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Remembering Jim Berk, gadfly father of the Stanford employees' union.

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Editorial on the mark
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Guest Opinion by James Wolpman

That Stanford University employees now have a successful union is due, in good measure, to someone whom few of them know or remember — Jim Berk, who died recently.

Jim began organizing at Stanford in the late 1960s, and was one of the founders of United Stanford Employees, which subsequently affiliated with the Service Employees International Union (SEIU), and was eventually absorbed — after Jim left — into SEIU Local 715.

I think it's safe to say that during the early and mid 1970s Jim pretty well drove Stanford crazy. Back then, though it had long outgrown its image as "The Farm," Stanford still treated its non-academic, nonprofessional workers as the help. It fancied itself a benevolent padrone.

With the exception of SLAC, which never pretended to be anything other than the big business it was, Stanford's employee-relations operation, such as it existed, was decentralized and pretty much ad hoc. Jim, who started as an engineer at SLAC and later gave it up to become a full-time union representative, would have none of it. And he was never reticent about letting Stanford managers know exactly what he thought of their benevolent pose.

Jim was extremely bright, and able quickly to assimilate the university's financial and organizational intricacies. He was also highly focused, and once he locked onto an issue, he wouldn't — couldn't — give up. He locked onto the union project in the spring of 1969 and by September USE was officially formed. After several years as an independent union, in a key vote April 12, 1973, nearly 75 percent of USE members voted 223 to 15 to affiliate with SEIU, and USE became Local 680.

A good example of Jim's energy is that early on, before USE's affiliation with SEIU and its victory in a National Labor Relation Board election, Stanford inaugurated a formal grievance procedure — partly to demonstrate that workers

didn't really need a union and partly to feed its own good-guy self-image.

The procedure permitted employees to have a representative. Jim and the staff that had gathered around him began representing grievants, and succeeded in turning the grievance procedure into a potent organizing tool. Stanford, though it desperately wanted to, couldn't find a way to back out.

That, along with an energetic and dedicated staff, good day-to-day organizing and an excellent newspaper, led to its victory in a June 1973 runoff NLRB election. Winning the election was only the first step. A decent contract had to be negotiated, and Stanford, by then, had wised up and hired as its chief negotiator Doug Barton, the NLRB lawyer who had presided over the hearings that led to the election.

The negotiations, with Jim as the chief union spokesperson, went on for several months. Bargaining was difficult and at times acrimonious. Frustrated with Stanford's unwillingness to agree to what it considered reasonable terms, the union went on strike, from May 10 to June 4, 1974. With the help of a federal mediator and assistance from SEIU International representatives, the strike ended and the first labor agreement at Stanford was finally signed in June 1974.

Employees at Stanford Hospital had been excluded from the original election, so USE undertook — in addition to servicing and policing the agreement it had just negotiated — an extensive campaign to organize the hospital workers. Again, Jim was the leading strategist and organizer. Eventually, a vote was held, but the union lost. Only later did it achieve recognition.

Working with Jim was no easy matter. He could be acerbic as hell. And pigheaded. But I have to say he was one of the few clients I've ever had who knew exactly how to use lawyers. He was smart enough (an intelligent client is always a pleasure) to quickly grasp legal concepts and jargon, and he was not one to be intimidated by anything or anyone, including law and lawyers.

He knew he could do it himself if he had to, but if he didn't have time or there was some other good reason he'd use a lawyer.

It was easy to pick a quarrel with Jim, or he with you. If he thought you were acting stupid, he said so. Often he was right, but sometimes he was dead wrong.

The union's Executive Board respected Jim's talents and dedication, and so for a long while the members tolerated his idiosyncrasies. But eventually his acerbic manner and "do it my way or no way" attitude poisoned the relationship.

They rebelled and essentially threw him out. Afterwards he came over to my office. When I tried to explain that I had to side with the union because it was my client, he let me know that considered it a betrayal. That was the last I ever saw of him.

Unfortunately for the union, there was no one with Jim's talent, energy and dedication to take over, and so for a good while it languished. Eventually, it was absorbed into SEIU Local 715. I left in 1980.

James Wolpman is a Stanford law graduate who in the late 1960s and 1970s represented union and counterculture individuals and organizations in legal clashes. In addition to representing the early Stanford union, he represented the former Midpeninsula Free University and was a founder of the Palo Alto Law Commune. In 1982 he was named chief judge for the Agricultural Labor Relations Board in Sacramento, moved to Cal OSHA in 1994 and retired to Walnut Creek in 2002. He can be e-mailed at jimwolpman@astound.net.