

Judge Says: Contempt; Sets Rules

SAN FRANCISCO — Federal District Judge William T. Sweigert this week issued an order finding that PMA and certain of its member companies, and ILWU Local 10 and Local 13 are in civil contempt of court.

This came about after several hearings in which both the PMA and the union were ordered to show cause why they "should not be adjudged in contempt . . . for failure to comply . . ." with the Taft-Hartley injunction ordering that there be no strikes or lockouts during the 80-day "cooling-off" period.

The order was issued after union, employer and government attorneys were closeted in the judge's chambers for a full day of discussion and argument. At issue were the ground rules set down in the judge's order.

The order did not include the International union. The judge said he was reserving a ruling on the International.

In his sweeping order, the judge said steady men shall return to the positions they held on June 30. He said if they leave their jobs it must be only by individual, free and voluntary choice — without any suggestion of intimidation or coercion.

INDIVIDUAL CHOICE

He occasionally stated that any individual has the right to refuse a job, to exercise his individual right to work steadily or not. But, he said, this must be an individual decision, and not made as a result of concerted action or any group pressure.

Equally, he ordered the PMA to cease and desist from sending gangs home, without work, on the ground that they do not have the steady men they requested.

He said that the PMA and its members must continue to load ships, even if the steady men they require are not supplied, as long as that is consistent with safety.

If employers claim they rejected a man because of his competency, and there is a dispute, he said there should be an arbitration on the spot.

The union had argued before the court that on many occasions thoroughly competent men were dispatched but gangs had been sent home and the work was not performed by order of the employers.

The judge said that if individual competency is in dispute, and the issue cannot be resolved by an arbitrator, a special master appointed by him would investigate the dispute and report to him immediately.

POSSIBLE FINES

In addition to setting up these ground rules for compliance with the Taft-Hartley injunction, Judge Sweigert set up a schedule of "compliance fines."

These would amount to \$25,000 a day against PMA and its member companies, or against Local 10 or Local 13. He added a schedule of \$100 a day fines for any individual in the union or the PMA or its companies whom he deemed responsible for evading his orders under the Taft-Hartley injunction.

Attorneys representing the International and Local 10 were Richard Gladstein and Norman Leonard of San Francisco. Representing Local 13 was Ben Margolis of Los Angeles.

LIBRARY
NOV 1 1971
STATE HISTORICAL SOCIETY
MADISON WI



The DISPATCHER

Published by the International Longshoremen's and Warehousemen's Union

Vol. 29, No. 22

Published semi-monthly at 150 Golden Gate Ave., San Francisco, Cal. 94102. Second class postage paid at San Francisco and additional mailing place. Subscription \$2.50 per year

52 November 5, 1971

KEY 154
STATE HIST SOCIETY
116 STATE ST
MADISON WI 53706

Mutual Aid Pledge

ILWU-ILA Plan Action Program

NEW YORK — The presidents of the two unions that represent all dockworkers on all American coasts, last week pledged "all-out mutual support to win our strikes."

At a press conference, ILWU president Harry Bridges and Thomas W. Gleason, president of the International Longshoremen's Association (AFL-CIO), issued a joint statement on a three-point program of mutual aid.

The conference was held at ILA headquarters, 17 Battery Place, New York City.

The statement follows:

"We pledge to recommend to our respective executive councils this course of action:

"1. That the two unions demand a common national agreement on all coasts covering the handling of containers;

"2. That the two unions work for a common expiration date;

"3. That the two unions map plans now to insure that gains won in collective bargaining are not taken away by governmental action under Phase Two."

During the course of the well-attended press conference, Gleason said his union was thinking about sending some ILA strikers to the West Coast to set up picket lines against operations of companies that are being struck on the East Coast.

The ILA has been on strike on both East and Gulf coasts since the first of October.

WOULD HONOR LINES

In response to a question, Bridges said if picket lines are set up he had no doubt they would be honored by ILWU members.

ILWU members are now working all West Coast ports under an 80-day

In order to maintain our schedule of 24 issues a year, and to give our staff some time for vacation, there will be no more issues of The Dispatcher this month. The next issue will be published early in December.



Action program was detailed at New York press conference by union presidents, Harry Bridges, ILWU, and Thomas "Teddy" Gleason, ILA.

"cooling-off" Taft - Hartley injunction which was demanded by President Nixon for the West Coast only.

When asked for any details of the plan to extend their picket lines, Gleason snapped: "Does Macy's tell Gimbel's?"

Concerning East Coast negotiations, Gleason said their employers "don't seem to want to negotiate. They're always going into caucus . . . afraid to sit down and bargain."

Bridges told the press that on the West Coast the ILWU and PMA were in the process of negotiating a tentative agreement when Taft-Hartley was invoked, putting an end to those negotiations.

In reply to another question, Bridges said the ILWU "wouldn't necessarily" go back on strike when the injunction is lifted. He added, however, that both unions will be in "close contact" on the progress of negotiations on both coasts.

He also warned that if negotiated settlements are not approved by the Pay Board under Phase Two, "we'll go out together and won't go back until it is settled."

NO 'DIVIDE AND CONQUER'

Mr. Gleason said the three-pronged mutual assistance pact is aimed at meeting the federal government's tactic of using the Taft-Hartley law to "divide and conquer" the two longshore unions.

He referred to the use of an injunction to stop the 180-day West Coast strike, while employers seek to use the National Labor Relations Board on the East and Gulf coasts

on a local-to-local basis to force workers back to the job.

"The administration wants to divide and conquer us," he declared. "They think they have us on the run, but they haven't."

At a number of major East and Gulf ports employers have filed legal challenges with the NLRB to try to force the men back to work. The legal actions claim that ILA members are conducting secondary boycotts in support of their union's demands against shippers in New York. Injunctions have been sought in New Orleans, Mobile, Philadelphia, Baltimore and other ports. There have been threats of massive fines.

ILA RETALIATES

Gleason announced that the ILA has filed complaints of its own. One of these, against the New York Shipping Association and its employer members, charges them with "refusing to negotiate in good faith" and in conspiring to negotiate "an illegal agreement in restraint of trade."

The ILA leader said the shippers refused to continue the Guaranteed Annual Income during the course of the wage freeze, and wanted to change the contract unilaterally instead of bargaining across the table.

Another complaint was filed with the NLRB against the Council of North Atlantic Shipping Associations—a management group representing New York, Boston, Providence, R.I., Baltimore, Philadelphia, and Hampton Roads, Va.

This complaint also charged refusal to bargain in good faith.