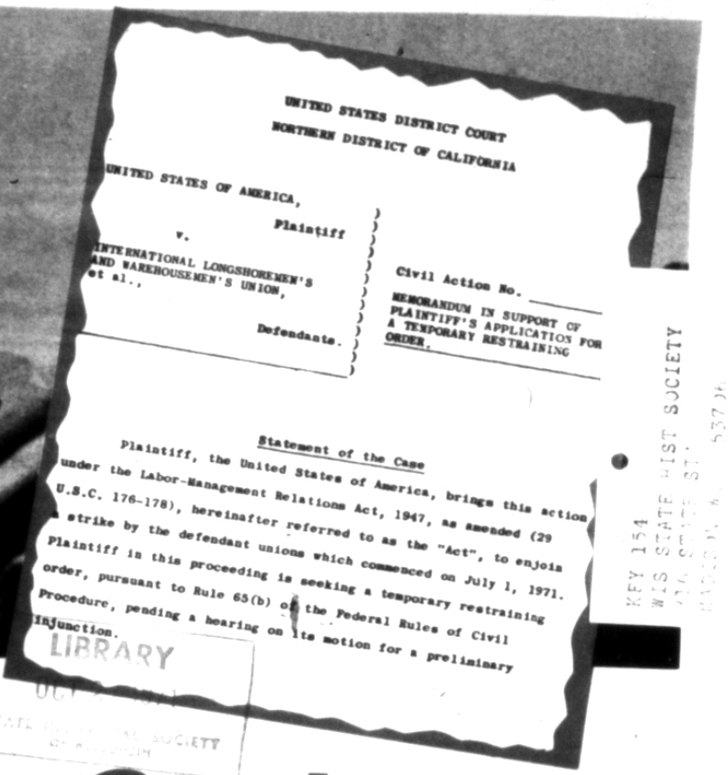
The DISPATCHER
Published by the International Longshoremen's and Warehousemen's Union
Vol. 29, No. 21 October 22, 1971



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff
v.
INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION, et al.,
Defendants.

Civil Action No. ____
MEMORANDUM IN SUPPORT OF PLAINTIFF'S APPLICATION FOR A TEMPORARY RESTRAINING ORDER.

Statement of the Case

Plaintiff, the United States of America, brings this action under the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 176-178), hereinafter referred to as the "Act", to enjoin a strike by the defendant unions which commenced on July 1, 1971. Plaintiff in this proceeding is seeking a temporary restraining order, pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, pending a hearing on its motion for a preliminary injunction.

Taft-Hartley Injunction

80-Days—To Cool Off?

June 30 Contract Still in Effect

SAN FRANCISCO — Late in the afternoon, Friday, October 15, United States District Judge William Sweigert announced that he would sign an order extending the Taft-Hartley "cooling-off" injunction against the ILWU longshore strikers for a full 80 days.

This changed the "temporary restraining order," handed down by US District Judge Spencer Williams on October 6, into a "preliminary injunction"—made at President Nixon's request — and affecting only West Coast ILWU members.

Under this infamous section of the Taft-Hartley law, workers are ordered back on the job, are expected after 60 days to vote on the "employers' last offer" and then, when the 80 days are concluded, are free to strike again.

The order specifically said: "That all the parties resume and continue operations under the terms of the . . . collective bargaining contracts in effect on June 30, 1971, and all the grievance and arbitration decisions that have been or may be rendered thereunder."

This specifies that the return to work is under terms and provisions of the Longshore, Clerk and Container Freight Station Agreements in effect June 30, 1971.

The preliminary injunction was signed despite the union's argument —presented in an affidavit by ILWU president Harry Bridges—that, "by issuing an injunction effective after almost 100 days of strike, the government has prevented a settlement of the dispute and in effect tells the union that its only recourse, if it wishes to get an agreement suitable to its members, is to continue to strike after the expiration of the 80-day injunction."

ILWU POSITION

The ILWU's position, presented before Judge Sweigert by union attorneys Norman Leonard and Richard Gladstein, is that the West Coast strike did not imperil the health or safety of the nation because there were continuous movements of military and other vital cargoes to all parts of the Pacific and that ports were open in British Columbia, Mexico, Alaska and Hawaii.

The union argued further that it was improper for the President to single out only one area, such as the Pacific Coast, and that the Taft-Hartley law does not say that the President can pick and choose any single section of an industry.

Judge Sweigert called the union's point "intriguing" but said that his reading of the law and review of the evidence meant that he would uphold the back-to-work request by President Nixon.

In its other arguments before the court, the ILWU pointed out:

• In the past the government established, in a study released in January, 1970, that longshore strikes have not created any true national emergency.

The study, conducted by former Secretary of Labor George Schultz (now head of the Budget Bureau and Office of Economic Management) said that as long as a longshore union cooperated by working specific cargo which might involve national health or safety, the effect on the nation is "minimal."

• The union pointed out that no disruption of military cargo took place at any time during the strike, nor any other cargo concerned with national defense.

• Emergency relief cargo left the West Coast during the strike, such as the 29,000 tons of grain for Pakistan refugees; and shipments of rice to Puerto Rico continued uninterrupted.

• The ILWU released all perishable cargoes from strikebound docks and ships, permitted all grain elevators to operate at full capacity; and agreed to release all cargo on strikebound docks. From the start of the strike all passenger ships entering and leaving struck ports were worked.

• **The union conceded that the strike was an "irritant to those shipping interests on the West Coast which have refused to grant us our just demands." But that "a national peril to the health and safety of this country is required (under the Taft-Hartley Act) — and that test has not been met here."**

• The union argued that, "the ILWU has been negotiating earnestly and in good faith in an attempt to resolve the differences between it and the PMA. Government intervention, at this point, will not assist the parties in resolving their differences. If left to negotiate themselves, this dispute can be fairly resolved."

(A full report on the status of

—Continued on Page 8

Bridges-ILA Plan Joint Action

SAN FRANCISCO—ILWU president Harry Bridges announced he will fly to New York shortly to meet with officials of the International Longshoremen's Association (ILA) to make preliminary plans for joint action at the end of the 80-day Taft-Hartley injunction and with respect to the wage freeze.

Special Stopwork Meetings

Special stopwork membership meetings were addressed last week by ILWU president Bridges and Coast Committee members Ward and Huntsinger in Southern California and the Puget Sound.

In Wilmington, a special all-day meeting at Local 13's hall discussed the problems resulting from the fact that the port was locked out.

After hearing a report on negotiations and the handling of local disputes during the period of the Taft-Hartley 80-day injunction, the membership adopted a motion that all hands, including all steadymen, return to work and handle all grievances through the regular grievance machinery under the contract.

In Seattle, the mass meeting made up of members from all the State of Washington ports, except the Columbia River, heard similar reports from Bridges and the Coast Committee.

The membership also agreed that all grievances and all moves against locals by the PMA should be handled through the regular grievance machinery.