1.- FILM

1.1.- Original title

Salt of the Earth

1.2.- Technical and artistic

Year: 1954
Country: United States of America
Director: Herbert J. Birberman
Production: Adolfo Barcelo, Sonja Dahl Birberman and Paul Jarrico
Screenplay: Michael Birberman and Michael Wilson
Photo: Stanley Meredith Leonard Stark and
Music: Sol Kaplan
Cast: Revueltas Rosaura (Esperanza Quintero), Will Geer (Sheriff), David Wolfe (Barton), Mervin Williams (Hartwell), David Sarvis (Alexander), E. A. Rockwell (Vance), William Rockwell (Kimbrough), Juan Chacón (Ramon Quintero), Henrietta Williams, Ernesto Velasquez, Angela Sanchez, Joe T. Morales, Clorinda Alderette, Charles Coleman, Virginia Jencks, Clinton Jencks (Barnes Franco) and Victor Torres
Duration: 94 minutes, w/b
Language: English
Release Date: 14/03/1954

1.3.- Synopsis
With a style similar to documentaries, historical reconstruction, the film narrates the development of a real strike at a mine in the United States in 1951. Working conditions - and treatment- of Mexican workers are much worse than those of Anglo, or more precisely, wasp [white Anglo-Saxon people] workers; against this racial discrimination they begin an indefinite strike with a picket line at the entrance of the mine, to prevent their replacing by strikebreakers. The company tries to cut that action by an injunction prohibiting picketing, without indication about relatives, a fact exploited by the miners’ wives to take ownership and obtain the main objective: corporation sits down and negotiates decent working conditions for Mexican workers and an additional one: the emancipation of women and free of the limited role they have been given so far. During 94 minutes of projection, dramatic images succeed introducing the roles of each participant in the strike: the union and its leaders, workers’ participation, cost of an indefinite strike, and so on. There’re hard scenes in the movie: when Esperanza pray God her child doesn’t born, because this is an unfair world; when Quinteros lose their radio, because they cannot pay the last installment; or when Esperanza gives birth to her child in a hut, while police are beating up her husband; starvation as reason of blacklegs’ betrayal; or saying that three children in her care and no job is not a hopeless case; the sign at store during strike («no credit for workers»); or, finally, Ramón Quintero’s abuse his wife.

2.- LEGAL SUBJECT

Keywords: Strike – Discrimination – Women’s Equality – Racism – Feminism – Picketing – Union – Strikebreaking

Several legal issues are revealed in the film and related labor law, namely: the right to strike of the miners, the aggressive picketing and the presence of strikebreakers, the role played by the union during the conflict (in solidarity with them and send other supplies), and ethnic discrimination in working conditions; besides the union women’s activity or participation in the «union action», but that would require a greater extent than the one devoted to this modest article. All have role in the action that occurs in the locality of Silver
and it narrates, mixing fiction and documentary, the strike that paralyzed the zinc mine of Zinc Company Delaware Co., settled in the same locality in June 1951. During that strike, the direction of the union activity was a local branch of Mine-Mill [International Union of Mine, Mill and Smelter Workers], who had been expelled from the CIO [Committee for Industrial Organization] because of refusing to sign accreditation of non-communist activism. The company’s refusal to negotiate improvements in the security of their jobs (many accidents had occurred) turned the conflict into indefinite strike, with picket lines closing the access to facilities, however, the mine’s operating corporation got an injunction against such picketing and in that way it could replace the strikers with scabs. Reacting to that decision and in an avant-garde action, women decided to form pickets and added one reclaim: sanitary installations. The strike ended in January 1952, when the company accessed to negotiate.

Starting with the strike, we could remember that the right to strike in the United States of America is not protected by any constitutional rule, it is -just- a right recognized and protected by ordinary legislation. In particular, and for much of employees, this protective law is federal legislation, formed by the Norris-La Guardia Act (1932) and by the National Labor Relations Act [NLRA] (1935). Moreover, the opinion of the Supreme Court of the United States in NLRB v. Jones and Laughlin Steel Cor. case (1937) has upheld the validity of the NLRA, considering that the attribution to federal jurisdiction, which makes its Constitution relating to trade between Member States, including industrial relations. However, I repeat, this rule does not apply to all workers, but for another great group this right is subject to the legislation drawn up by each State (for example, in the case of local officials); and besides there is a third group, composed of workers not included in the range of application of either policy (federal or state) that cannot make use of the strike without risking to be fired or that otherwise punish them. In particular, this last class of workers is composed by those who exercise hierarchical functions or agricultural employees, which have been expressly excluded from the scope of the NLRA.

In addition, U.S. labor law imposes two restrictions on the exercise: one is that the strike may only be convened by the certified union, i.e., the organization which brings together the majority of employees, in legal meaning, of an employer or a group of employers. This leads, without doubt, to unprotect any spontaneous movement of protest, although even that is majority protest within a group of workers (initially it occurs in the
strike of *Salt of the Earth*, but it becomes legal when the union calls to it). And another one, the strike must happen during a collective bargaining process, because it must necessarily correspond to a professional claim, whose aim is to support the demands on the employer by a certified union under collective negotiation (this circumstance was attending by the film, as they had long negotiation).

In more summarized way, it could be reminded, with regard to pickets, that in the movie they’re developing, apart a disruptive picketing (preventing access to the mine), a classic mass picket, where employees from other workplaces or other factories come to strengthen the picket line to try to intimidate or prevent access to which is on strike. This second form has been prohibited by the cited in the film *Taft-Hartley Act* (1947); moreover, Section 7 of the *Norris-La Guardia Act* allows any employer to go to court and request a temporary restraining order to ban, while not set a date for the hearing, the pickets (as happens in the film, which is why women involved). This right is parallel to the right to replace strikers with strikebreakers by the employer, as was stipulated by the opinion of the Supreme Court in *NLRB v. Mackay Radio & Telegraph Co. case* (1938), which prohibited any labor sanction to strikers at the end of the conflict, but allowed at the same time the employers to hire strikebreakers to protect their interests. Finally, with regard to trade union action for women, it should be noted that it’s one of the first films where the protagonist is held by a group of women who confront their husbands first, and the employer and government forces after, to integrate the picket that will defend not only their husbands’ strike, but his own dignity, participating at same level in the miners’ strike; maybe the theme will be presented with similar intensity at *Norma Rae* (M. RITT, 1979), where, again on true story, it’s built a plot that explains the political awareness’ process of a woman and her commitment to fighting unions. Significant is the transformation of the general attitude by miners from treating the women’s role in the labor struggle like dirt, and in some cases simple hostility, to a tolerant position and, finally, sincere gratitude for his action.

3.- TEACHER'S COMMENT

This film, which is an essential classic in any film fan, is the only important independent movie made by communists in the United States of America (J.
Furthermore, the director, producer, screenwriter, composer and actor William GEER were, at that time, the blacklist of House Un-American Activities Committee of Senator Joseph R. MCCARTHY, and the female protagonist, Rosaura REVUELTAS, was deported from the country under the false accusation of illegal immigration. However, today Salt of the Earth is one of the few films preserved by the Library of Congress of the United States for its historical and cultural importance (FILMAFFINITY), because this movie is the story of a strike, but something else: it narrates the slow process toward strikes’ tolerance in democratic states (you can think in Spain, in those years, strike was not only unbelievable, but it was a crime against the internal security and punished with imprisonment). A curious fact may be added that Clinton JENCKS, who plays Burnes, president of the union section at the mine, was really an important trade unionist and alleged communist party member and few years later the petitioner for a decisive Supreme Court opinion in United States v. Jencks case (1957) and, subsequently, would create a legislative reform [so-called Jencks Act] on the federal government’s obligation to provide any documents or evidence to be used in the criminal process, including the transcript of the witness statements.

In any case, the situation of the strike and picketing in Spain is different, since it is a constitutional right under article 28.2 of our Constitution «it is recognized the right to strike of workers to defend their interests», and also regulated by Real Decreto-Ley [Royal Decree-Law, a kind of law] 17/1977, March 4th, with clarifications introduced by the Constitutional Court’s judgment number 11/1981, April 8th. This right is attributed not only to all employees (although with some precision: civilian personnel in military establishments or prisoners in correctional institutions), but public officials also (with several exceptions: policemen, the military and so on); moreover, judges have this right too. Under this coverage, we can say that, in our law, partial or total cessation of the production process has become a normal instrument of pressure on the company, its only consequence for employees is suspending the basic obligations of working and paying the work and related legal relationships, such as social security [articles 6.2 of Royal Decree-Law quoted and 45.1.l) of Labor Law], but it cannot harm their vacation or break, and much less, determine their dismissal. Moreover, the hiring of strikebreakers, scabs or blacklegs, whether internal or external, is banned in Spain: the external, specifically because article 6.5 of Decree-Law mentioned provides that «during the strike, the employer may not replace strikers with workers who were not linked to the company at its beginning», and the
internal, after the Constitutional Court’s judgment number 123/1992, September 28th, indicating that «cannot be regarded as lawful the replacement of striking workers by other higher-level professional who had not supported».

And as regards the activity of the pickets in Spain, that has to be restricted to simple information (informational picketing), it is forbidden to form coercive or intimidating picket, because «they will respect the freedom of employees who work unwilling to join the strike» (article 6.4 Royal Decree-Law quoted) and, besides, «striking workers may advertise strike, peacefully, and raise funds, without coercion» (article 6.6). Also, the activity of this second kind of pickets is criminalized by article 315 of the Spanish Criminal Law. All this means that pickets like those seen in the film are illegal in Spain, although we see them operating in many strikes on TV.

4.- ACTIVITY TO BE DEVELOPED BY STUDENTS

Attendance at the movie’s showing.

Participate in the open discussion.

Preparation of a report based on a questionnaire given previously (ANNEX).

5.- INTERESTING READING, MOVIES AND RELATED WEB SITES

5.1.- Readings

– SCHNEIDER, S. J. [Coord.], 1001 películas que hay que ver antes de morir, 7ª edición, Grijalbo (Barcelona, 2007). [1001 films you must see after dying]

- RUIZ CASTILLO, M. y ESCRIBANO GUTIÉRREZ, J., La huelga y el cine: escenas de conflicto social, 1ª edición, Tirant lo Blanch (Valencia, 2007). [Strike and film: scenes of social conflict]

- MARZAL, A. [Ed.], La huelga hoy en el derecho social comparado, 1ª edición, Bosch (Barcelona, 2005). [Strike today in social comparative systems]

5.2. Related Movies

- The strike [Streiken] (V. SJOSTROM, 1914).


- Norma Rae (M. RITTER, 1979).


- Bread and Roses [Bread and Roses] (K. LOACH, 2000).


5.3. Websites

- www.imdb.com

- www.filmaffinity.com
ANNEX

1) Describe, in few words, the theme of the film.

2) Do you think the Spanish system further protects the rights of workers to strike than the U.S. or not? Explain your answer.

3) Do you think the picket’s activity was adequately during the strike or the judicial injunction was fair? What about the female picket? Did it mean a fraud to the injunction? Explain your answer.

4) How do you think the strike had been developed in Spain?