

Int'l forum adopts VDT bargaining goals

Geneva, Switzerland—Comprehensive guidelines for VDT negotiators, including stringent radiation limits, were adopted by an Int'l Trade Union Conference on Visual Display Units (VDUs) Oct. 29 and 30.

The conference, in which TNG joined unions from 20 countries and 14 international federations, called for measures to assure low levels of Very Low Frequency (VLF) radiation, which has come under increasing suspicion as a possible reproductive hazard.

TNG, CWA ROLE SIGNIFICANT

Pending the results of reproductive studies now under way, it affirmed the right of VDT operators to transfer to other work when they become pregnant or undertake to do so.

The conference also adopted a wide range of ergonomic guidelines intended to alleviate other health and safety problems, in-

cluding a number proposed or amended in a joint presentation by TNG Research & Information Director David J. Eisen and David LeGrande, occupational safety and health administrator for the Communications Workers of America.

The conference, attended by 200 delegates, was sponsored by

the principal international union federations representing VDU operators and the Int'l Confederation of Free Trade Unions.

TNG participated as an affiliate of the Int'l Federation of Journalists, which also was represented by its president, Kenneth Ashton of Great Britain, and its newly designated secretary general, Hans

Larsen of Denmark.

The conference's working document was a 38-page guideline-draft prepared by the Int'l Federation of Commercial, Clerical, Professional and Technical Employees. It was subjected to extensive revision in two days of lively debate conducted in eight languages.

In perhaps its most striking recommendation, the conference voted without dissent to recommend a limit of 5 volts per meter

(Continued on Page 2)



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Strikers honor 'carrier of year'

Puerto Rico Guild members striking the San Juan Star since Oct. 14 honor the daily's "carrier of the year," Danny Delgado Rolon, with trophy, above, and he joins them on the picket line, below. Making the presentation

are, from left: Jose Feliciano, Guild general delegate, Salvador Perez Irizarry, district manager, and Luiz Montanez, Jr., local ass't. executive secretary. Guild reported no progress in mediated bargaining. Star remains closed.



Deadline accord boosts key \$40 at Plain Dealer

Cleveland—A new agreement between the Cleveland Guild and the Cleveland Plain Dealer has raised the key top minimum for reporters, photographers and copy readers by \$40, to \$613.95 a week, retroactive to Oct. 1.

The increase is the first of three under the terms of 37-month agreements between the Newhouse paper and the unions which represent its employees. Bargained jointly, the agreements call for wage and benefit increases averaging a total of \$105 a week—\$38 this Oct. 1, then \$35 next Oct. 1 and a final \$32 on Oct. 1, 1986.

The \$38 package produces the \$40 increase at the Guild's key top minimum following a \$2-per-employee diversion to pension. Like amounts are to be diverted to pensions in 1985 and 1986 under the Guild agreement, with the option remaining in each of those years of diverting additional amounts from the package to health insurance costs or other fringe benefits rather than applying the full remainder to wages.

An upgrading of assistant chief librarians to librarians raises their top minimum by \$87.94 a week immediately, taking it to \$471.19 a week. Their old title is eliminated from the contract.

Six news room positions also are upgraded—to the contract's highest minimum group, raising the top minimum covering employees in those jobs by \$83.81 a

week, to \$657.76 effective from Oct. 1. Among the jobs upgraded are Sunday makeup editor, chief photographer, sports layout editor and chief editorial artist.

The top minimum for those already in the highest group—including assistant city editors, editorial writers, assistant news editors and news makeup editors—is raised by \$45.40, to \$657.76 from Oct. 1.

The settlement was reached Oct. 31 in the face of a strike deadline set for that day.

The economic package applies to employees covered by the seven unions that bargained jointly with the Plain Dealer. Implementation of the settlement for the paper's composing and mail-room employees is being delayed, however, pending the outcome of representation elections in those departments.

The National Labor Relations Board has scheduled votes for Dec. 3-4 simultaneously on petitions to decertify the Cleveland Typographical and Mailers unions in favor of representation by the Teamsters union local that represents the paper's drivers, or no union representation.

Other initial increases and top minimums retroactive to Oct. 1

(Continued on Page 6)

34 locals at forum on TNG finances

Washington—One participant characterized it as "perhaps the most significant meeting of Guild leadership, short of a convention, in years."

Another called it "awfully positive . . . pretty impressive . . . well done, well handled."

Still another termed it "a good idea . . . a good step on the way to putting together policy recommendations."

Each of them was talking

about the three-day forum on TNG's financial structure held at TNG headquarters and attended by representatives of 34 U.S. and Canadian locals, the Int'l Executive Board's special six-member Finance Committee, TNG's officers and support staff. Membership of the locals with representatives participating totaled more than 27,000.

The Oct. 26-28 meeting was called by TNG President Charles

A. Perlik, Jr., in keeping with the 1984 Convention's direction that the IEB study the union's entire financial structure and develop a long-term program to assure TNG's continued financial viability.

The IEB study and recommendations are to be made available to all locals by March so their representatives can "be prepared to make decisions" on implementation at TNG's 1985 Conven-

tion, to be in June in Pittsburgh.

The meeting was dubbed a TNG Finance Forum, reflecting the fact that it was informal, with no ability to enact or reject any proposal or idea. There were no motions, no parliamentary rules and no votes, though there were a couple of informal polls.

Five participants took notes and prepared consensus reports and sense-of-meeting summaries (Continued on Page 6)

INSIDE

First pact won for 180 inserters

Page 3

Schaufenbil gets organizing post

Page 3

CapCities loses second decision

Page 3

Int'l forum adopts VDT bargaining guidelines

(Continued from Page 1)

as an emission limit at the terminal surface for VDUs in the VLF electric field.

This limit, while representing the world's lowest standard—the Czechoslovakian exposure limit for the general public—is one “that a large proportion of VDTs can already meet,” it was pointed out by Robert DeMatteo of the Ontario Public Service Employees Union, who proposed it with the support of TNG and other U.S. and Canadian delegates.

Those that don't meet it can do so with “inexpensive shielding,” he added—a grounded, conductive metal shield on the inside or the exterior of the VDT, together with a grounded micromesh filter over the screen.

Some recent tests of VDTs, however, have shown emissions up to thousands of volts per meter at the VDT surface. Together with a dozen clusters of birth abnormalities among VDT operators and laboratory tests showing biological effects from radiation of far lower intensities—although lower frequencies than VDT emissions—they have increased concern about VLF.

The conference did not recommend a specific limit for the VLF magnetic field, where effective shielding has yet to be developed. A recommendation submitted by DeMatteo in conjunction with the U.S. and Canadian delegates—calling for the appointment of a committee to study the problem and press for research and the development of shielding—was referred to the international federations.

The conference also voted to recommend a limit of .05 milliroentgen per hour as an X-ray emission limit for VDTs, in another amendment advanced by DeMatteo. He noted that “most manufacturers claim that VDTs do not emit radiation above background level.”

DeMatteo said the current occupational exposure standard of 2.5 millirems per hour, or five rems per year, “represents an unacceptable level of risk to the

health of workers.” Most VDTs have been found to emit less than .05 milliroentgens per hour.

The conference adopted a package of pregnancy-protection proposals advanced by Diana Roose, representing the Service Employees Int'l Union and 9 to 5, the National Assn. of Working Women.

It calls for allowing pregnant VDT operators and those undertaking to become pregnant to transfer to other work upon request without loss of pay, seniority or benefits. If non-VDT work is unavailable, extended paid maternity leave would be provided.

The conference pointed out that if research confirms that there are VDT-related reproductive problems attributable to radiation, all operators, not just women, are at risk and it emphasized the importance of shielding against VLF radiation until the question is resolved.

In no case, it added, should the possibility of reproductive hazards be employed to exclude women from VDT work or employment opportunities in high-tech jobs.

The conference adopted most of a series of additions and changes submitted in a joint document by Eisen and LeGrande, including major ones on rest breaks, lighting, ultrasound, wrist rests, eye examinations, facial rashes, air contaminants and the development of alternatives to video display terminals.

The guidelines' drafter, David Cockcroft, secretary of the Commercial, Clerical, Professional and Technical Employees Federation, accepted most of the TNG-CWA proposals without objection. He resisted one on rest breaks, however, and it was resolved by one of the conference's few divided votes.

At issue was a draft recommendation that the timing of rest breaks—15 minutes every hour for intensive VDT work and every two hours for other VDT work—be “as far as possible at the discretion of the worker concerned,” rather than on a scheduled basis.

The Eisen-LeGrande document termed that a “deceptively seductive” idea that “in our experience is most often advanced by management as an argument against scheduled breaks.”

“... In the real world of the contemporary office workplace,” the pair said, “it is our experience that, more often than not, the unscheduled rest break does not get taken because of workplace pressures, either external or internal.”

Eisen cited the findings of a 1981 study by University of Wisconsin occupational-medicine experts at the New York Times, where almost half the VDT users—mostly copy editors—who had no scheduled breaks took no unscheduled ones, and more than 20 percent took only one a day. Almost 60 percent said they were unable to take breaks, from one to six times a day, when they were needed.

Eisen also cited a 1978 Australian Journalists Assn. arbitration on rest breaks in which copy editors made the same point.

Cockcroft proposed a compromise under which shop stewards would make sure that every operator took necessary breaks, but Eisen rejected that as unworkable, and the conference voted overwhelmingly for scheduled breaks.

Other TNG-CWA proposals adopted by the conference included the following:

- ✓ A warning against VDT ultrasound which, it was noted, “can be painful to those with acute hearing.” The use of padding around terminals or the fly-back transformers was recommended as a remedy.

- ✓ An increase in the recommended lighting level “from a maximum of 300 lux (32 footcandles) to from 300 to 500 lux (53 footcandles). That level, the TNG-CWA document pointed out, is the one favored by most authorities and, since it is adequate for hard-copy purposes, makes it unnecessary to use supplemental lighting, with its resultant problems of glare and sharp visual contrast.

- ✓ Eye examinations for VDT



TNG's David J. Eisen



CWA's David LeGrande

VDT-safety specialists collaborated at international conference.

operators at least annually. The draft had recommended examinations at least every two years.

- ✓ Pressure for the development and use of alternatives to cathode-ray-tube technology, such as liquid-crystal and plasma displays, to remove the possibility of radiation hazards.

- ✓ A warning against the buildup of static electric charges on the VDT screen, in combination with air contaminants, as a likely cause of facial and hand rashes reported by some VDT operators.

- ✓ A warning against a number of air contaminants, such as asbestos, carbon monoxide, polychlorinated biphenyls and solvents from photocopiers, as possible contributory factors that must be considered when analyzing health symptoms among VDT operators.

- ✓ The addition of wrist or palm rests as a frequently necessary element of desirable VDT work posture.

- ✓ A more positive appraisal of micromesh filters, despite specific drawbacks, as a means of reducing screen glare, in accordance with recent research and experience.

A secondary TNG-CWA proposal, recommending positive-polarity displays (dark characters on a light screen) to reduce glare and visual contrast, touched off one of the conference's most extended debates. Among the objections raised was the possibility of increased X-radiation from brighter screen illumination.

The dispute was resolved by a compromise citing the advantages of dark on light but urging that negotiators also consider further research, the type of work being done and operator preference, and favor VDTs that allow the operator to choose either mode by reversing contrast.

The guidelines, following several strengthening amendments by Canadian and European delegates, forcefully oppose all automatic performance and behavior monitoring of VDT operators.

“No VDU-based system should be used to collect or store individually identifiable data on arrival and departure times, work breaks, keyboard speeds, corrections made or other performance or behavior-related data,” they declare.

After strong objections by a number of delegates, a provision to allow collection of such data for purposes mutually agreed to by management and the union was eliminated.

The conference cited the importance of combatting stress generally.

“VDU work organization which is not designed according to ergonomic principles or which involves excessive workload... can give rise to high levels of stress and fatigue,” it said. “Persistent stress can result in serious health problems,” and the elimination of stress must therefore become “a priority area for trade-union negotiators,” it declared.

The conference recommended that negotiators aim at limiting intensive VDU work to 50 percent of the working day but warned that this “should not be used as an excuse for creating part-time jobs.”

Where such a limitation is precluded by the nature of the job, the conference said, “recommendations on rest pauses must be strictly adhered to and, if necessary, extended.”

The guidelines also warn against “electronic homework” as a practice that can result in “total disregard of health and safety regulations.”

The conference noted increasing occurrences of repetitive strain injuries to the wrists, hands and arms of VDT operators keyboarding data at high speeds. It said the restbreak and ergonomic sections of the guidelines were important in meeting the problem.

Among the guidelines' extensive ergonomic recommendations are desks with separately adjustable screen and keyboard height, fully and easily adjustable chairs and, where needed, footrests.

While emphasizing the importance of reducing glare, the guidelines warn that filters reduce the luminance of display and make it more difficult to read characters.

“The use of any filter should only be regarded as a second-best solution to the problem of glare,” they say, “if all other methods of reducing it have been tried and there are genuine technical (not financial) reasons why they do not work.”

Cockcroft, in an opening address to the delegates, called the guidelines an attempt “to set down in one place the collective wisdom of the international trade union movement” on VDU health and safety.

He expressed the hope they would become “a standard reference guide for trade union negotiators throughout the world.”

Screening of VDT stories advised

Medford, Mass.—News stories about proposals for VDT regulations “should be carefully screened” by newspaper managements, the Massachusetts Newspaper Publishers Assn. has warned its members.

Referring to “previous warnings,” the MNPA Bulletin of June 1 says that “unions... have been distributing propaganda conjuring up all kinds of perils to the safety of operators and some of the information is being fed to young

reporters who do not understand all of the elements involved in the dispute.

“The ambition of young reporters to achieve a Page One byline by stretching or embellishing the facts is ever present and the consequences can cause serious damage,” it said, adding:

“Misinterpretation of facts and statements is also dangerous, especially to business interests.”

Several state publishers stated their opposition to pre-publication

screening when asked by reporters preparing an article for the Columbia Journalism Review, but one said his reporters' stories on VDT bills are brought to his attention before being published.

“I don't think it's bad policy for publishers to be aware of what's printed about this issue. It's an explosive workplace issue,” James Hopson of the Middlesex News in Framingham told the reporters, Loren Stein and Diana Hembree.

TNG urges India to protect journalists

Washington—Attacks on photographers for foreign news organizations in the wake of the assassination of Indian Prime Minister Indira Gandhi has prompted TNG to urge the country's new prime minister, Rajiv Gandhi, to order police to protect all journalists and to call a halt to censorship.

Three photographers—two on contract to Time magazine and another associated with a French photo agency—were attacked and beaten as a large number of police looked on, United Press Int'l reported Nov. 5.

Other journalists, the news agency said, had reported being

chased and attacked while police stood by and several, including representatives of Time, reported film being confiscated at the New Delhi airport.

Expressing alarm over the reports, TNG President Charles A. Perlik, Jr., in an Nov. 6 cable, urged Rajiv Gandhi to order an immediate investigation into the incidents in which police reportedly allowed the attacks on photographers and also urged the government to immediately halt all censorship.

Earlier, in October, TNG had cabled Prime Minister Indira Gandhi urging that government officials rescind a warrant for the

arrest of Associated Press correspondent Brahma Chellaney.

Chellaney, an Indian national, is being charged with false reporting and violation of censorship rules in his reporting of the Indian army's invasion of the Golden Temple in Amritsar on June 5 and 6. His reports, not published in India, included details of the killing of Sikhs shot with their hands tied behind their backs.

On Oct. 20 India's Supreme Court agreed to hear arguments on behalf of Chellaney challenging the constitutional validity of anti-terrorist and censorship laws under which he has been charged.

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BILL BURKE/Washington-Baltimore Guild

Beijing pair says 'thank you'

Yao Jintang, left, and Fan Xianyi of the news staff of China Daily, that country's English-language daily, visit TNG headquarters to thank the Guild for not erecting roadblocks to their having worked 10 weeks as interns at the Seattle Post-Intelligencer (see Guild Reporter, Sept. 14). When TNG President Charles A. Perlik, Jr., expressed surprise at the sugges-

tion that the Guild could or would interfere in international exchange undertakings, they said other publishers had told the China Daily that they could not participate in staff exchanges because of Guild objections. Perlik assured them that was not the case, so long as exchange participants here work under terms and conditions of applicable Guild contracts.

Initial pact raises Hamilton group 28%

Hamilton, Ont.—The hourly rates of pay for 180 part-time mailroom inserters at Southam's Hamilton Spectator are raised by 28 percent under the terms of an initial two-year agreement between the company and the Southern Ontario Guild.

Under the agreement the high-

est hourly rate, that for floor person, is raised by \$1.14, to \$7.17, retroactive from Oct. 7, and by 56 cents, to \$7.73, effective next Oct. 7.

The hourly rate for inserters with at least a year's experience is raised by 93 cents, to \$6.03, from Oct. 7, and by another 47

cents, to \$6.50, on next Oct. 7.

The contract guarantees employees a minimum of four hours' pay for each shift worked, with time and one-half for all work in excess of 7½ hours in a day or 37½ hours in a week.

The local was certified as the bargaining representative for the

180-member unit late in May, about five months after winning an initial contract covering the 110 employees in the daily's newsroom.

The mailroom contract runs through Oct. 5, 1986; the newsroom pact, through the end of 1985.

The mailroom unit ratified the new agreement Oct. 30, after having rejected a proposed agreement that would have raised hourly rates by 22 percent over a two-year term.

The contract includes a grievance and arbitration procedure, protection against dismissals except for just and sufficient cause and provision for notice in advance of staff reductions.

It also guarantees four hours' holiday pay on eight holidays for employees who have worked at least eight days in the four preceding weeks.

The Graphic Communications Union (pressmen) represents the full-time mailroom employees.

Oct. 17, dismissed a charge that the Guild had violated federal labor law by unilaterally changing the expired contract's outside activity restriction when it became involved with the Citizens' Voice.

He said that in keeping with a long-established NLRB policy he was deferring to the arbitrator's finding.

He did so, he wrote, after determining that the arbitration "was fair and regular," that the parties "had agreed to be bound by the arbitrator's award," that "the issue was . . . factually parallel" and the facts presented were generally relevant in both forums and that Koretz's decision was in keeping with the purposes of federal labor law.

Koretz held that the Guild-Times Leader contract had been terminated when the Guild and the three other unions struck the paper on Oct. 6, 1978. The arbitration proceeding had stretched over nearly five years.

He upheld the Guild's assertion that the strike had ended the contract, citing an arbitrator's ruling in a case involving the same chain's Oakland (Mich.) Press that "a strike unmistakably ends the contract."

Capital Cities attorneys had argued that the "evergreen" clause in the Wilkes-Barre contract—a provision keeping a contract's terms and conditions in effect during bargaining—kept the contract in force despite the strike.

The unfair labor practice charge, filed on Nov. 30, 1978, had been held in abeyance by the NLRB pending the arbitrator's decision under the board's so-called Dubo policy.

The company, meanwhile, has asked a court to vacate the arbitrator's ruling, contending that it was not properly reasoned. It also was expected to appeal the dismissal of its unfair labor practice charge.

The Citizens' Voice continues to be the dominant daily in the Wilkes-Barre area, as it has been since its first days.

Schaufenbil takes organizing post

Washington—James Schaufenbil, president of the Manchester Guild, will join TNG's staff as an organizer under the special organizing program authorized by this summer's TNG convention.

Schaufenbil's is the first position on TNG's staff to be supported by the special organizing fund set up under that program. Earlier, TNG announced that the organizing fund would subsidize portions of the costs of organizers hired by the Philadelphia and Twin Cities Guilds [Guild Reporter, Oct. 26].

Like the two local organizers—Mike Contos of Philadelphia and Jacqueline M. Roedler of Twin Cities—Schaufenbil participated in the Oct. 8-12 training session for prospective organizers conducted at TNG headquarters.

The organizing effort is being financed by a pair of special assessments paid by Guild members in July and August.

Schaufenbil, 34, will begin work for TNG Nov. 19. He is taking a leave of absence from the Manchester Union Leader where he has worked as a reporter since 1976.

A participant in TNG's first residential seminar for new local officers, Schaufenbil has been a delegate to the past four TNG conventions and was the chairperson of the Constitution Committee at the most recent.

He is chairperson of the Guild's New England Servicing-Organizing Program and has served as a delegate to the Manchester Central Labor Council

and the state AFL-CIO convention.

David Rousseau, current vice president of the Manchester Guild, has been elected to replace Schaufenbil as the local president.



James Schaufenbil
Becoming TNG organizer.

Study award deadline set

Washington—Deadline for applications for the 1984-85 Irving Leuchter Memorial Scholarship to the Harvard University Trade Union Program is Dec. 15. TNG Administrative Operations Director Ellis T. Baker has informed Guild locals in a letter explaining admission procedures and eligibility requirements.

The value of the scholarship is \$5,500, plus travel expenses.

The 12-week residential program will begin Jan. 7 and run through March 29.

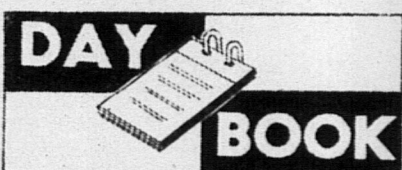
The program, including segments devoted to labor law, economics, contract enforcement and collective bargaining and unions and computers, among others, is conducted at a professional level of instruction.

The Guild scholarship is open

only to top local officers (paid and unpaid) and staff and international officers and staff. Other considerations being equal, preference is given to full-time officers and staff.

The scholarship is open to Canadian as well as U.S. applicants, Baker noted, pointing out that "a number of Canadian unionists through the years" have attended the Harvard program. At Canadian Guild members' option, however, he added, arrangements may be made for the scholarship to be applied to a counterpart Canadian labor studies program.

The scholarship was established as a continuing memorial to the Guild's late general counsel by the 1973 Convention, which noted Leuchter's "lifelong dedication to enlightened trade unionism."



Int'l Executive Board, winter meeting, Jan. 21-24, TNG headquarters, Washington.
Great Lakes District Council, winter meeting, Feb. 2-3, Youngstown.
TNG residential seminar for new local officers, Feb. 15-18, George Meany Center for Labor Studies, Silver Spring, Md. (Suburban Washington.)
Int'l Executive Board, spring meeting, April 22-26, TNG headquarters, Washington.
52nd Annual Convention, June 24-28, 1985, William Penn Hotel, Pittsburgh.
53rd Annual Convention, Buffalo, 1986.
54th Annual Convention, San Diego, 1987.

Jobs, severance won for 'free lances' at Star

Toronto—An agreement between the Toronto Star and the Southern Ontario Guild has settled a complaint by the Guild to the Ontario Labour Relations Board concerning twenty-five so-called free lances dismissed by the Star last spring.

Under the agreement, six of the free lancers have been hired on permanent staff.

The other 19 were given the following options: (a) taking severance pay on a formula similar to that of regular part-time employees laid off by the Star; (b) working until next March at a guaranteed rate of twice the pay they averaged in the three months worked before the dismissals; or (c) pursuing the complaint with the labour board.

About half have chosen the work option and half the severance option, with none choosing to pursue the complaint.

The Guild complained that the

workers had been improperly used in violation of its jurisdiction—that they were used as full-time employees but not accorded Guild pay and benefits or Guild membership. They were entitled to the benefits of the Guild contract, including job security, the Guild maintained.

Lawyer Howard Goldblatt told the free lancers at a meeting called to consider an earlier Star offer that they had a good case if they chose to pursue it at the labour board, but that the board's backlog of cases might mean a delay of a year or more before a decision could be reached.

All 25 of the affected workers agreed with the eventual settlement.

As part of the agreement, the Guild and Star are to work out a definition of free-lance work and how it may be used. Other units have also expressed concern with the issue.

SONGsheet, Southern Ontario Guild

By Lyle Denniston

THE PRESS, shamed by another scandal, this time at the Wall Street Journal, may have difficulty siding with a former Journal reporter in the government's legal case against him. The stakes in that fight, however, are high: Business journalism's future may be influenced heavily by the outcome.

R. Foster Winans, Jr., who was fired by the Journal as the scandal unfolded around him, is in deep trouble with a federal agency that seldom has been an adversary of the press—the Securities and Exchange Commission.

Winans surely will get no sympathy from most reporters and editors if the SEC proves he did what it alleges: telling a broker about news that was going to be in the Journal, so that stocks could be traded before the news got out and Winans could share personally in the money made.

But more is involved, for the press, than Winans' specific problems. He has become a pawn in a broad and aggressive campaign by the SEC to increase its powers over the flow of information that could affect the nation's stock markets and the prices of individual stocks.

The SEC's campaign is not only of concern to reporters and editors who work for the specialized financial desks of newspapers, magazines, or broadcast outlets, but also has the potential of deeply affecting the constitutional right of the press in general to publish a wide variety of news bearing on economics.

Even as the Winans case began to develop, the Supreme Court and the lower federal courts were in the midst of a fundamental re-evaluation of the First Amendment's protection for "commercial speech"—expression that is economic in nature. The Winans case, if it isn't settled out of court, could be a significant test case in that constitutional review.

Even without considering how the case may fit into the larger constitutional scheme, the SEC's charges against Winans, and the legal theories behind those charges, pose a sweeping threat to the press:

✓ Never before have federal officials claimed the power to force a newspaper to write something in its columns to satisfy the government it has played straight with its readers.

✓ Never before have officials tried to convert a newspaper's internal ethical code into a statement of formal legal obligations, a document that can be enforced by a court.

✓ And never before have officials gone so far to try to regulate day-to-day newsroom practices.

So far, little has been heard publicly from the press about the threat that lurks in the Winans case. Some lawyers for news organizations have begun to speak out, but they haven't been very bold about it. The reasons for this hesitancy are obvious: Winans' conduct—if proved—breached the most elemental principles of journalistic neutrality and objectivity.

It is no surprise, therefore, that there has been a private response inside some newsrooms, with editors taking steps to try to head off any imitation of Winans' alleged profiteering from planned stories.

BUT THE VERY efforts to protect against similar occurrences may well be creating future legal problems for those news organizations, too. As the Wall Street Journal discovered, no doubt to its considerable amazement, the SEC (without any invitation, has sought to make itself a full partner in enforcing journalistic ethics. Without the Journal's own code of ethics, the SEC's case against Winans would falter on its most basic legal premises.

So far, it isn't clear whether there is a way out of this dilemma for the press. Abandoning entirely the idea of having ethical norms for the news staff is too radical an alternative for

Securities cases threatening press freedom

Lyle Denniston covers the Supreme Court for the Baltimore Sun. This article is reprinted, with permission, from the September issue of Quill, magazine published by the Society of Professional Journalists/Sigma Delta Chi.

most news managers; simple trust in reporters' integrity probably wouldn't suffice. Trying to keep secret the terms of an internal ethical code, so that the SEC doesn't learn about it, would be impractical. Resisting a formal SEC subpoena to produce a copy of the code would not be a promising legal maneuver; it could become a public-relations disaster.

The only apparent alternative would seem to be an attempt to thwart the SEC directly, by challenging the legal theories upon which it is proceeding against Winans, and on First Amendment grounds. It may be quite distasteful for the press to be seen rallying to Winans' defense, but there may be no other choice. At that, it is not a sure thing.

The challenge will be difficult because, at least in the initial stages, the Winans case will be played out in federal courts in New York—where the Second Circuit Court of Appeals has been very sympathetic to the SEC's tough and expansive enforcement of the federal securities laws. The main hope for a challenge seems to lie in the Supreme Court, which has several times curbed the SEC in cases involving the most important law in the SEC arsenal. That law is the key to the Winans case.

THE LAW is the Securities Exchange Act of 1934. Congress adopted that act in reaction to the stock market manipulations that preceded the Depression. Basically, it outlaws fraud by deception and manipulation in stock transactions.

The greatest usefulness of that law to the SEC has come when the commission attacked those who manipulate market prices by trading on the basis of secret "inside" information about corporations. Since 1942, when the SEC adopted its "Rule 10b-5" to carry out the 1934 act, the commission has steadily widened its assault on trading by insiders.

Winans is considered by the SEC to be an "insider." That's its boldest attempt yet to enlarge its controls on the flow of information that may affect the stock market.

It has long been the SEC's basic view that it's unfair and illegal for those who know something special about a company that could influence the value of its stock to buy or sell that stock when the other party doesn't have the information.

If the person who knows the information came by it as an insider, then that person commits fraud, as the SEC sees it, by trading on the basis of that information. The basic proposition is that the insider must share the information with other investors, or not trade in the stock.

Over the years, the SEC has pressed repeatedly for a wider definition of the term "insider." If the commission had its way, that would be, anybody who possessed significant secret information that is "market-sensitive." The Supreme Court hasn't let the SEC go that far, but it has left a significant opening that the commission is seeking to walk through in the Winans case.

As the SEC interprets Winans' role as a Wall Street Journal reporter and one of two writers of the column "Heard on the Street," to which Wall Street pays very close attention, he is said to have assumed two duties: a "duty of silence" toward the Jour-

nal, and a "duty to disclose" toward Journal readers. The commission has accused him of violating both duties.

The duty of silence arises, according to the SEC's legal complaint, because the Journal goes to extra lengths to keep the contents of its columns and stories confidential prior to publication. Unusual efforts are made to keep secret what is going to be said in "Heard on the Street," because it's known to be so influential among brokers and traders.

That places Winans in "a position of trust and confidence"—technically he is a "fiduciary"—with the Journal, the SEC argues. In law, when one is considered a fiduciary, the obligation to live up to that trust is enforceable in court. Because the Journal's own ethical code—its internal Conflicts of Interest Policy—tells reporters and editors never to disclose outside the company the news or comment that will appear in the newspaper, the SEC seeks to convert that into a fiduciary obligation that is legally binding on Winans; in other words, it imposes a duty of silence.

The "Heard on the Street" column

signed a duty of silence about rather conventional financial news.

It isn't hard to imagine the nearly limitless potential of that theory. Any news story or commentary about anything that could have an impact in Wall Street—say, a story about a new missile system under consideration by the Pentagon or a story about the federal budget—could be considered market-sensitive.

A reporter's possession of that information, prior to publication, thus carries with it a "fiduciary duty" to avoid any mention of it outside the newsroom—perhaps even to the point of prohibiting checking out the impact of the information on the market or on companies whose stock is traded publicly. The potential legal risks are enormous—even if the reporter does not personally use the information to buy or sell stock.

The SEC seeks to bolster its duty-of-silence argument by asserting that a reporter violates that duty only if he misappropriates—that is, if he steals—the not-yet-published news and passes it on to someone else, who then may trade on it. That could make the reporter liable for a viola-

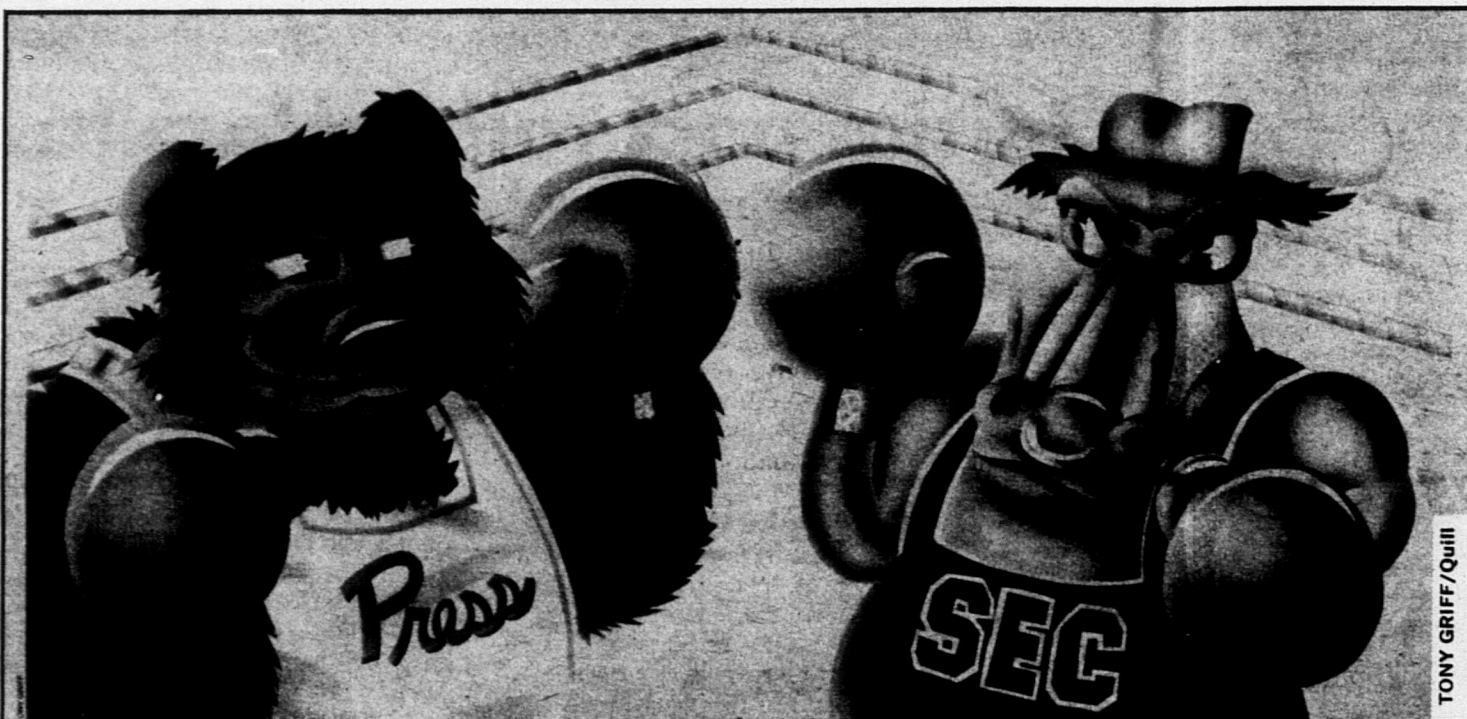
tion something that the readers were entitled to know at the same time that they read the Journal account.

"Winans assumed a duty to disclose his interest in the securities about which he wrote," the complaint declares. Even though his columns did not specifically recommend a security, they had a "negative or positive tone" with impact on investing readers, the SEC says.

The duty to disclose thus comes down to an enforceable, legal obligation to add something to a newspaper story or column—to publish something that, perhaps, the editors of the paper themselves had not planned or did not want to include.

In effect, the SEC would dictate part of the content even though the story or column was otherwise a completely objective account.

To enforce that duty of disclosure, the SEC and the courts obviously would have to look into the writing and editing process itself to assure themselves that disclosure was indeed necessary and to satisfy themselves about the specific kind of disclosure to be made. Second-guessing of content would be unavoidable.



is not published with the aim of influencing stock prices, even if it undeniably does have that effect. That makes it significantly different from other news stories or columns that have figured in insider cases.

For example, Alex N. Campbell, who wrote a financial column for the Los Angeles Herald Examiner, got into trouble under the 1934 act for writing highly favorable descriptions of companies with the aim of boosting the price of stocks he owned, so that he then could sell at a profit.

That is much closer to outright touting than appears in the Journal's market column. No one has suggested that it is slanted intentionally one way or the other; it is reporting not puffery. That distinction has been put aside in the Winans case.

Just as importantly, the SEC also has passed easily over the fact that the Journal's contents, allegedly exploited by Winans, involve information about other companies, not the Journal or its owner, Dow Jones. No one has suggested that the Journal is in any way linked with those other companies, or that it came by its news about them in confidence. If the newspaper's reports about those companies were known in the market, it would affect their stock, not the Journal's.

Even so, the SEC treats news about them as inside information, because the Journal tries to keep its news to itself until the paper gets out and because Winans' alleged use of the information could damage the Journal's business reputation and future. Winans, therefore is as-

tion of the 1934 act, whether or not the reporter benefited personally in a financial way. The reporter's dealings with sources, prior to a story's publication, could set in motion a chain of events leading to violation of Rule 10b-5.

THE SECOND duty that the SEC's complaint seeks to impose on Winans—the duty to disclose—arises because, the SEC says, the Journal's readers placed their trust and confidence in the fairness and accuracy of the Journal itself and of its reporters. That means that Winans had a fiduciary duty to the readers, it says.

Again, the SEC builds its case partly on the basis of the internal ethical code of the Journal. One provision of the code warns employees against investing in a company or companies in an industry that will be discussed in "a forthcoming article, item or advertisement." The SEC interprets that as reinforcing the fiduciary duty owed to readers.

In order to fulfill that duty, the SEC says, a reporter who works for a "well-respected newspaper" must take steps to assure the reader that confidence in the fair, accurate, and unbiased contents of the paper is justified. When the reporter stands to benefit from a column or story, the readers are entitled to know that so that they can evaluate the contents as they make investment decisions, according to the SEC.

It goes on to suggest that what Winans knew, his readers did not; his financial interest in the securities about which the Journal was writing

Once more, the wide-reaching potential of the SEC's approach is evident. Setting up itself and the judiciary as monitors of news that has a potential market impact, and as monitors of the private financial affairs of reporters and editors, the SEC would have the government directly involved in editorial preparations and newsroom ethical practices.

There is in the Winans case no hint as to how that kind of supervision could be limited in actual practice. What Winans is accused of doing may be unusual, but there is nothing in the legal theories the SEC has spelled out to assure that those theories would be used only in identical cases in the future. The SEC has made it plain for years that it is eager to use its authority over information that flows through and around the stock markets; as the Winans case itself shows, the agency is quite inventive when it comes to new applications of existing law.

When the time comes for Winans and his supporters to make their defense, there no doubt will be two lines of challenge. The first will be the argument that the SEC is simply reading more into the 1934 act than Congress ever intended. That is a fairly promising possibility, since the Supreme Court twice in recent years has put strict limits on the use of the insider law and Rule 10b-5.

The 1934 law, the Court has suggested, doesn't make it a fraud simply to know something that is not known to everyone in the marketplace, and to trade on that information. There is no requirement of

"equal access to information" by all who deal in stock transactions, the Court has said, stressing that there must be some kind of legal duty to share inside information before the failure to do so can be treated as a securities fraud. That requirement, of course, explains the lengths to which the SEC has gone in the Winans case to spell out the duty of silence and the duty to disclose.

Even though the Court has found SEC insider theories wanting in recent years, that doesn't mean that it will continue to do so. Its most important decision on the subject, the case of Chiarella v. U.S. in 1980—involving trading by a printer for a financial publishing house who saw important corporate documents before they were published—split the Court five to four.

Chief Justice Warren E. Burger, one of the dissenters in that case, gave the SEC much encouragement by suggesting that it could prevail if it could make a good case on the stolen information (misappropriation) theory. That is precisely what the commission has sought to do in the Winans complaint.

If a challenge to that complaint based on the meaning of the 1934 law is unavailing, then Winans' defenders will have as a backup a basic First Amendment objection to the SEC's theories. That argument would seem to be strongest against the duty to disclose, since the enforcement of that duty puts federal regulators almost directly in the newsroom. The Supreme Court has left no doubt that it is no business of the government to dictate news content. It is hard to conceive of the court embracing an enforced editorial disclaimer on stories containing market-sensitive information.

IT IS ALSO difficult to imagine the Court interpreting the First Amendment free-press clause as supporting a fiduciary duty to keep secret the financial or economic news that a newspaper is preparing to publish. That comes very close to controlling editorial processes, including the choice of headlines.

For First Amendment purposes, it would not be enough for the SEC to argue that it aims to regulate only the kind of fraud that it explicitly charges against Winans. Even regulating fraud, a laudable social goal, can be done only by the "least restrictive alternative" when First Amendment rights are at stake.

Even so, the strength of the First Amendment arguments depends upon whether the Court is willing to treat information about economic matters as entitled to full constitutional protection. Lately, the Court has been sending some negative signals about the way it will deal with what it calls commercial speech.

Although the Court, beginning in 1976, embraced the view that commercial speech has some protection under the First Amendment, it has also suggested that the protection may be somewhat diluted, compared to more traditional forms of free expression such as news stories or political speeches.

The Court has said that the government "does not lose its power to regulate commercial activity deemed harmful to the public whenever speech is a component of that activity." One example that it has cited is the power to regulate "the exchange of information about securities." Thus, it is unclear just how much protection commercial speech dealing with stock markets enjoys under the First Amendment as the Court now sees it.

Case by case, in recent years, the Court has been attempting to fill in the gaps in its interpretation of

commercial-speech rights, but it hasn't settled the overall issue with any clarity.

Some experts believe that the Court will tolerate regulation of commercial speech only when it takes the form of direct advertising of a product or service, or indirect or informational advertising by someone who has something to sell; in other words, commercial advertising. Others will take the view, however, that regulation is permissible for all expression that is tied to the "economic interest of the speaker and its audience."

ALREADY, THE Supreme Court is pondering a new definition of commercial speech in the field of libel. In an order in July scheduling a new hearing on the issue of whether non-media statements or expressions get the same First Amendment protection in libel cases as does expression through the media, the Court invited lawyers to present arguments on the constitutional protection of speech that "is of a commercial or economic nature." That will be considered in the case of Dun & Bradstreet v. Greenmoss Builders—a case that the Court apparently could not decide last term because of its present difficulty with the concept of commercial speech.

There was a hint in that announcement that the Court may be on the verge of limiting even further the First Amendment rights of those who engage in economic expression. If so, that might well affect nearly every purveyor of economic information—even newspapers.

Now the Court is confronting another case that tests the commercial-speech issue, and that case deals in particular with economic information related to securities. The case, Christopher L. Lowe v. SEC, involves the SEC's withdrawal of the investment adviser's registration for Lowe's stock-market newsletters, thus preventing them from publishing. The publisher argues that that withdrawal violates First Amendment rights.

The publisher, however, lost the case in the Second Circuit Court of Appeals. It ruled an investment newsletter is a form of commercial speech the government is empowered to regulate and even to ban.

The SEC has been regulating the Lowe letters under the Investment Advisers Act of 1940—a law that can't be applied to newspapers because Congress wrote into it an express exemption for publishers of "any bona fide newspaper, news magazine or business or financial publication of general and regular circulation."

The Second Circuit Court rejected the argument that the Supreme Court will allow regulation of commercial speech only when it is in the form of commercial advertising. That will be the key issue when the Supreme Court takes up the Lowe appeal. The Financial Publishers of America, a group representing publishers of books, magazines, newsletters, and other publications with financial or economic themes, is joining in the appeal. The group contends that "forcing Lowe to stop the press and terminate his publications is a textbook case of absolute prior restraint," an act that can't be justified under any theory of regulation.

IT IS NOT yet clear, of course, how the Supreme Court's forthcoming decisions in these cases may bear upon the SEC's case against Foster Winans of the Wall Street Journal. Although there has been no suggestion that the SEC wants any authority to regulate the Journal in the way that it does the Lowe market letters, some of its arguments about the special nature of the "Heard on the Street" column hint strongly that the commission sees its enforcement powers very much engaged by that kind of market-sensitive information flow.

ANPA topic: Guild on move

Reston, Va.—A session to examine Guild organizing activity—titled "Guild on the Move"—is included on the agenda of the Sixth Annual ANPA Labor and Personnel Relations Conference, to be held at the Boca Raton (Fla.) Hotel and Club Jan. 9-12.

Other agenda topics announced by the publishers' organization include one on codes of ethics and outside activities, another on sexual harassment (with role playing by a pair of Scripps-Howard attorneys) and one on equal pay and comparable worth.

Registration fee is \$250. Room rates range from \$185 to \$290 per day, including breakfast and dinner. It is all tax deductible.

Pursue GCIU merger, council recommends

Merrillville, Ind.—Delegates to the fall meeting of the Midwest District Council of Guild locals here Nov. 3-4 called upon TNG to "pursue the possibility" of merger with the Graphic Communications Int'l Union.

Acting on a motion by Gerald J. Minkinen, executive director of the Chicago Guild, the delegates said TNG President Charles A. Perlik, Jr., should explore the potential for such a merger.

In an address this fall to the founding convention of the GCIU—product of merger of the former Graphic Arts (GAIU) and Printing & Graphic Communications (IPGCU) unions—Perlik called the GCIU the best vehicle for formation of one big union of publishing employees. Leaders of the Int'l Typographical Union currently are engaged in merger talks with the GCIU.

In another action, council delegates expressed opposition to the "methods employed" by TNG in selecting participants for the training sessions for potential organizers conducted at TNG headquarters Oct. 8-12.

Adopting another motion put forth by Minkinen, the council strongly urged TNG to provide locals advance notice of all future education programs to be conducted by TNG and called for such programs to be open to all members.

The 14 participants from 13 Guild locals who attended the organizing-training sessions were selected by TNG officers who said they expected the group to form the nucleus of an organizing corps. The sessions were the first step in a new organizing campaign authorized by this sum-

mer's convention and financed by the proceeds from a pair of special membership assessments.

The council also called on members of TNG's Int'l Executive Board to rescind action taken during its fall meeting to write-off a \$48,426.25 loan from TNG's Defense Fund to the New York Guild. The loan had been made to the local in January 1982 to aid it in meeting legal bills associated with membership-resignation litigation believed to be of Guild-wide significance.

At the time it authorized the loan the IEB had said it would consider writing off all or part of it when the local demonstrated "clearly and convincingly" that its own finances had been put in order.

Approving the write-off on a 14-to-2 vote during its Oct. 22-24 meeting, the IEB pointed out that the local had repaid its other obligations to TNG and is now "indeed operating on a 'pay as you go' basis" [Guild Reporter Oct. 26].

In adopting a resolution submitted by Eileen Peterson and Norma Roth-Hurdle of Rockford, the council called on the IEB to reconsider its action and to establish a repayment schedule for the New York Guild. TNG Vice President Robert C. Holt, Jr., and Paul Pennick, both of St. Louis, asked to be recorded as voting against the motion, approved on a voice vote.

TNG Human Rights Co-ordinator Anna M. Padia led a discussion of the functions of local human rights committees on the second day of the meeting.

Thirteen delegates from seven locals participated in the council meeting.

Lapse increase inspires letter

Washington—Expressing concern about a growing number of locals failing to comply with TNG's constitutional bargaining procedures, the Int'l Executive Board during its fall meeting directed that a letter be sent to each local that violates the constitutional rules.

In doing so, the IEB noted that 16 of 44 local contract settlements under review by its Bar-

gaining Committee during the meeting included notations of constitutional violations.

A letter from TNG President Charles A. Perlik, Jr., chairperson of the IEB's Contracts Committee, addressing the issues involved in each incident should be sent to the erring local, the IEB said, adopting the recommendation of its Collective Bargaining Committee.

South re-elects Mercer

Lexington, Ky.—Delegates to the Southern District Council of Guild locals meeting here Nov. 3-4 re-elected Ernie Mercer of the Washington-Baltimore Guild president for the coming year. He also is president of his local.

Harold Julian of Knoxville also was re-elected as treasurer of the council.

Ray Cohn of Lexington was elected vice president and Robin Scott of Hampton Roads was

elected secretary. Cohn replaces Ken Mullins of San Antonio, who did not seek re-election, and Scott replaces Linda Foley, who recently joined TNG's headquarters staff as bargaining and research assistant.

TNG Human Rights Co-ordinator Anna M. Padia conducted a Nov. 3 morning session advising participants on how to ferret out workplace discrimination through payroll-data analysis.

Conference examines TNG financial structure

(Continued from Page 1)

which were presented to the forum before its conclusion.

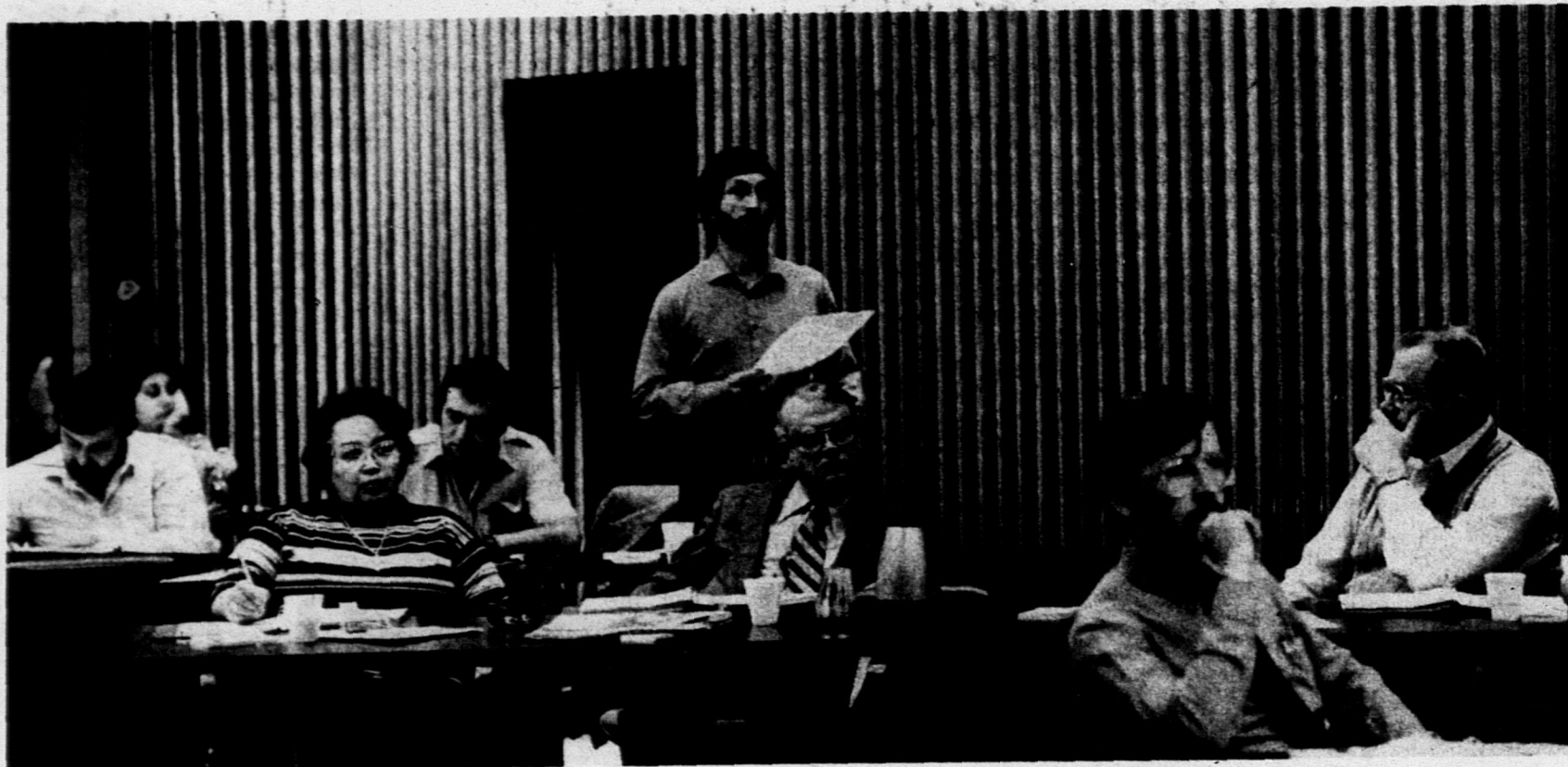
Discussion centered on 11 areas, 10 of them enumerated by the convention. The 10 dealt with policies and programs governing TNG's General and Defense Funds, dues and assessments, conventions and TNG headquarters. The 11th, added by forum participants, was the possibility of merger with another union.

Points upon which there appeared to be "apparent consensus" by forum participants included the following:

✓ Adjustment of the Defense Fund in order to reduce the likelihood and frequency of the imposition of higher dues to replenish it. The fund's higher-dues-triggering floor would remain at \$4.5 million, but the fund's "cushion" would be increased to \$1.5 million, from \$500,000, by raising the fund-level at which lower dues become effective to \$6 million, from the current \$5 million. Several months of higher dues probably would be necessary to put the fund at \$6 million.

✓ An increase of approximately \$2.50 in per capita. All of the added income would go directly to the Defense Fund in order to increase its regular income and, along with the \$6-million "cap", relegate the likelihood of higher dues to "major emergency situations."

✓ Switching from annual to biennial TNG conventions. This drew near unanimous support. It would save TNG more than \$100,000 every other year and



RAYMOND CROWELL/Washington-Baltimore Guild

DOUG LOUTH OF VANCOUVER-NEW WESTMINSTER, STANDING, MAKES A POINT DURING TNG FINANCE FORUM

Others of the 34 local representatives pictured are, seated from left: John Belcarz, Montreal; Michelle Davis, Los Angeles; Bernice Nagy, Kenosha; Dennis Robinson, Southern Ontario; John Carmichael, Twin Cities; Mike Millett, Portland; Bob Ewgen, Denver.

save locals total expenditures estimated at \$300,000 every other year.

✓ Raising strike benefit levels gradually over a long period of time also appeared to draw consensus support. There was some support for at least doubling the benefits, perhaps to as much as half salary. Several years of higher dues with few strikes would be required to establish the latter benefit level.

✓ Active exploration of TNG purchasing a building to house

both its headquarters and tenants drew majority support. Rental costs have nearly tripled in the last two years and could go up by as much as 25 percent more when TNG's current lease expires in two years. Rent now is nearly \$190,000 a year.

✓ Reduction of IEB meetings to three per year, from the current four per year, which would save TNG about \$20,000 per annum.

Discussion of merger included the possibility of TNG joining

with the Graphic Communications Int'l Union and even the question of reviving the proposal for merger of TNG and the Int'l Typographical Union which was aborted in the fall of 1983.

Some concern was expressed at TNG's not fully funding its staff severance-pay and compensatory-time obligations.

Other areas discussed, but on which there was no consensus reported, included a change in the frequency and/or size of the Guild Reporter and TNG participation in overseas activity, such as its affiliation with the Int'l Federation of Journalists.

A fourth participant in the forum observed some days after its conclusion that while "I don't think we found any sure answers [to assuring TNG's longterm financial viability], we did give the administration some views it might not otherwise have gotten" as it pursues its convention-assigned task.

Following is the list of the forum's participants:

Representing locals: Bill Barry of Philadelphia; John Belcarz of Montreal; Robert E. Bruner of Pacific Northwest; John Carmichael of Twin Cities; Dick Christian of Buffalo; Doug Cuthbertson of San Francisco-Oakland.

Also, Michele Davis, Los Angeles; William T. Davis, San Jose; John Edgington, San Diego; Bob

Ewgen, Denver; Jack Kenendy, Youngstown; Roy Kruse, Hawaii; Donald Kummer, Detroit; Thomas LaPoint, Albany; Barry Lipton, New York.

Also, Doug Louth, Vancouver-New Westminster; J. E. MacDonald, Canadian Wire Service; Randy MacDonald, Ottawa; Gerry Maraghy, Boston; Mike Millett, Portland; Jerry Minkinen, Chicago; William Morrissey, Wire Service (U.S.); Bernice Nagy, Kenosha.

Plus, Frank Prosnitz, Providence; Carol Przybyszewski, Erie; Dennis Robinson, Southern Ontario; Dave Rousseau, New England Servicing-Organizing Program; Jim Schaufenbil, Manchester; Patricia Smith, Terre Haute; Robert Speck, Toledo.

And, Bob Steinke, St. Louis; Harry Tkach, Pittsburgh; Gene Turner, Central California; and Ernie Mercer, Washington-Baltimore.

The IEB's Special Finance Committee: TNG Vice Presidents David M. Mulcahy, Thomas R. Hiltz, Faye McCracken and Lee D. Clifford. (A bargaining crisis in Cleveland prevented participation by Vice President Richard M. Peery.)

TNG officers and staff: Perlik, Secretary-Treasurer Charles Dale, Int'l Chairperson Harry S. Culver, J. William Blatz, field operations director, and Anita R. Rynning, office manager.

Egan not seeking re-election in N.Y.

New York—Erwin R. (Ed) Egan, chief executive officer of the New York Guild since 1981, has announced that he will not seek re-election for a new term to begin Jan. 1.

Egan told the local's representative assembly Oct. 31 that he had decided to not seek a third term for personal reasons. He will return to the position of admin-

istrator of the New York Times-Guild Pension Fund after his current term as the local's full-time paid president expires.

Egan had been administrator of the pension fund since 1968 when he became the local's top full-time officer four years ago. He took the pension position after serving nearly seven years as a full-time representative of the local.

After Egan's announcement, the assembly nominated Barry Lipton, currently local secretary-treasurer, to fill the presidency. Lipton has held the local's second full-time office since March 31, 1982.

Tom Pennacchio, chairperson of the local's Daily News unit and a member of its executive committee, was nominated to succeed Lipton as secretary-treasurer.

Peter E. McLaughlin, also a Daily News unit leader and a TNG vice president from the New York region, was nominated for another term as the local's chairperson, an unpaid office.

Voting in a referendum late last year, local members approved

changing the title of the unpaid local president to chairperson and that of the top paid officer from executive vice president to president.

The assembly also nominated Bert Atkinson, of the Times unit, for 1st vice president, David Mulcahy, of the Standard & Poor's unit and a TNG at-large vice president, for 2nd vice president, and Clara Bennett, of the Amsterdam News unit, for 3rd vice president. All three currently hold the positions.

At the same time, the assembly nominated a full slate for the 17 other executive committee positions, plus Tom Keenan, of the New York Times unit, for the position of representative assembly chairperson and Deborah Yuhas, of the News unit, for vice chairperson of the representative assembly.

The period for additional nominations by petition ends Nov. 15, with any contest decided by local-wide membership vote. If no further names are submitted, the nominees will be declared elected.



Edwin R. Egan
Leaving N.Y. Guild presidency

... Cleveland

(Continued from Page 1)

under the Guild's contract include:

Secretaries—Up by \$24.93, to \$381.18 a week.

Editorial composition clerks—Up by \$23.15, to \$354.40 a week.

Copy aides—Up by \$19.83, to \$303.08 a week.

Stenographers—Up by \$22.42, to \$343.67 a week.

New Officers' seminar Feb. 15-18

Washington — TNG's fourth annual residential seminar for new local officers again will be held over the Washington's Birthday holiday weekend, Feb. 15-18, at the AFL-CIO's George Meany Center for Labor Studies in suburban Washington.

Running from Friday evening through noon Monday, the seminar is designed principally for new officers of smaller locals without professional staff. TNG again will subsidize, in part, room, board and travel expenses of one participant each from such locals.

The seminar also is open to local officers of limited experience and other active local leaders, such as bargaining chairpersons, who are not officers, locals have been reminded. Full details will be sent to locals shortly.

IT	SEEMS
	TO US

Photo sparks memory of a Roosevelt gesture

NEW YORK, N.Y.

Editor:

Your Oct. 12 issue mentioned the Geist award of 1929 when Eleanor Roosevelt accepted the first prize for "furthering interracial and interfaith understanding." Money was involved. Eleanor waived her \$100, if I remember the amount correctly, and I should, since it devolved to Ted Poston and me, both of the New York Post, as second prize winners.

Moreover, the Great Lady, with her instinct for the un-

By TNG convention action, letters shall be limited to 200 words and shall avoid libel and subjects detrimental to the Guild. Members subjected to personal attack shall be given opportunity to reply in the same issue, but publication of either attack or reply shall not be delayed longer than one issue. Deadline, Friday before publication.

noticed or lonely, saw a quiet little man, all by himself, and went over and began to talk to him, a retired banker, my father, and gave him a chance to boast a little. He never forgot that conversation, nor do I.

OLIVER PILAT
New York Guild
Retired

FEDERAL COURT LIFTS INJUNCTION

ITU, GCIU explore merger

Washington—Robert S. McMichen, recently installed president of the Int'l Typographical Union, has resumed discussions with Kenneth J. Brown, president of the Graphic Communications Int'l Union, aimed at completing a proposal for merging the two publishing-industry unions.

McMichen and Brown met in Washington with AFL-CIO Sec'y-Treasurer Thomas R. Donahue in October to discuss prospects for their unions' merger shortly after a federal court judge lifted an injunction that had barred the ITU from concluding a merger. More talks between Brown and McMichen were to be held.

U.S. District Court Judge Thelton E. Henderson lifted the injunction Oct. 8, noting that a Labor Dept.-supervised rerun election for the ITU's five top officers had been conducted and the certified winners installed.

Henderson on May 1 enjoined the ITU from taking "any irrevocable steps" toward any merger. It was issued in response to a motion by several San Francisco-area members shortly before a scheduled referendum on an agreement to merge the ITU into the Teamsters union.

Henderson's action was grounded on challenges to the conduct of the ITU's officers elections last fall and its failure by May to have rerun the presidential balloting as ordered by the ITU's election committee. Subsequently, the ITU agreed to the government-supervised rerun for all the executive council seats.

Former ITU President Joe Bingel, who held the office until August 27 when McMichen was sworn in, had supported merger

with the Teamsters union, while McMichen had advocated merger with the GCIU. McMichen outpolled Bingel in both elections but was denied the office until after the rerun. As a member of the ITU executive council, McMichen had participated in merger talks with the GCIU in 1983. Early this year the Bingel-led council majority announced a proposed "merger/affiliation" agreement between the ITU and the Teamsters.

In lifting the injunction, Henderson ruled invalid "any action regarding the merger of the ITU and another union" taken by the former executive council between Jan. 1, 1984, and Aug. 27, 1984.

Delegates to the ITU's convention in September directed the executive council to put a proposal for merger to a referendum vote of ITU members within 90 days of the lifting of the injunction. First priority, the convention said, should go to a merger with the GCIU, with merger with another union affiliated with the AFL-CIO to be given second priority and a vote on the Teamster proposal to be the third alternative.

After initial discussions with Brown after the convention, McMichen predicted that a proposal for merger of the ITU with the

GCIU would be worked out, "no question." The first talks, he said, "went better than I had hoped," the ITU Review reported.

Meanwhile, in what the Review termed a "major personnel restructuring," McMichen has announced the discharge of a dozen ITU field representatives and three headquarters employees.

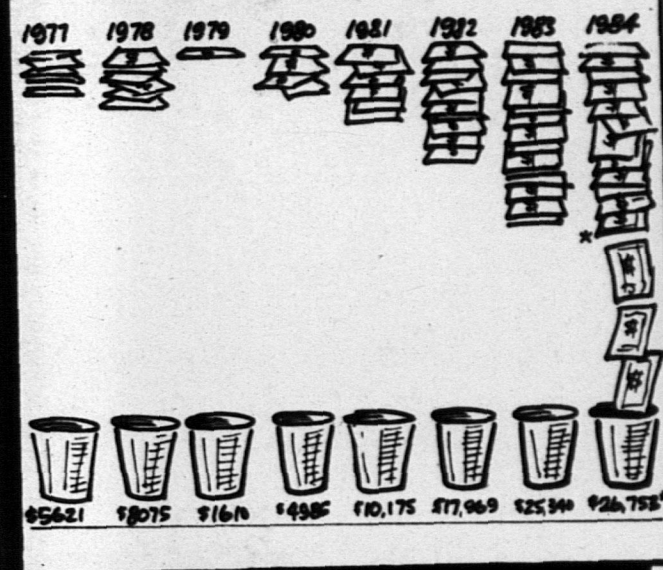
The staff union has filed grievances over the firings, and Thomas McGrath, its president, has initiated a charge before the National Labor Relations Board.

In termination letters to the discharged employees, McMichen explained that "because of your past conduct you have demonstrated your support for policies contrary to those the president and the executive council were elected to bring to fruition. The president and the executive council do not have confidence that you will carry out the directives of the president and support the policies of the executive council."

The McMichen-majority on the current executive council campaigned for election largely as opponents of an ITU-Teamster merger.

The Review reported that McMichen also said that the staff cuts would result in an annual savings of more than \$1 million. The ITU has operated at a deficit during the past year.

COSTS OF GRIEVANCES AND ARBITRATIONS-- VICTORIA NEWSPAPER GUILD



*\$26,758 IS COST FOR FIRST SIX MONTHS OF 1984... PROJECTED COST FOR FULL YEAR IS \$48,900.



Defense escalates!

Victoria Guild member Nelson Dewey illustrates the escalating costs his local has been experiencing to defend its 175 members and contract at Thomson's Times-Colonist. The costs are another demonstration of the necessity for a more in-depth look at expedited and lower cost methods of resolving grievances and arbitrations, says Joe Ravick, local president.

Court to decide liability for final Richmond pay

SAN FRANCISCO — A federal court hearing on a move by the San Francisco-Oakland Guild and six other unions to compel three corporations to arbitrate disputes arising from the closure last spring of the Contra Costa Independent has been rescheduled for Dec. 10, from Oct. 29.

Defendants are Ingersoll Publications Co., Barclays American Business Credit, Inc., and OSWeGI Publications Inc., a California corporation the unions allege to be a shadow organiza-

tion formed by Ingersoll.

At stake are severance, vacation and other benefits estimated to be worth more than \$750,000 which are due former Independent employees under contracts held by the Guild and the other unions when the paper was closed May 13 after only two days' notice.

Ingersoll advised the unions in May of 1981 that it had purchased the Independent and the Berkeley Gazette from the Brown Newspaper Publishing Co., Inc.,

and the unions entered a bargaining relationship with Ingersoll and its officers. The Gazette was closed before the Independent.

Last November Ingersoll representatives informed the unions that Ingersoll no longer considered itself owner of the Independent.

Ingersoll has claimed that it switched its option to buy the newspapers to OSWeGI, which was established in California at the time the purchase option was exercised.

Barclays American, a subsidiary of Barclays Bank of London, was owed more than \$7 million by the newspapers, undertook an active role in their management and shares liability under the contracts, the unions say.

Fifteen Guild members lost their jobs when the Independent was closed. Three remain without regular employment, while one is on disability and another has taken early retirement.

Adapted from the Bay Guild News, San Francisco-Oakland Guild

UTW rejects UPI pact

Washington—Members of the Telegraph Workers at United Press Int'l have rejected a proposed contract that included cost-saving measures similar to those approved earlier by Guild members at UPI.

Librarian's 'anniversary' date predates Guild's

By Dexter Waugh
San Francisco-Oakland Guild

San Francisco

SOMETIMES stories go unnoticed right under your nose.

Examiner reporter Malcolm Glover grabbed us the other day: "You should do a story about Stu Rasmussen," he said. "Do you know when he started here? In 1929."

Gulp. 1929? It's true. Rasmussen's employment career with the Examiner and other newspapers around town is older than the San Francisco-Oakland Guild, which is marking the 50th anniversary of its founding this year.

Rasmussen, 77, in fact is a charter member of the Guild.

A native of San Francisco, Stu took a job in the Examiner's morgue in 1929 that he thought would be only temporary, but a few months later the crash of the stock market sent the country into the Great Depression, and he stayed on, glad to have a job.

He remained in the Examiner's library, which used to be on the seventh floor in the Hearst Building at Third and Market, until 1937, when Hearst executive Lee Ettelson

asked him to go over to the Hearst-owned Call-Bulletin "and set up a library."

"I wound up with more money—\$45 a week. That was big money," he recalled.

He remained there as head librarian through the merger with Scripps Howard's News in 1959, then became assistant head librarian to Larry Lieurance when the merger with the Examiner occurred in 1966.

In those days, he said, the company "put money into the library. Larry had up to 15 people at one time."

Rasmussen joined the Guild at a time when doing that was tantamount to asking to be fired, but "I was such small fry they never aimed their guns at me, so I didn't suffer at all."

He said he has missed "less than two days" of work because of illness in the 55 years he's been working for Hearst. He missed a portion of one day in the early 1930s when he went to a dentist at Third and Market to have a tooth extracted. "In those days they gave you gas, and I was punchy when I came back, and Newton (Dwight Newton, who at the time was head librarian and later was an Examiner TV critic) said 'Oh for

SFONG marking 50 years Nov. 10

San Francisco—The San Francisco Guild is marking its 50th anniversary at a dinner Nov. 10.

The local was called the Northern California Newspaper Guild when it was founded in 1934.

The dinner celebration was to occur midway through the fall meeting of the Western District Council of Guild locals. Leaders and other council delegates are expected to join charter members and past and current officers and members at the event.

Christ's sake, go home." So he did.

RASMUSSEN was a professional actors classified in the Guild contracts on a par, salary-wise, with reporters.

He also is proud of "helping to establish the legitimacy of a newspaper morgue. It was always called the morgue. Then it became, that wonderful title, a reference library. Before that, it was played way down. I think I made some contribution to

the status of a newspaper library, which was necessary."

RASMUSSEN was a professional actor before he joined the Examiner, and through the years he continued to act and direct in amateur stock companies around the Bay area, and wrote children's plays.

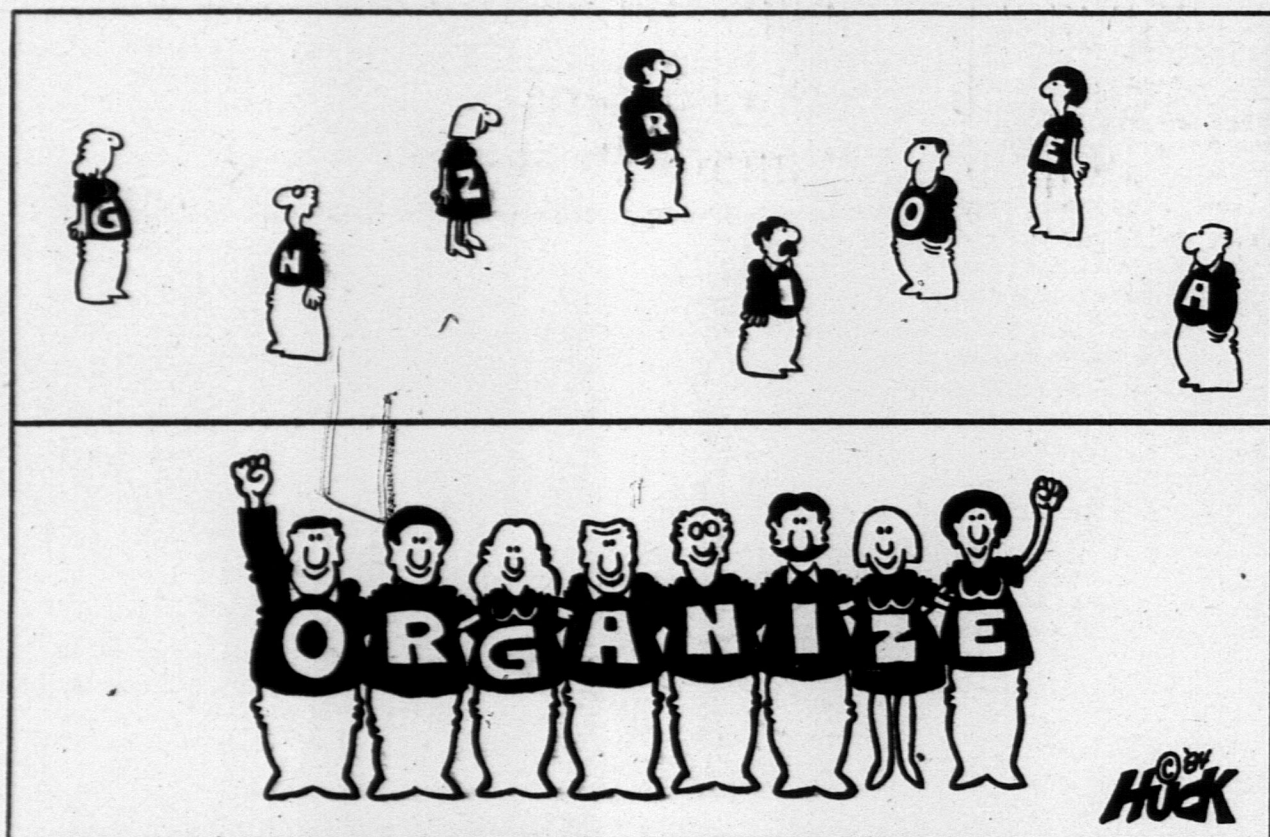
He also "was one of the original hippies," he said—living in a tent near the beach in the Sunset District, and in an old carnival wagon, and traveled extensively, gripped by a wanderlust that took him around the world three times.

"I was in a stock company in the East Bay and in a different play every week," he said. "The city editor said 'You're kind of an artist, but you have a steady job. You come in and do your work.' I always did, whether I had a heavy night or not."

Today newspaper libraries are going to microfiche. Rasmussen said he has "no quarrel with the new system. It's great to save space and preserve for posterity. I'm sure it will all be on computer in 10 or 20 years."

And who says Stu Rasmussen won't still be working there?

From the Bay Guild News, San Francisco-Oakland Guild



GOOD REPORTING IMPRESSES FEW

How Reagan beat the press, too

By James Reston

AMONG THE losers in this presidential election campaign you will have to include the nosy scribblers of the press. Not since the days of H. L. Mencken have so many reporters written so much or so well about the shortcomings of the President and influenced so few voters.

Ronald Reagan beat the newspapers by ignoring them. From his nomination in Dallas to election weekend he has not held a single national news conference. He gave one or two interviews to sympathetic writers and allowed a few small-time high school and college audiences to toss him some questions, but he dismissed the White House press corps with a wave and a smile.

In a switch from Jefferson's famous remark, the president said in effect: Were it left to me to decide whether to have a government without newspapers or newspapers without a government, I should not hesitate to choose TV every time.

Some editorial writers and columnists and most Washington reporters were on to his evasive tactics, easy cheerfulness and unsteady grasp of the facts.

James Reston is a veteran columnist with the New York Times, working out of its Washington bureau. This column is reprinted, with permission, from the Times' issue of Nov. 4, two days before the U.S. elections.

They did not hesitate to point out his deficits, personal and fiscal, condemn his windy theorizing, and mock his zigzag contortions, but Reagan had the photographers and television cameramen for allies and proved that one picture on the nightly news can be worth a million votes.

✓ Was his advanced age an issue? He disproved it by bouncing up to the stage like a gymnast.

✓ Did he promise to balance the budget in his first term but wind up with the deepest recession in 40 years? It was all the fault of Congress, which wouldn't pass his program or a constitutional amendment to balance the budget.

✓ What about these \$200-billion-a-year deficits? Just wait, he says, we'll grow our way out of them. That's like hoping to grow your way out of cancer.

So what? Nothing in the Constitution requires the president to hold press conferences or debate his opponent. If he wants to mobilize the preachers and turn their churches into political registration booths, nothing can stop him.

Jim Baker and the rest of his political and advertising managers can do anything they like within the law and are protected by executive privilege from giving an account of their activities to Congress or anybody else. Increasingly the government is run by an army of unelected political appointees.

For winning elections, Reagan's technique is as easy as playing tennis with the net down. And since winning is everything these days, you can't blame the presi-

dent for trying. What's wrong with this is not that it cheats the press but that it cheats the people, and the surprising thing is that the press complains so little and the people not at all.

THAT QUOTATION from Jefferson starts with this statement: "The basis of our government being the opinion of the people, the very first object should be to keep that right." But this is precisely what the modern presidential campaigns do not do, and the danger is that Reagan's artful dodging is so successful that it is likely to set a precedent for more such shenanigans in the future.

It was only in the debates that the people had an opportunity to form an opinion about the statements of the president and Mondale together. The rest of the time the candidates were like ships passing in the night, broadcasting whatever charges they liked without fear of immediate challenge or contradiction.

In the present mood of the country, most people couldn't care less. The president is telling them what they like to hear and the papers are raising questions and doubts about his snappy judgments that the people don't want to hear.

MEANWHILE, Mr. Mondale has been suggesting that the majority of the people, now in the upper and middle-income brackets, should share the wealth more generously with the people who have been left behind. This, like reading, is not a popular pastime.

Nevertheless, the modern presidential campaign is a good show in which the appearance of things seems more important than the reality of things. On the tube, everything seems clearer than the truth. There are shrill hosannas bordering on blasphemy on the side. Nothing is lost but the honest cut and thrust of democracy.

IT IS SAID THAT the people get the government they deserve, which is undoubtedly true, and also that what they see is what they get, which is not true. For the world of television is the world of illusion, and what they see and hear—all those promises of peace and prosperity—are precisely what they are not likely to get in the next four years.

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As they put it

AFL-CIO proud of effort

Following is the full text of a statement by AFL-CIO President on the 1984 elections. It was issued Nov. 7, the day after.

The AFL-CIO is proud of its effort in behalf of the candidacy of Walter F. Mondale and Geraldine Ferraro. We remain convinced of the soundness of our position in the primaries, the caucuses and the general election.

Mondale and Ferraro fought for the right issues. They spoke out for justice and jobs for all Americans and they squarely and courageously addressed the difficult choices that lie ahead. The issues they raised and the problems they discussed are crucial to the future of our country and they remain to be resolved.

The results of the Senate and House contests clearly indicate that there has been no major party realignment and no mandate for a right-wing agenda. In fact, the president skillfully avoided any commitment to any concrete course of action.

An analysis of exit polls as well as two independent post-election polls commissioned by the AFL-CIO shows that union members and their households voted in sharp contrast with other households.

According to the three network polls, all union households voted for Mondale-Ferraro by 17 or 18 percent more than all other households.

A poll of AFL-CIO union households (not including independent unions and associations) indicates that this margin increased to 20 percent.

Another poll of AFL-CIO union members shows that workers belonging to our affiliated unions supported Mondale-Ferraro by a 60-to-40 percent margin, compared to a 57-to-41 percent margin of all union members found by one of the networks.

I am proud of the effort and the solidarity demonstrated by our affiliated unions, our state federations, our central labor bodies and our rank-and-file membership. AFL-CIO union leaders and their members recognized the common sense, decency and courage displayed by our endorsed candidates and their support never weakened.

The AFL-CIO remains undaunted.

We shall continue to work for "liberty and justice for all."

Four more years of . . . ?

Washington Post staffer Lou Cannon in a report on a question and answer session with reporters Nov. 4 in the airport during a campaign stop in Rochester, Minn.:

Reagan displayed some sensitivity about his lack of news conferences, saying that if the press counted the time he answered questions under the wing of Air Force One, it would amount to about six since Labor Day and "I think that sort of belies the fact that I'm in a cocoon, and that I am not available to the media."

Reagan has held 26 news conferences in four years, fewer than any other modern president who served a full term. No other president has ever counted questions he answered while boarding his plane as part of a news conference.

The Guild Reporter

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Next GR Nov. 30

The next issue of the Guild Reporter will be published on Nov. 30.

The change is being made to accommodate the Thanksgiving holiday.

The single issue in December will be published the 14th.