

## LEGISLATIVE NOTES

# Lie Detector Bill Is Rebuffed But Not Dead

**LIE DETECTORS** — A bill that would have tended to lend unwarranted stature to so-called lie detectors, AB 32-Danne-meyer, fell two votes shy of passage on a roll call vote in the Assembly Ways and Means Committee on Monday but may be brought up for reconsideration.

Assemblyman Robert W. Crown, committee chairman, opposed the bill, pointing out that lie detectors, or polygraphs as they are sometimes called, have not demonstrated their reliability and that state regulation would dignify an uncertain profession.

"It would be the first step in legalizing the findings of an uncertain device," he said. "I still would rather rely on a jury than I would on a box."

Top FBI agents conceded in Congressional testimony this week that the so-called lie detectors can be fooled by alcohol, drugs and spies and might also be fooled by a couple of aspirins or too many cigarettes.

John P. Mohy, Assistant to Director J. Edgar Hoover, said in a prepared statement that the FBI used polygraphs in only one-tenth of one percent of its cases in the last fiscal year and that the FBI's position is that the polygraph is not a lie

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# Bids for More Braceros Rejected; Panel Hits Strawberry Growers

Demands for some 2,599 additional foreign farm workers for the Stockton, Salinas and Blythe areas have been denied by U. S. Secretary of Labor W. Willard Wirtz. Wirtz' action concurred in the recommendations of a three-man California Farm Labor Panel that weighed the testimony gathered at hearings held in each of those communities. The California

## Propaganda on Jobless Pay Hit

Charges of "abuse, lax administration" and "overly liberal decisions from appeals" in the administration of the State's unemployment insurance program have been denounced as "compounded of phony propaganda, half truths and outright distortions."

That's how Gerald F. Maher, Chairman of the Unemployment Insurance Appeals Board described them at the 13th Annual Forum of the Administra-

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## UI Bill Hiking Benefits to \$65 Moves Out; Assembly Approves Hot Cargo Repealer

Action on efforts to improve the state's unemployment insurance program and bills to repeal the Hot Cargo and Secondary Boycott Act dominated the legislative scene in Sacramento from labor's standpoint this week as lawmakers in both houses buckled down to work on the more than 5000 measures confronting them.

A \$10 boost in maximum weekly jobless state benefits is wrapped up in the omnibus unemployment compensation bill, AB 518, that emerged from the Assembly Finance and Insurance Committee on Wednesday.

But other provisions in the bill that could result in a denial of benefits to some 75,000 workers presently eligible were vigorously opposed by the Califor-

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## 1200 Join AWOC Strike In Imperial Co.

The welfare of hundreds of farm workers in the Imperial Valley hung in the balance this week as two farm labor contractors and the growers they served continued to refuse to offer decent wages or working conditions.

More than 400 workers walked out of the tomato fields in the Brawley area Tuesday and on Wednesday the number of strikers protesting low wages and disgraceful working conditions had risen to 1200, a spokesman for the Agricultural

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## Action To Curb 'Private Armies'

A bill to outlaw private armies such as those spawned by such disgruntled right-wing organizations as the "Minutemen" and the "California Rangers" won a "do-pass" recommendation from the Assembly Criminal Procedures Committee this week after State Attorney General Thomas C. Lynch appeared before the committee and said:

"We all recognize we cannot prevent people from hating but I believe that it is our duty to protect society from militarized hate."

The bill, AB 184, which was introduced

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# UIA Chief Raps 'Propaganda' Jobless Pay

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tive Referees' Association held May 21-23 in the Hacienda Hotel in Fresno.

The facts show, Maher declared, that claimants are paid unemployment insurance in only one-third of the cases that come before the Appeals Board and its referees.

Citing Governor Brown's recent comment that attacks on California's unemployment insurance program are "totally irresponsible," Maher asserted:

"I would add that those I have seen are compounded of phony propaganda, half truths and outright distortions. They are divorced from fact or reality and utterly lacking in objectivity."

In an address to some 300 labor and management representatives, Maher backed up his case against the phony charges with the following facts:

- UIA Board referees disposed of 25,006 benefit appeals in 1964. Jobless benefits were denied to claimants in 15,938 cases, more than 63.7 percent of the total appeals.

- Claimants won only 6,142 or 34.7 percent of some 17,678 claimant appeals.

- UIA referees upheld the Department of Employment's denial of benefits in more than 65 percent of the cases.

- Employers won 4,402 or better than 60 percent of 7,328 employer appeals.

- Of 3,704 benefit appeals decided by the Appeals Board itself in 1964, the Board granted benefits to only 1,206 claimants or 32.5 percent.

Moreover, Maher pointed out, claimants filed 2,720 of those appeals but "the referee was reversed and the claimant paid benefits in only 454 or about 16.6 percent of the cases."

In contrast, he said, "employers filed 984 appeals. The referee was reversed and the employer prevailed in 232 or about 23.5 percent of the cases, considerably higher than the ratio of successful claimant appeals.

"So the fact, then, is that the employer wins oftener than the claimant at both the referee level and the Board level.

"And the fact is that claimants are paid benefits in only approximately one-third of the decisions issued at both levels.

"Does that sound like an 'abuse'? does it sound like 'lax administration'? does it sound like a 'give away program'? I think not," he declared.

Maher said that those who manufacture the "phony propaganda, half truths and outright distortions" that are used to try to discredit the program, "seldom come to grips with the real problems of

# 1200 Join AWOC Strike In Imperial County

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Workers Organizing Committee, AFL-CIO said.

The growers have refused to pay more than \$1.25 and have also refused to improve sanitation or other working conditions, the union spokesman said.

The union is seeking a \$1.40 minimum hourly wage, minimum work guarantees and improvements in other conditions such as toilet facilities, transportation vehicles, and drinking water.

The AWOC spokesman said that at present in many fields all workers had to drink out of the same four or five tin cans and that the portable toilet facilities were inadequate.

In terms of minimum work guarantees, the union is seeking two hours pay if workers are ordered to report to work but are not taken out to the field and four hours if they are taken to the fields but not put to work. They are also seeking rest periods and other fringe benefits.

Their requests have been submitted to the H. P. Murphy Company and N. A. Pricola, another grower, and to two farm

labor contractors, Don E. Currier and Ed Esquivel.

Some 2100 acres of tomatoes are involved in the strike, with the bulk of the acreage under the control of the H. P. Murphy Company.

Agricultural Commissioner Claude Finnell has indicated that tomato harvesting has been cut significantly by the strike. The tomatoes are due to reach peak harvest within the next two weeks.

# Assembly Unit OKs Bill To Curb Far Right Extremists

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at Lynch's request by Senator J. Eugene McAteer, has already been approved by the Senate.

Lynch emphasized that the bill seeks to regulate conduct — not speech or thought.

Senator McAteer pointed out that the people involved in such ultra-conservative paramilitary groups "are emotionally unstable. They have lost faith in our system of government and they believe both our political parties are shams."

"The greatest danger from them," he added, "is that in continuing to play soldier they may harm their fellow citizens."

Corroborating McAteer's statement that many of the members of such organization have "lost faith" with our form of government, Lynch quoted the following from "The Minutemen" the organization's official publication:

"A pro-American government can no longer be established by normal political means. There has not been one presidential election since World War II where the American public has had an opportunity to vote for a real American.

"The leaders of most other conservative organizations privately agree that it is politically impossible to elect a really pro-American government."

The measure, which was approved without opposition or a dissenting vote, defines a "paramilitary organization" as "an organization which is not an agency of the United States Government or of the State of California but which engages in instruction or training in guerilla warfare or sabotage."

It provides that any two or more persons who assemble as such a group to practice with weapons may be subject to a year in the county jail or a fine of \$1,000 or both.

The constitutionality of such measures has already been affirmed and Senator McAteer said that 23 states have similar laws.

# Employer Asks Repeal of 14(b)

Anti-union shop states try to lure industries from other states with the offer of "a work force that has been completely domesticated and tamed and is available for hire at sub-standard rates."

That's what Joseph Moore, president of the Associated Garment Industries of St. Louis, told Congress last week in urging repeal of Section 14(b) of the Taft-Hartley Act. Moore said that Section 14(b) has deprived management and labor the right to negotiate the issue of the union shop.

And Rabbi Richard G. Hirsch, speaking for the Central Conference of American Rabbis last Friday, also urged repeal of Section 14(b) because its real purpose was "not to give freedom to the individual worker, but to give license to the employer; not to grant labor rights, but to deprive labor of rights."

He pointed out that encouraging a worker to stay out of the union which represents the majority of his fellow workers "is not a protection of minority rights but a destruction of majority rule."

this complex law and they almost never seem to be concerned with vital social needs."

The forum also included discussions on, among other things, eligibility for disability insurance and the effect of collective bargaining agreements and personnel practices on eligibility for jobless benefits.

# Lie Detector Bill Rebuffed But Not Dead

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detector but "may indicate deception" on the part of a suspect.

The FBI official's testimony was presented to the Government Information Subcommittee of Rep. John E. Moss (D-California) who commented at the end of the hearing that the testimony reinforced his views that there is "very little if any validity to the use of lie detectors."

**WRAP-UP INSURANCE** — SB 916, a Federation-backed bill to prevent public agencies from requiring or financially

## Panel Hits Growers' 'Efforts'

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el said it concluded that "the efforts of the strawberry industry to recruit domestic labor have fallen short of their full potential."

That is somewhat of a classic understatement.

The Panel's report painted a glowing picture of community action to recruit domestic labor in the Blythe area.

It said that with shippers and growers sharing the costs, the community has rented 25 new apartments to house the A-teams being developed under the Manpower Development and Training Act; arranged for the services of a nutritionist and a high school cafeteria and staff to feed the recruited workers and obtained swimming passes to local swimming pools at no cost for the recruits. They have also arranged to provide transportation between housing facilities, eating facilities and the fields.

The report also noted that some 19,400 more domestic workers were employed in California as of May 15, 1965 than a year earlier and added that "by now it is doubtless larger."

It observed, too, that "the increased use of domestic labor, as opposed to bracero labor, has not only provided job opportunities for more domestic workers, but has also reduced welfare costs."

The Panel cited the report of the Monterey County Welfare Director who announced May 27, 1965 that only 77 families had received welfare aid during the month of April 1965 compared to 313 in April 1964.

This corroborates another point the Federation has repeatedly stressed, namely, that the growers' refusal to pay anything but sub-poverty level wages has imposed an enormous welfare burden on the state's taxpayers

inducing bidders on big, public construction contracts to negotiate their workmen's compensation or liability insurance coverage through a particular broker or a company regardless of whether the bidder or public body pays the premium, has been sent to interim study.

The measure was aimed at the practice of "wrap-up insurance" which involves the use of only one insurance company to provide one policy covering all the insurance needed for every contractor on a construction project.

Action on the measure was taken by the Senate Insurance and Financial Institutions Committee at the request of Senator Joseph A. Rattigan (D-Sonoma), the bill's author.

**CAR INSURANCE** — AB 1036-Brown, which calls on the State Insurance Commissioner to set rules stating when an insurance firm can and cannot cancel a motorist's automobile insurance coverage, won Assembly approval this week by a 55 to 14 vote and was sent to the Senate. At present the insurance carriers set their own rules.

A related measure AB 818-Zenovich, to require insurance companies to give policyholders 10 days notice before canceling coverage or raising rates was also approved by the Lower House this week.

**JURY DUTY** — AB 2253-Hinckley, a bill to assure employees time off for jury service without loss of pay with the

## Action Urged to Ban Lie Detectors' Use

Legislation to ban the use of "lie detectors" and issuance of an Executive Order by President Johnson to bar the use of such instruments in the federal government has been urged by the AFL-CIO Executive Council at its spring meeting in Washington.

Declaring that "there is no 'lie detector' and that the use of these machines is based on deception and myth," the Council deplored the growing use of such devices saying:

"The use of 'lie detectors' violates basic considerations of human dignity in that they involve the invasion of privacy, self-incrimination and the concept of 'guilty until proven innocent.'"

The Council approved the 31-page report on the use of polygraphs—more commonly known as "lie detectors"—which had been called for by a resolution adopted last February.

The report emphasized the "alarming spread" in the use of lie detectors in recent years in both government and private industry.

As a result, it observed, "workers with established records of honesty, dependability and integrity in their personal

## Equal Pay Act in Full Force on June 11

The Equal Pay Act for Women, enacted two years ago in June 1963, becomes fully effective just one week from today on June 11.

The Act, an amendment to the Fair Labor Standards Act, bans wage discrimination based on sex when men and women covered by the Act do the same work under the same conditions.

A proviso in the amendment stipulated that it would become effective June 11, 1964 or upon expiration of collective bargaining contracts that were in effect on May 11 of that year but in no case later than June 11, 1965.

The Fair Labor Standards Act, enacted in 1938, applies to workers engaged in producing goods and services involved in interstate commerce.

provision that the per diem received by the employee for jury service may be deducted from wages, won Assembly passage Tuesday and was sent to the Senate.

The Federation-backed measure has been amended, however, to limit its applicability to "employees of employers of more than 10 employees" instead of to "all employees" as it read when originally introduced.

and employment lives . . . suffer themselves to be hooked up to a machine and answer a whole gamut of questions about their past, present and future activities on and off the job," the report observed.

Since it has been repeatedly demonstrated that such machines are subject to substantial error due both to physiological factors in the person being tested and to the fact that the person operating the device must use a substantial amount of subjective judgment in conducting the tests, the report urged unions to include clauses in their collective bargaining agreements banning the use of lie detectors and suggested the following language as a guide:

"The company shall not require, request or suggest that an employee or applicant for employment take a polygraph or any other form of lie detector test."

Six states and two cities have already enacted laws banning the use of lie detectors in all private employment and, with one exception, in public employment as well, the report said.

# UI Bill Hiking Benefits to \$65 Moves Out; Assembly Approves Hot Cargo Repealer

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## nia Labor Federation.

Under the subcommittee setup adopted to handle social insurance measures in the current session, the subcommittee on Unemployment Insurance heard testimony on all related bills and then drafted its own composite bill.

Although testifying in behalf of the bill, the Federation strenuously objected to three major provisions that would restrict benefits because they are at odds with the whole concept of unemployment compensation which is to stabilize the purchasing power of the jobless worker.

First, the Federation pointed out that the additional earnings required to qualify for the higher maximum benefits between \$56 and \$65 are scaled in such a way that workers qualifying for these benefits will get less than 50 percent of their average weekly earnings. Yet one of the basic concepts of unemployment insurance has always been that the minimum benefit should be at least one-half of average weekly earnings.

By undercutting that basic minimum, this provision sets a precedent that could result in more and more workers in the higher wage brackets receiving a smaller and smaller percentage of their average weekly earnings when they are laid off and desperately need supplemental income.

Under the present law the weekly benefit amount increases by \$1 for each additional \$28 earned from the minimum benefit of \$25 a week through the present maximum of \$55.

While AB 518 would retain that schedule, it would require an additional \$30 in earnings for each dollar in additional benefits between \$56 and \$60 and an additional \$40 in additional earnings for each additional \$1 in benefits between \$61 and \$65.

Secondly, the Federation objected to a provision that would totally eliminate a provision of the present law that disqualifies workers who quit or are discharged from benefits for five weeks. Instead, the new provision would require workers to earn five times their weekly benefit amount before regaining eligibility for jobless pay.

This provision is grossly unfair since it makes no distinction between those who quit, possibly for good reasons, and those who are fired, a Federation spokesman said.

Moreover its impact will fall hardest on the two groups that have the hardest time in finding employment — the youth and the elderly, he added.

As a result of this provision alone,

some 60,000 presently eligible workers would be denied benefits and some \$26.5 million in purchasing power lost.

Thirdly, the Federation opposed additional eligibility requirements to qualify for the 13 weeks of additional benefits that become available when the state's jobless rate in covered employment reaches six percent or more. This provision would deprive more than one-third of all those now eligible of such extended benefits.

This is completely contrary to the purpose of the extended benefits program since it would severely reduce purchasing power in times of recession when it is most needed, the Federation explained.

The overall impact of AB 518 would be to increase employer contributions to the jobless pay program by a net of \$12.5 million. The boost in maximum weekly benefits would cost about \$43.5 million and would help about 40 percent of workers covered by the program, principally those in the higher wage bracket.

Another squeeze on eligibility requirements is imposed by a boost in the sum workers are required to earn before qualifying for benefits from \$600 to \$720. As a result of this provision, some 12,000 workers would be dropped from the eligibility list and about \$5 million in benefits would be eliminated.

The measure would also boost the taxable wage base on which employer contributions are paid from \$3800 to \$4100 but with the proviso that whenever more money was going into the unemployment insurance fund than was being paid out, the wage base would drop back down to \$3800.

## HOT CARGO REPEAL

Repeal of the Hot Cargo and Secondary Boycott Act won Assembly approval Wednesday on a 45 to 20 roll call vote. The measure, AB 2355—Thomas, a Federation initiated measure, was subsequently sent to the Senate and referred to the Senate Labor Committee.

A similar, Federation-backed measure, SB 551—McAteer, won Senate approval last Friday on a 22 to 13 roll call vote and was sent to the Assembly and referred to the lower House Industrial Relations Committee.

Voting in favor of SB 551 which would strike a World War II emergency measure that has already been declared unconstitutional from the State Labor Code, were:

Senators Arnold, Begovitch, Christianson, Collier, Donnelly, Farr, Gibson, Holmdahl, Lunardi, McAteer, Miller, Nesbit, O'Sullivan, Petersen, Quick, Rattigan, Rees, Rodda, Stiern, Teale, Wein-

## Berkeley and Albany Outlaw Strikebreakers

Anti-strikebreaker ordinances were adopted by two more northern California cities this week — Berkeley and Albany.

Berkeley's ordinance was adopted Tuesday night by an eight to one vote after officials of the Alameda County Central Labor Council explained it was needed to help maintain peaceful conditions during labor disputes by keeping professional strikebreakers out.

The Berkeley ordinance would make it illegal for employers to hire persons from outside the area who normally make their living working behind the picket lines.

A day earlier the Albany City Council had adopted a similar ordinance.

The three other northern California cities that have already banned strikebreakers are San Francisco, San Jose and Pittsburg.

gard and Williams.

Opposed were: Senators Bradley, Burns, Cobey, Cologne, Grunsky, Lagomarsino, Marler, McCarthy, Pittman, Schmitz, Schrade, Symons and Way.

In other action, AB 1683—Foran, a Federation-backed bill to require employers to pay women the same wages as men when they perform the same work has won unanimous approval in the Assembly and been sent to the Senate.

## Solons Step It Up

With only 12 days left before the mandatory June 18 adjournment date when no clock-stopping is allowed, legislative activity finally moved into high gear in Sacramento this week.

The Senate held its first night session yesterday, its deadline for completing action on bills originating in the Senate, and plans its first full-day Saturday session tomorrow. The Senate's first Sunday session is scheduled June 13 and both day and night sessions will be held from June 15 until the end of the session.

The Assembly, which must act on all its own bills by Tuesday, June 8, is expected to adopt a similar schedule.

Veteran observers of the Sacramento scene say that the files of bills in both Houses are probably in worse shape than they have been in years and attribute the logjam to the failure of the legislators to get down to business earlier.

The three principal issues confronting the legislators — reapportionment, taxes and the budget—are still substantially unresolved. Here's a rundown on their current status: