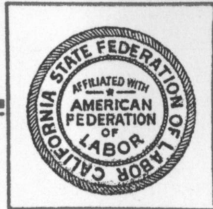


WEEKLY NEWS LETTER

FROM

CALIFORNIA STATE FEDERATION OF LABOR

402 FLOOD BUILDING



SAN FRANCISCO,
CALIFORNIA

April 7, 1948

SAN DIEGO JUDGE RULES CALIFORNIA ANTIJURISDICTIONAL STRIKE LAW UNCONSTITUTIONAL

(CFLNL) SAN FRANCISCO.--In a case involving the Machinists and the Building and Construction Trades Council of San Diego, in which the new California Antijurisdictional Strike Law was used, Judge Dean Sherry of San Diego County set aside this law as unconstitutional. This is the same judge who presided over a notable suit brought under the "Hot Cargo" Act in the early part of 1946 and who handed down an opinion declaring that Act to be unconstitutional, on the ground that it abridged freedom of speech and freedom of publication.

Clarence E. Todd, Federation attorney, representing the Building Trades Council, inveighed against the law on grounds of its unconstitutionality. Attorney Todd pointed out that the same general language appears in the Antijurisdictional Strike Act as was contained in the late "Hot Cargo" Law. Such broad language, he asserted, would prohibit all expressions of opinion under certain circumstances, and the law was therefore unconstitutional for the same reason which has invalidated so many other statutes and ordinances.

Judge Sherry, in a well reasoned opinion, stated:

"In considering said Section 1118 it will be noted that a jurisdictional strike is defined as any concerted refusal to perform work for an employer arising out of a controversy between two or more labor organizations as to which of them has or should have the exclusive right to bargain collectively with the employer. This language is so broad that the Act declares unlawful the refusal in concert by two or more workers to perform work for an employer whose employees are engaged in a controversy between two or more labor organizations.

In other words, if the employer had several employees in rival labor organizations who were engaged in a controversy, two employees, such as stenographers or clerks, who were not members of either union and who desired to cease working for the employer because of such controversy between unions, could not refuse to work for the employer without violating the law. Furthermore, any employees who engaged in lawful acts, such as peaceful picketing, in connection with such controversy, would also be violating the Act. The acts mentioned above are clearly protected by the Federal and State Constitutions and any attempt to abridge such constitutional rights is unconstitutional. (Thornhill v. Alabama, 310 U.S. 88; In re Blaney, 30 A.C. 648.)"

From the above opinion, comparable provisions of the Taft-Hartley Act can be attacked with equal force, and undoubtedly labor attorneys will use this reasoning against this latter Act.

The Antijurisdictional Strike Bill, approved on July 14, 1947, was one of the exasperating pieces of legislation which was passed by the 1947 legislature. At that time the Federation fought vigorously against it, contending that it would strengthen the position of company unions and make it extremely difficult for bona fide labor organizations to compete effectively against a company union setup. Readers of the News Letter will recall that it took the Federation almost five years to get rid of the "Hot Cargo" Act, finally securing a ruling from Superior Court Judge Emmet Wilson on the unconstitutionality of the Act.

Although the Antijurisdictional Strike Law, entitled "California Ban on Jurisdictional Strikes," is only seven months old, the Federation was successful in this case in striking the first blow which, we hope, will eventually lead to the speedy extinction of this vicious act.

Attorney Todd pointed out with force that all such statutes and ordinances seeking to restrict and destroy the rise of labor must necessarily use to a considerable extent the same language that the

extinct "Hot Cargo" Law used, and which is now contained in the Anti-jurisdictional Strike Law. It is the contention of the Federation attorneys that the same constitutional arguments apply to all such legislation. The language of the California Supreme Court holding the "Hot Cargo" Act to be unconstitutional is being used by authorities outside of California as applicable to corresponding provisions of the Taft-Hartley Law. Similarly, this decision of Judge Dean Sherry of San Diego, if upheld by the Supreme Court, can be used in attack upon the provisions of the Taft Hartley Law, which also seeks to prevent jurisdictional strikes and thus to protect company unions.

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FEDERATION URGES UNIONS TO APPEAL TO THEIR CONGRESSMEN
TO REPEAL UNJUST TAX ON OLEOMARGARINE

(CFLNL)SAN FRANCISCO.--In spite of the extensive hearings held and the many appeals made, the House of Representatives' Committee on Agriculture has refused to report out legislation which would repeal the present unjust tax on oleomargarine.

An effort is being made by the American Federation of Labor and others to force the House of Representatives' Committee on Agriculture to report this legislation for a vote. This action can only be made possible if 218 members of Congress sign a petition for the release of this legislation from the Committee on Agriculture. More than 100 names of House members have already been signed to the petition.

The California State Federation of Labor has called upon all California congressmen to sign this petition and to vote for the repeal of this unjust tax. All unions are urged to do likewise and request their congressmen to take similar action.

It is the worst kind of an imposition upon the workers of this country to require them to continue to pay a heavy federal tax when they purchase oleomargarine, particularly during these days of rising prices and the high cost of living. Only by fighting vigorously and militantly for the enactment of the legislation now pending in Congress and to force the Committee on Agriculture to report this legislation, will it be possible for the people of this country to buy oleomargarine, if they wish, free from federal taxes.

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IMMIGRATION AUTHORITIES ROUND UP ILLEGAL MEXICANS
ON DI GIORGIO RANCH

(CFLNL)SAN FRANCISCO.--United States Immigration authorities raided the strikebound Di Giorgio ranch on April 1 and rounded up 30 illegal "wetback" Mexicans when they ran down the road trying to

escape the officers.

Chief Officer of the Immigration and Naturalization Service, John Weaver, called the raid "successful." Weaver said that the captured wetbacks, employees of the Di Giorgio Corporation, will be sent back to Mexico.

This is the second time in two months that the Immigration officers have rounded up illegal Mexicans living on the Di Giorgio ranch.

Further help for the 1100 Di Giorgio strikers came in the form of a resolution passed by the Los Angeles Central Labor Council calling upon President William Green to appeal to each International union for a substantial contribution to the Di Giorgio strike fund.

The Di Giorgio strike is now in its seventh month, breaking all records. The strike occurred when the Di Giorgio Corporation refused to meet with the Union and discuss the question of wages, hours and general grievances.

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MEMO GIVING CERTAIN POWERS TO NLRB GENERAL COUNSEL
NOT AVAILABLE TO PUBLIC

(CFLNL)SAN FRANCISCO.--Powers to General Counsel Denham of the National Labor Relations Board have been fully spelled out in a memo signed recently by four members of the NLRB, but this official document is being refused distribution to any and all interested parties. In spite of the fact that this memo fully defines the assigned powers of the General Counsel, this information is being withheld from the public, by what authority it is as yet hard to determine.

Regardless of the technical phases of the question, it seems that if the NLRB and its General Counsel were interested in keeping the public informed, and labor and management as well, as to how they operate, and what the authority of the Counsel consists of, it should be eager to make the information available to anyone interested.

If the Board and the General Counsel persist in monopolizing such information to the exclusion of the public, not only is the charge that it operates as a quasi-public body valid, but a dangerous precedent is being established by any agency of the government usurping such unique powers unto itself.

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AMERICAN CANCER SOCIETY CAMPAIGN ENDORSED BY
CALIFORNIA STATE FEDERATION OF LABOR

(CFLNL)SAN FRANCISCO.--The California State Federation of Labor endorses wholeheartedly the campaign being waged by the American Cancer Society during the month of April in conducting its annual educational and fund-raising activities. In addition to raising the funds so necessary to carry on the vital work of cancer control, the Society is also endeavoring to place a life-saving cancer educational message in every California home.

The American Federation of Labor and many of the International unions affiliated with it have endorsed this important fight against cancer, which is the second killer among diseases today. The Federation urges every affiliate to appoint within its ranks a Cancer Committee, this committee to work with local and county branches of the American Cancer Society. It will be very helpful if this Committee will cooperate with the local Cancer Society committees in devising ways and means of conveying the educational material on this dreadful disease to the homes of their members and their friends.

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PUBLIC SCHOOLS WEEK TO BE CELEBRATED APRIL 26--MAY 1

(CFLNL)SAN FRANCISCO.--The 29th annual statewide anniversary of Public Schools Week will be observed from April 26 to May 1. Parents and all others interested in education are urged to visit the schools during this week in order to bring about a spirit of closer cooperation between parents, teachers and children. In many schools special exhibits and programs will be presented by the students.

Since its inception, the American Federation of Labor and its affiliated unions have supported free compulsory public schools. AFL unions realize that only by thorough and enlightened education can the people of this country get better jobs and a better standard of living. Only through education, particularly in the social sciences, can our people understand and vote intelligently on the many complex issues now presented each year in city, state or national elections.

These are the aims of education; parents, voters, taxpayers, all must see that these aims are realized by working closely with our schools to assure the best in books, buildings, equipment and personnel for our children.

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ARE YOU FULFILLING YOUR DUTY AS A CITIZEN BY BECOMING
A REGISTERED VOTER ??

(CFLNL)SAN FRANCISCO.--As an example of what is probably transpiring throughout the state, 125,000 San Franciscans have failed to register, as of April 5, and if this failure is not remedied by April 22, they will not have the right to vote in the June 1 primary election.

Fifteen days remain in which citizens can establish a right to cast a ballot. This is probably true in other localities, and it is urged that every member of every union register at once. The deadline for registering should be checked in the respective communities, and a final concerted effort made to bring every qualified citizen to become a registered voter before the deadline. Requirements for voting in the state are that one must have lived within the state for one year, within the county for 90 days, and within the present precinct for 40 days.