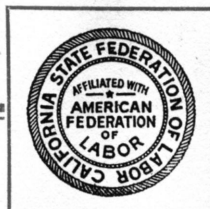


# WEEKLY NEWS LETTER

## FROM

### CALIFORNIA STATE FEDERATION OF LABOR

402 FLOOD BUILDING



SAN FRANCISCO,  
CALIFORNIA

January 21, 1948

#### SOCIAL SECURITY RIGHTS OF PACKING HOUSE EMPLOYEES SAFEGUARDED BY TREASURY DEPARTMENT RULING

(CFLNL)SAN FRANCISCO.--The social security rights of 50,000 employees of California dried fruit, fresh fruit and vegetable packing plants have been effectively safeguarded under a Treasury Department ruling received by Arthur L. Johnson, San Jose attorney. This ruling, dated December 31, 1947, makes it mandatory for all commercial packers of fresh or dried fruits or vegetables, in all cases where the farmer has parted with his economic interest in the product, to pay the 1 per cent social security tax for the employees and the 1 per cent social security payroll tax on the employer on all payrolls back to October 1, 1947. This retroactive date is 25 days after the time for appeal to the United States Supreme Court expired after the decision of the U.S. Circuit Court of Appeals for the Ninth Circuit.

The Circuit Court decision, rendered on June 5, 1947, in the companion test cases brought by Attorney Johnson in behalf of the workers, and by Attorney W. H. Stammer of Fresno on behalf of two of the largest packers, held the nation's 20,000 dried fruit packinghouse workers to be "commercial" rather than "agricultural" under the 1939 Amendments to the Social Security Act. It was this decision which resulted in the ruling by the Treasury Department extending this protection to the fresh fruit and vegetable packing houses in addition to the dried fruit plants.

Mr. Johnson estimated that California employers will have to pay back taxes of some \$250,000 under the ruling just received, but pointed out that they have escaped hundreds of thousands of dollars in taxes during the 8 years the law was allowed to remain in doubt, until the clarifying court decisions were obtained.

The new interpretation of the Treasury Department does not affect canneries, which were specifically named in the 1939 Amendment to the Social Security Act as taxable and have participated in the social security program since its inception. The fresh and dried fruit and vegetable packing plants were covered under the original 1935 act for 1937, 1938 and 1939, but under the 1939 Amendment were classed as "agricultural" and thus exempted until this ruling of the Treasury Department, which has implemented the decision of the Circuit Court of Appeals, which, in turn, had affirmed the two lower court decisions that were obtained in 1946.

# # #

MILLION-DOLLAR LAWSUIT AGAINST ILGWU DISMISSED  
IN LOS ANGELES SUPERIOR COURT

(CFLNL)SAN FRANCISCO.--The million-dollar lawsuit brought in the Superior Court by Gerry of California, Inc., against the International Ladies' Garment Workers Union and the Teamsters' Union was dismissed by Superior Judge Clarence M. Hansen on January 13.

The company claimed in its suit that the unions were picketing and boycotting and were engaging in "hot cargo" and secondary boycott practices in violation of the Taft-Hartley Act. Attorney David Sokol, for the ILGWU, countered by filing unfair labor practice charges before the National Labor Relations Board, contending that after the company had recognized the ILGWU in a written agreement as the exclusive bargaining agent, it had set up a company-dominated union known as the Gerry Employees' Association, and refused to negotiate. The company had thereupon filed a 100-page lawsuit, claiming damages of \$1,050,000, and asking for an injunction against the alleged "hot cargo" and secondary boycott practices.

In the arguments in court, the ILGWU attorney and John Stevenson, Teamsters' counsel, maintained that since the Supreme Court of California had held that the "Hot Cargo" Act was unconstitutional, the company could obtain no relief in the state courts. The company's lawyer insisted, however, that, even though it was not entitled to any relief under existing decisions in California, since the enactment of

the Taft-Hartley Act declaring "hot cargo" and secondary boycott actions to be unfair labor practices," the state courts could enjoin such actions until the National Labor Relations Board could act on the alleged unfair labor practices. Counsel for the unions cited numerous decisions holding that the National Labor Relations Act did not grant to private parties any rights whatsoever, but that action thereunder had to be taken by the National Labor Relations Board in the federal courts. This position was sustained by Judge Hansen in a precedent-making decision, in which he said: "There are no provisions whatever granting jurisdiction to any Court to redress unfair labor practices of the character narrated in the Act. The Act gives a person injured by an unfair labor practice the right to redress in the hands of the Board and in turn, through the instrumentality of the Board, in the Courts of the United States....temporary injunction must be denied and the demurrers sustained without leave to amend."

Representing the company were the law offices of Lieutenant Governor Goodwin Knight.

# # #

#### DI GIORGIO STRIKERS EVICTED FROM LIVING QUARTERS

(CFLNL)SAN FRANCISCO.--"I'd rather get caught stealing a cow or a horse back in Oklahoma than just stand here like this while the sheriff moves me out on the county road," was the comment of one of the Di Giorgio strikers on Friday morning, January 16, as he saw his belongings deposited on the county road that runs past the 20,000-acre Di Giorgio Fruit Ranch in San Joaquin Valley near Arvin, California. The twelve other evicted strikers felt the same way.

Sympathetic pickets looked on, greeting the action with catcalls, while a number of children cried in dismay.

County Judge Parrish, who issued the order evicting the strikers' families, did not hold up the order while the union appealed the court decision.

Fellow strikers and union members took the unfortunate families in to live with them, but their belongings remained on the side road that night. Every effort is being made to find homes for the evicted strikers, but with many of the workers living in tents, this will be a difficult job.

An important victory was scored by the union when \$58,000 was lopped off the bail needed to get four Di Giorgio strikers out of the Kern County jail, where they were being held on a misdemeanor charge. With the reduction of the bail from \$15,000 to \$500 each, the union was able to bail the men out immediately.

Efforts by the so-called "Citizens' Committee," composed of Associated Farmers and merchants, to use the Tenney Un-American Activities Committee boomeranged when the union officials offered their assistance to Senator Burns, representative of the Committee, and helped to escort him around the picket line.

Fred West, President of the Kern County Central Labor Council, stated: "We welcome any fair investigation of the strike. I personally doubt that there is one member of the Communist Party in Kern County."

President William Green, of the American Federation of Labor, has endorsed the strike and has asked all AFL unions to contribute "to the extent of their financial ability."

# # #

PROMINENT CALIFORNIA LABOR OFFICIAL ~~PASSES AWAY~~

(CFLNL)SAN FRANCISCO.--Great shock was felt in the labor movement when news was received that Fred W. West, widely known California AFL trade unionist, had died suddenly of a heart attack on January 19, in Bakersfield, where he was Secretary of the Culinary Unions. He was 44 years old.

Fred West was born in Alameda County and grew up in Stockton. He came to San Francisco in the 20's and participated in the organization of the waterfront workers and the Window Cleaners Union. He was a delegate to the San Francisco Labor Council for years, and was also an organizer for the California State Federation of Labor, in which capacity he performed yeoman's service.

He became well known throughout the state. In the Salinas agricultural strike, where violence was practised against the strikers, his role was outstanding. In 1943 he reorganized the Cooks Union in Bakersfield, and has resided there since, becoming President of the Bakersfield Central Labor Council.

In addition to his activities in the labor movement, he served as a member of the Kern County Grand Jury, and, at the time of his death, was Chairman of the Strike Committee of the Di Giorgio Farm dispute.

Fred West is survived by his widow, two daughters, a son, two brothers and a sister.

Burial will take place Friday, January 23, at the Green Lawn Cemetery in Bakersfield.

Upon receiving the report of his death, unions throughout the state have sent appropriate floral pieces and expressed their condolences to the bereaved family and their recognition of the great services which he rendered to the labor movement.

# # #

SAN FRANCISCO OFFICE WORKERS ORGANIZE YELLOW CAB COMPANY  
OFFICE AND CLERICAL EMPLOYEES

(CFLNL)SAN FRANCISCO.--Consummating a 6-months' intensive organizational campaign, Local 36, Office Employees International Union, San Francisco, announced that, as a result of a cross-check, they had won the right to represent 91 office and clerical employees of the Yellow Cab Company.

Agreement was also reached by the employer and the Union on a form of union security which will necessitate union membership after a maximum period of 30 days' employment.

The Union is presently engaged in negotiating a contract to establish minimum wages for the various classifications as well as improved vacation and sick-leave provisions.

Local 36 was actively assisted in the signing up of the company by the American Federation of Labor Organizational Strategy, and by Brother Jack Shelley, President of the San Francisco Labor Council and of the California State Federation of Labor.

# # #

DIVISION OF VETERANS REEMPLOYMENT RIGHTS OFFERS  
VALUABLE SERVICES TO VETERANS

(CFLNL)SAN FRANCISCO.--The Division of Veterans Reemployment Rights, Department of Labor, Room 102, Federal Office Building, Fulton and Leavenworth Streets, offers valuable services and information about reemployment rights under United States laws to all veterans.

A new pamphlet issued by the Division explains the rights of the veterans in regard to reemployment. Other information on this subject can be obtained from the Division by any veteran upon request. It is an excellent and much needed service for the veterans.

# # #

GIVE TO DISABLED AMERICAN VETERANS' NATIONAL SERVICE FUND

(CFLNL)SAN FRANCISCO.--"I cannot help but believe every thoughtful American would be sympathetic toward the work and service of the National Service Fund. I am willing to help and serve in the promotion of the aims and purpose of the Disabled American Veterans in every possible way." This was the statement made by William Green, President of the AFL, in accepting membership on the Sponsoring Committee of the National Service Fund of the Disabled American Veterans.

The DAV is a Congressionally-chartered organization consisting entirely of war-disabled veterans, with the sole objective of helping the 2,500,000 disabled veterans to help themselves.

To maintain its numerous services to disabled veterans and to help them accomplish the transition to useful civilian occupations, the DAV is faced with the urgent necessity of raising \$2,500,000 this year, and is asking the AFL unions in this state to contribute to this important and timely campaign on behalf of those who have sacrificed their limbs and health in the service of our country.

In answering this appeal of William Green and the DAV, make checks payable to the National Service Fund of the Disabled American Veterans, 41 East 42nd Street, New York 17, New York.

# # #

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The Federation urges every union to contact its membership by mail or otherwise and impress upon them the imperative need to become registered voters. The campaign to register the membership of the unions in California must be carried on with unflagging zeal.

In some localities an excellent job is being done in getting the bulk of the members registered. This should be duplicated in all other communities. There are still a disconcertingly large number of members of our unions, however, who are not registered voters. There is no excuse for such negligence. Every union is urged to do everything it possibly can to have its members become registered voters.