



California AFL-CIO News

Published weekly by California Labor Federation, AFL-CIO, 995 Market Street, San Francisco, California 94103—Second Class Postage Paid at San Francisco, Calif.—Subscription: \$3.50 a year

JOHN F. HENNING 151
Executive Secretary-Treasurer

Jan. 8, 1971
Vol. 14—No. 2

Younger's Help Asked in Fight To Save CRLA

The State AFL-CIO called on California's new Attorney General this week to join the fight to save California Rural Legal Assistance, a federally financed agency that has been providing legal services for the poor and for minority groups with outstanding success for the past two years.

Governor Reagan vetoed a \$1.8 million federal grant to continue CRLA on December 27 but OEO Acting Director Frank Carlucci is empowered to override that veto.

In a wire dispatched Tuesday Attorney General Evelle J. Younger, who was a California Labor COPE endorsed candidate in the general election last November, John F. Henning, secretary-treasurer of the California Labor Federation, AFL-CIO, said:

"California Labor Federation, AFL-CIO, representing 1.6 million workers, urges you wire OEO Director Frank Carlucci immediately recommending that he support CRLA."
(Continued on Page 4)

Fed Plans Fresno Parley on NHI

An educational conference on the vital need for enactment of National Health Insurance legislation this year will be held by the California Labor Federation at the Ramada Inn in Fresno, March 11-12, John F. Henning, executive officer of the Federation announced this week.

Bert Seidman, national AFL-CIO Director of Social Security, will be one of the featured speakers.

All affiliates are urged to plan now to have representatives participate in the conference which is expected to extend through noon Friday, March 12.

Further details on the conference will be announced later.

Fed Sets Up Special Fund for Embattled Farm Workers

A special fund to strengthen the United Farm Workers Organizing Committee has just been established at the State AFL-CIO headquarters in San Francisco and all paid officials of AFL-CIO unions in California are being urged to contribute \$5 a month each to it.

Creation of the fund is in line with a resolution unanimously adopted at the California Labor

Federation's biennial convention last year.

John F. Henning, Executive Secretary-Treasurer of the State AFL-CIO, announced establishment of the fund in a letter to all unions and councils affiliated with the Federation this week.

Noting that "the New Year is with us and the United Farm Workers Organizing Committee is still in deadly engagement

with the great agricultural powers of California," Henning reminded the state's union officials that the 1970 Federation convention "voted that all paid officials of AFL-CIO unions in California should be urged to contribute \$5 a month to the UFWOC organizing fund."

Henning cited the victorious end of the grape boycott and the
(Continued on Page 3)

Appeals Court Upholds Fed-Won Ban on Con Labor

The California Labor Federation, AFL-CIO, won another vital round in an important legal battle to bar the letting of state convicts to private employers this week when the State Court of Appeals unanimously upheld a permanent injunction won by the Federation to bar the practice two years ago.

"Little imagination is required to visualize the effect of convicts . . . competing in the State's labor market," the Appellate Court declared.

The battle was initiated by State AFL-CIO leader Thos. L. Pitts in the Fall of 1967 after Governor Reagan authorized the use of state prison labor to harvest grapes and figs.

Pitts, who has since retired, then charged that the Governor's action was a flagrant violation of the State Constitution and pointed out that there was
(Continued on Page 3)

Tunney Gains Seniority As Murphy Quits

California's new labor-endorsed U.S. Senator John V. Tunney picked up important seniority over eight other incoming Senators last Saturday when incumbent Senator George Murphy resigned shortly before the end of his term to give Tunney — and the citizens of California—that important
(Continued on Page 4)

Slashes In P.U.C. Invite Action By U.S., Solon Says

U. S. Senator Lee Metcalf (D-Montana), prime sponsor of legislation to provide federal funds to strengthen state regulatory commissions and give the public more basic information on electric, gas, and telephone companies, has warned that Gov. Reagan is inviting a complete federal takeover of utility regulation by his effort to "emasculate" the California PUC.

Just last week the California Labor Federation voiced a vigorous protest to proposed changes in the State PUC's procedural rules that would virtually cripple the capability of labor, consumer and other concerned civic groups from presenting testimony in opposition to utility rate hikes to the PUC
(Continued on Page 2)

'Railpax' Plan Hit as Death Blow for Coast Passenger Service

The U.S. Department of Transportation's Railpax proposal put forward as an answer to the nation's passenger train problems is, instead, "a meat

ax that in one quick blow will remove over one-half of the passenger trains presently running on the nation's rails," the California Labor Federation,

AFL-CIO, warned this week.

Expressing deep concern with the National Rail Passenger Corporation Network (Railpax) proposal put forward by John Volpe, Secretary of the U.S. Department of Transportation, the State AFL-CIO's executive officer John F. Henning this week urged Volpe to adopt a program that will maintain and improve rail passenger service on the
(Continued on Page 3)

INST OF IND REL LIBRARY
UNIV OF CALIF
2521 CHANNING RM-11 JAN 11 1971

Slashes In P.U.C. Invite Action By U.S., Solon Says

(Continued from Page 1)

and bar representatives of such groups from cross-examining company officials. (See Jan. 1 issue).

Metcalf charged in remarks in the Senate last week that Reagan has shown more concern for his "utility friends" than for California consumers in trying to slash the PUC staff and rotate Commission experts "out of areas in which they have become knowledgeable watchdogs."

Governor Reagan's 1971-72 budget proposes a cut in the PUC general fund of nearly \$400,000.

IMPACT SPELLED OUT

This would require leaving 26 PUC staff posts vacant, a manpower loss that could be critical in its effect on the rights of California consumers at a time when applications for major rate increases are pending before the PUC from practically every major utility in the state, PUC staff members indicated.

Asserting that Reagan has abandoned the "proud, bipartisan position" carried on by his predecessors — Democrat Edmund G. Brown and Republicans Goodwin J. Knight and Earl Warren — "who kept in mind their obligation to the public and who fought for a strong staff to support them," Metcalf said:

"We now have the spectacle of a once great public service commission—California's—being enfeebled by the Administration of a Governor who doesn't practice what he preaches about state's rights."

PUBLIC JEOPARDIZED

Metcalf said that if Reagan's "latest move to emasculate the staff is successful there will be no one in an effective position to assist the captive California customers of the Governor's utility friends.

"An abdication of state responsibility such as this suggests that the modest, state's rights approach of my bill may be insufficient. Governor Reagan and his utility advisors are inviting federal regulation of retail rates and services," Metcalf

Labor Mourns Loss of Fran Childers

Labor and political leaders from throughout the state this week mourned the death of Fran Childers, Secretary-Treasurer of Waiters, Waitresses, & Service Crafts Local 31 of Oakland who died of a heart attack at a union meeting December 29.

Mrs. Childers, 51, had been under treatment at Peralta Hospital since December 8 for a mild heart attack but insisted on leaving the hospital to attend the meeting saying:

"There are just some things I have to do."

John F. Henning, secretary of the California Labor Federation, AFL-CIO, who was an honorary pall bearer at the funeral last Saturday, said that her comment then was "typical of her devotion to the cause of organized labor.

"America will never have enough people like Fran Childers. We will never forget her," he said.

Mrs. Childers, wife of Lamar Childers, secretary-treasurer of the Alameda County Building and Construction Trades Council, had long been a union leader in her own right. She was elected dispatcher for the union in 1949, business agent in 1952 and secretary-treasurer in 1956 and reelected continuously ever since.

She was appointed to the State Democratic Central Committee by State Senator Nicholas Petris and also served on the Alameda County Grand Jury.

Local 31 President Elmo Rua described Mrs. Childers as "a bulwark of strength" as a negotiator and credited her with many of the Culinary Workers' gains in recent years.

Among other things Mrs. Childers was largely responsible for creation of a Culinary Workers' pension fund, the establish-

declared.

"The California situation is a good case study for members of the Congress who share my concern over the failure of state regulation of energy corporations and the overwhelming political power of the major utilities," he added.

Vukasin, one of four Reagan appointees to the five-member Commission, is an Oakland attorney who was active in Republican Party circles and



FRAN CHILDERS
Waitresses' Leader Dies

ment of a strike benefit fund for the local, union officials said.

During last year's political campaign, Mrs. Childers spearheaded a highly successful fund raiser for gubernatorial candidate Jess Unruh.

"She was 100 percent union and union minded, Rua said, adding that she "set the pace on political action in Local 31."

Richard K. Groulx, secretary-treasurer of the Alameda County Central Labor Council, and a vice president of the State Federation confirmed this, noting that her union was always one of the best represented in political action in the county.

Groulx, who is also a vice president of the State AFL-CIO, was also one of the honorary pallbearers as were: James S. Lee, president of the State Building and Construction Trades Council; Paul Jones, a California Labor Federation vice president and president of the Ala-

meda County Building Trades Council; Russell R. Crowell, international president of the Laundry and Dry Cleaning Workers' Union; and John Meritt, secretary-treasurer of the California State Culinary Alliance.

Among the many labor and political leaders on hand for the funeral services last Saturday were: former Assembly Speaker Jess Unruh; State Senators Petris and John Holmdahl; Assemblyman Robert Crown; C. T. MacDonough, international vice president of the Hotel and Restaurant Employees and Bartenders International Union; Harry Finks, vice president of the California Labor Federation; and Fred Smith, assistant director of the Alameda County Labor Council on Political Education.

Mrs. Childers had transferred from Waitresses Local 512 in San Pedro in 1946 and worked as a cocktail waitress until her appointment as dispatcher in 1949. She was a trustee of the Alameda County Central Labor Council, a delegate to the Local Joint Board of Culinary Workers and a member of all joint board negotiating committees since 1956.

She was also a delegate to the State Culinary Alliance and played an active role in the only two strikes in which the local was involved in 1956 and 1970. In addition, she was a delegate to the last six biennial conventions of the California Labor Federation.

Mrs. Childers lived at 613 Sandalwood Isle in Alameda. She is survived by her husband and two brothers, William Cox of Alameda and James Cox of Kansas City, Mo., and a sister, Mrs. Anne Sessier, recording secretary of Machinist Local 653 in Fresno.

served on the Republican State Central Committee before his appointment to the Commission two years ago. He also served as State Vice Chairman of Senator Barry Goldwater's Presidential campaign in 1964.

The term of the sole remaining Brown appointee to the Commission, A. V. Gatov, expired December 31, 1970.

On leaving office, Gatov, who has consistently disagreed with the philosophy expressed by the

Commission since Reagan appointees gained a majority, said:

"The Commission reflects Ronald Reagan's philosophy with respect to regulation and government. He favors the economics of the open marketplace. I'm not too sure the Governor understands that the utilities have a monopoly and that the Commission is supposed to take the place of competition through its regulations."

Appeals Court Upholds Fed-Won Ban on Con Labor

(Continued from Page 1)

no rehabilitative aspect to the state convicts' employment and that no labor shortage had been proved to exist. Subsequently, the Federation won a temporary injunction in November 1967 and a permanent injunction in March 1969.

In upholding the permanent injunction last Monday, the three-judge Appellate Court rejected the Reagan Administration's contention that the farm work had served as rehabilitation for the convicts and held that the Governor had in fact violated the State Constitution.

Article XX, Section 1 of the State Constitution specifies that:

"The labor of convicts shall not be let out by contract to any person, co-partnership, company, or corporation, and the legislature shall, by law, provide for the working of convicts for the benefit of the state."

The Appellate Court decision, written by Judge Norman Elkington and concurred in by Judges John Molinari and Richard Sims, closely examined the wording of the constitutional provision and concluded that it "is intended in the broader sense—that the state may not let out convict labor by contract to private employers regardless of whether the state or the convicts or both receive the attendant consideration."

In reaching this decision, the Appellate Court cited the proceedings and debates of the California Constitutional Convention of 1878-1879 at which the basic constitutional language was adopted and noted that at that convention a motion was made to strike the words "the labor of convicts shall not be let out by contract to any person, co-partnership, company, or corporation" but that the motion was defeated after delegates urged its retention stating variously that:

"It is a burden upon free laborers for the state to contract the labor of these prisoners."

And that:

"The interests of the laboring classes are directly in conflict with the interests of those who employ contract labor."

"It will be seen," Judge Elkington's decision said, "at least as a rather strong probability, that the delegates, or at least the majority, were concerned



THOMAS L. PITTS
1967 Stand Affirmed

with the abolition of contracted convict labor generally, not with abolishing it only when the contract price or wages were paid to and kept by the state."

The Appellate Court also rejected the Reagan Administration's claim that the use of convict labor in the fields constituted a rehabilitation program for the convicts.

Noting that the Superior Court had earlier decided that Reagan's convict labor plan "does not resemble a rehabilitation program in any important respect," the Appellate Court said:

"While the project took the form of a community correctional center activity, its sole purpose was to furnish convict labor to private growers. Rehabilitative and counseling services . . . may not reasonably be said to have been involved."

This was evident, the court said, in the name of the program itself, the "Emergency Harvest Program" and in the fact that the program was designed to last only through the grape and fig harvest season.

In rejecting the Reagan Administration's claim that there is nothing in the record to support the findings that the re-

spondents (Thomas L. Pitts and the California Labor Federation) were damaged or would suffer irreparable harm by the employment of inmates, the court noted that the Federation "represents substantially all of the labor unions of this state" and that the Federation's interest in the contractual arrangements with private persons for convict labor was recognized by the Reagan Administration itself when the Reagan Administration asked Pitts to cooperate with the convict labor program.

The court also pointed out that the state's deletion of \$5 a day for room and board constituted "some return to the state from the convict labor contract" in the face of the fact that the state is obliged to take care of the convicts anyway.

Attorneys for the Reagan Administration have a right to seek either a rehearing in the Court of Appeals or to petition the Supreme Court for a hearing. The Reagan Administration's intentions in this regard are not yet known.

'Railpax' Plan Hit as Death Blow for Coast Passenger Service

(Continued from Page 1)
Pacific Coast.

In a letter sent to Volpe yesterday, Henning noted that the Railpax proposal would eliminate "the famed Coastal Daylight," the San Joaquin Daylight, the Del Monte, the Cascade, the Sunset Limited, the San Francisco Superchief, and the regular Santa Fe runs between San Diego and Los Angeles.

Aside from commuter service on the San Francisco peninsula, Henning said, only two passenger trains would leave California terminals each day—one

from San Francisco to Chicago and the other from Los Angeles to Chicago.

Pointing out that the California Labor Federation represents 1.6 million union members including many thousands who both ride and work on the nation's railroads, Henning said:

"We clearly recognize the problems facing rail passenger service today and support government aid to maintain adequate service."

"Yet Railpax, hailed as the answer to passenger train problems, instead is a meat ax that in one quick blow will remove

over one-half of the passenger trains presently running on the nation's rails."

As proposed Henning said, Railpax "is hardly corrective surgery; it is rather a death sentence to rail passenger service as presently known."

He urged Volpe not to adopt the present Railpax proposal as final but, instead, to work out a program that will maintain rail passenger service between Los Angeles-San Diego; Los Angeles-New Orleans; San Francisco-Los Angeles; and San Francisco and the Pacific Northwest.

Volpe's Railpax proposal, initially disclosed November 30, suggested a system of 16 lines linking 14 major cities but called for the virtual elimination of the Pacific Coast from the rail passenger business.

The Federal Interstate Commerce Commission has also called on Volpe to retain North-South passenger trains along the Pacific Coast, pointing out that efficient rail passenger service could contribute significantly toward easing the "notorious highway congestion and air pollution problems" of the region.

Fed Sets Up Farm Workers Fund

(Continued from Page 1)
negotiation of new contracts in a number of other crop areas as signs of "historic progress" achieved in 1970 and urged union officials throughout the state not to "fail your brothers and sisters in the agricultural fields."

The monthly contribution should be made payable to **UFWOC Fund** and sent to:

United Farm Workers Organ-

izing Committee Fund

c/o California Labor Federation, AFL-CIO

995 Market Street, Suite 310
San Francisco, Calif. 94103

Contributors are asked to identify themselves by name, organization, title and address.

All contributions will be transmitted each month to UFWOC headquarters in Delano and all will be acknowledged by receipt, Henning said.

Fed Asks Younger's Help in Battle to Save CRLA

(Continued from Page 1)

mending approval of \$1.8 million federal grant for California Rural Legal Assistance.

"CRLA has performed immense public service for poor and minority groups. Its continuation is essential to any realistic war on poverty in this state."

The wire to Younger was a follow-up to wires Henning sent last week to Carlucci urging approval of the CRLA funds and to labor councils throughout California urging that they make their voices heard in this vital fight.

U.S. Senator Alan Cranston has temporarily blocked confirmation of Carlucci as the Nixon Administration's new anti-poverty chief until Carlucci decides whether or not to override the Reagan veto.

Cranston has made it clear, however, that even if Carlucci did override the veto Cranston still might not vote to confirm him.

"The question of CRLA refunding is symbolic of the Administration's whole approach to the legal services program and the federal anti-poverty program. Mr. Carlucci's decision and the decision-making process on that question illustrate the type of director he would make," Cranston said.

The state's senior Senator emphasized that "at no time have I asked Mr. Carlucci to trade a CRLA override for my vote on confirmation." He pointed out that if Carlucci feels that he is under "pressures from any source that create legal or ethical questions," he could step aside and let OEO Deputy Director Wesley Hjernevik, who has already been confirmed by the Senate, make the decision on the CRLA veto.

But Carlucci refused to do this and also spurned a compromise plan Cranston offered that would have required a decision on the issue to be reached by January 21.

In the interim, the CRLA is operating on a special 30-day grant while Reagan's charges against the program are considered. In vetoing the grant, Reagan claimed that there were "gross and deliberate viola-

tions" of federal anti-poverty program regulations and charged the CRLA with "failure to represent the true legal needs of the poor."

Reagan's veto was based in part on an investigation conducted by Lewis K. Uhler, a former John Birch Society member whom Reagan appointed director of the California OEO. It is also apparently based in part on the CRLA's success in a number of cases in protecting the poor and mi-

nority groups from slashes in benefits and services such as the Reagan Administration's attempt to slash Medi-Cal benefits early in his first term.

Less than a month ago, then OEO Director Donald Rumsfeld, who is now serving as a White House counselor, said that CRLA is "commonly recognized as one of the best legal services in the nation."

Additional support for overriding the Reagan veto has been voiced by retiring Attorney Gen-

eral Thomas C. Lynch, the Executive Board of the San Francisco Bar Association, the Alameda County Central Labor Council, the Los Angeles County Federation of Labor, the Sacramento Central Labor Council and the San Bernardino and the San Francisco Labor Councils.

Since the 91st Congress has now expired President Nixon may either appoint Carlucci interim Director or resubmit the nomination to the 92nd Congress.

Meany Denounces U.S.S.R.'s Death Sentence for Jews in Skyjack Try

AFL-CIO President George Meany sharply attacked the death sentences and long prison term meted out Dec. 24, 1970 by the Soviet Union to nine Jews and two Gentiles who planned to hijack a Soviet Airliner in Leningrad because the Soviet government refused to let them emigrate to Israel at an emergency conference on Soviet Jewry held at the Statler Hilton Hotel in Washington, D.C. December 30, 1970. Subsequently the Soviet Supreme Court commuted the two death sentences to 15-year terms and reduced the labor camp terms of three of the other nine defendants. Here's the complete text of Meany's statement on the Soviet Union's initial sentences which provoked worldwide protests:

"Throughout the world, all people with a spark of human decency and goodwill in them will condemn unreservedly the Soviet government's repulsive edict ordering long-term imprisonment and executions of alleged would-be hijackers who are of the Jewish faith.

"These victims of so-called Communist justice, some of whom were anti-Nazi fighters while the Soviet government was still in a pact with Hitler, are not guilty of any crime. Apparently, the Russian rulers equate the love of liberty with the crime of high treason. In the latest Soviet 'show trial', as in Stalin's 'doctors' trial', the accusers and not the accused are the real guilty ones.

"Desperately seeking to hide the true nature of their dictatorship and their own violations, the Kremlin has resorted to Czarist-Stalinist methods of making Jews the scapegoats and through this unconscionable verdict frighten and terrorize mem-

bers of other minority nationalities in the Soviet Union who might harbor the idea of fleeing the USSR in order to breathe the air of freedom.

"Furthermore, the monstrous Leningrad verdict and projected series of anti-Semitic trials now in preparation are a grave blow against peace in the Middle East because they are calculated to reassure the most war-like Arab elements of unlimited Soviet support even to the point of imposing the death penalty on any Jewish subject seeking to flee to Israel to build a new life in freedom.

"In the interests of elementary human decency and world peace, we urge our government to take every diplomatic, political and economical measure to have the USSR rescind its savage verdict and call off the projected anti-Semitic drive.

"We further appeal particularly to all European National Free Trade Union Centers to urge their respective governments to take similar action on behalf of oppressed Jews in the Soviet Union.

"In this dark hour, we assure the American-Jewish organizations and the people of Israel of our warmest sympathy and wholehearted support."

140,200 Migrants Aided

Some 140,200 migrant workers and family members were assisted by the Farm Labor and Rural Manpower Services of the Manpower Administration during 1969.

Tunney Gains Seniority As Murphy Quits

(Continued from Page 1)

edge.

Governor Reagan promptly appointed Tunney to fill the unexpired term and Tunney was sworn in the same day, giving him seniority over eight other incoming Senators including U.S. Senator Hubert H. Humphrey of Minnesota. Only two other newly elected Senators who had been sworn in earlier — Adlai E. Stevenson, III (D-Ill.) and William B. Roth, Jr. (R-Del.) — will outrank Tunney.

Murphy's action was in keeping with a long standing California tradition and had been urged by John F. Henning, executive secretary-treasurer of the California Labor Federation, AFL-CIO, last November.

At that time, Henning pointed out that the late Senator Sheridan Downy, a Democrat, had resigned before the expiration of his term in 1950 to permit Republican Governor Earl Warren to appoint Richard M. Nixon to the Senate.

The tradition was also maintained six years ago when Murphy's predecessor, Democrat Pierre Salinger, resigned early to give Murphy a leg-up on Seniority.

Rohan Named to Board

Alexander J. Rohan, president of the International Printing Pressmen's Union, has been elected to the National AFL-CIO Executive Council to fill the vacancy created by the death of Herman Kenin, president of the Musician's Union.