

Key Tops Up \$86, to \$317, \$312, In Three-Year Detroit Contract

The GUILD REPORTER

OFFICIAL ORGAN OF THE AMERICAN NEWSPAPER GUILD (AFL-CIO, CLC)



Committee Set on Hiring Of Negroes

Detroit, Mich.—Weekly increases of up to \$86.15 will bring key news and advertising top minimums to \$312 and \$317 in a new three-year contract with the Free Press ratified last month by the Detroit Guild.

The \$86.15 increases will bring the top minimum for outside ad sales, both classified and display, to \$317.15 a week, and the top minimum for reporters, photographers and copy editors to \$312.25, effective June 18, 1973.

Detroit thus becomes the fifth Guild local to negotiate key top minimums exceeding \$300 in newspaper contracts. The others are New York, Buffalo, San Francisco-Oakland and San Jose.

A new fair employment practices clause extends management's previous pledge to not discriminate in hiring because of race, sex, etc., to cover all terms and conditions of employment and states that both the Free Press and the Guild "remain committed to a program of equal opportunity for all based on merit, ability and accomplishment."

In response to a formal, written statement from management of its readiness to take up any matter of concern to employees, the local has appointed a 10-member Minority Hiring and Treatment Subcommittee of the Grievance Committee to take up minority hiring with the Free Press at least quarterly.

(Continued on Page 6)

Vol. XXXVIII, No. 13

Washington, D.C.

July 9, 1971

Flores to Seek Presidency Support

200 Gather In Boston for Convention

Boston, Mass.—As more than 200 delegates prepared to gather for ANG's 38th Annual Convention here next week, Brian L. Flores, administrative officer of the Washington-Baltimore Guild, announced he would seek delegates' support "in an effort to be nominated" for the ANG presidency.

In "an open letter to American Newspaper Guild members," Flores said he would seek support for the nomination "in an effort to contribute what I can to bring about a change in the habits of the American Newspaper Guild."

Flores, who was defeated when he first ran against ANG President Charles A. Perlik, Jr., two years ago, said he will "also attempt to persuade others who have tired of the Guild's old ways to join with me as candidates or campaigners in an effort to bring the ANG back to the members."

Besides the biennial election of officers, ANG finances and an expanded program to end discrimination and advance women's and minority rights will be among the key items facing convention delegates.

The convention will also have before it a recommendation from the International Executive Board to change the Guild's name from the American Newspaper Guild to simply "The Newspaper Guild" to more truly reflect the union's international composition.

By late this week ANG had

(Continued on Page 2)

Reporter Top Raised \$50 at Toronto Star

Toronto, Ont.—The top reporter minimum at the Toronto Star will increase \$50, to \$240, highest in any Guild Canadian newspaper contract, in a new, three-year settlement ratified by the Guild last week but held in abeyance pending a return to bargaining by the Paperhandlers. The settlement came after intensive joint bargaining between the Council of Toronto Newspaper Unions and the Star and after strike moves had been taken by the various unions, including the Toronto Guild.

Only the Paperhandlers voted to reject the jointly-negotiated settlement. At a meeting July 5, the union council authorized the Paperhandlers to return to the

(Continued on Page 2)



'To Ensure the Public Be Informed'

ANG President Charles A. Perlik, Jr., flanked by Richard P. Kleeman and J. W. "Bill" Roberts, chairmen of the Freedom of Information Committees of Sigma Delta Chi and the Radio-Te-

vision News Directors Association, testifies before the House Foreign Operations and Government Information Subcommittee on the public's right to know under the First Amendment.

Press Wins Pentagon-Papers Battle; Perlik Urges Secrecy Review Board

The New York Times and the Washington Post last week won their battle to resume printing the Pentagon Papers without further restraint, but it remained to be seen who would win the war between the government and the press initiated by their publication.

The U.S. Supreme Court, in an unsigned, 6-3 decision June 30, held that the government had not met the "heavy burden of showing justification" for the enforcement of prior restraint on publication.

But each of the nine justices also filed a separate opinion of his own, five of which suggested that the decision did not give newspapers immunity from criminal action for publishing the documents.

The next day, Atty. Gen. John N. Mitchell said the government would prosecute anyone who violated the law in connection with disclosure of the Pentagon Papers, and Secretary of State William Rogers called on the press to voluntarily submit classified documents for government review before publication. His office later said it had been approached by several unidentified news organizations in response to his request.

The following day, Defense Secretary Melvin R. Laird ordered Air Force security officers to take custody of all classified documents used by the Rand

(Continued on Page 6)

But the Commerce Committee...

On the day after the Supreme Court's decision in the Pentagon Papers cases, the House Commerce Committee asked the House to cite the Columbia Broadcasting System for contempt of Congress for refusing to furnish unused film from its documentary, "The Selling of the Pentagon."

CBS President Frank Stanton, against whom the committee also seeks a contempt citation, called the committee's action a "disappointing contrast to the Supreme Court's ringing affirmation of the function of journalism in a free society."

The committee voted 25 to 13 to seek contempt citations against Stanton and the broadcast network. Its resolution is a privileged matter that could reach the House floor next week.

Conspiracy Is Seen In '62 L.A. Merger

The Justice Department failed to prosecute Hearst's Los Angeles Herald-Examiner and the Los Angeles Times despite "compelling evidence of a criminal conspiracy" to divide the city's newspaper market and fix prices, according to a report by a Ralph Nader study group.

The report said a set of three "codes" signed personally by William Randolph Hearst 2nd and Times Publisher Otis Chandler constituted "an obvious per se criminal violation in the eyes of four antitrust attorneys who were familiar with the case."

The report quoted a Senate ob-

server as saying the failure to empanel a grand jury in the case was "the worst antitrust scandal I've ever seen."

The Los Angeles disclosures were made in an 1,148-page document, "The Closed Enterprise System," reviewing enforcement of the antitrust laws. It is the result of a year-long study conducted by Nader's Center for Study of Responsive Law.

The report makes these other accusations:

● That political pressure played a role in stopping the Justice Department from filing

(Continued on Page 2)

ANG President Charles A. Perlik, Jr., last month urged Congress to seriously consider creation of an independent classified-document review board with representation from the ranks of the working press where "attempts at free-press abridgement are always felt first."

Perlik also proposed that the burden of proof for restricting government documents be placed on the classifying agency and that, absent such proof, documents be automatically declassified after two years.

"Working newspapermen have an immediate and direct interest in the maintenance and application of the First Amendment guarantee of freedom of the press in our society and bring a unique body of knowledge and experience to bear on the conflicts that periodically and inevitably arise under it," the ANG President told the House Subcommittee on Foreign Operations and Government Information.

Perlik testified June 25 as a member of a "media panel" during

(Continued on Page 7)

Also...

Text of Perlik's Congressional TestimonyPage 7

Eaton's Column on Supreme Court DecisionPage 8

Flores to Seek Delegates' Support for Presidency

(Continued from Page 1)

received convention registrations from 58 locals for 217 delegates and nine alternates. Included among the 226 were 39 women, 16 more than were elected delegates or alternates to the 1970 Seattle Convention.

Featured speaker at the convention, which will be held at the Statler Hilton Hotel July 12 through 16, will be Sen. Keith Davey, chairman of Canada's Special Senate Committee on Mass Media. He will address the convention banquet July 13.

Candidates for all 15 international offices — international chairman, president, secretary-treasurer and six regional and six at-large vice presidencies — will be nominated at the convention, with any contests to be decided by membership referendum.

Three local Guild leaders have announced their candidacies for at-large seats on the IEB.

They are Eleanor Dunn, inter-

im co-ordinator of women's rights activities within the Guild and president of the Ottawa local; Raymond G. Dick, past president and a present member of the executive board of the Washington-Baltimore Guild; and James A. McGill, president of the Gary Guild and winner of ANG's 1971 Guild Service Award.

Ray Inouye of Seattle-Tacoma, who described himself as "a dedicated non-participant in ANG activities" until now, also has announced his candidacy for an at-large seat.

Incumbent Vice President At-Large James Young of Vancouver-New Westminster has announced that he will seek re-election in the Guild's Canadian Region 6 instead of at large, running against the incumbent regional vice president, Glen Ogilvie of Toronto.

In his announcement, Flores quoted the remark by Alexander H. Frey, public member of a



BRIAN L. FLORES

World War II Regional War Labor Board, that "there are few unions that rival the Guild with respect to the complete internal democracy which it practices," then added:

"There are ways, however, to make it work better, to make it more responsive to the will of its members and to make its voice reflect the real nature of Guild members' commitments to true unionism instead of the continuous playback of tired cliches."

Incumbent Vice President At-Large Joseph B. Downey of Boston announced earlier this year that he would not seek re-election.

And Incumbent Southern Regional Vice President Joe Holt Anderson, Jr., of Washington-Baltimore announced in April that it was "highly-unlikely" that he would run again.

With the cumulative deficit in ANG's General Fund totaling more than \$77,000 at the end of the last fiscal year March 31, the convention will be asked to approve a joint report of special interim committees on strike financing and per capita recommending that the General Fund's share of per capita payments be

increased from 60 to 70 percent with the end of the current series of Defense Fund assessments, expected this fall.

By then, it is anticipated that the Defense Fund will have attained its constitutional \$2,000,000 "floor," permitting assessments to be terminated. Thereafter, the special committees recommend, no new assessments would be levied until the Defense Fund falls below \$1,500,000.

The IEB will present to the convention a series of recommendations with respect to the proposals of ANG's women's rights and minorities conferences held last fall and spring.

The IEB, among other things, is recommending to the convention that ANG's wage goal for key classifications be increased from \$400 to \$425 to keep pace with increases in productivity and the cost of living and that 13-week vacations every five years be added to the bargaining program.

L.A. Antitrust Evidence Ignored, Nader Study Says

(Continued from Page 1)

suit against the 1965 joint operating agreement between Hearst's San Francisco Examiner and the San Francisco Chronicle.

● That pressure from Agriculture Secretary Ezra Taft Benson and Utah Sen. Wallace Bennett headed off an antitrust suit against the joint operating agreement between the Salt Lake City Tribune and the Mormon Church-owned Deseret News in 1956.

● That political considerations were instrumental in bringing antitrust action against the Kansas City Star in the early 1950s and the merger of the Tucson Citizen and the Arizona Daily Star in 1964.

Justice Department evidence of a 1962 conspiracy in Los Angeles consisted of an agreement to give the Herald-Examiner a monopoly over the afternoon market and the Times a monopoly in the morning field, the report said, together with codes "covering advertising, production and ethics" that "fixed prices and practices."

The manifest reason for not bringing suit, the report said, was a claim by Hearst attorney James McInerney that Lee Loewinger, head of the Antitrust Division, had given oral clearance to the market-splitting agreement, together with what Atty. Gen. Robert F. Kennedy termed Loewinger's indecisiveness about exact-

ly what he had told McInerney.

But the report noted that this explanation did not account for the failure to proceed against the codes. It noted that McInerney had been a lawyer for the Kennedys and had given Kennedy his first job with the Justice Department in 1953.

With the election campaign approaching, the report said, "few attorney generals, especially the former campaign manager of his brother's Presidential campaign, were eager to sue criminally two of the biggest newspaper chains in the country."

The report also charged "circumstantial evidence of a whitewash" in the sudden termination of hearings by Rep. Emanuel Celler's House Antitrust Subcommittee on the Los Angeles case. And it contended that the committee's failure to publish the hearings that did take place constituted "an Orwellian erasure of history." (The Senate Antitrust subcommittee published the Celler hearings in 1969.)

The report said Donald Turner, then head of the Antitrust Division, wanted to proceed against the San Francisco merger but that Atty. Gen. Nicholas Katzenbach refused to file pending the outcome of the Tucson case.

Ramsey Clark, then deputy at-

torney general, was quoted as confirming that "there was much political pressure and strong complaints by counsel against the suit."

The Tucson suit was filed after Rep. Morris Udall, Arizona Democrat, complained to Katzenbach that the Republican Citizen "was about to swallow up the last remaining large paper with a Democratic editorial voice in Arizona."

"A case against the takeover, which had an aspect of a joint operating venture, had been stalled at the staff level of the division," the report said. "Encouragement from Katzenbach got it unstalled and ultimately filed."

The Tucson suit broke a logjam created by the decision not to prosecute the Salt Lake City merger, according to the report. The Salt Lake City decision had set a precedent blocking "similar and valid cases" against joint operating agreements in Honolulu, El Paso and Shreveport, La., it said.

The study group reported that Atty. Gen. Herbert Brownell had already signed a complaint against the Salt Lake City agreement when 11th-hour intervention by Sen. Bennett and Benson, a devout Mormon, brought a reversal.

"The Justice Department later

attempted to negotiate a compromise consent decree prior to filing the case, but the two newspapers, confident of their political muscle, refused to negotiate at all," the report declared. "The case never was filed."

The report quoted a former division section chief as saying President Truman personally ordered prosecution of an antitrust suit against the Kansas City Star because of its "consistently anti-administration position."

And President Johnson personally cleared an antitrust suit against Scripps-Howard's control of the Cincinnati Enquirer, the report said, terming the violation "too clear to ignore."

The report put equal blame for antitrust laxness on the legislative branch, describing Congressional passage of the Newspaper Preservation Act as "the most recent and spectacular Congressional vetoing of a Supreme Court antitrust ruling."

The bill's passage was achieved by "active lobbying and legerdemain," the study group said, citing one representative who complained of pressure from "reporters acting on behalf of their chains" and others who said that congressmen "wanted to collect IOUs" for future endorsements from publishers.

Of 38 senators from states

with papers having joint agreements, the report said, only two voted against the bill. And all 27 representatives from districts with joint agreements who voted were recorded for it, the report added.

The report said the seven volumes of Congressional testimony on the bill "read like an encyclopedia of predatory and exclusionary practices" but that "neither economic logic nor law was the foundation of this special interest legislation."

In a chapter on broadcasting the report was critical of the Justice Department for not having filed a suit against newspaper acquisition of a radio or television station.

It suggested that the department could file a divestiture suit when newspapers seek to renew their broadcast licenses, challenging newspaper ownership as an attempt to monopolize or a combination in restraint of trade.

The Justice Department also came under criticism for failing to challenge exclusive agreements covering syndicated materials, termed the unavailability of syndicated features one of the biggest problems faced by a newspaper.

It also cited stringent requirements for obtaining wire-service contracts.

Reporter Top Raised \$50 in Toronto Star Pact

(Continued from Page 1)

bargaining table to "clarify" the money terms of the settlement.

Other key Guild top minimums will increase \$40 under the terms of the settlement, as will the scales of the principal printing trades unions. A fifth week of vacation after 25 years also was won.

The top minimums for display advertising salesmen and circulation district representatives each go up \$40, the display salesman top to \$233.50, the circulation top to \$230. The top for outside classified advertising salesman goes up \$38.50 to \$201.50. Upgradings result in increases of as much as \$85.25.

The general increase for Guild-covered jobs ranges from \$24.50 to \$40. The two-year contract expires Dec. 31, 1972.

Joint bargaining began in

mid-May. All the unions' contracts expired last Dec. 31. Guild members authorized a strike by a vote of nearly 5-1 on May 31.

In their moves toward a strike, the unions established a joint strike headquarters near the plant. A check for \$105,000 from the ANG Defense Fund was deposited in a Toronto bank to pay strike benefits to Guild members. Toronto Guild Executive Secretary Fred Jones served as council spokesman at the bargaining table, and ANG International Representative Robert Rupert served as the council's strike preparations director.

In June, Victor Scott, assistant director of conciliation services for the Ontario Department of Labor, entered negotiations, and the settlement came on June 16 after three days of marathon bargaining.

The largest increase resulting from upgradings, \$85.25, went to country circulation travellers, who were brought to parity with circulation district representatives.

The reporter top minimum goes up \$28 retroactive to last Jan. 1, \$18 on Jan. 1, 1972, and \$4 the following July 1, to \$240.

The expiring contract required that 40 per cent of the fully-experienced reporters and photographers had to be classified as senior staff writers or senior photographers and paid a top minimum of \$200. These classifications are abolished, and the employees are included in the reporter-photographer classification, at a top of \$240.

Twenty-five percent, plus one, of the fully-experienced display advertising salesmen, classified as senior salesmen, continue to have

a top minimum \$6.50 above regular top, or \$240 with final contract increase.

Twenty-five percent, plus one, of the fully-experienced circulation district representatives, classified as senior representatives, continue to have a top minimum \$10 above the regular top, \$240 with the final increase.

Among other contract improvements, holiday work will be paid at double time, in addition to regular weekly salary, with minimum of seven hours. Pay was at time and a half with minimum of five hours.

Maternity leave was improved by dropping a requirement of one year's service to be eligible, eliminating a limit of four on the number who could take leave, among certain advertising department employees and specifying leave up to six months.

Tax Bite Urged On 'Excess Ads'

Companies with strong market power should be taxed 100 percent on all advertising expenditures beyond a fixed percentage of sales as a means of curbing industrial concentration, the Nader study group on antitrust enforcement recommends.

"The legitimate economic function of advertising is to supply consumers with information," the group's report said. "It should not be used as a substitute for competition in price and quality."

"When advertising expenditures exceed a certain percentage of sales revenues, 'product information' tends to give way to 'sales manipulation.'"

Perlik Lists 3 for U.N. Committee

At the request of United Nations Secretary-General U Thant, ANG President Charles A. Perlik, Jr., has nominated three newsmen for appointment to a special UN committee to lay the groundwork for an international agreement for the protection of reporters on dangerous assignments.

Perlik submitted the names of Richard Dudman, Washington bureau chief of the St. Louis Post-Dispatch; David L. Halberstam, free-lance correspondent and author, and ANG International Chairman James B. Woods. Dudman, who served as a judge in ANG's 1970 Heywood Brown Award contest, was captured by Communist guerillas in Cambodia last summer and held for 40 days. He later wrote a syndicated series about it.

Halberstam, who recently resigned as a contributing editor of Harper's magazine, won a Pulitzer Prize in 1964 for his reportage of the Indochina war for the New York Times.

Both Dudman and Halberstam are former Guild members.

U Thant's request is the first step toward implementing a resolution adopted last March by the Commission on Human Rights calling for the adoption of "a universally recognized and guaranteed identification document" for newsmen and the drafting of an international agreement to safeguard persons bearing it.

The resolution calls for the appointment by the Secretary-General of a committee of no more than seven experts, including a consulting jurist, a Red Cross representative and up to five persons suggested by journalists' organizations from different geographical areas.

They are to meet in New York Sept. 8 "to consider the appropriate composition for an international professional committee for the protection of journalists engaged in dangerous missions, and the conditions, procedure and criteria for the issue and withdrawal of a safe-conduct card, as well as the procedure for the recognition of such a card."

They will report to the UN General Assembly, which has promised to give "the highest priority" to the question at its next session.

ANG Membership At May High

For the second month in a row, Guild membership reached a new monthly high in May, Field Operations Director J. William Blatz reported last month.

At 32,630, the Guild's May total of active, dues-paying members was eight higher than in April, 247 higher than in May, 1970, and only five short of the all-time record of 32,635 established in September, 1970.

Thirteen locals attained record membership levels in May, Blatz said. They were Coos Bay, Denver, Hawaii, Lehigh Valley, Peoria, Sacramento, San Diego, San Jose, Sheboygan, Victoria, Washington-Baltimore, Woonsocket and York.



North Jersey Guild Photo by Jack Johnston

Surprise, Edna ... and Happy Birthday

ANG International Representative Edna Berger (under the "T") is treated to a surprise birthday party June 15 at Newark News Guild strike headquarters. Helping her hold the cake is Barbara Spector, unit treasurer. On Miss Berger's right is Thomas J. Murphy, retired executive vice president of the New York Guild who is assisting in

the strike and negotiations. Others are, from left: Sarah Caton, Karen Zautyk (partially hidden), Margaret Buffington, Rose Ventimiglia, Joseph Yeninas (who painted the background banner), Douglas Eldridge, unit chairman (partially hidden), and Joseph Storch. The cake is decorated with a dollar sign, flowers and two candles.

Newark News Strike Enters 7th Week

Newark, N.J.—The strike against the Newark News by members of the North Jersey Guild has gone into its seventh week with no signs of an early settlement.

Four negotiating sessions since the start of the walkout May 26—the most recent on June 25—have failed to produce any movement by News management. A fifth meeting was scheduled for late this week by the federal mediator.

At the fruitless bargaining session June 25, Guild spokesman Thomas J. Murphy, noting that the company apparently is not interested in ending the strike before fall, said that the Guild will insist on a fair settlement "if it takes until the snow flies."

"This unit expects and will not settle for less than a vastly-improved offer up and down," he declared. "The unit did not strike to try to win a few changes in the pre-strike position of the company."

Murphy, retired executive vice

president of the New York Guild, was assigned to assist in the conduct of the strike after ANG International Representative Edna Berger was forced to return to her home in New York because of illness.

The News has refused to move beyond its pre-strike offer of a \$220 top minimum for reporters and \$170 for photographers in the first year of the contract.

The Guild has asked for \$255 in the first six months and \$265 in the second six months for both reporters and photographers.

Despite the length of the strike, only four people in the bargaining unit have taken permanent jobs elsewhere. Most Guild members are picketing five days a week.

The pickets—posted at both the front and rear entrances of the News plant in downtown Newark—have turned away a number of trucks in recent weeks, including an armored payroll vehicle and various delivery vans. The company, however, managed

to find nonunion trucks to remove a mound of garbage and sludge from oil tanks.

The Guild has declared that the company is trying to make long-term employees pay the price of waste elsewhere—\$500,000 in new executive jobs added to the payroll in the last year and \$200,000 in losses of lead and newsprint that "disappeared" from the plant.

Contributions from two dozen Guild locals and from individu-

als—including some from Newark members—have increased the local strike fund to more than \$3,600.

Newly-reported contributions to the strike fund include:

New York Guild	\$500
Chicago Guild	200
Philadelphia Guild	100
Boston Guild	100
San Francisco-Oakland Guild	100
Eliz. Journal Unit, N.J. Guild	90
San Jose Guild	50
Wilkes-Barre Guild	50
Providence Guild	50
Kingston Guild	25
Toledo Guild	25
Gary Guild	25

No Progress in Pittsburgh

Pittsburgh, Pa.—Recent meetings between Typographical Union leaders and Pittsburgh Press management have produced no movement toward settlement of the printers' strike which has closed both the Press and the Post-Gazette since May 14, according to a printers' union leader.

Seventy of 84 Guild members at the Post-Gazette have been

laid off since May 21. The Scripps-Howard Press handles advertising, circulation and printing for the Post-Gazette.

The printers rejected a Press offer of a \$52.61 two-year money package before the strike, seeking \$63. The Press also proposed buying out accumulated reproduction and paying to be allowed to use tape other than that provided by the wire news services.

Sun Messenger Fired for Long Hair Reinstated

Baltimore, Md.—A Baltimore Sunpapers messenger discharged for wearing long hair was reinstated by an arbitrator last month.

Arbiter John P. Horlacher ordered reinstatement with back pay for Joseph Giza, whom the company discharged for "willful misconduct and gross neglect of duty" after he refused to get a haircut.

The Washington-Baltimore Guild charged that the firing not only violated the contract but constituted sex discrimination in violation of the 1964 Civil Rights Act because female employees were not dismissed for wearing long hair.

Horlacher declined to address himself to the civil-rights issue, contending that an arbitration was not the proper forum for it.

But he ruled that "unduly long hair" plus "some slovenliness in general grooming habits" is not "just and sufficient cause for dis-

charge" under the contract.

Horlacher stated that employees who are in contact with outsiders do not have "a personal privilege to be unclean and slovenly." But he said an employer has a right to interfere with an employee's "personal privilege" in such things as hair styles and clothing "only to the degree necessitated by the

Cutback Eliminates 8 Jobs in Oakland

Oakland, Calif.—An economy cutback has eliminated eight editorial jobs at the Oakland Tribune, seven of 82 in the reporter-rewrite category and one of eight artist-retouchers.

Five employees were dismissed and three others, including Unit Chairman Curt Sutliff, quit with severance pay in lieu of three other dismissals.

The paper earlier dismissed two editorial clerks and a critic.

nature of the employee's job duties."

Horlacher noted that Sunpapers Business Manager Stephen Becker, in testimony at the arbitration hearing, had left "at least some small degree of ambiguity" on the company's policy as to long hair.

Becker testified that the company "imposes no arbitrary hair-length requirement but only one of general good grooming and reasonably neat appearance."

The arbitrator, who noted that a picture of other Sun messengers introduced at the hearing showed one with a "Prince Valiant" haircut and another with a "General Custer" cut, said "no employee is punishable for violation of a conduct standard when that standard is vague and uncertain."

Giza was fired after ignoring a supervisor's repeated "suggestions" to get a haircut. Horlacher held that the supervisor had "a

mild fixation . . . if not an obsession" about long hair, in variance with the company's stated policy.

Hair Tonic

The Equal Employment Opportunity Commission has ruled that discrimination against male employees with long hair is a violation of the Civil Rights Act.

The EEOC handed down its ruling in a case involving a man refused a job because he wore shoulder-length hair. Since similar-length hair on a woman would not have been held against her, the EEOC said, the policy constituted sex discrimination.

A federal judge has rejected the EEOC's criteria in a case involving the suspension of two Washington food-store employees with long hair. The case is being appealed.

L.A. Citizen-News Presses Roll Again

Los Angeles, Calif. — With Mayor Sam Yorty and film celebrities looking on, presses rolled last week at the Citizen-News's Hollywood plant for the first time in almost a year, but resumption of publication of the daily paper itself was delayed by mechanical difficulties.

In traditional Hollywood-premiere style, microphones and television cameras cluttered the narrow sidewalk. Entertainers headed by actor Darren McGavin stood by, and a princess was supplied by the Chamber of Commerce.

Mayor Yorty snipped a silken ribbon, Publisher Richard M. Horton voiced thanks to the paper's employees and their unions for their cooperation during his fight to rescue the paper from bankruptcy.

The presses rolled almost continuously, starting June 29, producing 400,000 copies of 10 suburban weeklies. Because of unforeseen mechanical problems, publication of the daily Citizen-News, however, was not expected for another 10 days.

Eighteen Guild members were back at work in the familiar newsroom, meanwhile, with more scheduled to be recalled shortly.

At the reopening ceremony Horton praised the cooperation of the unions in the weeks immediately preceding the bankruptcy action that closed the paper last August as well as during the struggle to resume publication.

"It couldn't have been done without the unions," he said.

The unions have agreed to work 120 days under their old contracts. After that, negotiations for new ones will be initiated.

When the Citizen-News resumes publication, "Los Angeles" will be dropped from its name, and its circulation will be limited to Hollywood, Beverly Hills and the San Fernando Valley, where it originally circulated before going citywide early last year.

San Antonio Vote Turns on Challenges

San Antonio, Tex.—Nine uncounted ballots, all challenged by the Guild, will determine the outcome of a decertification election last month among San Antonio Light news vendors and street dealers.

The San Antonio Guild received 13 votes, nine persons voted for "no union," and nine ballots were challenged by the Guild pending a decision on their validity by the National Labor Relations Board.

The Guild won a representation election in the unit, 17-8, over two years ago and has been trying to negotiate an initial contract ever since.

It is currently negotiating renewal contracts for editorial employees and circulation district managers and has been seeking to bring all three units under a single agreement.

Hearst management has refused to do so, however, and the NLRB dismissed a Guild petition to consolidate the units.

Meanwhile, the dismissal of the Guild's bargaining chairman, John (Ned) Sweet, has moved to arbitration. Sweet was fired May 7 for being absent from work while participating in a bargaining session.



New Citizen Welcomed

Robert L. Whearley, editor, left, holds the remnants of the ribbon snipped by Los Angeles Mayor Sam Yorty, right, to mark the reopening of the Citizen-News plant in Hollywood. Also present are: Citizen-News publisher Richard M. Horton,

next to Whearley; Warren Dorn, Hollywood supervisor, center, and Molly Schoel Cronin, Hollywood's Princess of the Month. The Citizen-News began publishing suburban weeklies last week, expects to resume daily publication this month.

L.A. Union Presidents Appeal To Meany for Financial Help

Los Angeles, Calif.—Local presidents of seven unions striking and locked-out at Hearst's Herald-Examiner the past 42 months joined this week in a new appeal to AFL-CIO President George Meany for additional financial aid, both directly and "in asking others to join you in helping us."

Expressing the appreciation of their members for previous aid, from both the AFL-CIO and "our fellow unionists all over the United States and Canada," the presidents in a letter to Meany urged that their latest appeal not be treated as "another in what may seem a monotonous series of appeals."

Terming the Herald-Examiner strike-lockout "a marathon of attrition," the presidents pointed out that the paper's circulation "has been cut in half and then some" and its advertising "slashed

to the point where one wonders what economic justification remains for continued operation."

Noting that their unions have accomplished all this while cutting strike-lockout expenses "to the bone and beyond," the letter said that "we cannot alone carry the awesome financial burden imposed on each of the union locals and their internationals by this fight."

"Hopefully," it concluded, "the money we receive from such an appeal can hasten the day when trade unionists will again walk through the gates of the Herald-Examiner to jobs covered by union contracts."

The letter was signed by Los Angeles Guild President Nicholas Abraham plus the presidents of the Typographical, ITU-Mailers', Stereotypers', Paperhandlers', Pressmen's and News Vendors' locals as well as Strike-Lockout

Coordinator William R. Robertson.

Meanwhile a waterfront collection last week produced \$309.88 from members of the International Longshoremen's and Warehousemen's Union, shortly before they themselves struck the West Coast shipping industry.

The unions' joint strike-lockout treasury also received a \$500 donation from the International Association of Bridge, Structural and Ornamental Iron Workers.

And the Los Angeles Guild reported an additional \$912 in contributions to its strike fund, including:

Erie Guild	\$ 50
Sacramento Guild	400
San Francisco-Oakland Guild	200
San Jose Guild	150
Toledo Guild	50
Washington-Baltimore Guild	50

The \$912 raised total contributions to the local's strike fund since the strike began at \$226,055.

To Improve Papers

Elect Editors, Professor Urges

Kitchener, Ont.—The election of editorial executives by working reporters has been urged by Bryce Rucker, professor of journalism at Southern Illinois University.

Newsroom democracy, Rucker told a recent Canadian Managing Editors Conference, would improve newspaper performance by keeping the publishers' hands off the press's day-to-day operations.

Rucker said the system under which managing editors are appointed by the publishers "hasn't worked very well."

He said publishers, many of whom have conflicting interests in other industries, have too much say on what goes into their papers, appointing execu-

tives who reflect their own viewpoints.

"As I see it," he said, "the only solution is for newsmen to run the news operation."

"I think it would be very well to elect the managing editor. I don't believe newsmen would do anything to hurt the financial base of the newspaper for which they work."

Newspapers will not undergo urgently needed changes "unless the news staff initiates them themselves, until you get something akin to this kind of experimentation," he declared.

How, for example, he asked, can a newspaper whose publisher owns a paper mill be expected to attack pollution created by the mill unless the publisher is

divorced from newsroom control?

"Freedom of the press belongs to the people," Rucker said. "It doesn't belong to the publisher."

The assembled managing editors did not take kindly to the suggestion that they stand for election. They said the practice would imperil news judgment, endanger newspapers' finances and produce incompetent editors.

William Galt of the Vancouver Sun said "reporter power" would merely shift control of the press "from one elite group to another elite group."

"The thing that intrigues me," said William MacPherson of the Ottawa Citizen, "is what makes anybody think that reporters would do a better job of running a newspaper than we already do."

Newhouse Folds Daily In Bayonne

Bayonne, N.J.—To the surprise of most of its 75 employees the 100-year-old Bayonne Times ceased publication July 3 with the announcement that it had been sold to the Jersey Journal, owned by S. I. Newhouse, who started in the newspaper business on the Times over 50 years ago.

"Everybody's shocked," said Editor Bob Murphy, the New York Times reported. "The paper was solid to the end."

August Lockwood, editor of the Jersey City Journal, with which the Hudson County Guild has a contract covering editorial department employees, said the Journal would employ as many of the Times employees as possible and try to find jobs for the rest.

Mrs. Helen Lazarus Barre, owner of the Times, blamed the sale of the 16,000-circulation afternoon daily on rising costs and the general economy. Neither she nor a spokesman for Newhouse would disclose the purchase price.

Hyman Lazarus, a lawyer and judge for whom Newhouse was working as a clerk, started Newhouse on his newspaper career when he sent him to the Times as business manager to look after his interests. The paper remained in the Lazarus family until its purchase last week.

Subsequently, in 1922, Newhouse acquired the Staten Island Advance, initially in partnership with Judge Lazarus, and now owns papers in 15 cities with a combined circulation of 3.2 million.

Annapolis Appeal Is Lost by Guild

The National Labor Relations Board's general counsel last month rejected a Washington Baltimore Guild request to reconsider the board's refusal to issue a complaint against the Annapolis Evening Capital for discharging a Guild organizing leader.

The general counsel said there was insufficient evidence to support the charge, made in the course of an organizing campaign last winter. The Guild lost a representation election at the Capital by 22 to 11 Feb. 16.

The board's regional director, in addition to rejecting the unfair-practice charge, turned down a Guild appeal to set aside the election on grounds of improper company conduct.

2 Thugs Murder L.A. Guildsman

Los Angeles, Calif.—Simon Pena, 35, a circulation district manager for the Los Angeles Racing Form and a delegate to the Los Angeles Guild's Representative Assembly last year, was shot and killed by two holdup men July 1 while making deliveries and collections for the paper.

Los Angeles police said Pena had just returned to his pickup truck from making a delivery and collection at a liquor store when two young men accosted him. Police reported they took an estimated \$1,000 from Pena after shooting him.

Key Ad, News Rates Upped \$51 in Duluth

Duluth, Minn.—A 32-month contract raising key top minimums by \$51 a week has been negotiated by the Lake Superior Guild with the Duluth Herald and News-Tribune, bringing top news and advertising minimums to \$225.

The agreement climaxed eight months of negotiations complicated by an abortive tentative settlement and the death of Eugene J. McGuckin, Jr., several months after he advanced from associate publisher to publisher of the Ridder papers in January.

The tentative settlement of \$51 over 36 months was rejected by the ANG Contracts Committee because of contract weakenings and because the wage increase was inadequate for the proposed three-year term.

International Representative Harry L. McCormick was assigned to aid the local, and a return to the bargaining table reduced the contract term by four months and gained an additional \$9.83 at the top for circulation district representatives, giving them the same \$51 increase won for the reporter and display ad sales top.

The return to bargaining also brought a return to former contract language in those areas that had been weakened in the original settlement.

The reporter, display ad sales top minimum was increased by \$20 to \$194, retroactive to Nov. 1, 1970. It increases \$15 to \$209 on Nov. 1, 1971, and reaches \$225 Nov. 1, 1972. The contract expires June 30, 1973.

The circulation district representative top goes up by the same amounts on the same dates, to

reach \$194 Nov. 1, 1972.

Increases in other minimums are pro-rated on the basis of the \$51 increase in the key top minimum. The increase is 11.5 percent the first year, 7.7 percent the second and 7.6 percent in the last eight months, raising the top for women's department employees from \$140 to \$180 and that for outside classified salesmen from \$109 to \$140.

Night differential was increased from \$7.23 to \$10 a week for employees who were earning \$174 or more when the contract expired last Oct. 31.

Pension benefits were increased 50 percent to a maximum of \$30 a week, and the hospital daily-room allowance was increased from \$20 to \$30.

Jersey Pact Extended; Top Raised \$26, to \$232

Jersey City, N.J.—The reporter top minimum at the Jersey Journal will rise \$26, to \$232, under an 18-month contract extension negotiated by the Hudson County Guild.

The old contract, which would have brought the reporter top to \$206 in August, 1972, was reopened to provide a top of \$212 as of June 10 this year plus \$20 next May. The final year of the modified agreement, which expires June 9, 1974, will be subject to a wage reopener effective May 1, 1973.

Under the contract extension the reporter starting minimum will rise \$17.48, to \$156.04 as of next May. The society-reporter top goes up \$23.85, to \$212.89. The copyboy top goes up \$13.53, to \$120.79.



Australian Leader's Tie Tacked

The General Secretary of the Australian Journalists' Association, S. P. Crosland, pauses during a visit with ANG President Charles A. Perlik, Jr., and Secretary-Treasurer Robert M. Crocker while Perlik affixes a tack bearing the ANG seal to his

necktie. Crosland was at ANG headquarters June 23 during a visit to the U.S. under a grant from the U.S. government obtained with ANG's assistance. After his visit he went to England on the invitation of the National Union of Journalists.

Toronto Guild, Other Unions Back Controls on U.S. Textbook Imports

Toronto, Ont.—The Toronto Newspaper Guild and nine other graphic arts industry unions have appealed for controls on imports of U.S. textbooks.

The Toronto Graphic Arts Labour Council told a Royal Commission on the Book Publishing Industry appointed by the Ontario government that two-thirds of the Canadian book market is supplied by imports. Americans control distribution channels, too, the council charged.

Textbooks must be as unbiased culturally as possible, said the brief, especially when the country using them "has difficulty... maintaining its own identity in relations to neighboring socie-

ties."

The council said it estimates Ontario taxpayers pay about \$29 million a year for imported school books and are financing the American takeover of their own industry, with the resulting loss of thousands of jobs.

American domination of the industry "presents a clear and present danger to our ability to educate ourselves and our children in a manner we believe appropriate," the commission was told.

The U.S. Copyright Act serves as an embargo on Canadian books entering the United States, said the council, and the provinces should make the federal

government put the same restraints on American books coming into Canada unless Washington opens up the barrier to Canadian books.

The council also recommended that a crown corporation be set up to promote the development of Canadian books and that the provincial education department make it policy that at least 75 percent of the texts used in Ontario schools and universities be published, written and produced by Canadians.

"We believe our tax dollars should be used to support Canadian creativity, Canadian ideas and culture and Canadian workers," the unions declared.

IT

SEEMS
TO US

Detroit Story Is Criticized By Free Press Chairman

DETROIT, MICH.

Editor:

The Guild Reporter recently reported on contract negotiations at the Detroit Free Press. The article criticized the federal mediator, the publisher and the craft unions for instituting crash bargaining prior to the contract expiration.

What the story failed to state was:

1. This pressure bargaining resulted in peaceful settlements for the first time in over a decade. Strike-weary staffers were delighted.

2. The local leadership resisted early bargaining only because it was totally unprepared to bargain early.

3. Because it was unprepared to negotiate early in May, the Free Press unit could not obtain a contract until June 12. This cost each member an average of \$31 a week for four weeks.

4. The article contended that the Guild resisted pressure bargaining because it had many delicate issues to resolve, including a minority issue and parity for women. The latter was a fabrication: Women's parity was never included in our contract demands. The reason: Women have had pay parity at the Free Press for years.

On the minority issue, the Guild obtained a two-sentence

contract clause. Many feel this could have been obtained months earlier—provided our leadership had been prepared to bargain earlier.

BOB McKELVEY
Chairman
Detroit Free Press Unit

Editor's Note: The GR story did not criticize anyone. It merely reported on the negotiations and on criticism of them by Thomas McMahon, the Detroit Guild's executive secretary.

Novak Praised as Leader With Integrity, Courage

MINNEAPOLIS, MINN.

Editor:

The death of Ralph Novak, former executive vice president of ANG, will cause many of us to recall the great service and leadership given the Guild by Ralph.

Ralph was an intelligent, rational labor leader who was devoted to the labor movement, to civil liberties, civil rights and the brotherhood of man.

I worked with Ralph over a number of years, and I admired his integrity. I saw him demonstrate great courage on a number of occasions to protect that integrity.

Many of us will remember him for his service and his friendship.

JOHN CARMICHAEL
Executive Secretary
Twin Cities Guild

Women Desegregate

Press Clubs Admit, Elect Men

The Canadian Women's National Press Club has opened its membership to men, changing its name in the process, and the former U.S. Women's National Press Club, which admitted men last December, has elected two men to its governing body.

The 67-year-old Canadian club, which has some 540 members, voted last month to admit men as members and changed its name to the Canadian Professional Press Club to reflect the change in membership policy.

Among the new officers of the U.S. club are Drew F. Steis, a Boston Guild member working in the Herald-Traveler's Washington Bureau, second vice president; Frank Swoboda of McGraw-Hill Publications, a former Wire Service Guild member, member of the board of directors; Mary Lou Beatty of the Washington Post and the Washington-Baltimore Guild, third vice president, and Lynn Langway of the Chicago Daily News and the Chicago Guild, secretary.

The U.S. club also adopted the Washington Press Club as its

permanent new name after operating since last December as the Press Club of Washington.

Meanwhile, the New England-Women's Press Association admitted the first male member in its 86-year history June 15.

He is Daniel C. Murphy, news editor of the Framingham News and president of the New England Chapter of Sigma Delta Chi. He was sponsored by Laura White, president of the association.

July 22 Election Set in Move To Sever Unit at El Mundo

San Juan, P.R.—A representation election in the Guild's mechanical-department unit at El Mundo, sought by the Typographical Union in an effort to sever the unit from Guild coverage, has been scheduled for July 22.

The ITU had sought an election in a unit cuitting across four other Guild units at El Mundo, the island's largest daily, but the National Labor Relations Board last week scheduled the election in the Guild's "shop" unit only.

El Mundo's mechanical-department employees voted overwhelmingly for Guild represen-

tation in 1965 in a three-way election between the Typographical Union, the Teamsters, and the Guild.

WANTED
Administrative Officer
for the
San Diego Guild
Starting Oct. 1, 1971

Good salary, benefits. Send resumes to Executive Board, San Diego Newspaper Guild, 419 Spreckels Bldg., San Diego, Calif. 92101.

High Court Backs Pentagon Papers' Publication

(Continued from Page 1)

Corp., at which Daniel Ellsberg, who leaked the Pentagon Papers to the press, worked as a researcher.

In New Orleans, two days after the Supreme Court decision, District Atty. Jim Garrison sought a restraining order to stop the Times-Picayune and States-Item from publishing affidavits charging he accepted bribes to protect gambling interests. The request was dismissed.

President Nixon declined comment on the Supreme Court ruling.

"There is really no need for him to issue a statement on this," Press Secretary Ronald L. Ziegler said. "The President's view on the First Amendment is well known."

But former Republican presidential candidate Sen. Barry Goldwater (Ariz.) called for criminal prosecution of the Times, and Martha Mitchell, wife of the attorney general, deplored the "indiscreet judgment" of the press which, she said, "has reached such an extent that it may result in complete suppression of the press."

Following the Supreme Court decision, the Times and the Post immediately resumed publication of material from the Pentagon Papers, as did the Boston Globe and St. Louis Post-Dispatch,

which also had been under court restraints.

Other papers that had not been restrained continued to publish from the Pentagon Papers, including the Christian Science Monitor, which began its series the day before the decision.

And still other papers initiated publication of the documents, including those given the press by Sen. Mike Gravel (D., Alaska) after he had entered them in the record at a bizarre night meeting of his public works subcommittee.

The Times, in resuming publication of its series July 1, more than two weeks after it had been restrained from further publication, announced that the complete text of the series, including documents, would be published as a paperback book this week. The Times concluded the series in its July 5 issue.

There was applause from staff members at both papers when word of the court decision arrived, and at the Post, it reported the next day, employees immediately began paying off bets they had made during the four-day wait for the ruling.

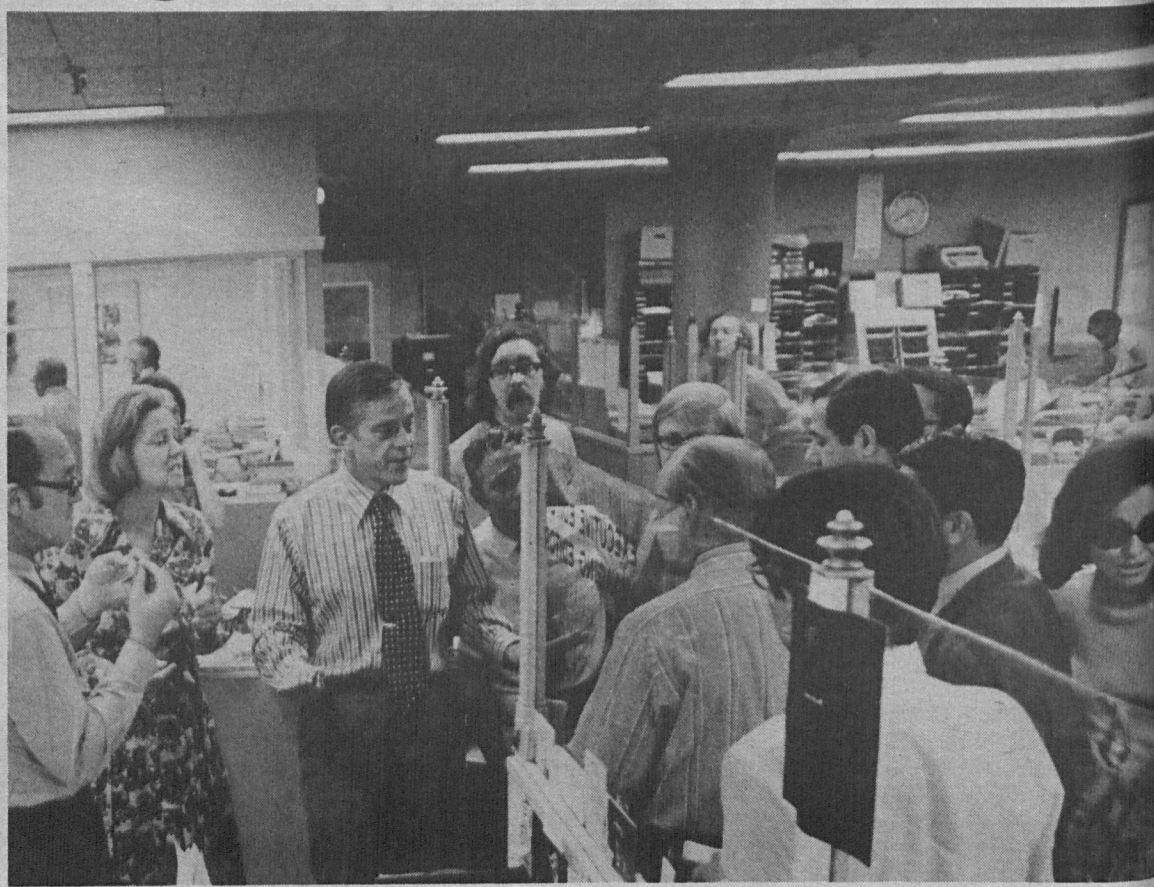
At a news conference, Times publisher Arthur Ochs Sulzberger was asked if he felt that the Times's famous motto—"All the News That's Fit to Print"—had been upheld.

"Yes, sir," he replied. "I think it was very much upheld."

Ellsberg, who had been indicted earlier for misuse of classified documents, acknowledged last week that, with the help of friends, he had supplied all of the newspapers that received copies of the Pentagon Papers.

Denying he had chosen only antiwar papers, he said, "I wanted to give the information to the papers I thought had told me the truth in the past."

Meanwhile, first public opinion polls supported publication of the Pentagon Papers. A Gallup poll published in Newsweek last week, showed that 48 percent of the respondents disapproved of the government's attempts to stop publication; a second Gallup poll distributed to the press this week



Washington Post Photo by Charles Del Vecchio

A Post-Decision Gathering

Washington Post staff members gather in the paper's newsroom to talk with Executive Editor Benjamin Bradlee, center left, following Supreme Court ruling on Pentagon Papers. Others in the

picture include Katherine Graham, publisher, left of Bradlee, Editorial Page Editor Philip Geyelin, far left, and Managing Editor Eugene Patterson, in striped shirt, center right.

reported that 58 percent thought newspapers had done "the right thing" in publishing the papers. Only 55 percent of the respondents had heard or read about the articles, however.

Advertising Age reported that two-thirds of its readers approved of publication, and Time, after polling two dozen editors, reported the great majority would have done "just what the Times did."

The Supreme Court majority in the Times-Post cases was composed of Justices Hugo L. Black, William J. Brennan, Jr., William O. Douglas and Thurgood Marshall—who originally had wanted to rule for the papers without a hearing—and Justices Potter Stewart and Byron R. White.

In their separate opinions, the judges divided roughly into three groups of three each.

Black, Douglas and Marshall argued that the court lacked the power to impose any prior restraint on publication, the latter because Congress had twice considered and rejected granting courts such authority.

Brennan, Potter and Stewart said the press could not be restrained except to prevent immediate and irreparable damage to the nation, which, they agreed, the Pentagon Papers did not pose.

Chief Justice Warren E. Burger and Justices John M. Harlan and Harry A. Blackmun took the position that the President's right to conduct foreign policy gives

him broad power to define necessary state secrets and that the restraints should have been continued while both cases were returned to lower courts.

The five justices who suggested that newspapers are not immune from criminal prosecution were Stewart, White, Burger, Blackmun and, less directly, Marshall.

This week, in a television interview, Chief Justice Burger said—without elaboration—that the court "was actually unanimous on the basic problem of First Amendment rights of newspapers."

He said the separate opinion resulted from the fact that the "simplest thing" to do in getting a case out in a hurry is for each justice to state "what is on his mind."

Twin Cities Board Raps 'Censorship'

Minneapolis, Minn.—The Twin Cities Guild executive board last month "strongly" condemned "the efforts of the government to impose censorship before publication on the press of the United States in what is a clear violation of the First Amendment of the U.S. Constitution."

The resolution applauded the New York Times and the Washington Post and said they had performed "a great public service by publishing the Pentagon Papers."

Increases Total \$86 Over 3 Years at Free Press

(Continued from Page 1)

Since the Guild presented its contract proposals in late May four additional blacks have begun working at the Free Press: one reporter, two news-room interns and a library researcher.

Under the contract, effective June 13, four days before expiration of the old one, \$6.60 a week is diverted from the total money package to pensions and medical

and hospitalization insurance.

The settlement also provides \$50,000 hazardous assignment insurance, and vacation and sick-leave coverage for part-time employees for the first time.

The annual minimum and general increases range from \$28.40 to \$86.15 and produce minimums of \$185.40 for beginning reporters, up \$53.25; \$181.87 for stenographers, up \$53.25; \$163.96

for classified phone solicitors and telephone operators, up \$44; \$152.72 for those in the lowest-paid clerical classification, up \$41; and \$330.66 for subeditors, up \$86.15.

The money package averages \$72 per Guild-covered employee, \$31, \$22 and \$19 in each of the contract's three years, the same amount won by six Detroit newspaper craft unions in three days

of intense, joint economic bargaining with both the Free Press and the Detroit News in early May under ground rules established by the director of the U.S. Mediation Service, J. Curtis Counts.

The Guild was invited to participate in the joint bargaining but declined on grounds it provided insufficient time to prepare, much less resolve, its noneconomic proposals, including those dealing with minority employment.

Among those named to the Guild's new grievance subcommittee on minority hiring and treatment are Detroit Local President James G. McMahon, Executive Secretary Thomas McMahon, Free Press Unit Chairman Robert McKelvey, and Bobbie Jean Ruffin, chairman of a black caucus which prepared the local's proposals on minority hiring and advancement for Free Press bargaining.

Janitor Top Reaches \$195 In Detroit News Contract

Detroit, Mich.—Top minimum salaries will go up \$60.33 to \$171.56 for maids, \$188.86

for janitors and \$195.06 for watchmen in a new three-year contract between the Detroit Guild and the Detroit News.

An increase of \$26.25, retroactive to June 18, will send the top minimums to \$137.48 for maids, \$154.78 for janitors and \$160.98 for watchmen. All top minimums, which are reached after six months experience, will be increased \$18.36 next June and \$15.72 in June, 1973.

Starting rates also will be increased by \$60.33, sending them to \$169.16 for maids, \$186.06 for janitors and \$191.06 for watchmen during the contract's term.

The employer's contribution to the jointly-administered pension plan will be raised \$3 weekly to \$9 per employee, with \$1 added each of the three years.

Night differential will go automatically during the contract as the minimums rise. Those who work between 6 p.m. and midnight and are paid a five percent differential will receive an additional \$3.02 a week; those who work between midnight and 6 a.m. and are paid a 10 percent differential will receive an additional \$6.03 to provide a \$220.50 minimum for watchmen on the late-late shift.

'Preventive Mediation'

U.S. Seeks to Head Off Strikes

A new technique—"preventive mediation"—is being used by the Federal Mediation and Conciliation Service to head off strikes, J. Curtis Counts, the service's director, disclosed in his annual report last month.

The most striking application of the technique thus far has been in Detroit, where joint high-pressure bargaining promoted by Counts in advance of contract expiration resulted in new craft-union newspaper contracts last month.

Counts said some of the mediation service's "most meaningful

activities" are "in situations in which the parties are persuaded to avoid the dangers of a deadline showdown by engaging in contract renewal talks well ahead of any crisis stage."

Counts did not cite the Detroit situation specifically, but Jack Crellin, labor editor of the Detroit News, reported in a June 10 story that Counts "came to Detroit a year ago for a meeting with publishers and union representatives."

Crellin said he warned them of a repetition of the 255-day strike in 1967-68 "and suggested they

do their homework well in advance."

Counts returned to Detroit last month and presided at negotiations that brought settlement with six craft unions in a weekend of bargaining.

The Detroit Guild declined to participate in the talks, announced without advance notice, on the ground that it could not prepare for negotiations on a day's notice or wrap up complicated noneconomic issues in a few hours to clear the way for joint bargaining on economic issues.

Text of Perlik Testimony on Government Secrecy

Following is the partial text of ANG President A. Perlik, Jr.'s June 25 statement to the House Foreign Operations and Government Information Subcommittee.

THE AMERICAN NEWSPAPER GUILD, as the only national organization of working newspapermen in the United States, has worked since its founding in 1933 to maintain and extend the right of the press to publish, and to protect its information and its sources of information, without government hindrance or interference, not only in the United States, Canada and Puerto Rico, where our membership is situated, but also in other countries of the world through the International Federation of Journalists, of which I am vice president for North America.

This principle has been advanced by the ANG and its local unions in a continuing series of . . . policy expressions . . . the most recent . . . by our 1970 Convention last year in Seattle . . .

Working newspapermen, I need hardly emphasize, have an immediate and direct interest in the maintenance and application of the First Amendment guarantee of freedom of the press in our society, and bring a unique body of knowledge and experience to bear on the conflicts that periodically and inevitably arise under it.

Today, our constitutional guarantee of freedom of the press faces its most serious challenge in memory, if not, indeed, in our history as a nation.

And I am happy to be able to report to you this morning that the response of the Guild, and of a number of its principal local unions, to the attempts by the Federal Government to suppress publication of the Pentagon Papers has been immediate and unanimous in support of the newspapers involved and of publication of the Pentagon Papers without censorship.

I DON'T BELIEVE IT IS NECESSARY for me to rehearse for this committee the constitutional and sociological arguments against government censorship of the news in a free society such as ours; they already have been set forth ably and eloquently in the briefs of the defendants and in the opinions of certain of the judges in the Pentagon Papers cases.

But, at the risk of belaboring the obvious, I should like to emphasize three points that, I'm afraid, all too often are lost sight of by the very public whose freedoms the First Amendment was designed to ensure and protect.

The first point is that the First Amendment's guarantee of freedom of the press was not intended to create a special privilege for newspapers and newspapermen, but to ensure that the public may be informed of what its government is doing in its name and be free to express itself thereon, for good or ill.

The second point is that the concept of prohibition against prior restraint on publication as the irreducible minimum guarantee of a free press is neither original nor new, but dates back to the old English common law that was so largely reflected in our own written constitution nearly 200 years ago.

The third point, which is a corollary of the first, is that just as the public has the right to know about the operations of its government, so do its elected representatives in the Congress.

Once the public's right to know is abridged by government censorship of the press and denial of information to its elected representatives, two consequences are inevitable, both of them equally disastrous to a free society.

The Winner



© by Herblock in the Washington Post

We become, to the extent of that abridgement, of a representative democracy than we profess to be. And the credibility of the press, more importantly, of the government itself is destroyed.

THIS IS NOT TO SAY, of course, that the government does not sometimes need to act in confidence and even classify some of its papers against disclosure, particularly in matters involving the national defense.

But any system for the classification of such documents: (1) must be narrowly defined and responsibly applied, (2) must ensure periodic review and declassification, and (3) must provide for effective challenge of, and relief from, the decisions of those officials who have the initial responsibility for administering it.

The present system, reformed and improved though it has been in recent years, does not meet these criteria. Classification has been imposed on some information unnecessarily, and on other information mistakenly, and the government has not been above utilizing it to attempt to "manage" the news. It is, as the Washington Star said in an editorial last Tuesday, "an unholy mess."

It was less than a dozen years ago, to cite one small incident, that the Pentagon tried to maintain the secrecy of what was public knowledge—that monkeys were being used in space flights. One monkey that had ridden a rocket in 1952 had been living since 1953 in an appropriately labeled and prominently placed cage at the National Zoo. The classification of this information was defended on grounds that its release might damage U.S. relations with India, where some religious sects which worship monkeys might object.

Affidavits from working newsmen and former working newsmen in the Pentagon Papers cases—like Murrey Marder, reporter for the Washington Post,

Benjamin Bradlee, the Post's executive editor, and Max Frankel, chief of the News York Times Washington Bureau—speak eloquently of the regular uses made of "leaks" of classified information by government officials, including those in the highest elected office.

Senator Muskie said last weekend he intends to propose legislation to create a permanent, independent board to review all documents that have been classified for as long as two years. Board members, he said, would serve substantial, nonrenewable terms, with one member from the press, one from the government and five from private life. The board would be empowered to make public any document classified for two years and could, at any time, make classified documents available to appropriate congressional committees.

We commend Senator Muskie's proposal to the Congress and the Administration for serious consideration. We would suggest that it be amended to specify that the burden of proof for the maintenance of classified status on any document be placed squarely on the classifying agency—similar to the burden of proof requirement in the 1967 Freedom of Information Act—and that any document for which no proof is not made or offered be declassified representatively. We would further suggest that the board include where attempts at free ranks of the working always felt first.

Under our system of checks and balances between a delicately contending interests, classification and legislation must remain separate questions, however—the first regulated by law, the second protected by the First Amendment.

THE U.S. COURT OF APPEALS for the District of Columbia, in ruling against the government's request for a preliminary injunction against the Washington Post last Wednesday, suggested, as did the U.S. Supreme Court in *Near v. Minnesota* some years ago, that there conceivably might be occasions justifying prior restraint on publication, i.e. of current information on wartime battle plans, troop movements and the like. Defendants in the Pentagon Papers cases have conceded as much, and indeed it would be foolhardy to deny that hypothetical possibility.

It would be equally irresponsible to forget, however, that voluntary press censorship has served our nation well during wartime, without the necessity of prior restraints on publication, and can be expected to continue to do so in the future. Newspapers, like the government, have their own systems of internal checks and balances that serve to restrain them from precipitate action.

In conclusion, let me say that, in any discussion of First Amendment rights and government restraints, such as this one, it cannot be emphasized too often and too strongly that dissent is not to be confused with disloyalty.

"In a democracy dissent is an act of faith," Senator Fulbright has said. "Like medicine, the test of its value is not its taste but its effects, not how it makes people feel at the moment but how it inspires them to act thereafter."

"Criticism may embarrass the country's leaders in the short run but strengthen their hands in the long run; it may destroy a consensus on policy while expressing a consensus of values."

Many of us, Mr. Chairman, believe that is precisely what is happening now.

Congress Asked to Set Up Declassification Body

(Continued from Page 1)

ing subcommittee hearings on government secrecy, the public's right to know and First Amendment rights following the government's attempts to suppress publication of the Pentagon Papers.

Declaring that constitutional protection of freedom of the press "faces its most serious challenge in memory, if not, indeed, in our history as a nation," Perlik said:

"I am happy to report to you that the response of the Guild and of a number of its principal local unions to the attempts by the Federal Government to suppress publication of the Pentagon Papers has been immediate and unanimous in support of the newspapers involved and of publication of the Pentagon Papers without censorship."

Perlik recapitulated for the

committee statements issued earlier by himself, as ANG president, and by officers and executive boards of the New York, Detroit, Washington-Baltimore and North Jersey Guilds. The full text of each was appended to his testimony.

Emphasizing that First Amendment guarantees of press freedom are not intended to create a "special privilege for newspapers and newspapermen, but to ensure that the public may be informed of what its government is doing in its name," Perlik told the committee:

"Once the public's right to know is abridged by government censorship of the press and denial of information to its elected representatives, two consequences are inevitable, both of them equally disastrous to a free society.

"We become, to the extent of

that abridgement, less of a representative democracy than we profess to be.

"And the credibility of the press and—more importantly—of the government itself, is destroyed."

Perlik, as well as the other panel members, recognized that the government may sometimes need to act confidentially and reserve disclosure of papers dealing with such actions, particularly in national defense matters.

But he said that any system for classification of documents must be narrowly defined and responsibly applied, must ensure periodic review and declassification, and must provide machinery for effectively challenging the decisions of those administering it.

"The present system does not meet these criteria," Perlik stated. "Classification has been imposed on some information un-

necessarily, and on other information mistakenly, and the government has not been above utilizing it to attempt to 'manage' the news."

Perlik commended to the committee a proposal by Sen. Edmund Muskie (D-Me.) to establish a permanent, independent board to review all documents that have been classified for as long as two years.

Under Muskie's proposal, a seven-member board composed of one press, one government and five public representatives would be appointed for "substantial" but nonrenewable terms. The board would be empowered to make public any government document classified for two years, and it could make any document available at any time to appropriate congressional committees.

While commending Muskie's proposal, Perlik urged that the

review board be enlarged to include working-press representation and that any agency invoking secrecy be required to justify its continuance.

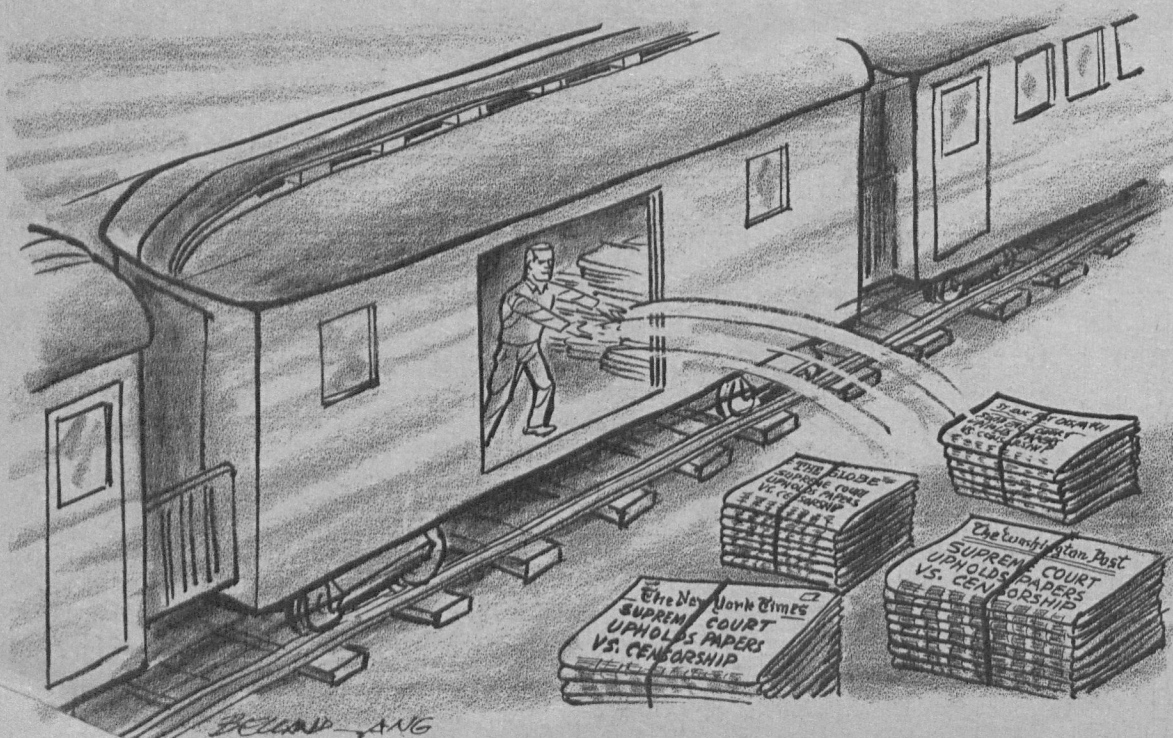
And, Perlik emphasized, classification and publication must remain separate questions—the first regulated by law, the second protected by the First Amendment.

Conceding that it would be "foolhardy" to deny the "hypothetical possibility" that prior restraint on publication might conceivably be justified in some wartime circumstances, Perlik said:

"It would be equally irresponsible to forget, however, that voluntary censorship has served our nation well during wartime, without the necessity of prior restraints, and can be expected to continue to do so in the future."

Other panel members agreed.

Freedom Train



Pentagon Papers Only One Battle In Press-Nixon Cold War

By WILLIAM J. EATON, Chicago

THE CONSTITUTIONAL crises over the Pentagon Papers ended in victory for the American people's right to read uncensored newspapers.

There were many scary moments along the way, however, and the signs are that it is only the end of one battle in the Cold War between the press and the Nixon Administration.

First, the unprecedented request for injunctions to stop publication succeeded—for up to two weeks in the case of the New York Times.

Second, there was so much secrecy in the courtroom proceedings that at times it recalled the infamous Star Chamber judgments of an authoritarian England.

Third, five of the Supreme Court justices virtually invited the Justice Department to prosecute the newspaper publishers, editors and reporters to deter future security leaks. The judicial hint may be Atty. Gen. John Mitchell's command.

Finally, three dissenting justices said they favor court-imposed restraints on newspapers whenever the White House merely claims—without proof—that dis-

closure of the information would cause lasting harm to the nation.

BUT THE LEGAL battle focused national attention on the importance of what Federal Judge Murray I. Gurfein termed "a cantankerous press, an obstinate press, an ubiquitous press" to a democratic way of life.

As Justice Hugo L. Black aptly summed it up: "In revealing the workings of government that led to the Vietnam war, the newspapers nobly did precisely that which the Founders hoped and trusted they would do."

You do not have to take the Pentagon Papers as Gospel to defend their publication and their importance in shaping U.S. policy as the war draws to an end.

Another positive result is the growing consensus in Congress and the Executive Branch that secrecy labels have become virtually meaningless because they are so commonly applied. One expert estimate is that 20,000,000 documents are in the classified files!

Justice Potter Stewart called attention to this secrecy fetish in his opinion, saying: "When everything is classified then nothing is

classified, and the system becomes one to be discarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion."

The secrecy involved in the court proceedings may have been essential, but it also was disturbing. The heart of the government's case was presented, and possibly decided, in the privacy of judicial chambers. All sides filed secret briefs and secret transcripts became a sealed part of the court record.

NOTING THAT the Government wanted the courts to stop disclosures because they might pose "grave and irreparable danger" to the nation, Justice Byron R. White said:

"If the United States were to have judgment under such a standard in these cases, our decision would be of little guidance to other courts in other cases, for material at issue here would not be available from the Court's opinion or from public records, nor would it be published by the press."

"Indeed, even today where we hold that the United States has not met its burden, the material remains sealed in court records and it is properly not discussed in today's opinions."

No wonder that Justice White refused to start down this "long and hazardous road" that threatens to deprive newspapers of a public trial.

Chief Justice Warren E. Burger, displaying astonishing lack of concern for the American tradition of a free and independent press, suggested in his dissent that a patriotic editor would check with federal authorities before printing documents stamped secret.

It is difficult to imagine the hypothetical patriot getting out of Atty. Gen. Mitchell's office before he was nailed by the FBI or possibly even placed in preventive detention.

Luckily for the right to know, as contrasted to the Administration's no-know policy, the Chief Justice is editor and publisher only of the Supreme Court Reports.



Editorial

Solution to a Paradox

During the past year, the American Newspaper Guild

- Recorded an all-time membership high of 32,635, with active, dues-paying membership exceeding 32,600 for the first time last August;

- Won the highest money gains in its history, with the average two-year increase at the key, top reporter level rising almost 50 per cent to \$46.16. The Guild's first key top minimums of more than \$300 a week were negotiated in four locals, and the average reporter top minimum in Guild contracts exceeded \$200 for the first time;

- Negotiated the first contractual protections for newsmen who refuse to disclose their sources and moved, slowly to be sure, toward greater employee voice in the product;

- Mobilized, through separate Guildwide conferences on women's rights and minority employment, Guild efforts at all levels to end discrimination and advance women's and minority rights in our industry;

- Doubled its International Defense Fund, with the expectation that, if all goes well, the Fund will attain its \$2,000,000 constitutional "floor," and the current series of membership assessments will be terminated, by Fall.

Yet, paradoxically, the Guild operated at a deficit in its General Fund for the third consecutive year, bringing the cumulative deficit in the General Fund to more than \$77,000.

That, too, is an all-time Guild high.

The diagnosis is simple: operating costs, despite curtailed staff and services, continue to rise faster than operating income.

The prognosis is equally simple: unless new sources of operating income are found at the Boston Convention, the General Fund will operate at a larger deficit this year than it did last year.

A solution to the paradox we face is being recommended to the Convention in a joint report of the special interim Committee on Strike Financing and Per Capita Study authorized by the 1968 and 1970 Conventions, and the International Executive Board strongly urges its adoption.

As we state in the Finance & Administration Section of the Officers' Report, the joint committee report offers a means of maintaining the strength of the Defense Fund while at the same time providing necessary new monies for the General Fund and of accomplishing both these objectives not only without increasing the dues of our members, but while affording them a respite from future assessments.

Unless the Convention approves the special committees' recommendations, or some alternative method of providing equivalent new operating funds, the cumulative deficit in the General Fund next year will reach another new high—of over \$100,000. And as proud as we are of our records, that's one new record we cannot and must—do without.

—From the Introduction to the 1971 ANG Officers' Report

Remarkable Coincidence

Recently thousands of voters across the United States have found in their mail an invitation to become founding members of what is described as "a most worthy cause." The worthy cause? Formation of an organization called "Citizens for the Re-election of the President." Its chairman? Why, a newspaper publisher, Francis L. Dale of the Cincinnati Enquirer.

Madison Guild President Stripped of College Beat

Madison, Wis.—Matt Pommer, president of the Madison Guild, was removed from the higher-education beat last week allegedly because of a column he wrote.

Capital Times Publisher Miles McMillin said the column discussing Republican reaction to Gov. Patrick Lucey's demand for merger of the state's two-university system was at odds with the paper's policy. The paper is supporting Lucey's plan.

The action came less than two weeks after the opposition Wisconsin State Journal called on McMillin in a lead editorial to have Pommer cover the controversy. It called Pommer "capable."

McMillin said he would review his decision after the merger issue has been decided. The Madison Guild has begun bargaining

for a new contract to replace one that expires Aug. 8.

The beat change came three days after Pommer rejected a company lawyer's request to narrow the arbitration issues involved in the dismissal of a veteran sportswriter.

Pommer has been on the education beat for the Capital Times for more than seven years and has been cited for his reporting by a number of professional organizations, including the American Political Science Association, the Education Writers Association and the National Association for the Advancement of Education.

Last year he traveled abroad on a Carnegie Foundation-sponsored reporting trip to England and France for the newspaper.

The Guild Reporter

DAVID J. EISEN
Editor

Published by the American Newspaper Guild (AFL-CIO, CLC), the second and fourth Fridays of each month, \$5 per year. Single copies 25¢. Guild Reporter deadline at 1126 16th St., N.W., Washington, D.C. 20036. News, the Monday before publication; features and letters, Friday before publication. Letter limited to 200 words by ANG convention action.

Vol. XXXVIII, No. 13 Washington, D.C. July 9, 1971

American Newspaper Guild
1126 Sixteenth St., N.W., Washington, D.C. 20036
Area Code 202—296-2990

INTERNATIONAL CHAIRMAN: JAMES B. WOODS
PRESIDENT: CHARLES A. PERLIK, JR.
SECRETARY-TREASURER: ROBERT M. CROCKER

REGIONAL VICE PRESIDENTS: Region 1—Edward J. Schrodde, 3 Brown St., Wilkes-Barre, Pa. 18702; Region 2—Joe Holt Anderson, Jr., 1735 34th St., N.W., Washington, D.C. 20007; Region 3—George McCormick, 1991 N. Adolphus St., St. Paul, Minn. 55117; Region 4—Hugh H. Harrison, 1261 E. Lynn St., Seattle, Wash. 98102; Region 5—Philip J. Brennan, 1381 E. 15th St., Brooklyn, N.Y. 11230; Region 6—Glen Ogilvie, 399 Spruce Ave., Oakville, Ont.

AT-LARGE VICE PRESIDENTS: Joseph B. Downey, Furnace Lane, Pembroke, Mass. 02359; John C. Edgington, 235 Brookhaven Dr., N. Gahanna, Ohio 43020; James G. McMahon, 1994 Stanhope St., Grosse Pointe Woods, Mich. 48236; Barney Peterson, 288 Grand View Ave., San Francisco, Calif. 94114; Harry E. Ryan, 330 First Ave., Apt. MD, New York, N.Y. 10009; James Young, 1090 Cliff Ave., North Burnaby, B.C. Canada.

DIRECTOR OF FIELD OPERATIONS: J. William Blatz.
DIRECTOR OF ADMINISTRATIVE OPERATIONS: Ellis T. Baker.
DIRECTOR OF RESEARCH AND INFORMATION: James M. Cesnik.
EXECUTIVE SECRETARY, CONTRACTS COMMITTEE: Robert W. Christofferson.

INTERNATIONAL REPRESENTATIVES: Ed Allen, Edna Berger, Charles Dale, Harry L. McCormick, Dick Pattison, Richard J. Ramsey, Robert J. Rupert.