

# Spore — Public Policy is Class Policy

## The Case of the Postal Anthrax Attacks

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2002

It is a common vision in the U.S. that the government is a neutral entity, standing outside and above the myriad con-tending forces in society. However, it is not disconnected from those forces. As a result, its policies are seen as a sort of vector sum of the strength those forces exert upon on the state. Coupled with a set of democratic rights such as free elections and free expression, such a political order has been called a polyarchy by the noted political scientist Robert Dahl.<sup>1</sup> Such a society has been celebrated as pluralistic by any number of political scientists, politicians and commentators.

My view is that although such pluralism exists in the U.S. and other Westernized democracies, such governments are in fact instruments of class rule. Further, the authority of these formally democratic governments is based not on universal democracy, but on democracy within the class which rules. Moreover, the government's actual rule is based on coercion: that is, the power of the military and police.

It is frequently said that democratic government is a government of laws. What do the laws do? In sheer volume, the vast majority of laws are for the protection and regulation of property. Entire bodies of law are devoted to such specialties: corporate law, real estate law, tax law, bankruptcy law, etc. I would argue that the public policy of a government of laws is in fact the policy of the propertied class. This paper will discuss one example of this, the response of the government, its Centers for Disease Control and postal management to the anthrax attacks in the fall of 2001. While one incident can't prove how the whole system works, it offers a particularly glaring illustration of how the system's representatives disregarded the propertyless and served the propertied in a specific case. We will see that the Centers for Disease Control (CDC) covered up the seriousness of the anthrax threat; postal management did the same; and the major unions involved, the American Postal Workers Union (APWU) and the National Postal Mail Handlers Union, did little effective to oppose them. As a partial exception, the APWU leadership at the Morgan postal facility in New York, where I work, filed a lawsuit to close the facility for testing and decontamination, but didn't fight aggressively to organize workers there to fight for their own health and safety.

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<sup>1</sup> See Robert Dahl, *Democracy and Its Critics*, pp. 218-221.

Before going on, let me clarify my notion of class. The propertied, or capitalist class, can only be looked at in relation to another class of people who don't have property or capital(or much of it). These are general conceptions: in particular,they don't mean that an individual with little or no capital is automatically a member of the property less, or working,class. U.S. society has many, many people (the middle class)who have little property but still exercise power over others who also have little; for example, police officers, supervisors and some judges.<sup>2</sup> U.S. society also has tens of thousands of people who have little power or property but work for and identify with those who do. These people are also "middle class" and are frequently found in the professions. The staff people at the Centers for Disease Control (CDC) played that role during the anthrax crisis. This paper will deal with members of a ruling class, or the authorities, as those who have property and/or power; and members of a working class as those who don't have either.

The anthrax attacks by mail came in two waves. The first apparently was a series of letters to the media: NBC, CBS,ABC, the New York Post,and the American Media company of Boca Raton, Fla., which publishes the National Enquirer,among other papers. These letters were all mailed on 18 September from the Trenton, N.J., area. The second wave,also sent from Trenton, was mailed 9 October to Sens. Tom Daschle of South Dakota and Patrick Leahy of New Hampshire. To this date it is unknown who sent the letters.<sup>3</sup> These mailings resulted in the deaths of one recipient, Robert Stevens of American Media, as well as two postal workers, Thomas Morris, Jr. and Joseph Curseen, Jr. In addition, two persons with no known connection to the mailings, Kathy Nguyen of the Bronx and Ottilie Lundgren of Connecticut, died, perhaps from receiving accidentally contaminated mail.

The response by the authorities to the first wave of attacks was characterized by ignorance and misdiagnosis at best and willful misinformation at worst. The former is not surprising since there have been only 236 cases of all types of anthrax in the U.S. between 1955 and 1999, and less than a score of the inhalation form in the last century.<sup>4</sup> Not until Robert Stevens died of inhalation anthrax on 5October 2001 in Florida did doctors elsewhere begin correctly recognizing symptoms of others who already were sick. But Stevens' widely reported death also moved the high-level authorities to try "managing" the situation by issuing soothing misinformation. Health and Human Services Secretary Tommy Thompson portrayed Stevens' illness on TV as an isolated case, probably due to natural causes although Stevens fit none of the risk categories for contracting anthrax in that way. Thompson even went on to suggest that Stevens got the disease by drinking contaminated water although no known case of such transmission exists in the medical literature.<sup>5</sup>

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<sup>2</sup> The constitution of the New York Metro local of the American Postal Workers Union (APWU) makes this latter distinction in defining the eligibility of candidates to run for union office: "...any postal employee who voluntarily holds a managerial, supervisory, or EAS position with responsibility for issuing or recommending discipline, or applying or interpreting the National Agreement...shall be ineligible to hold office..."

<sup>3</sup> It should be noted that while "unknown" is the official line, Barbara Hatch Rosenberg of the Federation of American Scientists' Chemical and Biological Weapons Program asserted at a talk at Princeton in February that the government has had a suspect in the case since the previous October. "We know that the FBI is looking at this person, and it's likely that he participated in the past in secret activities that the government would not like to see disclosed," she said. "And this raises the question of whether the FBI may be dragging its feet somewhat and may not be so anxious to bring to public light the person who did this." Quoted by Joseph Dee, New Jersey Online, 19 February 2002.

<sup>4</sup> "C.D.C. Team Tackles Anthrax," *New York Times* 16 October 2001: F7; "Experts Revisit Views on Surviving Anthrax," *New York Times* 23 October 2001: B8.

<sup>5</sup> "Anthrax Missteps Offer Guide to Fight Next Bioterror Battle," *New York Times* 6 January 2002: 16.

That public policy is class policy only became apparent with the second wave of attacks. The letter to Sen. Daschle was opened 15 October. Within days major government offices—the entire House of Representatives, some Senate Office Buildings, the Supreme Court and part of the State Department—were closed even if no anthrax was found on the premises. The offices were shut as a precaution against the *possibility* that someone might get sick. At the same time post offices—especially the Morgan processing center in New York—were kept open although anthrax was found in the buildings. In other words, the authorities were taking no chances that their “important people” and their staffs might get sick, but were willing to gamble on the health of postal workers. It should be noted that postal workers not only are part of the class which lacks power and property, but also have a much higher proportion of Black people and women in their ranks than those who have offices in the government buildings which were closed. So the disregard of their safety reeks of racial discrimination as well.

Postal management played a central role in the gamble. But the managers were assisted by the CDC: both conveniently pointed fingers at each other in order to continue playing “keep-it-open.” The managers also were helped greatly by the courts and by the federal law banning its employees from going on strike (as if this latter instrument isn’t a stellar example by itself of class-based public policy). Finally, the managers were helped, either actively or by default, by some of the postal union leaders.

Postal management’s primary goal is to move the mail. It’s obvious in its famous slogan, “Neither rain, nor snow, nor gloom of night...,” and the volume it moves in these some-times adverse conditions is enormous. The post office delivers 608 *million* pieces of mail *every day*.<sup>6</sup> The vast majority of this is commercial. Despite fax, e-mail and the internet, tens of thousands of businesses still depend on the regular mail for their bills, legal papers and other hard-copy correspondence. Stopping this flow for any reason would cause huge backups and serious damage to business profits.

By the time of the second wave, postal management and the CDC were quite aware that anthrax could spread through the mails. On 15 October, the same day that the letter to Sen. Daschle was opened, the post office sent out two news alerts: one reporting that postal workers at the Boca Raton office had tested negative; and another stating that postal workers may use gloves and masks to protect themselves if they wish. But that’s as far as management was willing to go. “...keep the mail moving. ‘The whole country is depending on us to do that,’” one alert quoted Postmaster General Jack Potter. “Panic must not defeat us.”<sup>7</sup>

While Potter tried to rally postal workers with patriotism and pep talks, the House of Representatives two days later shut down completely—although no anthrax had been found there. On the Senate side, where the spores had been discovered, twelve offices were closed and the staff was immediately tested and given the antibiotic ciprofloxacin (Cipro).<sup>8</sup> Later, the Supreme Court and parts of the State Department closed because of contamination found in their mail rooms miles away.<sup>9</sup>

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<sup>6</sup> *uspsnewsbreak* p.m., 15 October 2001, 2pm.

<sup>7</sup> *Ibid.*; *uspsnewsbreak* p.m., 15 October 2001, 5pm.

<sup>8</sup> “Tracking Bioterror’s Tangled Course,” *New York Times* 26 December 2001: B4.

<sup>9</sup> The message from the authorities clearly was that the post offices couldn’t be shut down because they are vital to the functioning of society. Conversely, does this mean the House, Senate, Supreme Court, and State Department are *not* vital to society?

The day after the letter to Daschle was opened (Oct. 16), the authorities knew it had passed through the Brentwood processing center in D.C. While the workers there loudly complained about the lack of testing, postal officials refused to close the plant and only began testing the equipment on 18 October. They and the CDC did not begin testing people until 21 October, after one worker had died.<sup>10</sup> On 19 October Postmaster General Potter held a news conference to reassure everyone that things were under control. Management distributed a pamphlet to the workers entitled, "When Terror Strikes—Tips for Handling the Crisis." Among other things, the booklet recommended that people "Spend time doing things other than watching or listening to news of the disaster."<sup>11</sup>

The two workers in Washington died of inhalation anthrax on 21-22 October: Thomas Morris, Jr., 55, a clerk with 28 years' service in the post office; and Joseph Curseen, Jr., 47, a mail processor who had worked in the post office for 15 years. Both worked at Brentwood. After being sick for several days, they had finally gone to seek treatment too late for their mysterious ailments. Near death, Morris made the now-famous 911 call commenting on the information put out by postal management. "I have a tendency not to believe these people..." he told the operator. Two others were seriously ill. Reflecting on the disparity in the treatment of postal workers and those who worked on Capitol Hill, Tony Jackson, a 22-year veteran postal worker in D.C., observed, "This makes you realize that, just like everything else, some people get more consideration than others."<sup>12</sup>

A partial exception to the overall collusion of government, postal management, and union leaders occurred at the Morgan facility in New York. Morgan is the largest post office in the city and one of the biggest in the country. With 5,000 workers, it processes nearly all the mail for Manhattan. At the beginning of November the New York Metro leadership of the APWU filed a lawsuit to close the facility for testing and cleaning, and the union held other actions in support of that demand. The rest of this article will focus on events in this postal facility.

At Morgan, the response of postal management and the CDC was similar to that in Washington. The building must stay open; the mail must keep moving. The workers can protect themselves by wearing gloves and masks, and by being vigilant and taking care of themselves.<sup>13</sup> Later, management and the CDC made available antibiotics as a "purely precautionary" measure. In effect, the authorities went to Atlantic City, counted some cards, and bet that no one would get sick.

Fortunately the story at Morgan is not as sad as the one in D.C. No one at the post office in New York did get sick. But management put out the same lies, omissions and evasions. On 15 October workers received the news break telling them not to panic and to keep the mail moving while simultaneously announcing that gloves and masks were now available allegedly to protect them. A later bulletin touted the new N100 type of mask as being highly effective in filtering out particles as small as anthrax spores. It went to say that the N100 was "certified by NIOSH," the National Institute of Occupational Safety and Health, a division of the CDC. However, what it did not say was that no mask was certified by anyone as safe against anthrax. On 16 October Dennis O'Neil, a mail processor, filed a Form 1767, "Report of Hazardous Condition," warning of possible anthrax contamination and recommending the immediate suspension of practices such

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<sup>10</sup> "Officials' Response to Anthrax Riles Workers" by Dan Davidson, *Federal Times.com* 29 October 2001.

<sup>11</sup> "A Quick Response for Politicians; A Slower One for Mail Workers," *New York Times* 23 October 2001: B7.

<sup>12</sup> *Ibid.*

<sup>13</sup> *uspsnewsbreak* p.m., 15 October 2001, 2pm

as using compressed air to clean machines. Contrary to management's own rules, he received no response.<sup>14</sup>

Management was not communicating the real threat. So it was a surprise to the skeleton crew working on Sunday, 21 October, when people in moon suits suddenly appeared and began doing mysterious things around some of the equipment. Three days after these testers departed, and two days after the deaths were reported in D.C., management told the workers about the testing and announced the "purely precautionary" distribution of antibiotics. But as before the authorities played down the real danger to the workers:

This testing and availability of antibiotics is "purely precautionary," said Steven Ostroff, epidemiologist for CDC, at a meeting today...

Ostroff stressed that based on all available evidence, the risks here in New York City are minimal. He cited the lack of a single anthrax diagnosis in New York in the past three weeks, and the fact that both the NBC and NY Post Newspaper [sic] cases have responded successfully to treatment. Also, no letter mailed since Sept. 18 has tested positive for anthrax. "There is no risk from what happened a month ago," Ostroff said.<sup>15</sup>

That night management quarantined five Delivery Bar Code Sorters (DBCS) due to anthrax contamination.<sup>16</sup> However, the managers still refused to close the building.

What "quarantining" a DBCS meant to management was shutting off the power to that machine and surrounding it with yellow crime-scene tape. All other DBCS's in the area continued to run. In some cases people continued working as close as six feet from contaminated machines which were just on the other side of the yellow tape.

Although the yellow tape was a visible barrier for people, the workers on the floor (and many first-line supervisors) realized that anthrax spores recognized no such borders. As a result, fear and tension grew. One electronic technician threw away all his tools and work clothes. Absenteeism mounted.

Senior management tried to contain its problem first by trying to whip the first-line supervisors into formation. The latter were told that they were the "point men" who had to lead the workers in moving the mail. This had little effect, however, since most workers didn't believe the supervisors and many of the supervisors didn't believe the people over them. One supervisor related to me that the point man on a patrol was the person who got shot first. Another supervisor was reprimanded for distributing accurate information on anthrax from the Arnot-Ogden Medical Center.

Postal management was not the only player. In almost every statement defending its policies, it stated it was acting at the behest of the CDC. A few days prior to the evidentiary hearing in the local APWU's lawsuit to close Morgan, I asked Robert Daruk, the plant manager, if there were

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<sup>14</sup> I filed another 1767 sometime later about another possible anthrax danger; to this day I have also gotten no response.

<sup>15</sup> *uspsnews*, 24 October 2001. It should be noted that the letters to Sens. Daschle and Leahy were mailed on 9 October.

<sup>16</sup> A Delivery Bar Code Sorter sorts a letter by reading and interpreting the black bar code on the front of the piece. It then transports it at high speed by belts, pulley and diverter gates to one of many bins on the machine. A DBCS can be up to 85 feet long.

plans to test any more machines beyond the limited number which had been done. He responded, “No, because the CDC said it wasn’t necessary.” The people at the CDC, meanwhile, maintained that they had no power and could only make recommendations. It is unknown to me what the CDC recommended to the House of Representatives, the Supreme Court, the State Dept., and the other agencies in Washington which closed buildings in which no anthrax had been found. But clearly these institutions took it upon themselves to shut down for testing and decontamination as a precaution. Not so with the post office: management used every excuse to stay open.<sup>17</sup>

Later, after Morgan had been partially cleaned, I asked Dr. Stephanie Factor of the CDC about the possibility of someone falling ill years from now from residual spores still in the building. She responded that it was highly unlikely and that the chances of getting sick depended on the dosage. I pointed out that no one knew what the permissible exposure limit was to anthrax spores (which is also why no mask is certified against the bacterium). I went on to say that Kathy Nguyen and Otilie Lundgren had apparently died from very low dosages contracted from cross-contaminated mail. Her serious response to this was that she believed that these two women had not become infected from the mail at all, and that a serial killer was “out there” preying on allegedly isolated and lonely women with doses of anthrax spores. I walked away from our conversation feeling that the mental patients had taken over the hospital.

Postal workers’ anxiety took two forms. First was the obvious fear of a lethal spore which neither could be seen, smelled nor tasted. Second was the fear of the consequences of doing what was necessary in the situation: walk out. It is illegal for federal workers to strike. Many of the older people at Morgan remember the thousands of workers fired in the postal wildcats of 1978 and the Professional Air Traffic Controllers strike three years later. The consciousness of these events seeps down even to those workers who weren’t even born when the struggles occurred. As a result there was almost no sentiment at Morgan to strike.

Nor did the actions of the union leaderships open a way to safety. These actions took diverse forms, but all worked to keep people on the job. I am not arguing here that the union leadership should have called a walkout. Instead I am asserting that there was not even an attempt to organize workers to do what was necessary to guarantee an adequate decontamination of the building.

Eventually, on 6 November, New York Metro APWU appeared in court to close Morgan. I was a witness for the union in that action. But this effort was weakened from the beginning. First, not all the union leaders favored closing Morgan. The workers in the building are represented by two unions, the APWU and Local 300 of the National Postal Mail Handlers Union, a division of the Laborers International Union of North America (LIUNA). While the New York APWU leadership was vociferously demanding the closure of Morgan, the Mail Handlers were not. Larry Adams, the regional president of Local 300, was out of town during the most critical week of the crisis. The New York Branch president of Local 300, Florencio Hooker, issued a leaflet which used a quarter of its space explaining anthrax and the other three-quarters apologizing for management and

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<sup>17</sup> It should be noted that on 24 October the citywide maintenance office put out a memorandum stating, among other things, that high-efficiency particulate air (HEPA) vacuum cleaners were not required to clean equipment. HEPA machines cost much more than ordinary vacuum cleaners which have porous filters useless against small particles. This order was changed only after the CDC recommended using HEPA machines in its Health Advisory of 31 October. It should be further noted that the same bulletin also recommended installing HEPA filters on the heating, ventilation and air-conditioning (HVAC) systems. To my knowledge this has never been done.

attacking “elements” which have “preyed on your fear and anxiety” to close Morgan and “get you fired.”<sup>18</sup>

Second, the national APWU leadership stayed on the side-lines in the New York struggle. This is being charitable. Faced with a problem which threatened the lives of everyone who worked in Morgan, the National negotiated an individualized response. It agreed at the height of the crisis on 26 October to let any worker sign out on his or her own vacation time or request a transfer to another, presumably clean, facility. Later, William Burrus, the national president, called Morgan workers “heroic” for continuing to work at the Big Spore.<sup>19</sup>

Even with this individualized agreement, absenteeism was massive. Hundreds of Morgan workers stayed home. On 29 October only ten of nineteen mail handlers in the cancellation section reported for work. Many workers continued to stay out for weeks, but gradually dribbled back as they exhausted their leave time and heard no reports of anyone getting sick.

William Smith, president of the New York local APWU, has denounced postal management on numerous occasions. He has called them “evil” and “jerks” among other epithets. For this he was ejected from Morgan on 11 September and barred from the Bulk and Foreign Mail facility in New Jersey. However, for all his correct denunciations, he has a tendency to go to court to seek relief rather than organize the membership. This happened during the anthrax crisis.

There is nothing wrong with going to court. Dennis O’Neil, the lead plaintiff, asserted that faced with an emergency, he couldn’t wait for management to respond to his Hazardous Condition complaint, nor could he go through the time-consuming grievance procedure. So he filed a lawsuit. However, for workers to rely on the court is a hazardous condition of another sort. The courts are part of the government of the propertied class; their primary purpose is to apply the laws which protect and regulate property. Seldom are the courts friendly to workers.

New York Metro went to court. It did not mobilize its membership. I shall cite two examples. The first occurred early in the morning of 26 October, probably the most tense day of the crisis. Management was still refusing to close the DBCS section, let alone the building. It was still harassing workers who wanted to leave. In this situation a proposal was made for the union to distribute a flyer informing the workers that under Article 14 of the National Agreement, they had a right to refuse to work in a hazardous area. William Smith rejected the proposal.<sup>20</sup> Second, a demonstration at Morgan clearly was in order at the peak of the problem. Such an action would have shown management and the world how determined the workers were to labor in a safe environment; and it would have demonstrated to the workers themselves that they were not isolated individuals in confronting the crisis. But no demonstration was called until six weeks later and that event was held not at Morgan, but two blocks away in front of the General Post Office.

The union’s executive vice-president, Jonathan Smith, also can give a good speech. He made a particularly effective one outside Morgan on the afternoon of 26 October. I don’t know what his strategy is, but a brief exchange with management inside Morgan that same day has made

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<sup>18</sup> “Anthrax Update,” National Postal Mail Handlers Union Local 300 *News Alert*, 29 October 2001.

<sup>19</sup> “Everyday Heroics,” *American Postal Worker* Nov./Dec. 2001: 12.

<sup>20</sup> The union later included this information in a Flash with five other, common-sense points like, “Obtain the Cipro drug from postal management immediately if you test positive for anthrax.” The Flash was headlined: “NEW YORK METRO MEMBERS: TAKE OWN PRECAUTION AGAINST ANTHRAX SCARE.” In other words, workers, you’re on your own.

me pause. Smith, another union official, and I came upon Frank Calabrese, who is the day shift manager, near the area containing the contaminated DBCS's.

"You think I don't care about the people who work here?" Calabrese asked us, defending management's actions.

"No, no," the two union officers responded, indicating that they believed he did.

Calabrese then continued to defend management's program. At that point I was thinking, "These guys just gave away the store without an argument." However, I decided to be as diplomatic as possible.

"Let's say that you really do care about the people here," I said. "But it's also clear that the senior management wants to keep the place open. At best, what you have is conflicting goals, and that is a big problem."

There was no response.

The union lawsuit, formally known as *Smith v. Potter*, was filed under the federal Resource Conservation and Recovery Act (RCRA), which covers toxic wastes. The union's memorandum argued that anthrax spores constituted a toxic waste. The action asked for a preliminary injunction to close Morgan for adequate testing and decontamination. At the time the suit was filed, only limited testing had been done on the DBCS's; no testing had been done on the Optical Character Readers or on one Advanced Facer-Canceller which also could have processed the contaminated letters which were sent to New York.

At the evidentiary hearing on 6 November, the union presented expert witnesses who detailed the anthrax threat. I shall mention a few highlights. First, it was revealed that postal management was handling a toxic materials problem in a backward fashion by handing out personal protection equipment, that is, the gloves and masks. According to Edward Olmsted, a Certified Industrial Hygienist with twenty years' experience, standard procedure instead is to: (1) stop the problem at the source; (2) if that is impossible, to isolate it from the workers; (3) only then to issue personal protection equipment. Second, although the judge, John Keenan, seemed to be unmoved by the union's testimony on the direct threat of anthrax spores to the humans working at Morgan, he was clearly troubled by reports that Morgan was infested with mice. Third, when asked if he had the anthrax test results, Plant Manager Daruk said no, he didn't have them, and deferred to Northeast Regional Vice-President David Solomon. Solomon said he didn't have them, either, and passed the buck on to the regional safety director, who said that he also didn't have them and had merely heard about the contaminated machines in a telephone call from Washington. At this point the judge ordered the managers to produce the results the next day, but in a foreshadowing of the end of this story, he failed to sanction them when they didn't.

As before, management relied on the CDC's Dr. Ostroff. Ostroff again minimized the danger and relied on a study done of an accidental release of anthrax spores into the atmosphere from a germ warfare laboratory in the Soviet Union many years ago. That study showed that the greatest danger to humans occurred immediately after the release. He didn't comment directly on the applicability of that study to a release of spores inside an enclosed building such as Morgan. Ostroff added that the distribution of the antibiotic ciprofloxacin was merely to "assure the workers."<sup>21</sup>

The judge's decision was not surprising. He denied the application for a preliminary injunction for closure. "...[T]he balance of hardships tips decidedly in favor of the defendant," he wrote in his opinion. That is, Judge Keenan constructed a balance. On one side was the chance of someone

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<sup>21</sup> "City Postal Risk 'Very Low,'" by Patricia Hurtado, *Newsday* 7 November 2001: A18.



getting sick or dying; on the other were the costs of closing Morgan. Those costs were more of a hardship than the possibility of human beings contracting a fatal illness. Property and capital rule.

Although the request for a preliminary injunction was denied, at this writing the suit itself is still pending. Also, in one small concession to the union, the judge ordered a massive extermination of the mice.

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