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Ruling May Hamper Bargaining

In a decision which one dissenting Justice described as having the effect of tossing "a monkey wrench into the collective bargaining machinery Congress set up to try to settle disputes," the U.S. Supreme Court has ruled by a five to four mar-

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Special Election Set in 14th C.D.

A special election to fill the vacancy created in the 14th Congressional District in Contra Costa County by the recent death of Rep. John F. Baldwin has been set for June 7 by Governor Edmund G. Brown.

If no candidate wins a majority at the special election, which coincides with the state primary, the Democrat and Republican winning the most votes in the special primary election will face each other in a run-off election on July 5. The winner will serve out the remainder of Baldwin's term which ends January 3, 1967.

Jerome R. Waldie (D-Antioch) is quitting his 10th Assembly District seat to run for Baldwin's post.

Registration in the district, as of January, 1966, totaled 205.889, including 123,104 Democrats and 77,224 Republicans.

Republican contenders for the seat include: Dr. John A. Richardson, an Orinda physician and section leader of the John Birch Society who opposed Baldwin unsuccessfully two years ago; and Frank J. Newman, another Orindan who is manager of a Richmond engineering firm and a vice president of the California Republican League.

Don't Buy 'Boss Gloves', Union Asks

Don't buy "Boss Gloves" is the plea still being made by the Amalgamated Clothing Workers of America, AFL-CIO.

The appeal, addressed to the consuming public, stems from the fact that some 600 union workers have been on strike at the firm's plants in Kewanee, Ill., Chillicothe, Mo., and Oneida, Tenn. for more than a year. When the strike was called workers were earning only about $1.30 an hour, the union explained.

The union has filed unfair labor practice charges against the Boss Mfg. Company plants in all three states.

Boss Gloves are sold at W. T. Grant and J. C. Penney stores.

"Strike a blow for economic justice and shun Boss Gloves," the union asks.

IWC To Reopen All Wage Orders

Despite an attempt by an industry representative to exclude three wage orders affecting farm workers and workers in farm related industries, the State Industrial Welfare Commission yesterday voted 3 to 2 to reopen all 14 of its wage orders dealing with the wages and working conditions of women and minors in various California industries.

The action, stemming from a request made to the Commission by the California Labor Federation, AFL-CIO, sets in motion the procedures necessary to up-date the wage orders, most of which are already three years old.

It also marks a significant forward step from the established pattern of reopening the orders only once every five years.

In addition, the decision reflects the commission's recog-

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Two Guilty In Phony Ad Sales Scheme

George Ian Hermansen and John Black, initially charged with conspiracy and grand theft in connection with ad sales for a nonexistent paper known as "The State Labor News," have pleaded guilty to the reduced charge of petty theft and agreed to make restitution of an estimated $25,000 in funds received for ads that were never published, according to Deputy District Attorney Richard Salle of Santa Clara County.

Hermansen, 47, of 1245 Harper, Apt. 19, Los Angeles, pleaded guilty yesterday before a Judge James B. Scott in Sunnyvale municipal court.

Salle explained that the felony charges of conspiracy were dropped because of the difficulty of proving intent. John Black, of 1135 North Ogden, Los Angeles, had pleaded guilty on March 24 to the reduced charge.

Salle, who estimated that the unpublished ads represented

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Only 13 Days Left to Sign Up to Vote. Deadline—April 14

Interest Rate Hike Cited in Building Trades Job Lag

Blame for the depressed housing industry was laid squarely at the door of the Federal Reserve Board's action in boosting interest rates last December by Rep. Wright Patman (D-Texas) at the opening session of the National Housing Conference in Washington last week.

Pointing out that interest is the biggest single cost in housing, Patman asserted that the Federal Reserve Board has more to say about the success or failure of housing programs than the new Department of Housing and Urban Development (HUD).

"I say that this is bad public policy. I say that it is policy that should be reversed without delay so we can get on with the job of building a better America."

Patman, chairman of the House Banking and Currency Committee declared that many of the gains envisioned under the 1965 housing legislation "already had been wiped out by the Federal Reserve Board's interest rate boost."

The contraction in the housing industry has been particularly acute in California. In the San Francisco Bay Area alone, building trades officials report twice as many carpenters out

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Ruttenberg To Keynote Meet On Apprentices

U.S. Manpower Administrator Stanley H. Ruttenberg, formerly Director of Research for the AFL-CIO, will be the keynote speaker at the 4th Biennial Conference on Apprenticeship to be held in Los Angeles April 13-15, Charles M. Sanford, Conference Chairman, has announced.

The conference, expected to attract 1,000 labor and management delegates representing more than 600 joint apprenticeship committees throughout California, will include 21 industry conferences and six workshops.

Workshop topics will include: Equal Opportunity in Apprenticeship and Training; Journeymen Training and Other On-the-Job Training; Legislation Affecting Apprenticeships; Related and Supplemental Instruction; Apprenticeship Opportunity; and Research.

Workshop speakers will include U.S. Equal Opportunity Commissioner Aileen Hernandez; William Becker, Governor Brown's Assistant for Human Rights; Thos. L. Pitts, Secretary-Treasurer of the California Labor Federation, AFL-CIO; Albert B. Tieburg, Director of the Department of Employment; Ernest B. Webb, Director of the Department of Industrial Relations; and Wesley P. Smith, State Director of Vocational Education. The Conference theme is "Apprenticeship Perpetuates Craftsmanship."

Printing Trades Hikes Average 10c in 1965

Union workers in the printing trades in cities of 100,000 or more gained wage increases averaging 10 cents an hour, or 2.8 percent, during the year ended July 1, 1965, the Labor Dept. reported.

The results of the survey, made by the department's Bureau of Labor Statistics, compared with a rise of 9 cents an hour, or 2.6 percent, in the previous year.

Rates averaged $3.73 for all workers in the industry, the study showed.

Court's Ruling May Toss Wrench Into Bargaining

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gin that parties to a labor dispute may sue for libel under state laws if they claim that untrue charges were made with malice and caused provable damage.

The decision, rendered in a case involving a non-AFL-CIO, union, overruled a lower court's dismissal of a $1,000,000 libel suit brought by an official of the Pinkerton Detective Agency against a Detroit local of the unaffiliated United Plant Guard Workers, two union officers and a Pinkerton employee who circulated a leaflet during an organizing campaign.

Earlier, a Federal District judge and the U.S. Sixth Circuit Court of Appeals had held that State libel laws did not apply because Congress had given the National Labor Relations Board exclusive jurisdiction to police union representation campaigns.

MAJORITY VIEW

The court's majority opinion, delivered by Justice Tom C. Clark, said the NLRB's concern applies only to the effect of libelous statements on a free choice of workers and provides no redress for "personal injury caused by malicious libel."

But two strong dissenting opinions were filed by the minority.

Justice Abe Fortas declared that the decision "jeopardizes the measure of stability painstakingly achieved in labor-management relations. It introduces a potentially disruptive device into the comprehensive structure created by Congress for resolving these disputes."

Fortes, who was joined in his dissent by Chief Justice Earl Warren and Justice William O. Douglass, said that no libel suit should be allowed in a labor dispute "where the allegedly defamatory statement is confined to matters which are confined to the fabric of the dispute."

In a separate dissent Justice Hugo L. Black declared that the decision "tosses a monkey-wrench into the collective bargaining machinery Congress set up to try to settle labor disputes."

Emphasizing that the objective of the National Labor Relations Act was "to settle disputes—not to aggravate them," Black said that it would be "difficult to conceive of an element more certain to create irritations guaranteed to prevent fruitful collective bargaining discussions than the threat or presence of a large monetary judgment gained in a libel suit generating anger and a desire for vengeance."

The majority opinion conceded that it was "difficult" to draw a line between the area pre-empted by Federal Labor Law and the "traditional concern in the responsibility of the State to protect its citizens against defamatory attack."

Noting that under some state laws language that is "commonplace" in labor disputes might be grounds for action without the need to prove specific damage, the majority decision ruled:

"We therefore limit the availability of state remedies for libel to those instances in which the complainant can show that the defamatory statements were circulated with malice and caused him damage."

LEAFLET CITED

The leaflet that provoked the suit alleged that "Pinkerton Guards were robbed of pay increases" and that Pinkerton managers "were lying to us."

Since the suit brought by the Pinkerton officials did not specify the nature of the claimed damages and therefore would not meet the court's criterion, the decision said that the complainant should be given permission to revise his suit if he still wishes the case to go to trial.

The majority decision left open the possibility of reconsideration if the line it sought to draw between state and federal jurisdiction proves, through experience, to interfere with federal labor policies.

If this should be the case, the court will be free to reconsider the issue since its ruling does not rest on a "constitutional issue, but solely with the degree to which state remedies have been pre-empted" by federal law, the decision explained.

Give Tyson's Chicks The Bird Union Asks

Workers walking a picket line at the Tyson Poultry Plant in Springdale, Arkansas, are relying on California trade unionists and other friends of labor for help—they are appealing for a consumer boycott of Tyson's products which can be identified by USDA Inspection Nos. P-481 or P-607, a union spokesman said.

The firm, one of the largest poultry producers in the world, sells its products under the following brand names:

Manor House (Safeway); Ocoma Foods; Tyson's Pride; Wishbone (Kroger); Dover Cornish; Dover Roaster; Old American Roaster; Pattie Jean Cornish; and Pattie Jean Roasters.

Although Tyson employees chose Food Handlers Local 425, an affiliate of the Amalgamated Meat Cutters and Butcher Workmen's union, as their bargaining agent last May after the firm had been found guilty of repeated violations of the National Labor Relations Act, efforts to negotiate a contract proved fruitless. The employees have been on strike since August 27, 1965.

Among other things, Tyson's has demanded the right to fire any employee who is absent six times a year regardless of the reason, denied any beneficial seniority rights, and refused employees the use of time clocks, the union said.

Job Guide Available

An "Occupational Outlook Handbook" published by the U. S. Labor Department as a job guide for 1966-67 is a basic source of reliable information to help young people plan their education and training.

The handbook lists 800 occupations, describes the nature of the work, qualifications required and the extent of job opportunities. Copies may be obtained from the Labor Department's Bureau of Labor Statistics, Room 10468, 450 Golden Gate Avenue, San Francisco for $5.

IWC To Reopen All Wage Orders

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nition of its responsibilty to provide equal protection to workers in all covered industries from the impact of inflation and other wage-eroding forces.

Leonard P. LeBlanc, an industry representative on the five-member Commission, contended that Wage Orders 14, 13 and 8 should not be reopened because Order 14 had just been promulgated last year and not enough time had elapsed to determine how effective it was.

Left unexplained was how this applied to Wage Orders 8 and 13, both of which were last updated on August 30, 1963. Also unmentioned at the hearing was the fact that the current $1.30 minimum is already substantially below the $1.40 average hourly wage in farm employment last year for all workers. His motion to exclude Orders 8, 13 and 14, however, failed to get a second.

Voting in favor of reopening all 14 orders were Commissioners J. J. Rodriguez, Ruth E. Compagnon and Norman S. Lezin. Opposed were LeBlanc and Frances Larsen. The latter is the Commission's chairman and public member.

At the initial hearing on the reopening issue on March 16, when Commissioner Lezin was absent, the Commission voted 2 to 2 on reopening all 14 orders.

Thos. L. Pitts, the Federation's secretary-treasurer, submitted a statement to the March 16 hearing which pointed out that the cost of living had climbed more than 7.5 per cent in California's two major metropolitan areas since mid-1961 and that the current $1.30 minimum wage fell far shy of meeting the needs spelled out in the budget for a self-supporting working woman when that budget is adjusted for recent increases in the cost of living.

In other actions, the Commission scheduled a meeting on June 14 at 10 a.m. in San Francisco to consider proposed changes in the rules and regulations governing wage boards.

Interest Rate Hike Cited in Building Trades Job Lag

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of work this winter as were jobless a year ago.

PROP. 14

In addition to drop-offs in new housing starts of up to 50 percent in a number of areas, which Max Kossoris, regional director of the U.S. Bureau of Labor Statistics, attributes in part to the lag in the formation of new families due to the low birth rate in World War II, millions of dollars in construction money earmarked for California are being held up pending the State Supreme Court's ruling on the constitutionality of Proposition 14, the anti-fair housing measure approved by the voters in 1964.

Urban renewal regulations ban discrimination in projects developed with the assistance of U.S. tax funds.

The $100 million Western Addition project in San Francisco, for example, which would create 10,000 man-years of work, plus many others throughout the state, fall into this category.

Passage of Proposition 14 amended the State Constitution to give apartment house and home owners "absolute discretion" over rental or sale of their units, including the right to refuse to rent on grounds of race or religion.

On March 21 the State Supreme Court heard arguments on the measure's legality.

Justice Raymond E. Peters pointed out that if Proposition 14 had just repealed the Rumford Act there would be no question about its constitutionality. But the fact that the proposition amended the constitution to give property owners "absolute discretion" in choosing a buyer or renter raises the question of whether a state can render itself impotent from implementing the 14th Amendment to the U.S. Constitution, he said.

"The State is saying to private property owners 'go ahead and discriminate and we guarantee that no legislature, no Board of Supervisors, no City Council will ever interfere,'" Justice Peters observed.

"Isn't that an encouragement of discrimination. And isn't that state action?" he asked.

GEORGIA CASE

At issue in the current hearing is how a recent U.S. Supreme Court decision affects Proposition 14. The nation's highest court held that transfer of a public park in Georgia to private trustees to continue racial discrimination constituted state action prohibited by the 14th Amendment.

Proponents of Proposition 14 argued that the U.S. Supreme Court's decision in the Georgia case was not applicable to California's anti-fair housing law because the property had been operated as a public park for 40 years.

But opponents pointed out that the U.S. Supreme Court's decision was based on the underlying purpose or motive of the state, which in this instance was to continue discriminatory action in private lands.

An attorney representing landlords and the California Real Estate Association argued in favor of the anti-fair housing law. Attorneys for the National Association of Colored People and the American Civil Liberties Union opposed it. The ACLU urged the court to declare Proposition 14 unconstitutional for "over broadness" without getting into the larger issues.

Labor Press Parley Planned In Sacramento

The first annual convention of the California Labor Press Association is scheduled for April 22-24 at the Hotel Senator at 12th and L Street in Sacramento.

The convention, described somewhat unfetchingly as "a working convention," is open to representatives of all labor publications in California. Like present CLPA members, representatives of publications that are not presently CLPA members must apply for credentials and forward the required $10 registration fee per delegate to the California Labor Press Association at 2130 West Ninth Street, Los Angeles, California 90006.

Delegates' credentials may be picked up Friday, April 22, at the CLPA registration desk at the Hotel Senator. They will not be mailed to delegates.

Each member publication will be entitled to two delegates and two votes at the convention.

Although the full program for the convention has not been completely firmed up, registration will start at 2 p.m. with the opening general session scheduled for 7 p.m. Friday, April 22.

A series of workshops will get underway at 9:30 a.m. Saturday. A luncheon with Governor Brown is scheduled for noon Saturday.

The convention will adjourn at 1:00 p.m., Sunday, April 24, following a general session Sunday morning that gets underway at 10 a.m.

The registration fee for each delegate covers expenses for workshop leaders and speakers.

Civil Rights Act Spurs Voter Registration in South

Registration of non-white voters in the five southern states most directly affected by enactment of the Civil Rights Act of 1965 has increased from 28.3 percent prior to passage of the act just seven months ago to 40.9 percent today, according to Justice Department estimates.

Following the U.S. Supreme Court's action this week upholding the constitutionality of major section of the act, non-white registration in these five states is expected to climb even higher as local voting registrars abandon delaying tactics heretofore employed.

Although more than 300,000 Negroes have been registered since the act went into effect last August, only 43 percent of eligible Negroes in these five states are thus far registered, the Department said.

SERVICE COUNTS

Workers at War Still Earn Severance Pay

Workers entitled to severance pay based principally on length of employment are entitled to severance pay benefits for time in the military service as well as time on the job.

This was the unanimous decision of the U.S. Supreme Court in an 8-0 ruling in a case involving tugboat firemen and the Pennsylvania Railroad.

The decision came in a case pressed by six firemen employed on tugboats operated by the Pennsylvania Railroad which eliminated their jobs under a 1960 strike settlement agreement.

Both the 1940 Selective Service Act and subsequent draft laws provide re-employment rights with full seniority for persons who enter the armed forces—either through the draft or as volunteers. The laws require employers to restore jobs to honorably discharged servicemen "without loss of seniority."

Justice Hugo L. Black pointed out the Selective Service Act was violated when the company refused to count military service in computing severance pay.

Noting that the law clearly states that workers who enter military service continue to accrue seniority while they are in uniform, Black said it would be a "bizarre" interpretation of the law if this obligation were evaded because the severance pay agreement referred to a period of "compensated service" rather than seniority.

Congress clearly intended that "the returning veteran was to be treated as though he had been continuously employed during the period spent in the armed forces," he asserted.

The amount of severance pay "is just as much a prerequisite of seniority as the more traditional benefits such as work preference and order of layoff and recall," he said.

"The cost to an employee of losing his job is not measured by how much work he did in the past but—by the rights and benefits he forfeits by giving up his job . . . The rights and benefits increase in proportion to the amount of seniority, and it is only natural that those with the most seniority should receive the highest allowances since they were giving up more rights and benefits," the decision asserted.

The severance pay ruling will apply to all persons with military service who are re-employed at the firm where they worked before entering the service.

It reversed the U. S. 2nd Court of Appeals which had ruled in favor of the railroad. It upheld the original district court ruling that had granted each of the veterans involved an additional $1,242 in severance pay. Chief Justice Earl Warren did not participate in the decision.

'State Labor News' Promoters Admit Guilt in $25,000 Case

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about $25,000 in income, said that about 800 victims, principally small businessmen, were involved.

Action in the case culminates a three-year effort by the California Labor Federation, AFL-CIO to shed some light on the spurious nature of the State Labor News.

State AFL-CIO leader Thos. L. Pitts commended the Sunnyvale Police Department and Santa Clara District Attorney's office for tackling the case and said he hoped it would help discourage promoters of such schemes in the future.

"Boiler room operations such as the State Labor News not only bilk firms out of money for services not performed but work a gross injustice on the good name of legitimate labor papers," he pointed out.

Pitts had alerted the state's labor and commercial press and business community to the fact that the publication was "not authorized, endorsed or sanctioned in any way" by the State AFL-CIO or any other legitimate labor organization in California prior to the Christmas seasons of 1963, 1964 and 1965 and had also asked any union members encountering a copy of the paper to send it to the Federation's office. No copy was ever received.

A Federation representative attested to this at Hermansen's preliminary hearing.

The break in the case came when a Las Vegas printer, Herman Weier, phoned the Federation and reported that a man later identified as John Black had come into his shop on January 19, the day after Hermansen was arrested in Los Angeles, and asked Weier to print a 16-page tabloid Christmas edition of the "State Labor News."

Weier said he was asked to print the paper with a December 22, 1965 date and to accept a check and provide a receipt with the same date.

Weier complied. But printing trade unionists in his shop refused to touch the copy because they felt that something must be wrong when a publication containing ads for principally San Mateo, Santa Clara and San Francisco firms had to go out of state to find a printer.

In addition to agreeing to make restitution of the funds, Hermansen and Black face fines of up to $500 and/or county jail terms of up to six months.

New Act Applies To $2,500 Contracts

The new Service Contracts Act requires service employees working on government service contracts over $2,500 to be paid wages and fringe benefits at least equal to those determined by the Labor Department to be prevailing for such employees in the area in which the workers perform.

The new law applies to contracts for which invitations to bid have been issued or negotiations concluded on or after January 29, 1966. The law also establishes safety work standards and requires payment of at least the $1.25 minimum currently required by the Fair Labor Standards Act.

Postal Union Votes Merger With Clerks

Members of the National Postal Union have voted approval of a merger agreement with the AFL-CIO-affiliated United Federation of Postal Clerks by a margin of 7 to 1.

The mail referendum, tallied under supervision of the Honest Ballot Association, brought 29,156 votes for merger, 4,153 opposed, and 192 invalid ballots. Two-thirds of the union's members voted in the referendum.

A special convention of the Postal Clerks will open in Cleveland April 1 to act on the merger.

If approved by convention, as the UFPOC board has recommended, the agreement will be formally signed. The combined union, with nearly 200,000 members, will hold its convention Aug. 8-13 at Louisville, Ky., under the name of the United Federation of Postal Unions.

Conclusion of the merger would heal an eight-year split in postal clerks' ranks, stemming from a 1958 convention dispute which led to the establishment of a rival union. The Postal Clerks hold nation-wide exclusive bargaining rights for the country's 240,000 post office clerks. The NPU has local bargaining rights at a number of big post offices, including New York, Brooklyn, Philadelphia, Detroit, Los Angeles and St. Paul.

Conventions of the two unions in 1964 authorized negotiations and a joint merger committee reached an "agreement on principles" last year. Executive boards of the two unions concurred and a special NPU convention in February voted 45,091 to 3,486 approval, subject to referendum ratification.

'Union Shop A Necessity'

"The union shop has become a necessity. American workers by the millions have cast their lot with organized labor rather than continuing a lost and lone position in what was an unequal struggle with economically powerful employers." — The late John I. Snyder, Jr., former Chairman of the Board and President, U.S. Industries, Inc.