workers will soon be reemployed and can put this ordeal behind them." ♦

### The three-member Hawaii Labor Relations Board was unanimous in its conclusion that Del Monte Hawaii did not bargain in good faith.



**Over 350 workers filled Kunia Gym for a meeting held by the ILWU in January 2007 to provide information on the closure of Del Monte Fresh Produce (Hawaii).**

## Meet Your Local President

# Turning the tide for working people—get involved with your union

By Federico Fred Galdones  
Local President

The Local Convention completed its work in September 2006 and adopted programs that will guide us for the next three years. It addresses the various areas that are important to our membership. I would like to cover one program area that needs to be strengthened.

The business community took a page from the labor union's political campaign workbook and has been successful in electing politicians who support their agenda. Many laws have been passed that are not favorable for the working people. We must turn the tide and we can do it with all

of the working people getting involved and electing politicians who will vote for laws that favor the working people. Understand how important it is. Learn how the politicians have affected your conditions of employment and standard of living. Register to vote and vote for the politicians who care what happens to working people.

Having laws favoring the working people will level the playing field in organizing working people into unions. Large membership provides a greater influence in improving your benefits in negotiations. Large membership will provide more opportunities to provide the membership with more programs. Get involved if you care what

happens in the political arena that affects your conditions of employment and standard of living. Get involved. ♦

**“Get involved if you care [about] what happens in the political arena that affects your conditions of employment and standard of living. Get involved.”**



## Blue Diamond workers need your help to organize

Excerpted from articles from [www.ilwu.org](http://www.ilwu.org) and [www.bluediamondunion.org](http://www.bluediamondunion.org)

For years, Blue Diamond Growers (BDG), which operates the world's largest almond processing plant, denied its workers the respect, raises and benefits they deserve. In summer 2004, the 600+ workers began organizing to join the ILWU Local 17. They saw no other way to gain a voice and hold on to some dignity at work.

Caught between soaring health care costs and sagging wages, many BDG workers find themselves worse off than they were 15 years ago. Inside the plant, workers often face a harsh environment and hostile attitudes. Repetitive strain injuries like carpal tunnel have become so routine workers don't think to mention them at first.

### Anti-union campaign

- BDG fired four union supporters for the flimsiest of reasons—including Ivo Camilo, who had a spotless record after 35 years in the plant.
- BDG threatened that people would lose their pensions if they joined the union—or the plant would have to close.

### Weaving a wide net of support

The Blue Diamond workers have met with all Sacramento City Council members and a representative of the mayor. Seven of the eight Council members signed a pledge in support of the workers' right to join a union.

On March 14, a 22-person delegation from the Tokyo Coordination Center for Labor Unions visited BDG branch office in Tokyo to deliver a letter of protest urging Blue Diamond's head office to immediately cease its anti-union campaign.

On May 14 the ILWU, Unión

General de Trabajadores (UGT) and the Confederación Sindical de Comisiones Obreras (CC.OO) joined together for an action at the 26th Congress of the International Nut and Dried Fruit Council Foundation in Madrid.

Other international and US labor and community organizations, as well as ILWU members up and down the coast and in Hawaii have joined the fight.

### You can help

Blue Diamond workers need your help. Ask Blue Diamond to respect their workers' right to organize. Write to Doug Youngdahl, CEO, Blue Diamond Growers, 1802 C St., Sacramento, CA 95814, or e-mail the company: [feedback@bdgrowers.com](mailto:feedback@bdgrowers.com).



International Rep. Tracy Takano (r) asks for a shopper's support in front of the Ala Moana See's.



ILWU organizers leafletted See's Candies outlets in the Ala Moana Shopping Center, Kahala Mall and Pearlridge Shopping Center before Valentine's Day, Easter, and Mother's Day. ILWU organizer Ron Clough (r) explains Blue Diamond workers' fight to gain union representation for the past three years.

 **VOICE OF THE ILWU**

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## Recognizing Outstanding Members

Each year, Hawaii Division recognizes units, members, and pensioners who have made special contributions or provided exemplary service. This year's awardees were honored with plaques, other awards, and the recognition of their peers.

### Outstanding Units

1-29 members: **Unit 1201 - Big Island Stevedores** represented by **Eli Miura** and **Unit 1419 - A&B Fleet Service** represented by **Neal Fujioka**.

30-99 members: **Unit 1416 - Tropical Hawaiian Products**.

100+ members: **Unit 1402 - Mauna Loa Macadamia Nut Corp.** represented by **Wilma Revilla** and **Unit 1515 - The Fairmont Orchid** represented by **Jun?**

### Outstanding Editors

**Frankie Pang** of **Unit 1518 - Hapuna Beach Prince Hotel** received the David E. Thompson Award for Statewide Excellence for the second year in a row. His bulletin was selected as best overall statewide.

**Mary "Swanee" Rillanos** of **Unit 1503 - Mauna Kea Beach Hotel** received the Hawaii Division Best Overall award.

Other editors recognized for

their participation in the program were: **Corinna Salmo**, Unit 1401 - MLMO, LP Ka'u; **Jeanne Yoshizawa**, Unit 1402 - Mauna Loa Macadamia Nut Corp.; **Angela Nagai**, Unit 1421 - Sack 'n Save; **Teresa Cabulizan**, Unit 1516 - Mauna Lani Bay Hotel & Bungalows; and **Wes Martinez**, Unit 1517 - Hilton Waikoloa Beach Hotel.

### Pensioner Club Awards

Most Activities: **Papaikou Pensioner Club**, represented by **Louisa Manzano**.

Most New Members: **Pepeekeo Pensioner Club**, represented by **Barbara Hanog**.

### Mahalo, Daisy

Hawaii Division Director Richard Baker Jr. presented a special award to **Daisy Nakamoto**, who retired from Mauna Loa Macadamia Nut Corp. that very day, for her dedication and service to the ILWU and to Hawaii Division. Daisy represented Hawaii Division on the Local Executive Board for 13 years, almost half as long as she was a member. Richard

noted that Daisy always spoke her mind and made sure the rank-and-file were well-represented on the Division, Local and even International level. She was proud of the ILWU for allowing members to speak freely, without fear of retaliation.

Daisy said she was privileged to serve the ILWU and paraphrased John F. Kennedy's works by

saying, "It's not what the union can do for you, but what you can do for the union." Without the members, she said, there is no union.

**"It's not what the union can do for you, but what you can do for the union."**

**—Daisy Nakamoto**

Daisy's unit and their business agent, Isaac Fiesta Jr., presented Daisy with a clock to help her come to pensioner meetings on time. Tom Poy, Hawaii Division Pensioner Council President, invited Daisy to help reestablish the Puna club.

Also joining the festivities from Kona were Roy Jardine and his wife Dottie. Roy retired last September after 22 years with the ILWU and will be recognized later at a special event by the full-time officers. ♦

# 30th a recogniti for Hawai

By Joann  
ILWU Social Serv

**HILO—Recognition Night** has been a fellowship and fun for the past 30 years. This year's event on February 1st featured food prepared by Isaac Fiesta Jr., music by Bonnie and Doug, and officers and friends, Recognition



Neal Fujioka accepts an award for Outstanding Unit, 1-29 Members for Unit 1419 - A&B Fleet Service from Hawaii Division Director Richard Baker Jr.



Business Agent Isaac Fiesta Jr. presents the award for Outstanding Unit, 100+ Members to Unit 1402 - Mauna Loa Macadamia Nut Corp. leaders Wilma Revilla (unit chair) and Daisy Nakamoto.

## Recognizing Outstanding Members

# Annual Recognition night Maui Division

Kealoha Services Coordinator

been a tradition of good food, 30 years with Hawaii Division. 2007 was no exception. With a and his steadfast crew, and the hard work of the full-time Recognition Night 2007 was a success.



(Above) The ILWU Pepeekeo pensioner club received an award for the most new members. The Big Island has eight active pensioner clubs: Hilo, Papaikou, Pepeekeo, Laupahoehoe, Paauiilo, Honokaa, Pahala and Naalehu. If you or anyone you know is interested in joining any of the ILWU pensioner clubs, call your Division office at 935-3727 (Hilo), 244-9191 (Waikuku), 245-3374 (Lihue) or 949-4161 (Honolulu).



(Left, l-r) Business Agent Wallace Ishibashi Jr., Richard Baker Jr. and Unit 1515 - The Fairmont Orchid housekeeping steward Canuto "Jun" Baugbog. Baugbog accepts an award for Outstanding Unit, 100+ Members on behalf of The Fairmont.



(Right) Eli Miura accepts an award for Outstanding Unit, 1-29 Members for Unit 1201 - Big Island Stevedores.

### NEXT MONTH:

**Outstanding ILWU units and members are honored by Maui Division and Oahu Division**

## The ILWU is alive and well thanks to you

Excerpts from Local President Fred Galdones' words to members at the Hawaii Recognition night.

Good evening, Brothers, Sisters and Honored Guests.

Tonight we recognize the units, pensioners and members who have done an outstanding job in serving our membership. It is my honor to be here with you.

I would also like to say thank you to all those who have given up their personal needs and sacrificed the time they would have spent with their family to represent our membership. Our members' lives are better because you cared enough to share your talents in spite of the sacrifices you had to endure. This is a rank and file union and you have exemplified that.

On behalf of the Titled Officers, thank you for your participation;

thank you for sharing your time and for the support.

### Convention establishes leadership program

The Local Convention adopted a program to provide succession to our aging leaders. It will begin with a shadowing program and includes training classes. Through this training program we again hope to have a pool of potential unit leaders who will be willing to step forward when the moment arrives.

The ILWU established its place in the community and has been recognized as a leader in advancing the standard of living for working families, worker rights and civil rights.

It was possible because of the strong leadership we had—and a large membership to back it up.

We hope to develop the strong leadership through the training

program. I would also like to speak about the size of our membership.

### We need to organize

Our membership has declined over the years. We lost some because of improvements in the ways companies operated, some because of plant closures, and others were runaway shops.

In 1946 our membership was 34,000. In 1991 it was at 29,000. Today it is about 20,000.

The size of the membership has an impact on our effectiveness in political action and negotiations. We gain influence through large numbers.

We have been successful in organizing new members, but in some cases not successful in getting a contract. The organizing committee is working on a strategic plan to be successful in bringing more members into the ILWU family and getting

first contracts.

We need to increase our membership to continue to be an influence in the community, and to generate the income to support programs to serve our membership. It is a major challenge for our organizing staff but we will and must succeed.

### Work together as one

Last February I asked you to get involved, get out there and build a grassroots campaign to send US Senator Daniel Akaka back to Congress. It was a challenging campaign and Ed Case was a strong opponent. However, with your help, we were able to pull out a victory.

The lesson is that we can overcome a difficult situation when we all work together as one.

The ILWU is alive and well. Thank you for all you have done for this organization. ♦

## In Memoriam

# Aloha and mahalo, Edwina Smythe

Edwina Byron Kaehulani Smythe, 67, of Kahului, died Feb. 13, 2007, at Maui Memorial Medical Center. Edwina helped the ILWU organize many of the hotels on Maui, was deeply involved in union political action, and was a strong and effective union leader.

Edwina became an ILWU member in 1968 when she started worked as a food and beverage cashier at the Kaanapali Beach Hotel on Maui. She became active with the union after the 1970 hotel strike, serving as unit secretary in 1970, as a member organizer from 1975, as unit editor in 1978, and as unit chair of the Kaanapali Beach Hotel from 1979 until her retirement in 2003. The unit has 220 members, and Edwina

took care of the members of that unit like they were her family.

Edwina represented the tourism grouping on the ILWU International Executive Board from 1981 to 1983. She also served as the ILWU State-wide Hotel Negotiations chair and secretary. She was appointed by the ILWU Maui Division as a full-time officer in 1986.

As a hotel worker, Edwina was an effective organizer and was involved in a number of union organizing drives on Maui, Molokai, and the Big Island. She helped with organizing at the Molokai Sheraton, Kapalua Bay Hotel, Stouffers WaiIea Hotel, Sheraton Waikoloa, Mauna Lani Resorts, Maui Intercontinental, and the Hyatt Regency Maui in 1980.

Edwina was active in the union's political action program and served as a member of the Maui County Planning Commission, Maui Historic Commission, Lahaina Community Plan, and Maui Aloha United Way Labor Liaison Committee.

Edwina Smythe was born Aug. 1, 1939, on Oahu. She attended Kamehameha School. She is survived by a son, Brett "Duke" Smythe; five daughters, Star (Wesley) Medeiros, Dawn (Derrick) Fujiwara, Crystal (Fuzzy) Alboro, Jasmine (Chris) Ryan and Melody Smythe; two brothers, Oliver Mullaney and Ronald Mullaney; three sisters, Leonie Russell, Elaine Mullaney and Eloise Kaiu; 20 grandchildren and four great-grandchildren. ♦



## Remembering Edwina Smythe

By Leonard Hoshijo  
Former ILWU International Vice President

At the March celebration of Edwina Smythe's life, people remembered her as a mother, auntie, ILWU Unit officer, County Planning Commissioner, ILWU hotel industry negotiating committee member, and for the many other things she did in her life. She should also be known as a union organizer, as I remember her most vividly, and where all the facets of Edwina came into play.

She did contribute to the union in many roles. As a Unit chair helping countless members on the job and fully, vocally, participating in Maui Division Board meetings. As a fulltime Division Representative for a time, as a committee chair at statewide Local conventions. As a bridge for potential leaders—in the mid 90's she was the only member of the multi-hotel negotiating committee that had been through the 1970 hotel strike. All this while golfing and, especially in the '90's, immersing herself in her Hawaiian culture.

She also directed convention delegates to have fun, and led by example. She did all this, but to me "union organizer" was her biggest and best role.

She was "blunt" (many other words have been used) and proud of it. More than one speaker at her memorial related how she included in her advice to them something like "don't be stupid." So many friends and family said "that was Edwina", fondly in their memory, but may have felt pretty roughed up back when they went through it.

My standard joke back to people who were complaining about just being run through the wringer by Edwina was that they were in no position to complain. I'd claim first position because of spending 12 hours a day with her, week after week, month after month on the organizing trail, mostly going house to house in her small green car.

We were teamed together on the

Maui Hyatt organizing drive, which spanned months because two elections were needed. We'd organized together on Molokai and on the Wailea Beach and Kapalua Bay hotels. Edwina was more on the Kapalua side and I on Wailea, but we interchanged.

John Arisumi, then a BA who also organized, ran those drives. They, Edwina, "Latty" Camara, Sharon Hong and Jerrybeth Demello who called him "father John", were among core rank and file members who came out fulltime on organizing drives. He teamed us as off-island staff organizers with Maui hotel members. That's when her daughter Star claims she was a teenager when she first met Guy Fujimura and myself.

So, to someone just reacting to being chewed up by Edwina, I'd joke "so what?" I had that every day. But you know what? She was always there. Always there to throw out her remarks, but also there for the union and our organizing team.

If we'd decided to leaflet the breakfast crew, she was there in the parking lot at 5:00 a.m. She was there if we went to talk to workers in the hot coral parking lot in the mid afternoon. She was there when we knocked on the last worker's door at 8:00 p.m., or 11 p.m. at Wahikuli park if some food service workers had agreed to meet pau hana. These types of organizing drives mean putting aside one's life for months at a time, and she did.

She might be criticizing and complaining all the way driving house to house. Then we'd get to a house. Nearly half the people she knew, especially on the west side. They might be long time local families, mainland "haoles" who worked hotels, family of Filipino immigrant workers at her hotel, or just people she got to know.

She didn't know everyone though,



Edwina Smythe (standing, third from right) with Maui Division members and (sitting) then Lt. Governor Mazie Hirono and ILWU Local President Eusebio Lapenia Jr.

and had to start "cold" with hundreds of workers. She connected with them as an experienced hotel worker, and... she knew her hotel contract inside-out! Edwina, using charm, knowledge and intelligence? One influential Swan Court (fine dining) waiter who committed to the ILWU cited intelligence and honesty during the house visit as the deciding factors for him.

She was a prototype community-based union organizer, knowing who was related, where people worked a second job, everybody's business. She knew someone delivering mail, who might know where workers lived.

More than once I'd be driving to a house for a follow up visit, and she'd say something like, "Where you going? He and his girlfriend broke up and he moved back with his mom."

On those organizing teams Edwina and other member-organizers would stay with us off-islanders to eat our 9 p.m. dinners and get us back to whatever motel "father John" had put us in. We heard stories from the '70 hotel strike. I wondered how

many people who knew Edwina in different ways could imagine her crawling on her belly at night (as she described it) to put dye in a hotel swimming pool.

She was there. She didn't just talk about how important organizing is, then decline when asked to come out on an organizing drive. When on a drive, she set aside other priorities, and stayed with it. During a visit with her at Hale Makua after her surgery, she said of the successful organizing drives, "We put them to bed, didn't we?"

Whenever people recall her rough edges, or that not all her ideas were good ones, they must also admit that she did her talking as someone who was taking part, who was doing her part. This was a shared experience by the many who gathered at the celebration of Edwina's life. These are some of the things I might have, or should have said. With all those people who knew her, more could have been said that can't be written. For those who didn't know her, particularly union members, her example is a good one — "be vocal, but don't just talk, do it." ♦

# In Memoriam

## James A. King, fighter for working people

James A. King died on February 13, 2007 at the age of 85. Jim King was an active member of the Oahu ILWU pensioners club and a retired labor attorney. Jim came from a prominent kama'aina family with deep roots in Hawaii. His mother's family could trace their ancestry to Hawaiian alii and his grandmother, Charlene Davis, had served as a personal assistant to Queen Liliuokalani. His grandfather, James Anders King was the Minister of the Interior for the Republic of Hawaii and his uncle was Territorial Governor Samuel Wilder King.

Jim attended Punahou School, the University of Hawaii, and graduated from Georgetown University, before serving in the US Army in 1942-1945 during World War II. Jim was assigned to the 45th Infantry Division and fought in the bloody conflict on the front lines in Italy and France. In 1945, his Battalion was

ordered to hold two peaks in the Vosges Mountain but was overrun and captured by the enemy. Jim spent the remaining six months of the war in a German prison camp.

The war would change the direction of Jim's life. In his own eulogy, Jim wrote: "WW II was a defining time of his life: he felt if he survived he would do what he could to oppose wars, assist workers, and their organizations (unions) and foster social progress. He hopes to some extent he has done so."

After the war, Jim obtained a Law Degree in 1948 from Columbia University. He returned to Hawaii and, keeping his promise to assist workers and foster social progress, he joined the law firm of Bouslog & Symonds in 1949.

Bouslog & Symonds was the only law firm in Hawaii that represented the interests of working people and their unions. The firm represented



James King at a Steward's Council meeting in 1979.

the ILWU, UPW, the Hawaii Newspaper Guild and other unions. The firm attracted many talented and progressive attorneys like King who wanted to work for social justice and help working class people. Other

attorneys who worked for the firm included Hideki Nakamura and Edward Nakamura who also served as chief justice of the Hawaii Supreme Court.

When the principal partners of the law firm, Harriet Bouslog and Myer Symonds retired, the attorneys in the firm continued serving the labor community as the law firm of King, Nakamura and Chun-Hoon and the law firm of Takahashi, Vasconcellos, (and Covert). Both law firms represented the ILWU and other unions, as well as thousands of injured workers with their workers compensation cases.

King retired in 1996 but continued his involvement in the labor movement as an active member of the ILWU Oahu Pensioners Club. He is survived by wife Alma, daughters Donna Lance and Stephanie Kaumeheiwa, and seven grandchildren. ♦

## Eulogy for Jim King

By Lowell Chun-Hoon

*Lowell Chun-Hoon, who practiced law with Jim from 1977 to 1996, wrote and delivered the eulogy for Jim King at a grave side ceremony on Feb. 23, 2007. The following piece from that eulogy describes some of the major accomplishments of Jim's career as a labor attorney.*

Though he was predominantly a labor lawyer, Jim practiced in almost every conceivable venue, handling more than his share of personal injury, family law, criminal, and estate and trusts issues for members of ILWU Loca1142, United Public Workers Loca1646, and Carpenters Local 745. He joined the firm of Bouslog & Symonds in 1949, after the ILWU had succeeded for the first time in organizing sugar workers, when the union faced four hundred pending trials of striking employees. However, not a single Hawaii lawyer would represent them. Harriet and Sy were both founding members of the National Lawyers Guild, and they challenged the territorial Unlawful Assembly and Riot Acts, fought injunctions against strikes, and defended the 1949 dock strike.

Sy and Harriet represented the 39 reluctant witnesses before the US House Un-American Activities Committee and Senate Judicial Internal Security hearings and had them take the Fifth Amendment. The government argued the 5th amendment could not be invoked in a congressional hearing but Judge Delbert Metzger sustained the use of the privilege, the first ruling of its kind in the United States. They also represented the Hawaii Seven, including Jack Hall, in a seven and half month trial, when the Seven were charged under the Smith Act with conspiring and teaching the overthrow of government by force and violence. The Seven were initially convicted at trial but

ultimately exonerated after a favorable decision of the US Supreme Court in a parallel case. While Jim was not lead counsel in these cases, he, Ed Nakamura and Nadao Yoshinaga were part of the five person legal team that essentially held the entire territorial and federal government at bay in its attempt to quash the labor movement in its infancy.

As organized labor became accepted into the fabric of Hawaii's social and economic life, the nature of the legal conflicts trade unionists confronted changed from battling for their very existence toward enhancement of basic rights and benefits. One of the greatest milestones of this advancement arose from Jim's most celebrated case, *Akamine v. Hawaii Packing and Crating*, 53 Haw. 406 (1972), Edward K. Akamine suffered a heart attack on January 19, 1968 after loading, stacking and hand trucking cargo from container trucks to cargo bays for five to six hours. One cardiologist opined that his work activity did not in any way aggravate, accelerate, precipitate, or

cause his attack, that it could have happened anywhere, even in bed, and that its occurrence on the job was mere happenstance. However, Akamine's personal physician stated simply that it was not possible to know with any certainty why the infarction occurred.

Having lost at the Department of Labor and at the Labor and Industrial Relations Appeals Board, Jim took an appeal to the Hawaii Supreme Court, relying on the presumption in Section 386-85 HRS. This provision states, "It shall be presumed, in the absence of substantial evidence to the contrary: (1) That

the claim is for a covered work injury." From these twenty-two words, comprising only one sentence, Jim fashioned an argument that persuaded the Hawaii Supreme Court to rule in 1972 that whenever there was reasonable doubt about factual conflicts concerning an industrial accident, the humanitarian purpose of the statute required

that this doubt be resolved in favor of the injured worker. In a second enormous precedent, *Chung v. Animal Clinic*, 63 Haw. 642 (1981) argued by Hideki Nakamura, the court ruled in 1981 that the veterinarian's heart attack sustained while jogging on the Kalani High School track after work also arose out of and in the course of employment because medical evidence demonstrated that employment stress was a contributing cause to

Chung's heart condition

Now, thirty-six years after *Akamine*, the outcries of wounded insurance adjusters still reverberate through the Department of Labor and Industrial Relations building at 830 Punchbowl Street, sometimes even carrying one block mauka to Ali'iolani Hale and the appellate courts. In reality, *Akamine* "leveled the playing field" for almost two generations so that employees, even those unrepresented by counsel, have a fighting chance to have their industrial accident claim successfully adjudicated.

Like all labor lawyers of his generation, the guts of Jim's practice was in a myriad of unpublicized claims over herniated discs and repetitive motion disorders, social security disability and unemployment insurance adjudications, arbitrations concerning discharges, suspensions, and contract interpretation; as well as esoteric unfair labor practices over organizing elections, placement of picket lines, and execution of secondary boycotts.

In 1979, Jim lead a team of four lawyers in the statewide United Public Workers strike resisting strike injunctions on every island and battling health and safety proceedings at the Hawaii Public Employees Labor Relations Board. Where the public had once splashed red paint on the office during the heyday of McCarthyism, irate citizens telephoned their threats to dump their garbage on the doorsteps of the law firm during the height of the six week work stoppage.

For those of us who remain, Jim's life was truly humbling, but hopeful. As we press on against the forces of ignorance and prejudice, avarice, and strife, we should take comfort in knowing we are not alone. We stand on the shoulders of giants, men like Jim, full of courage, daring, imagination, and love. ♦

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## In Memoriam

# Remembering Kauai Division full-time officer Nobuyoshi "Nobu" Tamura

**Nobuyoshi "Nobu" Tamura of Kilauea died in Hawai'i Kai, O'ahu, on Jan. 27, 2007, at the age of 91.**

He was born in Kilauea, Kauai, on Feb. 25, 1915, and began working for the Kilauea Sugar Plantation in 1928 after graduating from Kilauea Elementary School. He was 13 years old. He started as a scale house worker and worked his way up to become a journeyman plumber. He became active with the ILWU after the sugar strike of 1946, and served

as the unit chairperson of the Kilauea Sugar Unit for 25 years from 1946 until C. Brewer closed the plantation in 1971.

The Kilauea Unit had 200 members and Nobu held monthly meetings and had the best membership attendance of any ILWU unit on Kauai.

When the plantation closed, Nobu

worked at Princeville, another ILWU unit, where he also served as unit chairperson.

In 1972 Nobu was appointed by the ILWU Kauai Division as a full-time officer to service the growing tourism membership of the union. During this time, Nobu also served on a number of public boards and commissions such as the Kauai Police Commission, Hawaii Housing Authority, Contractor Licensing Board, and Kauai County Highway Safety Council. As part of the ILWU political action



**Nobuyoshi Tamura, 1981.**

program, the union actively seeks the appointment of ordinary working people like Nobu to government boards. This is one way working people can insure that government serves their interests and concerns as workers.

ILWU tourism units honored Nobu at a retirement party when he retired from the ILWU in 1982. Over 250 people attended the party at Kauai Surf Resort, where the present Kauai Marriott is located. Nobu remained active in his retirement and was honored as one of the oldest bowlers at the 2005 Hawaii State Senior Bowling Tournament held at Hilo Lanes.

He is survived by his wife Eleanor Tamura; daughters Avis Tamura and Holly Tamura, both of Honolulu, and Melissa Ebinger of San Diego, Calif.; step-daughters Cris Asuncion of San Diego, Joanne Asuncion of Germany and Faith (Joel) Sugahara of Arizona; step-son Leonard Asuncion of California; brother Tatsuo (Itsuko) Tamura of Kilauea; sisters Michie Yonekura of Honolulu, Masayo Yoshihara of Kapa'a, Miyako (Shoichi) Takenaka of Kapa'a and Chieko Ota of Kapa'a; sister-in-law Elaine Tamura of Kapa'a; nine grandchildren; 14 great-grandchildren; and numerous nieces, nephews and cousins. ♦

## ILWU 142 STATEWIDE SPORTS PROGRAM

**52nd men's fast pitch**  
may 11-12, 2007 + KAUAI

**54th mixed golf**  
september 1-2, 2007 + MAUI

**22nd men's slow pitch**  
september 21-22, 2007 + OAHU

**51st mixed bowling**  
november 23-24, 2007 + HAWAII

**26th men's basketball**  
december 7-8, 2007 + KAUAI



Open to all ILWU 142 members, spouses, and dependent children.

Some unit finance policies may pay the entry fee for team events.

To join these activities or for more information, contact your unit sports coordinators or call the Division sports coordinators at the numbers below.

935-3727

244-9191

245-3374

949-4161

3/13/07 eo

### Know non-union workers who need help organizing?

If you know workers at a non-union company who need help securing their jobs and making improvements at their workplace, let your union representative know!

Call the ILWU and ask for the Organizing Dept. at your Division Office:

**Hawaii: 808-935-3727**

**Maui: 808-244-9191**

**Kauai: 808-245-3374**

**Oahu: 808-949-4161**