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A TRIBUTE TO PROFESSOR RIEKE

Sidney C. Volinn*

The summer of 1969 in the greater Seattle construction industry was a turbulent one, marked by demonstrations by the minority community protesting their exclusion from the construction unions. Many demonstrations stopped work at major construction sites: at the University of Washington demonstrators incapacitated heavy equipment; at Sea-Tac airport demonstrators prevented aircraft from using the runways.

Activities and emotions escalated. The Department of Justice filed a complaint signed by John Mitchell, President Nixon's Attorney General, bringing suit against five unions: Local 86, Iron Workers; Local 99, Sheet Metal Workers; Local 46, IBEW (electricians); Local 32, Plumbers and Pipefitters; and Local 502, Operating Engineers in the United States District Court for the Western District of Washington.¹ The primary rationale advanced was that the unions and the employers were required to observe presidential Executive Order No. 11246, which forbade discrimination against minorities and required affirmative action in all construction jobs involving federal funds.

United States District Judge William J. Lindberg presided over the case. He ultimately concluded that the involved unions had discriminated systematically against minorities, excluding them from membership.² At the time of trial, each of the four construction unions had one black member. The distribution was as follows:

	<i>Membership</i>	<i>Black</i>
Iron Workers	920	1
Sheet Metal Workers	900	1
Electricians	1,715	1
Plumbers and Pipefitters	<u>1,900</u>	<u>1</u>
TOTAL	5,435	4

Having found discrimination, the court attempted, with specific provisions, to prospectively prevent discrimination against minorities. Additionally, to rectify the imbalance, the unions and employers were required

* United States Bankruptcy Judge. Special Master in *United States v. Local 86, Int'l Ass'n of Bridge, Structural, Ornamental and Reinforcing Ironworkers*, 315 F. Supp. 1202 (W.D. Wash. 1970), *aff'd*, 443 F.2d 544 (9th Cir. 1971), *cert. denied*, 404 U.S. 984 (1971).

1. *United States v. Local 86, Int'l Ass'n of Bridge, Structural, Ornamental and Reinforcing Ironworkers*, 315 F. Supp. 1202 (W.D. Wash. 1970), *aff'd*, 443 F.2d 544 (9th Cir. 1971), *cert. denied*, 404 U.S. 984 (1971).

2. *Id.*, 315 F. Supp. at 1208.

to engage in apprenticeship training with a view to meeting the affirmative action requirements of Executive Order No. 11246. Specific standards as to admissions of blacks into the apprenticeship and training programs were set and programs created with a view to providing special training and education for black apprentices.

The orders of the court, if they were to be effective, would require an ongoing administrative body to organize and supervise the various provisions designed to effectuate the decree. The administrative structure created was the Court Order Advisory Committee (COAC). COAC consisted of nine persons, drawn from the labor unions, the contractors, governmental agencies, and black and minority groups. The unions and the contractors were required to pay committee expenses although it was hoped funding would be available from the government. Initially, implementing the court's decree and the functioning of the committee were difficult. Not only was the committee unique, with a consequent lack of actual or vicarious experience, but its early course was attended by uncertainty and internal friction.

Ultimately it was concluded that a nonvoting, impartial chairman, who would serve in addition to the nine voting members with power to make recommendations to the court, should be appointed. In February 1971, Judge Lindberg appointed Professor Luvern Rieke as the impartial chairman. Thereafter, COAC—with increasing sophistication and effectiveness—ensured that black apprentices were selected and effectively trained to become journeymen in the various trades.

On July 1, 1983, Bill Dolf, Recording Secretary of the Seattle-area Iron Workers Joint Apprenticeship and Training Committee (JATC) filed an affidavit stating that the original court order required the Iron Workers JACT to graduate 84 to 86 black apprentices to journeyman status by December 31, 1981. As of October 1, 1981, the Ironworkers JACT had graduated 78 black apprentices and as of February 11, 1983, 84 blacks had graduated to journeyman status. The plumbers and pipefitters had been required to graduate 96 black apprentices to journeyman status by December 31, 1981. As of July 1981, 98 blacks had been graduated to journeyman status. The electricians exceeded their goal of 75 by graduating 78. The sheet metal workers met their goal by graduating 81. Ultimately, the goals having been met, the unions applied for dismissal of the litigation, and on September 19, 1983, the case was dismissed. By then, 381 minority journeymen were union members working in the trades where virtually none had existed before.

The court's decree could not have been effectively administered over such a long term of years without the COAC. For most of this time, the Committee's ability to work in unity toward a constructive resolution of the

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many problems along the way was attributable to Professor Rieke's leadership, perseverance, and integrity. COAC members, despite widely divergent backgrounds and purposes, never questioned his fairness and abiding belief that all concerned could reconcile their differences to attain the goals of the decree. Professor Rieke spent countless hours without remuneration. His reward, and that of our community, was the achievement of a unique and lasting contribution to racial and economic equality.