



# California AFL-CIO News

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## Montgomery Ward Hit as Union Buster

"The giant Montgomery Ward corporation is apparently intent on destroying the union and thumbing its nose at the basic concept of free collective bargaining," Robert Koenig, Financial Secretary of Retail Clerks Local 1364 of Redding declared this week in denouncing Montgomery Ward's refusal to restore all striking employees to their jobs.

Koenig explained that all economic issues involved in the strike, which began September 29, 1970, had been resolved on

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## Union's Action Saves \$2 Million Payroll, 120 Jobs

More than 120 jobs and an annual payroll of \$2 million that is the mainstay of the tiny San Benito County community of San Juan Bautista (population 1,141) won a new lease on life this month thanks in large part to effective action by union officers and members of Local 148 of the AFL-CIO United Cement, Lime and Gypsum Workers Union.

On November 20, the Ideal Cement Company notified the union that the company was closing the San Juan Bautista

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## Labor Opposes Convention To Act on Revenue Sharing

"The State AFL-CIO will oppose any state legislative action calling for a constitutional convention to establish Federal revenue sharing by amending the U.S. constitution," John F. Henning, executive secretary-treasurer of the California Labor Federation, AFL-CIO, declared this week.

"The conservative agitation for federal

revenue sharing with no strings attached tends to obscure the fact that our state and local government tax structures are largely regressive and inelastic and fail to expand with our economic growth. They also fail to require wealthy individuals and corporations to pay their fair share," Henning

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## Kennedy to Speak at State AFL-CIO Health Care Parley

U.S. Senator Edward M. (Ted) Kennedy (D-Mass.) will be the principal speaker at a two-day conference on "National Health Insurance" to be held at the Ramada Inn in Fresno March 11-12.

Kennedy is one of the sponsors of the proposed Health Security Act of 1971 which was introduced in the U.S. Senate this week, John F. Henning, executive officer of the California Labor Federation, AFL-CIO, which is sponsoring the conference, pointed out.

AFL-CIO President George Meany has set National Health Insurance as Labor's No. 1 goal, Henning noted.

The two-day educational conference will review the entire range of health services, with particular emphasis on legislative action needed at the state and national levels, he said.

In commenting on the introduction of the health security

bill this week, Senator Kennedy said that it is needed "to end our current health crisis," and declared:

"If one thing is clear in the United States of 1971 it is that health care is the fastest-growing, failing business in the nation—a \$70 billion industry that fails to meet the urgent needs of our people."

The measure, which will be discussed in detail at the Federation's conference in Fresno, would provide health insurance to all U. S. residents and would go into effect on July 1, 1973.

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## State Demos Urge Legislative Probe Of Strike at I-J

A legislative investigation of the year-old strike at the San Rafael Independent-Journal was urged this week in a resolution adopted overwhelmingly by more than 800 delegates to the State Democratic Central Committee Convention in Sacramento.

The resolution, adopted last Sunday, pointed out that the strike, which began January 7, 1970, "has caused grievous economic damage to both the strikers and the newspaper as well as the total Marin community" and declared that its continuation is harmful to the principle of free and independent collective bargaining and to the economy of the business community.

It called on the California Legislature to "investigate the

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## Fed Urges Denial of Rehearing in Convict Labor Case

The State Court of Appeals was urged by the California Labor Federation, AFL-CIO, this week to deny a petition filed by State Attorney General Evelle Younger for a rehearing of a case in which the Federation won a permanent injunction to bar the letting of state convicts to private employers.

Little more than three weeks ago the same Appellate Court

upheld the permanent injunction won by the Federation in 1969 to bar the practice following a thorough review of lower court decisions in November, 1967 when a temporary injunction

was granted and in March, 1969 when a permanent injunction was granted.

In answering Younger's petition for a rehearing, which was filed in behalf of defendant Governor Ronald Reagan, the State AFL-CIO said that the State Attorney General was attempting "to set up a straw man" by first equating what the state in

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# Fed Urges Denial of Rehearing in Convict Labor Case

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fact did in this case with all forms of parole or rehabilitative programs and then suggest that the court had in fact prohibited all such programs.

Asserting that this is the "same straw man" that the Reagan Administration has attempted to use since the preliminary injunction stage of the case, the State AFL-CIO declared:

"What the State in fact did bears no resemblance to any rehabilitative program or parole program, and if and when it ever does that will be the time to consider any other constitutional issue, if indeed there is one at all."

The State Labor Federation said that it was "incredible" that the State Attorney General's brief should attempt to "seize upon excerpts" of the court's opinion to suggest that all the Reagan Administration did in this case was to facilitate employment opportunities for inmates.

The Attorney General's petition for rehearing states that "employment opportunities for inmates existed due to the extreme labor shortage during the 1967 harvest. The state officials authorized the employment of inmates by the growers, and, as stated by the court, did 'assist in such rehabilitative efforts.'"

The Labor Federation pointed out that this is "refuted by the record and is nothing more than an attempt to retry the facts once again."

In affirming the Federation's

## Demos Urge Probe of Strike at I-J

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strike with the hope of resolving it to the benefit of labor, business, and the total community of Marin County."

In other labor-related actions, the delegates called for the enactment of federal legislation to prohibit the Defense Department from buying non-union lettuce from growers struck by the AFL-CIO United Farm Workers' Organizing Committee and recommended that a statewide program be undertaken to provide round-the-clock child care centers for working mothers.

permanent injunction earlier this month, the Appellate Court had specifically rejected the Reagan Administration's claim that the use of convict labor in the fields constituted a rehabilitation program for the convicts.

The State AFL-CIO challenged the state government's attempt to provide private growers with state prison labor on the grounds that it violated the State Constitution.

Article X, Sec. 1 of the State Constitution stipulates that:

"The labor of convicts shall not be let out by contract to any person, co-partnership, company, or corporation, and that the legislature shall, by law,

provide for the working of convicts for the benefit of the state."

Younger's petition also contends that the evidence does not support the court's finding that the Federation was damaged or would suffer irreparable harm by the employment of state prison inmates.

But the State AFL-CIO challenged this saying:

"The question was whether there was available labor, not whether it was only available upon some conditions the growers didn't care to meet. For one supposedly interested only in facilitating employment opportunities for convicts, appellant's

strident attempts to justify the failure of the growers to use available union labor only proves that this use of convicts was preferred treatment for a special class."

In the fall of 1967 when the issue of the use of convict labor in the fields arose, the AFL-CIO United Farm Workers Organizing Committee had offered to supply the growers with all the labor they required at union wages but this offer was ignored.

Action on the rehearing petition is pending before Presiding Judge William A. O'Brien of the State Court of Appeal in San Francisco.

## Action by Small Union Helps Save 120 Jobs and \$2 Million Payroll

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plant and suggested that all the workers involved take their pension or termination benefits.

But the union rejected the company's proposal and asked that the workers be placed on temporary layoff status.

Then they launched a campaign to focus public attention on the company's decision to shut down and dismantle the plant at a time when the number of jobless workers in California was already higher than any time since the great depression of the thirties.

The union urged the company either to continue to operate it or, at least, to sell it to an available local buyer rather than dismantle it.

The firm's initial decision to shut down and dismantle the plant resulted from air pollution

control regulations which went into effect in 1970 that would require extensive modernization of the 52-year old plant, company officials said.

But after the union's campaign got underway with strong support from neighboring Central Labor Councils, and the State AFL-CIO, and the community's city, county and state officials voiced their concern, it became clear that the company could continue to operate for at least a year or two under air pollution control variances.

After suffering through an uncertain Christmas, the Cement Workers' District Council No. 3, commented on the local union's success saying:

"This is indeed an accomplishment that was only made possible by members of a small local union, Local 148 in San Juan, who refused to accept welfare or any other means of income, and showed that cooperation from our elected officials in government and central bodies and our union can be very effective in influencing companies from taking similar actions."

Pat B. Lopez, executive secretary-treasurer of the Cement Workers' District Council No. 3, commented on the local union's success saying:

In response to a request from Henry Garcia, president of Local 148, State AFL-CIO Leader John F. Henning had wired Shilling urging the company to reconsider its shutdown plans saying:

"Trust you will do all possible either to keep your plant in San Juan Bautista operating or will sell plant to company ready to continue operation. California unemployment is well over the half million mark. San Juan Bautista plant employs a great number of minority workers and it is important to the community's economy."

Henning also wired U.S. Senator John V. Tunney to advise him of the situation and enlist his support.

## Bldg. Trades Confab Set in D.C. April 18-22

The 16th National Legislative Conference and Safety Conference of the National AFL-CIO Building and Construction Trades Department will be held in Washington, D.C. April 18-22.

Registration for the conference, which will be held at the Washington Hilton at Connecticut Avenue and Columbia Road, N.W., will be held on Sunday, April 18 and the conference will open on Monday the 19th. April 20-21 will be devoted largely to visiting congressmen and April 22 to the Safety Conference.

## Digest of Bills To Start Soon

A digest of bills of major concern to organized labor will be carried in the California AFL-CIO News as soon as all Senate and Assembly committees have been named and the process of assigning bills to committees is underway.

The digest will provide a brief description and evaluation of all such bills introduced. Affiliates are urged to follow the digest closely and to inform the Federation promptly of any measures of particular concern to them.

# Labor Opposes Convention to Act on Revenue Sharing

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said.

This was indicated just this week when State Legislative Analyst A. Alan Post said the state was facing a \$712 million 1971-72 general fund deficit. Post suggested increases in state income taxes as the best method to meet the problem because the growth rate of income tax revenues, at 12 percent, is double the growth rate from sales tax revenues on which the state now principally relies, Henning noted.

## APPEAL NOTED

"At first glance, the no-strings revenue sharing concept may have a strong appeal to elected officials who want—and in truth need—more money to provide essential public services but don't want to be responsible for imposing the taxes necessary to provide those services," he said.

"Organized labor cannot forget that the bulk of the social legislation enacted in this country had to be undertaken by the federal government because state governments refused to act without federal prodding.

"The responsibility for the existence of the inequities in state, county and local tax structures properly rests upon—and should remain with—the elected officials at those levels of government.

## TAX REFORM NEEDED

"Rather than crying to Uncle Sam for more money to spend, state governments should set their own houses in order by adopting meaningful tax reforms based on the ability to pay principle," Henning declared.

"Clearly, the no-strings revenue sharing concept amounts to little less than a cop out to the Big Brother approach to government, an approach that is supposed to be anathema to the nation's conservatives," he said.

Henning said that the idea of calling a constitutional convention expressly to mandate revenue sharing would be dangerous because there is no way to assure that such a convention would be limited solely to that subject.

"On the contrary, such a convention could open a Pandora's Box of amendments that could, for example, result in the imposition of a national right to work law or subvert or erode many of the time-tested constitutional protections that have

nurtured our nation's greatness," he said.

Noting that proponents of revenue sharing claim that the increasing demands made upon state and local governments for essential public services have

compelled state lawmakers to rely heavily on regressive tax sources such as consumer taxes and property taxes, Henning said:

"Workers should ask such lawmakers who compelled them to

impose regressive and inelastic taxes instead of a more realistic and elastic personal income tax?

"The answer," he said, "is nobody, except possibly wealthy special interests."

## Kennedy To Speak at State Fed Health Care Parley

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Andrew Biemiller, National AFL-CIO Director of Legislation, will also be a principal participant at the conference. Just last week Biemiller pointed out that the new bill, which embodies the best elements of national health insurance bills introduced in previous Congresses, would provide a full range of medical coverage and would result in no increase in taxes for workers earning less than \$7,800 a year.

"Enactment of this legislation will mean that all Americans, regardless of their bank balance

or the neighborhood in which they live, will be guaranteed quality medical care," he said.

Registration forms for the conference were sent this week to all Federation affiliates. The \$10 registration fee per registrant includes the price of the organized dinner Thursday evening, March 11, at which Senator Kennedy will speak.

Henning urged all affiliates to plan now to have representatives at the conference.

Participants should make their hotel reservations directly with Ramada Inn, he said.

## Here's Makeup Of Key Senate Committees

Senate President Pro Tem James T. Mills (D-San Diego) announced the composition of Senate Committees yesterday.

Here's a rundown on five of the 16 committees of the upper house that are among the committees most directly involved with legislation of vital concern to California workers:

**BUSINESS AND PROFESSIONS** (9) — Deukmejian (R) Chairman; Whetmore (R) Vice Chairman; Beilenson (D); Cologne (R); Dynamally (D); Marks (R); Schrade (R); Short (D); and Song (D).

**FINANCE** (13) — Collier (D) Chairman; Teale (D) Vice Chairman; Beilenson (D); Burgener (R); Cusanovich (R); Grunsky (R); Holmdahl (D); Lagomarsino (R); Marler (R); Rodda (D); Short (D); Stiern (D); and Way (R).

**GOVERNMENTAL ORGANIZATION** (13) — Dills (D) Chairman; Stevens (R) Vice Chairman; Collier (D); Deukmejian (R); Grunsky (R); Harmer (R); Kennick (D); Mills (D); Schrade (R); Teale (D); Walsh (D); Way (R); and Wedworth (D).

**INDUSTRIAL RELATIONS** (7) — Short (D) Chairman; Burgener (R) Vice Chairman; Carrell (D); Harmer (R); Moscone (D); Rodda (D); and Whetmore (R).

**REVENUE & TAXATION** (9) — Stiern (D) Chairman; Holmdahl (D); Vice Chairman; Bradley (R); Carrell (D); Cologne (R); Coombs (R); Deukmejian (R); Petris (D); and Wedworth (D).

## Ovid Rose Named To Comp. Appeals Board

Ovid Rose, 60, has been appointed to the Workmen's Compensation Appeals Board by Governor Reagan, subject to Senate confirmation.

Rose, who has served as a deputy commissioner since 1968 and is also secretary of the board, will fill the unexpired term of Morton Colvin who has been appointed to the San Mateo County Superior Court. A Republican, Rose formerly served on the staff of the Industrial Accident Commission, the predecessor of the Appeals Board. He lives in San Mateo.

## New Holiday Law Assures 5 'Long Weekends' a Year

George Washington's Birthday will be celebrated Monday, February 15 this year instead of Monday, February 22.

Why?

Because both Congress and the California State Legislature enacted legislation in recent years to assure workers more "long weekends" when holidays roll around and set the third Monday in February as the holiday for Washington's birthday. The California legislation, AB 66 enacted during the 1969 session, went into effect January 1, 1971, as did the federal legislation.

The state legislative action, a followup to a measure signed by President Johnson on June 28, 1968, changes the dates for observances of Washington's Birthday, Memorial Day and Veteran's Day and gives Columbus Day legal status as a federal holiday.

The changes assured all citizens of at least five three-day weekends each year.

Just to keep things straight here's a calendar of state-ob-

served holidays for 1971:

Every Sunday.

**January 1**—(or the Monday following if it falls on a Sunday).

**February 12** — Lincoln Day (or the Monday following if it falls on a Sunday).

**February 15**—George Washington's Birthday, to be celebrated on the third Monday in February instead of on February 22.

**May 31**—Memorial Day, to be celebrated the last Monday in May instead of on May 30.

**July 5**—Independence Day, the holiday is observed July 5 since July 4 is a Sunday.

**September 6** — Labor Day, observed as before on the first Monday in September.

**September 9**—Admission Day, or the Monday following if it falls on a Sunday.

**October 11** — Columbus Day, the second Monday in October.

**October 25** — Veteran's Day, the fourth Monday in October.

**December 25**—Christmas Day, or the Monday following if it falls on a Sunday.

# Montgomery Ward Hit as Union Buster

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November 11.

"It is incredible to me that a huge corporation like Montgomery Ward's should attempt to repudiate the basic principle that a worker has a right to strike and a right to return to his job once the issues in dispute are settled.

"Montgomery Ward's adamant stand on this issue is a clear disservice to the entire Redding community and is wreaking unnecessary hardship on the 122 workers involved in the strike and their families," he charged.

The union filed unfair labor practice charges against Mont-

gomery Ward early in December and an NLRB field investigation has been conducted but, Koenig said, "the decision may be a long time off and in the meantime the suffering caused by the strike goes on."

Koenig praised Redding Mayor George Moty for making "an outstanding and extremely fair" effort to work out an agreement between the union and Ward's management at the last meeting held between the disputing parties more than a month ago on December 21. But, Koenig said:

"Ward's wouldn't budge on their refusal to take the strik-

ing employees back as a group."

The strike is fully sanctioned by the Five Counties Central Labor Council and the possibility of a general strike in support of the workers has been discussed, union officials said.

Montgomery Ward has also been placed on the Five Counties Central Labor Council "Unfair" list.

Delegates to the Labor Council have also supported efforts to stop federal job training grants to the firm, pointing out that public funds should not be used to the advantage of a company engaged in questionable labor practices.

## Major Contract Talks In 1971

Major union contracts covering nearly five million workers in the United States will be up for renegotiation or reopening in 1971 to make it another heavy year for collective bargaining, the Labor Department reports.

A survey by the department's Bureau of Labor Statistics shows that besides the major contracts—those covering workers in groups of 1,000 or more—agreements affecting several million additional workers in smaller units also will come up for renewal during the year.

## Farm Firms Bigger and Fewer But Workers' Pay Still at Poverty Level

Acquisition of more land and greater wealth by fewer agribusinesses and poverty for hundreds of thousands of farm workers is the paradox which continues to prevail in rural California.

This emerged from a summary of data released in Los Angeles recently by the Jewish Labor Committee (JLC) to update its regular reports analyzing conditions in California agriculture, one of the state's biggest industries.

At the same time, JLC leaders expressed dismay at the state government's "discontinuation of the reports known as the 830 Series, which are an indispensable statistical tool for providing a true profile of California's farm labor force."

"The total number of California farms is now down to 60,000, embracing almost 37 percent of the state's total land area. They had cash receipts from marketings which reached \$4.38 billion in 1969," declared Regional JLC Chairman, Isidor Stenzor and Max Mont, Executive Director.

"Yet agribusiness still pays its farm workers poverty level wages which averaged \$1709 in 1967 and \$2067 for male farm workers (computed separately).

"Those figures include farm and non-farm employment earnings combined, for many of these workers have to piece together a variety of jobs," they pointed out.

While noting that union organization of farm workers "is beginning to win improvements," they emphasized that only 31,428 workers earned as

much as \$5,000 in 1967 from agricultural employment, although year-round workers, foremen, crew leaders and supervisors were included within the total farm employment figure of 688,797.

The JLC report also indicates that:

- The total number of farms in California declined to 60,000 in 1969, down from 80,852 in 1964 and 138,917 in 1945.

- The total land acreage in the present total of 60,000 farms is approximately the same as in the larger number of farms in earlier years.

- Despite urban encroachment, land acreage in California farms has remained stable since 1930. In 1969, an estimated 37,000,000 acres, almost 37 percent of California's total land area, was in farms.

- In 1967, the most recent

year for which comprehensive figures are available, 688,737 workers earned wages in agriculture (including "casuals" — 138,591 of these for example earned less than \$100 each).

- There were 92,100 hired year-round workers (included in the 688,797 total).

- There were in 1967, in addition, 92,100 farmers and their unpaid family members not included in the above figure. (This latter category was down to 81,900 in 1969.)

A thing called the "annual average composite rate per hour" was stated to be \$1.78 in 1969. But this gives no indication of the number of hours per day, days per week or weeks per year, worked. Statistics for annual earnings are more enlightening.

- California is the number one farm state and has ranked first for the last 22 consecutive

years.

- Some 200 crops are recognized in California, in addition to livestock products and other farm commodities.

- California accounts for over 90 percent of the U. S. production of each of 16 crops. It has a monopoly or near monopoly (95%-100%) of the U. S. production of 12 crops. California ranks first in the production of over 43 crops.

## Court Upholds Denial of U. I. Pay To Anti-Unionist

An unemployed worker who refuses to accept a job that would require union membership cannot collect unemployment benefits.

This ruling was recently affirmed by the U.S. Supreme Court when it refused to consider a case brought on behalf of a worker who was offered a job as a grinder on metal furniture at the Freital-Gratz Co. in New York City because he claimed he had "conscientious objections" to union membership.

The New York State Industrial Commissioner had ruled that the worker was ineligible for unemployment insurance benefits because he had refused the job offer.

Subsequently, New York State Courts upheld the ruling. Now the nation's highest court, by refusing to consider the case, has let the State Court decision stand.

## Locked Out Workers Are Entitled To Jobless Benefits, Court Rules

Locked-out workers are entitled to unemployment compensation benefits for the duration of the lockout if they are "unemployed through no fault of their own."

That was the ruling of Division 2 of the Indiana Appellate Court in a case involving a three-month lockout in 1968 by the Clip Pattern and Foundry Company and three other foundries against members of the Pattern Makers Association in Southbend, Ind.

The precedent-setting decision means that nearly 100 members of the Pattern Makers are eligible for retroactive benefits amounting to tens of thousands of dollars.

Max Wright, Secretary-Treasurer of the Indiana State AFL-CIO pointed out that the locked-out workers had applied for benefits each week. When they were denied, they appealed the denial to the review board of the Indiana Employment Security Act.