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Courts test Canada's free press guarantee

The guarantee of press freedom included in the Charter of Rights and Freedoms in Canada's four-year-old Constitution has been tested in a pair of recent cases in Canadian courts.

In the latest of the rulings, an Ontario Supreme Court judge on Aug. 1 held unconstitutional a new amendment to the federal criminal code that placed broad restrictions on publication of information about police searches.

The ban on publishing information about the location of a police

search or the identity of persons involved without their consent or unless related charges are brought, is "too far reaching and too injurious" to press freedom to be justified, Justice John Osler said.

Constitutional rights and freedoms can be restricted only where it can be demonstrated that reasonable limits on those freedoms are "justified in a free and democratic society," Osler wrote, citing tests set down by Canada's Supreme Court.

The publication ban under the

Hugh Winsor chides journalists for gag law's passage . . . 8

criminal code is so vague and ambiguous "as to render it entirely inappropriate as an indication of when it is justifiable to violate a constitutionally guaranteed right," Osler said. Under the statute "any person" associated with the property searched was given the right to grant or withhold consent for publication, the judge noted.

A Manitoba court, earlier, had ruled that the language of the publication ban was too broad.

In a June 26 decision, meanwhile, the Nova Scotia Supreme Court Appeals Division held that the constitutional guarantee of free press grants a "special position to the journalist or reporter who gathers news of public concern." The rights of the press, however, "should in each instance be weighed and balanced against a plaintiff's right to disclosure," the majority of a three-judge appeals

panel said in a ruling stemming from a libel suit against the Ottawa Citizen filed by former Defence Minister Robert Coates.

The panel was considering an appeal to a ruling from the court's trial division ordering three reporters for the Citizen to reveal the identity of five alleged sources of information for stories about Coates' visiting a night club in West Germany where strippers, prostitutes and pornographic movies were featured. Coates, (Continued on page 6)

Monitor trial ponders art of journalism

Concord, N.H.—Imagination and talent "is a plus" for a journalist, but a journalist who "practices primarily conventional imagination . . . is usually fired, and properly so," journalism school dean Ben Bagdikian told a federal judge considering charges that the Concord Monitor has unlawfully denied overtime pay to news room employees.

The Monitor argued that reporters, photographers and editors are properly excluded from the federal wage and hour law under an exemption for "artistic professionals" who perform work of an original and creative character "in a recognized field of artistic endeavor."

Representatives for the 21,000-circulation daily also argued that news room employees fit the statutory exemption for "learned professionals" whose work requires advanced knowledge "in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education."

Most news employees have been covered by the federal law that requires overtime pay after 40 hours in a week since it was enacted in 1938.

Reporters rely more on "observed reality" than on creativity and imagination, Bagdikian, dean of the graduate school of journalism at the University of California at Berkeley and a authority on the newspaper industry, told U. S.



District Court Judge Shane Devine.

Nor., Bagdikian testified, is there "a standard body of knowledge which journalists are required to know."

The trial, which began in January, consumed 10 days of hear- (Continued on page 2)

Milwaukee Guild pickets protest 'fishy' bargaining



JOHN SMALL Milwaukee Guild

Informational pickets, protesting scant progress in contract talks at the Milwaukee Journal and Sentinel, ask why dolphins at a local zoo fare better with the newspapers' management than do Guild-represented employees [story, Page 3].

ITU convention gives slim approval to accord for merger with CWA

Hershey, Pa.—Delegates to the Int'l Typographical Union's convention here Aug. 9-15 endorsed the proposal to merge the ITU with the Communications Workers of America by a bare majority of their voting strength after nominating opposing slates of candidates for the union's five top offices.

The report of the convention's committee on merger, urging ITU members to vote in favor of the merger with the CWA in a referendum set for this fall, won 50.4 percent, or 14,266, of the votes cast, while 14,042 votes were cast against the report, considered Aug. 14. (Voting strength is determined by the active membership of each local represented at the convention.)

Earlier in the week, delegates nominated contesting candidates for each of five executive council seats. Officers will be elected by membership referendum conducted simultaneously with the merger vote. At the same time members also will vote on a proposal to pay an additional half of one percent in dues to establish a supplemental \$200 weekly strike benefit for former ITU members following the merger with CWA.

Robert S. McMichen, seeking re-election as ITU president, is being challenged by incumbent ITU Vice President Allan J. Heritage, who currently holds the union's office reserved for a mailer member. Incumbent Secretary-Treasurer Thomas W. Kopeck is

being challenged by ITU staffer Bill Frazee, currently an assistant to McMichen.

Contesting for one vice presidential seat are incumbent William J. Boarman and Robert L. Warringer, a former ITU vice president who was defeated in his most recent bid for re-election.

Vying for another of the three vice presidencies are incumbent Billy J. Austin and Jerry Miller, president of the Philadelphia Typographical Union; while Fred Leatham, a vice president of the merged Southern California Typographical-Mailer local, and Joel Wilson, president of the Detroit Mailers local, are seeking the vice presidency reserved for a mailer.

(Continued on page 6)

Seattle unit hopes to celebrate, not re-enact, P-I strike on 50th

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Scripps' Evansville swap rapped

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Perlik sees key to successes in TNG Bargaining Program

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ANTHONY SMITH-PHOTOGRAPHER/Norfolk, England

GR, Peterson rock Gibraltar

Former TNG Int'l Chairperson Barney Peterson, a retired member of the Northern California Guild, shares a copy of the Guild Reporter with one of the apes that inhabit the Rock of Gibraltar. Peterson, a photographer for the San Francisco Chronicle before retiring in 1978, has been sailing the Mediterranean and other European waters for much of the last half dozen years. An Atlantic crossing from the Azores to Barbados is on the agenda for later this year, says Peterson, 75. A member of TNG's Int'l Executive Board from 1965 to 1977 and Int'l Chairperson the last four of those years, Peterson was a Guild leader in San Francisco throughout his 44-year career as a newspaper photographer.

Appeal issued for support of La Prensa

Miami—Employees of La Prensa, the opposition daily closed by the Nicaraguan government earlier this summer, have issued an appeal through the Inter American Press Association here for economic assistance and support for calls for the reopening of the paper.

In the wake of the June 26 closing of La Prensa, 260 workers and their families find themselves "in complete economic despair and without resources for their most urgent needs," the union of La Prensa workers said in a message to the IAPA. The situation is compounded by serious scarcities in Nicaragua, the group added.

"An atmosphere of terror has settled over the country, where a state of emergency is harshly applied and where the citizenry is now condemned to silence," the message continued.

It called on "all journalists" to voice their support for demands on Nicaraguan President Daniel Ortega to reopen La Prensa, while also seeking aid for the families of the unemployed workers of the paper.

TNG President Charles A. Perlik, Jr., condemned the suppression of La Prensa and the imposition of emergency restrictions in Nicaragua in a July 3 letter to Ortega [Guild Reporter, July 18].

Contributions to aid La Prensa workers can be directed to:

Southeast Bank, N.A.
Account #0249-018-097360
Downtown Banking Center
Miami, Fla. 33131

Monitor cites artistic talent in overtime case

(Continued from Page 1)

ings. It recessed in June and briefs were filed in July.

The Labor Dept., which administers the Fair Labor Standards Act, has charged the Monitor with violating the law's overtime provisions and is seeking back pay for 33 current and former employees of the paper. The charges initially involved 54 individuals, but the Monitor settled claims on behalf of 21 clerical employees after the trial was underway.

Today's reporters are better educated than their counterparts of 40 years ago, the Labor Dept. said in its post-trial brief, adding, however, that so too "are the practitioners of every trade and craft in the American economy."

If there is one point on which all parties to this trial seem to be agreed, the government said, "it is that a good solid liberal arts education and ability to think and write clearly are far more important to an aspiring journalist than any specific 'journalism' courses or training."

It urged the court to dismiss company arguments that a liberal arts education is the type of advanced study envisioned in the exemption for learned professionals. The exemption was carefully

crafted to avoid excluding all "white collar" jobs, the Labor Dept. said.

Pointing to the testimony of the Monitor's managing editor that covering the news for the paper was "equally creative with being a sculptor," the government's brief noted that the dean of a journalism school called by the company would not single out a piece of staff writing in the June 9 issue of the paper that "he wanted to describe unequivocally as... 'original and creative in character'."

Turning to the Monitor's assertion that news photography, too, is an art, the Labor Dept. cited the testimony of two staff photographers at issue who agreed, as one of them put it, that while there are creative aspects to news photography "a large portion of it is pretty run of the mill and pretty standardized."

About 70 percent of his work is assigned, the witness said, noting that his most frequent assignment was to cover high school sports while others included such shots as "pet-of-the-week."

News room employees of the paper testified that while they often worked more than 40 hours in a week they were discouraged from putting in for overtime, several

saying they had been told to alter time cards.

One reporter remembered that on filing her first time card at the paper she was told she should have taken "comp time" instead of claiming overtime. She told the court:

"If the Monitor took such pride in the job I finally did, working so many hours a week, and was so proud of the awards I won... they should have been willing to let me do that on their time and pay me for it and not penalize the reporters who didn't want to put

in that extra time."

The Labor Dept., meanwhile, is considering changes in regulations interpreting the wage and hour law, including whether newspaper reporters should be exempted as "professionals." Both TNG and the American Newspaper Publishers Assn. have filed comments on the question [Guild Reporters March 28 and April 11].

George Wilson, publisher of the Concord Monitor, is the vice chairman of the ANPA and a member of the Washington Post Co.'s board of directors.

Post ordered to cover home writer

Washington—A writer who regularly contributes to the Home Section of the Washington Post for a fixed salary and benefits is an employee covered by the Washington-Baltimore Guild's contract with the Post, an arbitrator has held.

In a June 20 decision, Arbitrator Walter A. Maggiolo said the writer, who the Post claimed was an "independent contractor" working under a personal service contract, was a "de facto employee."

He ordered that the grievant be covered by the contract retroactively from Jan. 1, 1986, while awarding seniority back to January 1984, when the personal service contract began.

The June 20 decision is the fourth in three years in which an arbitrator has held that the Guild contract applies to employees the Post had claimed were exempt.

As a result of one of those earlier

rulings, the Guild and Post recently reached agreement on a back-pay award for 76 employees in the circulation department who were deprived of additional hours by the paper's use of employees from a temporary agency. The group will share in \$32,909, with individual payments ranging from \$133 to \$535, the local reported June 26.

In the latest case, in addition to paying the writer a salary rather than a "flat sum" for any work used, the Post also required the grievant to work three days a week; paid for medical, dental and business travel insurance; permitted her to use Post facilities, including a desk and VDT; and reimbursed her for expenses, the arbitrator pointed out.

She was prohibited from writing or performing services for direct competitors of the Post, a limitation imposed on employees cov-

ered by the contract but not on freelance writers. She was assigned stories generated by employees' ideas, attended staff meetings and needed an editor's approval before writing articles.

The degree of control over this writer's work "went far beyond being confined solely to the result [of her work] but involved governing the manner and means by which her services were to be performed," Maggiolo wrote.

"In a word, [her] duties and responsibilities were substantially similar to those of covered staff employees," he said.

The Post contended it could enter into a personal service contract with the writer because of past practice. It also said her "expertise in the fields of home architecture and design coupled with the latitude in her hours and work" distinguished her from contract-covered employees.

Maggiolo found no reason to rule on the Post's past practice argument since it was clear the writer was an employee as defined by the contract. He also refused to prevent the Post from entering into personal service contracts in the future, a remedy sought by the Guild.

The U.S. price elevator

The table below records the ascent of the Consumer Price Index in the United States over a 24-month period following a 0.1-point decrease in the index in July to 322.9, up 3.8 points from July 1985, and 15.4 points from July 1984. The first column lists the index for each of the last 12 months, the second the percentage increase over the same months of the preceding year and the third, the percentage increase over July 1984. The Urban Wage-Earners' and Clerical Workers' Index (CPI-W) is the source.

	Index*	Percentage over	
		Same month prior year	July 1984†
August	319.6	3.0	3.9
September	320.5	2.7	4.2
October	321.3	2.9	4.5
November	322.6	3.4	4.9
December	323.4	3.6	5.2
January, 1986	324.3	3.7	5.5
February	323.2	3.0	5.1
March	321.4	1.9	4.5
April	320.4	1.2	4.2
May	321.4	1.1	4.5
June	323.0	1.3	5.0
July	322.9	1.2	5.0

*1967 = 100

†Index = 307.5

News top up \$50, to \$590, in pact at Fall River daily

Fall River, Mass.—A new two-year agreement between the Boston Guild and Ingersoll's Fall River Herald-News raises the top minimum for key news room employees by \$50.04, to \$590 a week.

The \$50.04 increase for experienced reporters and photographers comes in two increments, with the first, \$24.50, retroactive to Jan. 1, and an increase of \$25.54 next Jan. 1.

Outside advertising sales em-

ployees are guaranteed earnings at least equal to the minimum salary for reporters of like experience under a newly added incentive plan.

The service required for a fifth week of vacation is reduced by five years, to 25 years.

The top minimum salary for outside circulation representatives and assistant mailroom superintendents is raised by \$38.48, to \$454.33 a week, in increments of \$18.83 and \$19.65.

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Monopoly motive in Evansville, TNG tells federal antitrust unit

Washington—The Scripps Howard newspaper chain "appears to have bought a delayed-delivery monopoly" in Evansville, Ind., TNG President Charles A. Perlik, Jr., has charged in an appeal to the Justice Dept.'s Antitrust Division to conduct an investigation into ownership changes at the jointly published Evansville dailies.

Scripps Howard announced Aug. 1 that it will buy the morning Evansville Courier and sell the afternoon Evansville Press to Scripps Howard executive Robert Hartman. No prices for the transactions were disclosed.

Hartman is resigning his post as vice president and general business manager of Scripps Howard's newspaper division to take over as publisher of the Press.

The Courier, with a 64,000 daily circulation, is being acquired from the trust of the late Robert C. Enlow and a group of stockholders who share a minority interest. The Press has a daily circu-

lation of 40,500. The papers have been published by a printing corporation in which they hold equal shares under a joint operating agreement in effect since 1938.

Under the terms of amendments to that agreement filed with the Justice Dept., Scripps Howard would eliminate the printing corporation and take over administration of the commercial and production functions of both papers, while the jointly published Sunday Courier & Press would be replaced by a Sunday Courier.

Although Justice Dept. approval of the amendments is not required as a matter of routine, Perlik urged the agency to undertake an investigation into the transactions, seemingly crafted to "guarantee the permanent subordination and decline of the Press."

The price Hartman will pay to acquire the Press and the source of his funds should be part of that investigation, Perlik said in an

Aug. 8 letter to Ass't Attorney General Douglas H. Ginsburg, who heads the Justice Dept.'s Antitrust Division.

The joint operating agreement in Evansville expires in 1998, "when Hartman will be 71 years old," Perlik noted. What future is intended for the Press "under the stewardship of an owner beholden to his former employer and the debilitating terms of the amended joint agreement?" he asked.

What is happening in Evansville "appears to transgress even the relaxed state of antitrust law under the Newspaper Preservation Act," Perlik added, pointing to the Aug. 2 issue of the Press where Scripps Howard Vice President and General Editorial Manager William Burleigh was quoted as saying that the chain "avoided outright purchase of Courier while retaining the Press because of potential antitrust problems with the Justice Dept."

Unfair charges filed in Milwaukee

Milwaukee—The Milwaukee Journal and Sentinel are refusing to bargain in good faith, the Milwaukee Guild has said in unfair labor practice charges filed with the National Labor Relations Board.

The Guild brought the charges after Newspapers Inc., owner of the papers, unilaterally im-

plemented what it called its last contract offer, including a "merit-only" wage system, and posted working conditions. The company claims that bargaining, underway since May, has reached an impasse, a point the Guild disputes in the charges filed with the board Aug. 14.

Milwaukee Guild members, meanwhile, took to the streets with informational picket signs following the July 28 expiration date of their local's contract. Several carried signs alluding to the company's willingness to donate \$250,000 for a dolphin tank at the Milwaukee Zoo while refusing to provide health benefits for its part-time employees.

The local estimates that \$250,000 would buy health insurance for part-timers in the Guild-covered editorial and library departments of the papers for three years.

Among the signs were ones

reading: "Dolphins have a contract. Why don't we?" "Do we need fins to win?" and "Management: 12%, Dolphins: \$250,000, Workers: NADA!" a reference to a recent 12 percent pay raise for the company's three top officers.

The Guild's charge that the employer's insistence on a merit-only wage proposal and elimination of minimum salaries from the contract is unlawful is similar to one brought by the Cincinnati Guild against Gannett's Cincinnati Enquirer. An NLRB regional director has issued a complaint against the Enquirer on the Guild's bad-faith bargaining charge.

The company also has refused to supply the Guild with information it seeks about the merit-pay plan. The information is crucial to bargaining on the proposal, the Guild charges in its submission to the NLRB.

Unity council sees benefit in 3-way New York JOA

New York—New York newspaper unions see a joint operating agreement as a possible solution to the financial woes of two of that city's three major dailies.

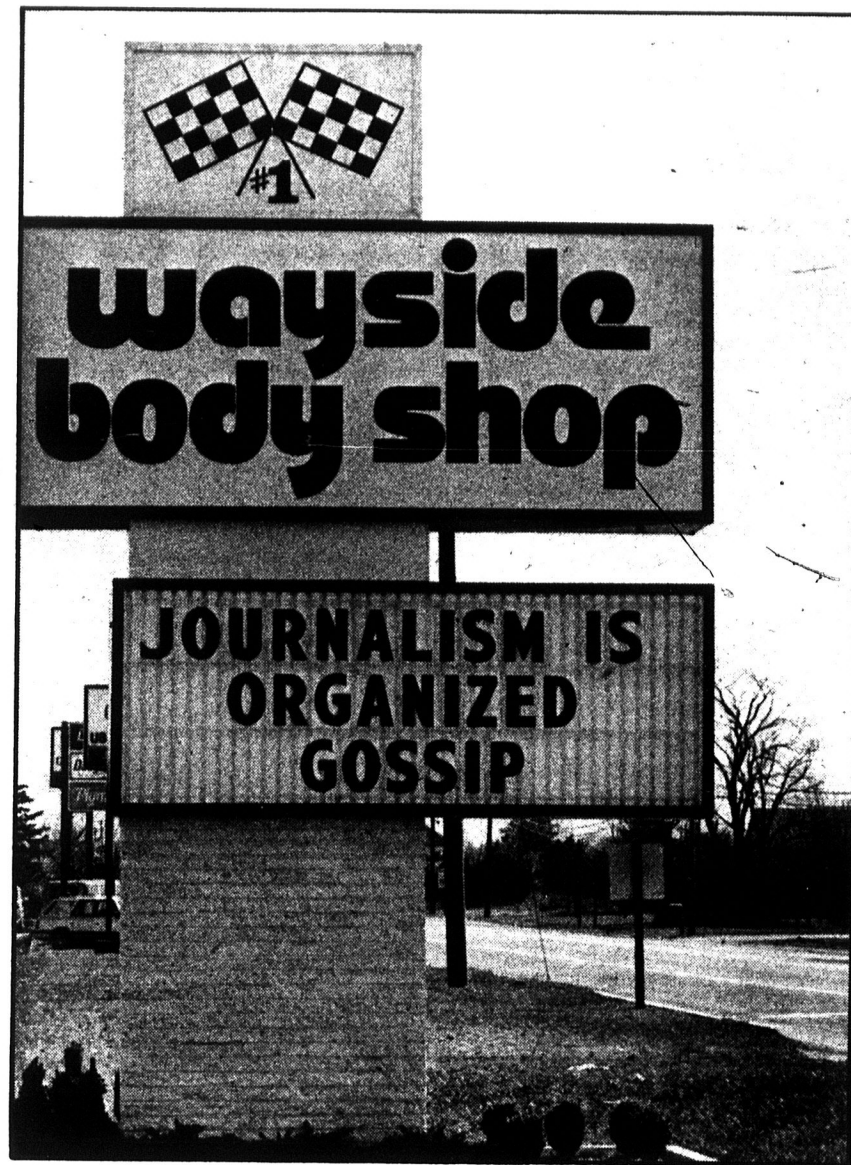
Representatives of the 10 unions participating in the Allied Printing

Trades Council, including the New York Guild, voted to raise the subject of a three-party joint operating agreement with management of the New York Post, the Daily News and the Times.

At the same time, the unions' council also agreed to explore with officials of state and city government possible funding of a study to assess the feasibility of an employee purchase of the News or the Post "as a last resort" to closure, New York Guild President Barry Lipton said.

The Post, owned by Rupert Murdoch, faces perennial red ink in its third-place standing among the three dailies, while the News has said it is facing harder times because of the loss advertising from several major department stores that are closing their New York operations.

The unions bargained agreements for cost-saving measures, including staff cuts, with the News in 1982. Earlier this summer the paper, owned by the Tribune Co., said it would have to make more staff cuts because of the anticipated revenue loss.



BILL BURKE/Washington-Baltimore Guild

Sign of the times?

The message on this roadside sign identifying the location of an auto body shop—"journalism is organized gossip"—brought the photographer to a halt on a weekend trip through Maryland's Eastern Shore area. The proprietor of the shop in Denton, Md., said, however, that he attached no particular significance to the message. It was in a book that came with the sign, said Dick Van Schaik. He puts up a different message from the book every week.

Campaign aids in Memphis accord

Memphis—Informational picketing, pamphleteering on the city's "Mid-American Mall" and a Guild-orchestrated coffee break all helped push the Memphis Publishing Co. to reaching an acceptable new, three-year contract with the Memphis Guild according to local leaders.

So, too, did an organizing drive that brought 48 more employees of Scripps Howard's Memphis Commercial Appeal into the Guild and membership votes rejecting as inadequate company proposals for a new agreement.

More than 200 members of the local turned out for hour-long demonstrations in front of the Memphis daily's plant in 100-degree heat, Guild President Beth Tamke said, adding that participation increased significantly on the second day of picketing.

Another demonstration of solidarity in which Guild members took a 15-minute coffee break en masse left three non-members on

the paper's design and copy desks conspicuous by their presence, Tamke said.

Members also took their bargaining messages to the downtown Mid-American Mall, protesting the company's insistence on reducing the pay for new hires in the maintenance department.

The agreement, ratified Aug. 12, will raise full-time salaries by \$33 to \$70 a week over the three-year term. The top minimum for reporters, photographers, display advertising sales representatives and senior programmers is increased by \$68.65, to \$642.15 a week.

The company bettered its economic package after members, in mid-June, rejected a proposed settlement. Membership rejection of a second package brought an improvement in the method for applying the contract's general increase to individual salaries and minimums, a change expected to benefit about 100 Guild-represented employees.

Members ratified the agreement, retroactive to June 8, after a third vote of rejection brought no additional progress.

The \$68.65 increase in the key top minimum comes in three increments, with the first—\$21.65 a week—taking the top minimum to \$595.15 a week retroactive to June 8. It is followed by increases of \$23 on June 14, 1987, and \$24 on June 12, 1988.

The top minimum for computer programmers, bookkeepers and the chief payroll clerks is raised by \$57.40, to \$532.25 a week, in increments of \$18.40, \$19.50 and \$19.50 effective on the same dates.

Building mechanics' top minimum is raised by the same

amounts, taking it to \$546.95 a week in 1987, while the top minimum for telephone classified salespersons, schedule, counter and national classified clerks is raised by \$41.20, to \$386.65 a week, over the contract term.

The top minimum for outside classified sales employees is also raised by \$57.40, to \$556.95 a week, and the top minimum for telemarketing personnel goes up by \$50.50, to \$471.05 a week.

The minimums for porters and maids are reduced below those in the old contract, although current employees are covered by the the contract's general increase. The new top minimum is \$220 a week, down from \$262.85 in the prior agreement.

With assistance from TNG's special organizing fund, the local hired an organizer to co-ordinate its membership campaign.

Denver appoints Meachum to its administrative office

Denver—Bruce Meachum, 39, a former district manager at the Rocky Mountain News, has been hired as administrative officer of the Denver Guild.

Meachum, the local's acting administrative officer since April, replaces Barbara Bruno, who resigned in March as the local's executive director and general counsel. Meachum also worked as a local organizer under an arrangement subsidized by TNG's special organizing fund.

He is a former first vice president of the local and was unit chairperson at the Rocky Mountain News, where he served on the bar-

gaining committee. Meachum also assisted in bargaining at the Denver Post and was a delegate to TNG's 1986 convention.

A native of Buffalo, N.Y., Meachum was a strike leader for the Professional Air Traffic Controllers Organization (PATCO) during the union's strike in 1981. Hired by the Federal Aviation Administration in 1969, he was among the 11,500 controllers fired by President Reagan on Sept. 6, 1981. He served on local PATCO executive boards for 13 years.

The Denver Guild represents about 900 employees at the Post and 675 at the Rocky Mountain News.

Memphis calling past presidents

Memphis—The Memphis Guild is planning a 50th anniversary observance and wishes to contact past presidents of the local.

Any information about the whereabouts of former Memphis Guild presidents should be forwarded to current President Beth Tamke, P. O. Box 334, Memphis, Tenn. 38101. Telephone: 901-529-2356 or 901-278-2764.

An anniversary celebration is set for Oct. 25 at the Peabody Hotel, Memphis.

Guild disputes Union's 'impasse,' charges pay cuts breach accord

Sacramento—The Sacramento Union is violating its Guild contract by declaring bargaining for a new agreement at an "impasse" and cutting the salaries of Guild-covered employees by 15 percent, the Northern California Guild has said in initiating a grievance that could bring the issue before an arbitrator.

The local has also asked the National Labor Relations Board to find the company guilty of unfair labor practices for unlawfully refusing to bargain.

The company presented Guild bargainers with what it called its final contract offer on July 26 after a long bargaining session the day before that had ended with a company promise to respond to several Guild proposals. On Aug. 4 the company announced the cut in wages and other benefits, including the elimination of position dif-

ferentials and a freeze on health insurance premiums.

The cost of the cuts to Guild-covered employees of the paper is more likely to reach 20 to 25 percent, according to Gerald Rocker, the local's administrative officer in Sacramento. He said that medical insurance premiums are set to rise by as much as \$40 a month Sept. 1.

"We've indicated a willingness to work with them on the economic problems," Rocker said, adding, however, that the company has responded with proposals "that have nothing to do with turning the paper around." He cited a company proposal to eliminate the union shop. Nor are they willing to "share the pain" and cut management salaries as well as those of Guild-represented employees, Rocker said.

The Guild argues that bargaining has not reached an impasse and

that its contract that was to expire May 5 remains in force under the "evergreen clause" that guarantees that terms and conditions of the contract will continue during bargaining for a new agreement.

Many of the paper's financial problems stem from "mismanagement," Rocker charges, noting that the paper has had four general managers in as many years, while its daily circulation has dropped from 105,000 to 92,000.

The Union is owned by Richard M. Scaife of Pittsburgh who serves as its publisher and board chairman. It competes with McClatchy's Sacramento Bee, which has a circulation of more than 220,000. Both are morning papers.

Employees in the Union's advertising, editorial, inside circulation and maintenance departments are covered by the Guild's contract.

Incidents prompt protests to nations

Washington—TNG has lodged protests with the presidents of three Latin American countries over recent violence against journalists and arrests of union leaders.

In a letter to Mexican President Miguel de la Madrid, TNG called on the government to conduct "a full and vigorous investigation" into the murder in the border town of Matamoros, near Brownsville, Texas, of the publisher of El Popular and a columnist for the paper.

The slaying of Ernesto Flores Torrijos and Norma Moreno

Figueroa July 17, following the murder in June of the publisher of two other papers in the region, "casts a pall over the state of press freedom," TNG President Charles A. Perlik, Jr., said in the July 25 letter.

Reporters for El Popular believe their colleagues were murdered at the behest of criminals whose activities the paper has followed for some years.

Jorge Brennes Araya, publisher of La Frontera and El Rio, was shot and killed June 17 in Reynosa,

a border town west of Brownsville.

The recent arrest of one union leader in San Salvador, meanwhile, triggered a four-and-a-half-day work stoppage early in July, as well as letters demanding the release of union leaders being detained by Salvadoran authorities.

Febe Elisabeth Velasquez, a member of the Textile Workers Union and international affairs director of the National Federation of Salvadoran Workers, has since been released but required hospitalization for treatment of injuries she received while in custody. In an appeal to El Salvador's President Napoleon Duarte, TNG urged him to bring a stop to the indiscriminate arrests of union leaders.

A bomb planted at the home of a news editor for Radio America in Honduras, meanwhile, appears to have been in retaliation "for his journalistic fearlessness," Perlik said in an Aug. 11 letter to Honduran President Jose Azcona. He called on Azcona to order a thorough investigation into the assassination attempt against Rodrigo Wong Arevalo.

Strikebreaker shown union contract's value

Wilkes-Barre, Pa.—A Pennsylvania court has underscored the value of a Guild contract for at least one former employee of Capital Cities' Wilkes-Barre Times Leader who worked behind union picket lines.

Hired as a copy editor shortly after the Wilkes-Barre Guild and other newspaper unions struck the Times Leader in 1978, Dorothy K. Martin was fired more than two years later for placing an ad for an ice cream and hot dog stand in the city's competing daily. That paper, the Wilkes-Barre Citizens' Voice, is published by the striking unions.

Martin had urged the court to overturn the discharge. She grounded her wrongful discharge suit on an employee handbook that cited examples of disciplinary offenses.

In a June 21 ruling, however, the Pennsylvania Superior Court held that the employee handbook is not a binding document, saying that "absent a definite contract to the contrary," employment is presumed to be at will, lasting "only for so long" as both parties desire.

The handbook does not protect employees from discharge for other than just cause, the court said.

OSHA switches label rule to permit numerical codes

Washington—The Occupational Safety and Health Administration has agreed that numerical warning systems meet federal requirements for labelling hazardous workplace chemicals, reversing a policy it had announced in June.

The agency had ruled that codes like one developed by the National Paint and Coatings Assn., which involves color and numerically coded warning placards and a wallet-sized card to interpret the codes, were too obscure to meet the warning label requirements of the new federal Chemical Hazard Communication Standard [Guild Reporter, July 18].

OSHA Administrator John A. Pendergass reversed that policy, however, after meeting with representatives of the trade association and a firm that markets the system, the Bureau of National Affairs reported. The revised policy was released Aug. 1.

The numerical warning systems can be used on containers in the workplace, although manufacturers will still be required to carry more detailed warnings on chemicals they distribute. The new policy also gives employers more discretion in carrying carcinogenic warning labels on chemicals.

TNG issues bulletin on sex harassment

Washington—Sexual remarks about a person's clothing, body or sexual activities; pressure for sexual activity (subtle or obvious); unnecessary touching, patting, pinching or brushing against a person's body; or simply leering.

Those are among the types of behavior that are considered sexual harassment, a bulletin distributed to Guild locals advises.

The bulletin, "10 Ways to Combat Sexual Harassment," was prepared by TNG's Human Rights Coordinator Anna M. Padia for use as is or as a model for locals preparing their own materials on what has become a "serious workplace stress that is a continuing concern of the Guild."

Prompted by a Supreme Court decision in June, which confirmed that sexual harassment is illegal, the bulletin describes what constitutes sexual harassment, identifies potential victims and offers suggestions for victims and Guild locals.

It urges victims to complain immediately to both the Guild and the offender and to keep a written record of such incidents.

Check with co-workers about other similar encounters, it suggests, while also urging victims to seek support of friends and co-workers and consider counselling.

The bulletin calls on locals to educate members about the problem and train stewards to detect sexual harassment and respond to complaints.

"It's the Guild's objective to seek . . . prevention and . . . the prompt corrective action of sexual harassment," the bulletin says.



Anne Brissette/Canadian Union of Public Employees

Report surveys smoking

Washington—"Smoking in the workplace is under attack," reports the Bureau of National Affairs in a recently issued 140-page special report examining the problems associated with smoking on the job and policies to restrict the practice.

The report discusses the pros and cons of various methods of alleviating smoke-related problems, as well as legislative and legal developments and union and management reactions to what is often times the subject of workplace controversy.

Copies of the report, "Where There's Smoke: Problems and Policies Concerning Smoking in the Workplace," are available for \$35 each from the BNA's Customer Service Center, 9435 Key West Ave., Rockville, Md. 20850.

Meanwhile, two more Guild units have joined the growing list of workplaces where smoking restrictions are in place.

Smoking will be banned in editorial and commercial office space of the Victoria Times-Colonist beginning Sept. 1 as a regional ordinance to control smoking takes effect. A general smoking area is to be maintained in the cafeteria.

Across the country, at the Toronto Star, the first phase of a new smoking policy, took effect June 1. It calls for a smoking ban in any work areas where all employees agree to the restrictions. Beginning in January, a ban on smoking will be implemented in any area where the majority of employees so desire. Smoking also is banned in meeting rooms of the Star.

Canada's boycott list

Sanctioned by the Canadian Labour Congress and provincial labor federations July 1986

Canadian Labour Congress

Blue Cross (Ontario)
Burlington Northern Air Freight
California table grapes
Canada Trust Mortgage Co.
Gainers' meat products
Red Coach Lettuce

Alberta

California table grapes
Doctors who "extra bill"
Gainers' meat products
Pacific Western Airlines
Radio Shack
Safeway meats (Lakeside Packers, Brooks, Alb.)
South African products

British Columbia

Burlington Northern Air Freight
California table grapes
Chilean products
Continental Airlines
Lettuce (Donny, Red Coach, Big Fred, Big A, Bobby & Andrews)
Procter & Gamble (soap products)
Louisiana Pacific Corp. (forest products, construction material, Waferwood construction panels, Pabco Xonolite insulation, Weatherseal windows and doors)
Victoria Plywood

Northwest Territories

Business and properties owned by Tony Chang

Manitoba

BP Kent Flour Mill
Burlington Northern Air Freight
California table grapes
Canada Trust Mortgage Co.
Gainers' meat products
Fisons Peat Moss
South African products

New Brunswick

Perfection Foods products produced in Prince Edward Island
Sobey's Stores Ltd.

Newfoundland

Perfection Foods products produced in Prince Edward Island
Sobey's Stores Ltd. (retail grocery outlets and all non-union operations in the Atlantic Region)

Nova Scotia

Air Ontario
California table grapes
Capital Stores, Valu Fair Drug Marts, (Halifax area)
Holiday Inn, Rue Robie St., Halifax
Lawton Drugs
Perfection Foods products produced in Prince Edward Island
Sobey's Stores Ltd. (except Cape Breton Island)
South African products

Ontario

Canada's Wonderland

Prince Edward Island

Perfection Foods products produced in Prince Edward Island
Sobey's Stores Ltd.

Quebec

California table grapes
Sears stores and products
South African products

Saskatchewan

Burlington Northern Air Freight
California table grapes
Chilean products
Gainers' meat products
South African products



Perlik: Bargaining Program holds key to successes

TNG'S COLLECTIVE Bargaining Program lies at the heart of the Guild's success. It outlines a collective bargaining philosophy that is now 50 years old and unique to this union. Those who challenge it use this uniqueness as an argument against it, but I would suggest that it is, on the contrary, the key to our achievements.

Three words—"Born of Necessity"—are critical to understanding the program's origin and its significance over the years. The concept of a mandatory bargaining program covering the entire range of Guild objectives emerged from the sad experience of the union's first years in the 1930s.

The American Newspaper Publishers Assn. had its own collective bargaining program at the time, and, of course, it was the mirror image of what we were seeking. It consisted of eight key points, ranging from union security to salary minimums, on which publishers were told not to yield an inch of ground.

When our locals started to bargain without the benefit of such a unified bargaining program, they quickly found themselves at odds not only with their publishers but with each other. Locals went their own way, with little regard for what their actions might mean to other locals, and the results were what you might expect.

The IEB reported to the 1937 Convention that a Guild-shop union security provision could have been won by at least two Scripps-Howard locals had it not been for "undisciplined action" by others. The chain used "poor settlements in one city to force worse settlements in others."

THE IEB ALSO cited an arbitration in which a substandard agreement elsewhere was used by the Long Island Press to convince a strike arbitration board of its case. If the Guild could approve the miserable minimums and conditions contained in that settlement, management argued, it had no right to strike the Long Island paper for anything more.

The IEB of that day drew the inescapable conclusion of the Guild's experience: "If collective bargaining has proved nothing else during the past year," the board said, "It has proved conclusively that every concession, every gain, every surrender and every commitment has had its effect, for good or evil, on other locals and the membership as a whole."

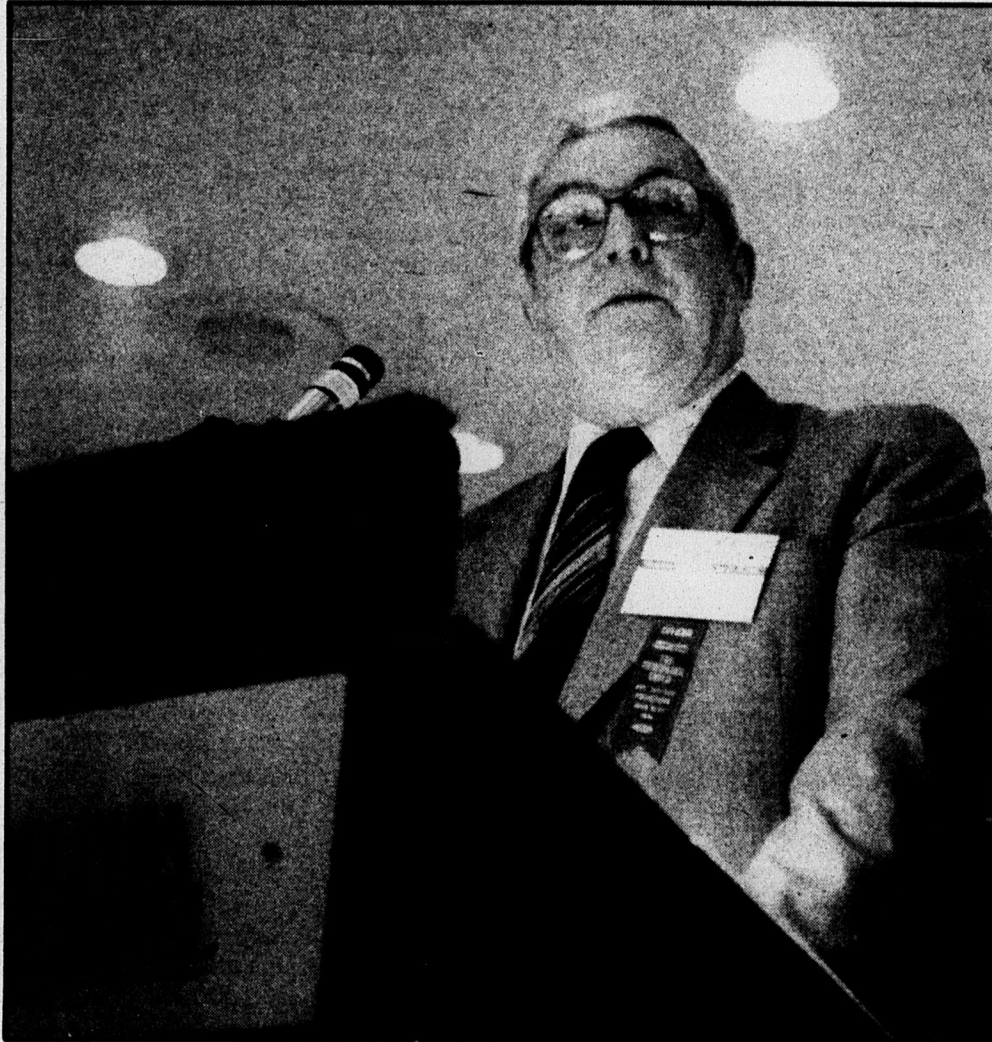
That was very much the same conclusion drawn by an outside observer, the National Labor Relations Board. In a landmark 1938 study on "Collective Bargaining in the Newspaper Industry," that study noted that initial Guild bargaining on the basis of "local autonomy" yielded very little.

"Guild leaders," it said, "found they lacked the experience and factual knowledge necessary for dealing with owners of large newspaper enterprises. Local autonomy in bargaining tended to deprive them of the centralized sources of information and power that were available to publishers through chains or publisher associations. Even the increasing membership of the union . . . was of little effectiveness without co-ordination."

IN THE FACE of that critical situation, the 1937 Convention amended the Guild's constitution to establish "minimum standards" in the form of the Guildwide Collective Bargaining Program whose principles have guided us to this day.

It has served us very well.

This is adapted from the text of TNG President Charles A. Perlik, Jr.'s, address to the opening session of the 1986 TNG Convention. Subsequently, on the recommendation of its Collective Bargaining Committee, the convention authorized the appointment of a special committee of Guild leaders to conduct a thorough review of TNG's bargaining processes and policies [Guild Reporter, July 18]. The convention committee made the recommendation after rejecting by a vote of two to one a proposal to cut the number of goals included in TNG's Collective Bargaining Program. Local's are required to include the goals of the bargaining program in their contract proposals.



Critics of the bargaining program complain that by presenting many of its proposals year after year we dilute our bargaining effectiveness. They overlook what that persistence has accomplished for us.

SEVERANCE PAY is something we all take for granted today. There is hardly a Guild contract that doesn't provide for it. But it wasn't always so.

Severance pay was a proposal pioneered by the Guild. The publishers didn't present us with it as a gift. In fact, they termed the idea of dismissal notice with pay "very dangerous" when it was first broached. At a time when no other union had it, the Guild won severance pay by asking for it everywhere, every time.

Of course, we've added to the original bargaining program over the years as growing experience and new conditions have demanded. We've added a wide range of proposals that have advanced from there into many, many contracts.

We've added them because the needs of our members require them, in such areas as discrimination, professional protections, fringe benefits and safety and health.

These expanding needs have been recognized even by our critics. I think it's interesting to note that in the Collective Bargaining Committee at last year's convention new provisions for employee assistance programs and information on home computers were added to the program without dissent from any of those committee members who later rose to move that the bargaining program be shredded beyond recognition.

They proposed that the program be reduced to mandatory provisions in six areas. It's interesting to note what

those six areas are. As outlined to last year's committee, they consisted of jurisdiction, the union shop, job security, grievance procedures, picket-line language and the right to Guild leave.

I wonder how many of our members would consider those "priority goals." As important as they are, four of them are clearly institutional—proposals designed to protect the Guild as a union.

The beauty of presenting proposals year after year rather than limiting our sights to a few "priority goals" is that after a while the publishers gradually get used to an idea they originally deem outlandish, discuss what they initially refuse to consider and, one day, like severance pay, sign a contract containing it.

Persistence pays off.

It's been argued that the bargaining program is "unrealistic" for units dealing with smaller companies. The fact is that the bargaining program has enabled some of our smallest units to lead the way.

Our unit at the 15,000-circulation Maui News in Hawaii was the first to win parity for inside classified, and it has perhaps the most comprehensive provisions dealing with video display terminals in any Guild contract—one that provides, among other things, for a joint union-management committee in which any deadlock is broken by a vote cast by the Hawaii Guild's administrative officer.

Our highest severance pay maximum, 78 weeks, is at the tiny Jewish Telegraph Agency unit in New York (20 other contracts have no limit on severance pay accrual), and our shortest work week, 33 hours, is at the 30,000-circulation Lynn Item in Massachusetts.

It has been claimed that by presenting a many-sided list of proposals we

leave not only management but our own members and even the negotiating committee ignorant as to which ones we are "serious" about.

Well, I think we're serious about all of them, or they wouldn't be in there, but nobody should have any trouble focusing on what is regarded as the most important at any given time. That becomes clear in the course of the bargaining process. No one has ever suggested that we give everything equal weight, only that we keep our horizons broad.

IT'S BEEN SUGGESTED that locals be allowed to seek waivers from the bargaining program's requirements, and that TNG's contracts secretary be allowed to grant them. I think that is a totally impractical and potentially very dangerous proposal.

It is naive to believe that almost everyone wouldn't ask for such a waiver. This would create an impossible administrative burden for the contracts' secretary. In no time at all, once such waivers began to be granted, we would find one local, undercutting another, with particularly damaging effect in the case of newspapers in nearby areas or belonging to the same chain.

It has been noted that a number of locals don't conform to the bargaining program's requirements. That's reason for concern, not emulation.

My feeling is that if all of our locals had hewed more closely to the requirements of the bargaining program in recent years, instead of shifting with the wind, we would have had greater success in fighting off employer demands for give-backs; instead of spending our time discussing the publishers' proposals, we would have been discussing ours.

Abandoning the bargaining program is the easy way out of the increasingly tough bargaining we are facing these days, but it's an easier way for us, not for the members whose interests that program has been crafted to serve.

No one says defending, advancing and winning that program is easy. It takes hard work, not just at bargaining time but 365 days a year.

YOU HAVE TO SELL not just your employer but first of all your membership, and maybe even your bargaining committee. If that committee has trouble keeping its eye on the ball, as I've heard it alleged, then it's the job of the chief negotiator to refocus its attention. Too often our negotiators undercut themselves by failing to rally the membership, not only during bargaining, but equally necessary, beforehand.

We don't regard the bargaining program as something sculptured in stone. We've shown that not just by amending it from year to year but by overhauling it when indicated. We last did that in 1978, when the prospect of merger with the Int'l Typographical Union prompted us to give it a thorough look. It was further streamlined, in response to a convention recommendation, the following year.

But while we're open to renovation, we don't want demolition. We can't effectively represent our members with a bargaining program whittled down to six lonely provisions. When you consider the ramifications and implications of doing that, I am confident you will reject it.

The Guild's achievements over half a century are a monument to the bargaining program. Let's not tear that monument down.

Seattle marks 50th since strike at Hearst's P-I

By Gil Bailey, President
Pacific Northwest Guild

THE PICKET LINE at the Seattle Post-Intelligencer building was a small and strange one 50 years ago on Aug. 13, 1936. It was made up of a few reporters and editors belonging to a fledgling union which had never won a strike.

At the end of the walkout 27 names were listed in the back-to-work agreement as having been strikers out of hundreds of employees in all departments at the Post-Intelligencer.

That small picket line had beaten the huge Hearst newspaper empire, forcing the newspaper to sign a labor agreement and showing the way across the nation and in Canada for the then American Newspaper Guild to bring newspaper employees the benefits of union contracts.

The winning of the Post-Intelligencer strike was the first major victory for TNG, now a union of 33,000 newspaper employees in the United States and Canada. It was won with the aid of organized labor in the Pacific Northwest, including the Teamsters Union, the Inlandboatmen's Union, the Typographical Union, the other printing trades and what is now the Washington State Labor Council.

The Pacific Northwest Guild hopes to celebrate that strike this year, not re-enact it, but the lessons of the Post-Intelligencer strike still hold true.

The story of the historic struggle is told in Guild records in Seattle and Washington and in the book "Unionism or Hearst: The Seattle Post-Intelligencer Strike of 1936" by William E. Ames and Roger A. Simpson, published by the Pacific Northwest Labor History Assn. in 1978.

It also is part of the lives of surviving strikers like retired Post-Intelligencer sports writer Boyd Smith.

"I got down there [to the picket line] at Sixth and Pine about 7 a.m. I was on line about 27 hours until I fell asleep with my picket sign still on," recalled Smith, now 72.

"The Teamsters and the Longshoremen guys came out. It looked like New Year's Eve," he said. "The typos, the ITU, recognized our picket line. . . . The backing of Beck [Dave Beck of the Teamsters] and the Longshoremen, it was fantastic. It was wonderful."

The causes of the strike were simple. The book, "Unionism or Hearst," lays them out:

"The newspaper writers, unprotected by union contracts, knew what it meant to take unnegotiated pay cuts

. . . should they be fired without warning, as many were, there was no severance pay; should they receive a pay cut, there was no way to negotiate the amount; should they have complaints about working hours, assignments and conditions, there was no guarantee that anyone would hear them."

Fifty years later the Seattle publishers are demanding among other items:

The right to demote with pay cuts without cause and without check; the elimination of severance pay for firings including firings to reduce the work force; the elimination of the 40-hour, five-day week with overtime paid after eight hours of work; the establishment of a new unspecified pay structure with no general wage increase and the absolute right to change any bonus or merit program.

The representatives of the publishers of the Post-Intelligencer and the Seattle Times have said this year they must have the above demands and others, all of them, or there will be no settlement.

For the tiny Guild chapter in Seattle in the depression year of 1936 the thought of taking on the Hearst Corp. seemed hopeless.

"It was the Inlandboatmen's Union representative who finally stood up and said, 'We have contracts with the paper, but we believe in industrial unionism, and if these people go on strike we won't deliver any papers The Teamsters also had contracts for delivery, and should a strike against the Post-Intelligencer be called, the Teamsters representative promised: 'We won't deliver anything,' accord-

ing to the "Unionism or Hearst" account.

The impact of labor support was felt when the few Guild pickets began to march.

"It appeared that such a pitiful protest hardly could have much effect. . . .

"The pickets scarcely had time to adjust to their new situation before they found themselves being elbowed aside as the more powerful and experienced labor elements of Seattle moved down from the hills, up from the waterfront and out of the Labor Temple. . . . There, joined by metal workers, lumber workers and other members of the labor movement, they formed a line around the Post-Intelligencer. . . . By noon . . . the Teamsters were pouring into the line around the newspaper."

The Post-Intelligencer did not publish until Nov. 26, 1936, after it had signed an agreement with the strikers guaranteeing a 40-hour week, wages, overtime and severance pay.

Dave Beck, then local president of the Teamsters, who played a vital role in support of the Guild, settled a libel action against the Times and Post-Intelligencer for \$25,000. The money became the foundation for his considerable financial fortune.

Beck survives. So does the Pacific Northwest Guild and co-operation with the Teamsters Union locals in the Pacific Northwest, the Northwest Typographical Union, as well as the Washington State Labor Council and the waterfront unions, including the Inlandboatmen's division of the Int'l Longshoremen and Warehousemen's Union.

Wilson leaves TNG, joins CWSG staff

Toronto — Frederica Wilson left TNG's staff of international representatives Aug. 11 to become a local representative for the 900-member Canadian Wire Service Guild.

A member of TNG's staff since 1982, Wilson, 30, helped circulation and editorial department employees of the Windsor Star organize the Windsor Guild and represented the local in bargaining its first and second contracts with the paper.

Wilson also bargained contracts at the Montreal Gazette, the Sudbury Star, and Maclean's magazine and assisted the Southern On-

tario Guild in contract talks at the Hamilton Spectator.

She was involved in several organizing campaigns in the Toronto area, as well.

Before joining TNG staff, Wilson was a reporter at the Montreal Gazette, where she was president and chief bargaining representative for the Montreal Guild.

In her new post, Wilson will assist the local's executive officer in grievance-handling, contract negotiations and administration of the nationwide local, which represents employees at the Canadian Broadcasting Corp., Canadian Press and Reuters of Canada.



Frederica Wilson

Courts test Canada's free press guarantee

(Continued from Page 1)

whose political base is in Nova Scotia, resigned after the stories appeared.

In a decision written by Justice Ian MacKeigan, the appeals division upheld the trial judge's order that the names of two sources of information be revealed on request, while dismissing the disclosure order as it applied to the three others.

The two sources to be identified, if the reporters are recalled, are two of the three passengers who accompanied Coates on a government plane as he left West Germany.

While acknowledging that the names of the two "are hardly necessary" since "they could readily be pinned down on examination," MacKeigan found no "arguable reason why their names should not be revealed." There is no evidence that individuals involved "had any special confidential relationship with the press," he said.

The other three supposed sources are "entirely different," MacKeigan said, explaining that the information they provided was not reported and that one of them had been promised confidentiality in the past.

Another test of Canada's free press guarantee was apparently averted when the head of a federal panel studying the seal industry withdrew an injunction that prohibited the Canadian Broadcasting Corp. from repeating a report of details of the panel's unpublished findings.

Newspapers in Toronto, Montreal and St. John's, Newfoundland, published information leaked from the report of the Royal Commission on Seals and the Sealing Industry in the wake of the temporary injunction against the CBC issued by a Quebec Superior Court judge July 7. It was withdrawn two days later.

The Charter of Rights and Freedoms included in the Canadian Constitution Act of 1982 guarantees among "fundamental freedoms," the freedom of expression, "including freedom of the press and other media of communication."

ITU convention votes slim support for merger

(Continued from Page 1)

McMichen, Frazee, Boarman, Austin and Leatham expressed their support for approval of the CWA merger, while Heritage, Kopeck, Wartinger, Miller and Wilson were nominated by delegates who opposed endorsement of the merger agreement.

The goal of the opposition slate is to bring a proposal to merge the ITU with the Teamsters Union "to yet another vote," McMichen charged in accepting the convention's nomination. A proposal to merge with the Teamsters was rejected nearly two to one by ITU members voting in a referendum last summer.

A letter from Teamster President Jackie Presser was distributed to delegates representing the ITU mailer members early in the week.

It included a pledge to create a special branch for mailer locals that affiliate with the Teamsters and pointed to the recent vote by mailroom employees in the San Francisco Bay Area to disaffiliate from the ITU.

Votes against endorsing the CWA merger agreement were most heavily concentrated among ITU locals representing mailers.

Arguments against endorsing the proposal concentrated on the lack of a guaranteed strike benefit and its failure to provide a permanent office for a mailer.

The plan for merger calls for the formation of an autonomous Printing, Publishing and Media Workers Sector within the CWA that would be led by the five officers elected by ITU members in this fall's election. The number of of-

ficers would be reduced to three by 1990.

Members' dues to the international initially would be 0.46 percent of straight-time earnings, plus 50 cents a month for the CWA's defense fund and \$1 a month to an ITU mortuary fund.

Under a proposal approved by three members of the ITU's executive council on the convention's final day, ITU members voting in the fall referendum also will be given the option of approving the additional dues of half a percent of straight-time earnings to establish the supplemental \$200 strike benefit in the new CWA sector.

ITU members currently pay 1.5 percent of straight-time earnings to the international, including a half percent defense fund assessment. The ITU pays a regular strike bene-

fit of up to \$250 a week, while the CWA pays benefits on a needs basis.

McMichen, Austin and Boarman authorized the addition of the dues/benefit proposal to the referendum ballot. The same three executive council members approved the proposed merger with the CWA earlier this summer and set a membership vote on the question. Convention endorsement is not a prerequisite to putting a proposal for merger to a membership vote under the ITU's constitution.

Referendum ballots will be distributed by mail to ITU members in the United States and Canada beginning Oct. 1 and are to be returned by Nov. 19. The merger with CWA would take effect 15 days after certification of an affirmative vote.

TRIBUNE CO., MEDIA GENERAL 'BEAT THE SYSTEM'

Chains make tax-free-millions list

Washington—What if next April 15 you discovered that you owed Uncle Sam NO taxes? Even better, what if HE actually owed YOU money? What if all that were true even though you made millions last year?

Sound impossible? It isn't. It happened to at least two newspaper companies between 1981 and 1985, according to a report issued in July by the Citizens for Tax Justice, a coalition of labor and other public-interest groups.

The Tribune Co., owner of the New York Daily News, where the Guild represents about 900 employees, and the Chicago Tribune, where craft unions have been on strike for more than a year, paid no taxes in 1981 and 1982.

In fact, the Tribune Co. actually had a negative tax rate of 137.3 percent, despite \$12.8 million in profits in 1982 and a negative rate of 1.2 percent while making \$71.3 million in 1981, the report shows.

Media General, whose proper-

ties include the Tampa Tribune and the Richmond Times-Dispatch and News Leader, had a negative tax rate of 9.6 percent on \$42.7 million in profits last year.

The media companies were among 130 corporations that Citizens for Tax Justice singled out for having "beat the tax system" at least once between 1981 and 1985. Others listed included General Dynamics, Boeing, and Coors. The group surveyed financial reports of 250 corporations.

Tax credits that might exceed a company's tax liability in a single year can be applied retroactively to produce a tax refund, the report said, while noting that a super-accelerated method of depreciation that was included in the 1981 tax bill, enacted with White House backing, is a key for profitable companies seeking to beat the tax rap.

Under the so-called Accelerated Cost Recovery System, the cost of nearly all equipment and machinery can be written off in four and a half years, even though its actual life may range up to 25 years. The cost of a building can be written off in 18 years, the report noted.



JERRY PIFER/Scranton Guild

Honoring the 'dean'

A. J. (Tony) Sandone is honored as the "dean" of Scranton's newspaper photographers and a dedicated Guild member during a party in his honor sponsored by the Scranton Guild. Sandone, a former local president and Guild unit leader, retired in June from the Scranton Tribune and Scrantonian where he had worked as a photographer for 47 years, winning numerous awards.

Free speech, not profits, prompts ANPA's defense of tobacco ads

Washington—"Comprehensive bans on speech and information" like those in a bill that would ban all tobacco advertising "can lead only to forms of censorship which strike at the very core of our free economic society," an executive of the American Newspaper Publishers Assn. told a House panel considering the measure.

The ANPA's interest in the issue lies in its concern about the free flow of information, not the economic impact a ban on cigarette advertising might have on newspaper profits, Jerry W. Friedheim, ANPA general manager and executive vice president, said in testimony submitted to the House subcommittee on health and the environment.

Top top-minimum for computer jobs is \$929

HIGHEST TOP MINIMUM among 108 for a wide variety of computer-related jobs in 41 Guild contracts with daily newspapers and news services in the United States and Canada is \$929.16 a week for systems analysts and senior programmers at the New York Times, according to data compiled by TNG's Collective Bargaining Dept.

Twenty-four percent, or 26, of the minimums are \$600 or more, while more than half of them, 56, are \$500 a week or more. Sixteen exceed \$700 and five of them top \$800 a week.

The minimum salaries listed are those for experienced employees in effect on Aug. 1. Results of settlements or deferred increases effective in the interim are not included.

	Minimum	After
New York Times		
Senior programmer, systems analyst	\$929.16—4 yrs.	
Systems programmer, programmer	632.15—3 yrs.	
Computer operator	804.62—4 yrs.	
EDP control clerk	597.13—3 yrs.	
EDP posting clerk	486.47—3 yrs.	
EDP tape library clerk	457.73—2 yrs.	
New York Daily News		
Systems analyst, computer operations supervisor, senior programmer	914.28—1 yr.	
Programmer, senior computer operator, data control supervisor	772.50—6 yrs.	
Computer operator	603.70—3 yrs.	
Ass't computer operator, head data control clerk	564.49—3 yrs.	
Data control clerk	439.32—2 yrs.	
Tape librarian	387.71—4 yrs.	
Vancouver Sun and Province		
Programmer analyst	827.59—5 yrs.	
Senior programmer analyst/operations supervisor	827.59—flat	
Computer operator	739.94—2½ yrs.	
Detroit Free Press		
Systems programmer	758.60—3 yrs.	
Programmer-analyst	631.19—3 yrs.	
Computer programmer trainee	432.75—2 yrs.	
Computer operator	614.54—4 yrs.	
Computer operator trainee	341.50—1 yr.	
Toronto Star		
Senior programmer	734.42—1 yr.	
Intermediate programmer	699.19—2 yrs.	
Junior programmer	604.27—2 yrs.	
Programmer trainee	475.35—1 yr.	
Senior computer operator	587.83—2 yrs.	
Computer operator	520.08—4 yrs.	
Data processing machine tender	447.15—3 yrs.	
Ass't. supervisor data processing	567.29—flat	
Supervisor data processing	720.77—2 yrs.	
Senior supervisor data processing	727.87—flat	

	Minimum	After
New York Post		
Ass't. data processing supervisor	728.40—3 yrs.	
Machine operator-data processing	514.05—3 yrs.	
Head machine operator-data processing	583.60—3 yrs.	
St. Louis Post-Dispatch		
Senior programmer, senior systems analyst	727.43—5 yrs.	
Junior programmer, junior systems analyst	543.44—5 yrs.	
Machine operator (computer)	505.37—4 yrs.	
San Francisco Chronicle and Examiner		
Computer programmer	711.85—6 yrs.	
Senior computer operator	514.22—2 yrs.	
Computer operator	465.91—2 yrs.	
EDP machine room supervisor	580.71—2 yrs.	
San Jose Mercury-News		
Computer programmer "A"	711.85—6 yrs.	
Computer programmer "B"	592.32—3 yrs.	
Senior computer operator	570.89—2 yrs.	
Computer operator	465.90—2 yrs.	
St. Paul Dispatch & Pioneer Press		
Senior programmer-analyst	706.51—5 yrs.	
Programmer-analyst	588.16—4 yrs.	
Programmer	560.15—4 yrs.	
Junior programmer	420.62—2 yrs.	
Computer room shift supervisors	610.60—5 yrs.	
Senior computer operator	534.22—4 yrs.	
Operator	508.78—4 yrs.	
Junior operator	346.79—1 yr.	
Washington Post		
Data processing programmer analyst	664.35—4 yrs.	
Data processing programmer	463.35—3 yrs.	
Senior processing machine operator	401.10—1½ yrs.	
Data processing machine operator	351.75—3 yrs.	
Associated Press		
Programmer	640.00—5 yrs.	
Computer maintenance controller and tabulator	473.89—1 yr.	
Toledo Blade		
Programmer	591.22—4 yrs.	
Monterey Peninsula Herald		
Computer operator	578.00—4 yrs.	
Honolulu Advertiser and Star-Bulletin		
Senior programmer	575.26—4 yrs.	
Computer operator/junior programmer	507.42—3½ yrs.	
Memphis Commercial Appeal		
Senior computer programmer	573.50—5 yrs.	
Computer programmer	474.85—5 yrs.	
Computer operator	384.35—5 yrs.	
Eugene Register-Guard		
Programmer/operator	570.00—5 yrs.	
Programmer/operator-on-call	600.80—5 yrs.	
Data processing "B"	375.60—5 yrs.	
Data processing "A"	342.30—4 yrs.	
Boston Herald		
Programmer	530.19—3 yrs.	
Computer operator	434.98—3 yrs.	
Baltimore Sun and Evening Sun		
Programmer	522.00—5 yrs.	

	Minimum	After
Computer operator/data control analyst		
	394.00—5 yrs.	
Head computer operator		
	432.00—flat	
Programming librarian		
	350.00—5 yrs.	
Providence Journal and Bulletin		
Computer operator	518.92—3 yrs.	
Computer room supervisor	551.67—2 yrs.	
Lowell Sun		
Computer operator/programmer	516.00—4 yrs.	
Philadelphia Inquirer and Daily News		
Computer operator	511.38—4 yrs.	
IBM programmer	441.68—4 yrs.	
United Press International		
ADP programmer	502.87—5 yrs.	
ADP operator	395.41—3 yrs.	
Victoria Times-Colonist		
Operator-mini computer	495.71—flat	
Portland Press Herald and Express		
Computer programmer	489.57—3 yrs.	
Computer operator "A"	445.24—1 yr.	
Computer operator "B"	365.47—1 yr.	
Clerk-computer input	338.24—flat	
San Mateo Times & News Leader		
Computer operator	458.05—4 yrs.	
Denver Post		
Computer operator	426.00—3½ yrs.	
San Juan Star		
Programmer, EDP office operations supervisor	416.55—5 yrs.	
Computer operator	293.00—4 yrs.	
Salem News		
Computer applications specialist	377.46—flat	
Computer operator	355.11—3 yrs.	
Mt. Clemens: Macomb Daily		
Data processing operator	371.37—2 yrs.	
Duluth News-Tribune & Herald		
Computer operator	345.00—4 yrs.	
Bristol Press		
Computer operator	333.97—5 yrs.	
Buffalo Evening News		
Computer operator advanced	332.10—3 yrs.	
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FUTURE SHOCK!



DATELINE: OTTAWA

Red-faced press on alert after courts dump gag law

By Hugh Winsor, Southern Ontario Guild



WHEN THE courts are at their best, they act as a safety net to catch issues or principles that have slipped off of the other parts of the political system and that is what has happened in the case of a gag law regarding search warrants that passed through the Canadian Parliament last December without as much as raising an eyebrow.

Two judges, one in Manitoba and one in Ontario, have knocked down an amendment to the Canadian Criminal Code that made it illegal to publish or broadcast information contained in search warrants without the permission of all parties named in the warrant.

The Manitoba judge, Mr. Gordon Barkman, stated baldly that the amendment unreasonably restricts freedom of the news media contrary to the constitutional guarantee of a free press. The federal government, which buried the amendment into a catchall house-keeping bill, has announced it will

appeal judge Barkman's decision.

It has not indicated what approach it will take to the more damning judgment of Mr. Justice John Osler of the Ontario Supreme Court who said the law was written with such vagueness and ambiguity as to render it entirely inappropriate as an indication of when it is justifiable to revoke a constitutionally guaranteed right.

ON THE surface, this would appear to be a victory for those news organizations who took up the cudgels on the side of the journalistic angels. Several of them like the Globe and Mail and the Winnipeg Free Press adopted the dictums of Harrold Laski, the late London School of Economics theorist, who decreed that one has a moral duty to disobey an unjust law, but to bear the consequences of this disobedience.

The Globe, for instance, deliberately flouted the law by printing information from affidavits police officers filed to justify search warrants as did the Canadian Broadcasting Corporation, in effect, daring the government to lay charges.

When the government did not, those organizations were joined by others in seeking a court challenge, which they subsequently won, at least on a temporary basis. Now, if the government wishes to persist, it will have to redraft the law.

The government's original justification for passing the bill was allegedly to protect the privacy of people subject to a warrant until the evidence obtained with the warrant was introduced in a trial. But Judge Osler knocked that argument down, declaring the gag was

bad for liberty, for democracy and for individual freedom.

"There can be no discussion where there is no information. . . . We are fortunate enough to live in a country where police abuse has not been a major concern. Nevertheless, overzealousness is not unknown and mistakes do occur. The execution of a search warrant is in itself a major invasion of someone's privacy," he said.

A botched or illegal execution of a search warrant may never come to light if the amendment were allowed to stand, he added.

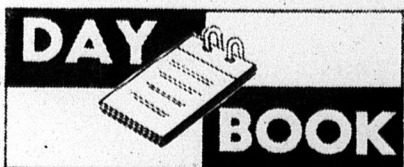
In an editorial justifying its action to contest the "bad law," the Globe and Mail went further: "While an individual's right to privacy is very important, an individual obviously loses that right when he becomes the object of a court-approved raid by police on his person or property. To argue that the state can deprive an individual of his right to privacy but keep its own is to argue for tyranny."

IT GOES without saying that there are a number of red faces within Canadian journalism circles given that nobody called attention to the implications of the gag provision until after it has been passed into law the first time. But now that the media is alerted, the government can be assured it will not be able to reintroduce a similar provision without a fight.

House unit says 'no' to forced retirement

Washington—The House Education and Labor Committee has approved a bill that would outlaw mandatory retirement at any age by eliminating the age 70 cutoff from the Age Discrimination in Employment Act.

The bill (HR 4154), sponsored by Rep. Claude Pepper (D-Fla.), and its Senate companion (S. 1054) were endorsed by delegates to TNG's 1986 Convention.



Intl Executive Board, fall meeting, Oct. 19-22, Vancouver.
Canadian District Council, fall meeting, Oct. 25-26, Montreal.
Great Lakes District Council, fall meeting, Nov. 1-2 (tentative), Cincinnati.
Western District Council, fall meeting, Oct. 25-26, San Jose.
54th Annual Convention, June 22-26, 1987, Hyatt Islandia Hotel, San Diego.
55th Annual Convention, June 27-July 1, 1988, Hotel Vancouver, Vancouver, B.C.

Editorial

The court nominees

It appears to be all but certain that the full U.S. Senate in September will confirm William H. Rehnquist as the 16th chief justice of the United States and then will confirm Antonin Scalia to fill the seat on the Supreme Court now held by Rehnquist.

Public consideration of the nominations has dealt only tangentially with the records of each on First Amendment and free press cases. That is unfortunate, since each is horrendous and deserves a wider airing than in the internal publications of the news industry.

Rehnquist, 61, for example, in votes cast in decisions during his 15 years on the Supreme Court and, before that, on the circuit bench on which he served voted unfavorably toward the First Amendment in 69 of 80 cases—that's 86.25 percent wrong—according to a study by the Society of Professional Journalists, Sigma Delta Chi.

Most recently, in a Supreme Court decision announced on June 30, two weeks after he was nominated for chief justice, Rehnquist was one of two dissenters to a press access ruling written by retiring Chief Justice Warren E. Burger holding that the press and public have a right to attend most pretrial hearings in criminal cases. Rehnquist disagreed. That sort of position should give pause to those concerned with the First Amendment who profess to see little significance in Rehnquist's succeeding Burger.

Scalia, 50, meantime, while serving on the U.S. Circuit Court of Appeals for the District of Columbia since 1982, participated in 11 cases involving libel, the right of the press and public to government information, the right of access to court records, and prior restraint, according to a summary compiled by Jane E. Kirtley of the Reporters Committee for Freedom of the Press. In the vast majority, Scalia's positions went against the rights of the press.

An opinion by Scalia reversing in part the dismissal of a libel action by the Liberty Lobby against columnist Jack Anderson was vacated just this June by the Supreme Court—on which Scalia now would serve.

Last year Scalia joined another judge's opinion which reinstated a \$2 million libel award against the Washington Post in an action brought by the president of Mobil Oil. Said that opinion, in part: Evidence that "a newspaper followed a sensationalistic policy . . . provides a motive for knowing or reckless falsehood, and is evidence of actual malice."

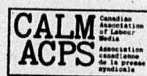
The case is to be reheard by the full circuit court, over Scalia's objection, and many feel it ultimately will end up before the Supreme Court. Will Scalia hear it again there?

Last year, New York Times columnist William Safire, a former Nixon aide, wrote that Scalia's positions in press-rights cases made him "the worst enemy of free speech in America today."

Sen. Paul Laxalt (R-Nev.) provided perhaps the ultimate lesson to be drawn from nominations such as Rehnquist's and Scalia's. Said Laxalt, commenting on objections to Rehnquist:

"The plain fact is that the president of the United States was elected in 1984 with a majority of 49 states To those who object, there will be time for another election."

The Guild Reporter



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