

# Ethics are challenged

## *UAW's attorneys bow out of trademark suit*

Attorneys for the United Auto Workers terminated the adjudication of a major legal ethics question this week when two law firms and an attorney employed directly by the union withdrew from their representation of the UAW in a \$30 million trademark suit, *UAW vs. National Caucus of Labor Committees, et al.* The attorneys involved, the New York firms of Patterson, Belknap, Webb and Tyler and Cowan, Leibowitz, and Latman and UAW attorney Stephen Schlossberg, made their announcement before a federal judge while consideration of their ethical behavior was pending for Supreme Court review.

At issue was the effort of the UAW to assist their trademark case against the NCLC by attempting to instigate federal government investigation of the organization and by employing an admitted FBI informant to infiltrate the NCLC's attorney's offices, steal materials prepared for the legal case, and then testify as the surprise star witness for the UAW. Those tactics appear to coincide with UAW intentions, revealed in a letter made public under the Freedom of Information Act, to use the lawsuit to bankrupt the NCLC, its political opponent.

The UAW's desire to pursue the case appears to stem from the efforts of the union's president, Doug Fraser, to form a labor alliance dedicated, in his own words, to "class war." This so-called Progressive Alliance is scheduled to be merged with the Citizens Party, now being created by environmentalist groups, the Institute for Policy Studies, and Stanley Weiss of Rio Tinto Zinc. It wants to run environmentalist Barry Commoner or Ralph Nader for President to pull enough labor money and support away from the Democrats to insure the victory of probable Republican candidate Alexander Haig. Labor endorsements flowing in to the LaRouche campaign backed by the NCLC have seriously endangered the entire environmentalist strategy.

### **Disqualified in 1977**

Cowan, Leibowitz and Latman and Mr. Schlossberg had been disqualified from participation in the case by a December 1977 opinion of a U.S. Magistrate, Kent

Sinclair. The UAW appealed that finding to U.S. District Court Judge Lawrence Pierce who agreed to hold an evidentiary hearing. The union then retained the Patterson firm to represent them in the evidentiary hearing. A senior partner in the Patterson firm is Harold Tyler, former Deputy Attorney General of the United States. While Tyler was Deputy Attorney General, the Justice Department was solicited by Schlossberg to pursue an FBI investigation of the NCLC. Schlossberg claimed the NCLC was planning the assassination of Nelson Rockefeller. Tyler authorized the FBI investigation continue, and reviewed confidential files on the NCLC and its political disputes with the UAW which are still unavailable to the NCLC itself. The first review of the investigation of the NCLC after Tyler's resignation from the Justice Department resulted in the termination of the investigation.

The NCLC asked the court to disqualify the Patterson firm also because of Mr. Tyler's previous official involvement with the parties to the legal suit. The Patterson firm refused to remove itself and answered the charges with personal attacks on the NCLC attorney.

While the UAW apparently believed it had lost the political fight to gain an advantage in the case through its selection of attorneys, the request to withdraw from the case attempted to preserve the right to have their tainted informant, Rose, as a star witness. They asked that the NCLC motion, filed in 1977 to either disqualify the attorneys and Rose or to dismiss the entire case, be dismissed as moot.

Judge Pierce refused to grant that request, ordering the UAW's new trial attorneys to submit a letter describing how they intended to use Rose while shielding the case from the taint of his illegal and wholly unethical activities.

The ethical questions raised by the UAW's conduct, although largely removed from the jurisdiction of the court which will try the trademark case, are still pending before the disciplinary boards of the Washington, D.C. and New York Bar Associations.

—Felice Merritt