

THE GUILD Reporter

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New CBC workspace: a whopping 30 sq. feet

Coming soon to a CBC location near you: a 6-foot by 5-foot cubicle.

Or at least that's what the Canadian Broadcasting Corp. is planning for its new buildings in Edmonton and Ottawa. But the Canadian Media Guild, after five months of analysis by Audrey Kaplan, an Ottawa-based architect specializing in workplace design, has a few ideas of its own. The Guild's recommendations target potentially serious design problems that range from overcrowding to noise distraction and ineffective furniture arrangement.

Among the observations in Kaplan's study:

- Anticipated noise levels will be too high for creative, cognitive work to be done in the new workspaces. The "acceptable" levels on which the CBC is relying are based on industrial settings and have an unknown associated risk of hearing loss.

- The new plans do not allow for privacy or freedom from distractions.

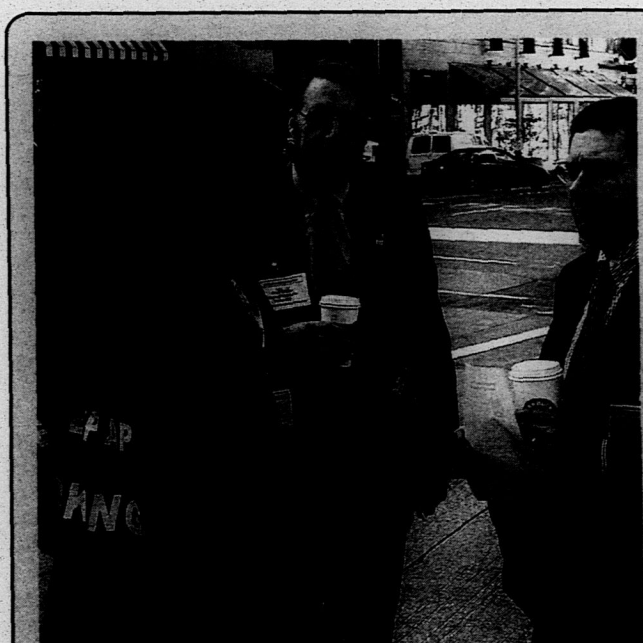
- Planned workstations are too small to lay out the documents and equipment Guild members use in their work on a daily basis.

These and other observations are now in the hands of the joint union-management committees in Edmonton and Ottawa.

Underlying the Guild's concerns is a worry that the CBC, under the leadership of Robert Rabinovitch, has made a very public decision to unload as much real estate as possible and "turn those dollars into programming dollars." The flip side of this approach, however, is that CBC's new workplace designs are driven primarily by the notion of cramming as many employees into as small a space as possible.

Although the CBC initially required that employees be allocated a 6-foot by 6-foot workspace, the new Ottawa building was subsequently redesigned to reduce that already small footprint by 17%, to 6 feet by 5 feet.

A foretaste of what's to come has been experienced by employees at RDI's Centre de l'information in Montreal, where reconstruction resulted in a 30% drop in productivity in the first six months. Contributing to the loss were new workstations "where no privacy is possible and traffic and noise patterns are excessively distracting," said Guild President Lise Lareau.



Bearding the AP lion

Wearing red shirts with the slogan "We keep AP working," News Media Guild members bring their appeal for a fair contract straight to the top April 28, handing out more than 600 leaflets at AP's annual meeting in Seattle. "Most of the AP members going into the meeting took them inside and were quite amicable," said Ginny Byrne-Queen, NMG's First Vice President. Meanwhile, AP reporters and photographers across the country witness strikes and credit lines, some staffers withheld use of their personal cars, and staffers in other bureaus leafleted member newspapers. And a morale booster was provided by legendary newspaper Walter Cronkite, a Guild activist during his years at United Press International, who wrote to AP's chief executive April 17 that he "would hate to see anything weaken their morale or strain the relationship between management and the troops."

Reporter OT at risk, again

Several pieces of legislation on Capitol Hill have attracted union scrutiny because of their assault—under the pretext of giving families more workplace "flexibility"—on the overtime provisions of the Fair Labor Standards Act. But for journalists, a stealthier but more direct assault on their wages is wending through the rule-making apparatus of the U.S. Dept. of Labor.

Proposed last year by the department's Employment Standards Administration, the rule change would exempt several new categories of white collar employees from FLSA requirements that they receive overtime pay for working more than 40 hours in a workweek. But the decades-old effort to classify reporters as "professionals," and therefore make them ineligible for overtime, is buried within the proposal's 74 pages behind the smokescreen of its burdensome title, "Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees."

"The preface to the proposed regulations makes journalists almost the poster child for justifying other changes," notes TNG-CWA attorney Derek Baxter, of the law firm Barr and Camens. Specifically, Baxter notes, the proposal claims new regulations are needed to "address a number of specific occupations that have been the subject of ambiguity and litigation."

"For example," the preface continues, "we propose to update and clarify the circumstances under which employees working as newspaper journalists or as radio and television commentators are exempt [from overtime], because the case law regarding such employees has been evolving over the years, and the existing regulations discussing such employees are outdated."

In fact, case law regarding journalists and whether they are exempt professionals has been mixed, with some federal district courts leaning one way and others tilted at cross-purposes. The issue also is as old as the Guild itself and

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TNG Council wrestles with ethics codes

The resurgence of newspaper "codes of ethics," including some that ban essentially all political activity except voting, was taken up the TNG-CWA executive council during its spring meeting with little apparent resolution.

Early this year, the New York Guild and the New York Times agreed on a comprehensive document that spells out—for 155 numbered paragraphs keyed by a 6-page index—precisely what constitutes ethical behavior for newsroom employees, as well as their families. More recently, the San Francisco Chronicle fired a high tech reporter for participating in anti-war demonstrations, prompting a Guild grievance.

"I don't think that you renounce your citizenship when you go into journalism," said TNG-CWA Secretary-Treasurer Bernie Lunzer, who broached the subject with the council at its May 4-5 meeting in Washington, D.C.. Explaining that he's not interested in defending obvious conflicts of interest, Lunzer nevertheless added that Guild members need more information about their legal rights to prevent employers from intruding into their personal lives.

But defining the line between personal freedoms and professional responsibilities proved a tricky task. "There's a multiplicity of interests here," maintained TNG vice president Peter Szekely. "I think we have to strive to find the fuzzy line between unfettered personal free-

See page 8 for a legal analysis of publishers' duties to bargain over ethics policies.

dom and complete control."

Lena Williams, unit chair at the New York Times, told the council she'd heard there was some surprise that the Times code hadn't produced a groundswell of opposition. But much of the code simply formalized rules that people had been following anyway, she explained. Moreover, the Times journalistic culture weighs against political expression: "If you think you ever want to be a White House reporter, you're not going to put partisan bumper stickers on your car now," she added.

On the other hand, not every reporter wants to cover politics and not every paper lays claim to the agenda-setting power of the Times. And in those cases, Guild attorney Barbara Camens advised, there are at least three lines of defense for newsroom employees who want to preserve their civil liberties.

First, in a unionized workplace employers have a legal duty to negotiate many—but not all—of the restrictions found in most codes of ethics. Although "reasonable rules" may be imposed regarding a newspaper's "core entrepreneurial concerns"—no freebies from sources, no plagiarism—other

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New news ethic: don't do, don't say

The virus that compels editors and publishers to believe they are obliged to control their employees' every critical thought is spreading with a speed that puts SARS to shame.

The latest egregious example was provided by the Hartford Courant, a non-Guild newspaper, where a travel writer was ordered to stop publishing political commentary on his personal web site.

Although the site was maintained on the editor's own time, did not compete with the Courant and was not using any Courant resources, management took the position that one of its staffers had created "a parallel journalistic universe . . . without any editing oversight by the Courant." (The blog can be visited at DenisHorgan.com).

Sound spooky? It should, especially.

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Kenosha, Factiva, Massillon, Newsweek finish bargaining

Members of the Kenosha Newspaper Guild have voted 21 to 4 to ratify a new, three-year contract at the Kenosha News that increases wage scales for the first time since 1991. The agreement, reached after both sides compromised on the contentious issue of health care premiums, ends more than a year of bargaining.

Scale increases range from as much as 15% at the lower end to 3.5% at the higher end of the tables. Employees paid above the scales, meanwhile, will receive more modest increases, including a 2% raise retroactive to last November and a 1.75% increase effective Feb. 1—plus another 0.5% payable that same date if audited circulation figures show an increase in September, 2003 compared to the same month a year earlier.

Meanwhile, on the issue of health care premiums, management dropped its proposal to scrap completely a cap limiting the share paid by employees. Currently split 75%-25% between company and employees, the new cap raises the employee share to 30%—and requires the company to provide another option from the same provider with a guaranteed 70%-30% split if it seeks a premium split higher than that next January.

Other Guild concessions included allowing the company to hire part-timers to fill a maximum of two full-time jobs if the employees leave voluntarily; increasing the qualification period for three weeks of vacation from 18 months to 36 months; allowing the company, upon mutual agreement, to lengthen or shorten a work day and shift work to other days in the same week without incurring overtime obligations; and allowing the company, after bargaining with the Guild, to offer voluntary termination incentives to individuals or groups of employees.

IAPE, Factiva shake hands

Separately, and also after more than a year of negotiations, representatives of IAPE and Factiva have shaken hands on a deal for a four-year contract running through the end of 2005. Highlights include minimum pay increases of 2% retroactive to last year and 2.5% in each subsequent year, as well as bonuses of up to 0.75% of annual pay this December if certain revenue goals are met. Moreover, if company revenue increases by 3.5% or more in any year of the contract, the minimum pay increase will be incrementally increased the following year.

The agreement also includes some caps on health

care costs if benefits provided through the Dow Jones plan—negotiated separately—are modified.

Other highlights include improvements in bereavement leave; increased benefits for pay in lieu of vacation; restructuring of joint committees to work on labor management issues; adjustments to minimum wage scales; increases in standby and shift differential pay; and establishment of a committee to develop new job titles and descriptions that are more appropriate to Factiva's business.

Two-year pact in Massillon

Meanwhile, a two-year tentative agreement at the Copley-owned Independent in Massillon, Ohio increases wages by 3%—but by not less than \$15 a week—retroactive to Feb. 1, and by a like amount next February. It also includes a signing bonus of \$100 for all employees; increases base mileage to 25 cents per mile, from 21 cents; and increases shift differentials.

Non-monetary improvements include one more floating holiday a year, for a total of three; a maximum of five days' bereavement pay, up from three; three weeks of vacation after four years of service, instead of five, and four weeks after 12 years, down from 15; and a promise of 30-days' written notice of impending layoffs. The agreement also includes a "me too" clause regarding health care that ties the Independent's benefits to those negotiated at the Copley-owned paper in Canton.

Newsweek unit scraps merit pay

Finally, negotiators for the New York Guild and Newsweek reached tentative agreement on an extension of the current contract that would be effective retroactively to January 1 and run through the end of 2005. Despite management's initial insistence on several givebacks and a wage freeze or wage cuts, the package is retrogression free.

The tentative settlement includes wage increases of 2% each year plus complete elimination of the merit-based pay system, under which entire groups of employees had been denied any increases. All employees will continue to be eligible for individual merit increases and bonuses. In addition, the Guild minimum wage rates in all job categories will be increased by 2% in each year of the contract.

Other changes include an improved military leave and re-employment provision and expanded equal employment opportunity language.

Nominees sought for Service Award, new organizing institute

Nominations are being sought by for the Guild Service Award, the union's annual recognition of excellence in local leadership. Submissions must be received at TNG-CWA headquarters by June 6.

Given annually for outstanding service to the Guild at the local union level, the Guild Service

Award is open to local members who serve in an unpaid capacity, as local officers or in other responsible local positions, such as stewards or committee members. The award includes a scholarship of up to \$2,000 for a course in trade union education "appropriate to the winner." There are no academic requirements for nominees.

Although it may be viewed as a counterpart to the Heywood Brown Award, in that both awards are judged by the nominees' peers—in this case, by jurors drawn from TNG-CWA vice presidents—the service award does not accept self-nominated candidates. Nominees must be sponsored by their locals and be nominated by the local executive board or representative assembly, or by a general membership meeting. Locals are not permitted to delegate nomination authority to units, nor may one local nominate a member of another local.

Nominations must include a detailed description of the candidate's achievements and qualifications.

TNG-CWA also is accepting applications for the inaugural program of the Berger-Marks Foundation, an organizing institute for women to be held in Washington, D.C. from July 25-27. The foundation honors the memory of Edna Berger, a pioneer organizer and Guild rep, and her husband, Tin Pan Alley composer Gerald Marks, whose royalties fund the foundation's work.

The Berger-Marks Organizing Institute for Women is an intensive weekend course on the basics of campaign tactics and strategy for potential organizers and will include a skills assessment of participants. Women who want to become organizers are invited to apply; travel, housing and meals will be underwritten by the foundation.

Applicants must be sponsored by TNG-CWA or a local, which must complete the second half of the application and submit it by June 2. Copies of the application are available online, at www.newsguild.org; or by calling Tina Harrison at 202-434-7179.

In brief...

The gloves are off in Seattle JOA

The long-forewarned break-up of the joint operating agreement between the Seattle Times and the Seattle Post-Intelligencer arrived in unexpected fashion April 28, when the Hearst-owned P-I filed a lawsuit asserting that no, the Times can't get a divorce because its financial woes are self-inflicted. The next day the Times gave formal notice that, yes, it wants to end the 20-year-old relationship, following three consecutive years of losses. If Hearst loses in court, the JOA could dissolve Oct. 29, 2004.

More bloodletting at ANGRY chain

Last month's abrupt departure of P. Scott McKibben as publisher of the Alameda Newspaper Group had raised hopes that the bloodletting would end, but that proved to be wishful thinking. On May 1, 49 workers in the six-newspaper chain in the San Francisco Bay area were laid off, including 13 Guild-covered editorial employees. Beverly Jackson, the new publisher, suggested more cuts may be on the way.

Temp gets training denied employees

The San Jose Newspaper Guild is seeking binding arbitration over the San Jose Mercury News' refusal to dismiss a temporary agency worker in the finance department, even though three Guild-covered employees in the department were laid off early this month. Although it provided on-the-job training for the temporary agency employee, the Mercury News would not offer job-specific training to its own employees—two of whom are single mothers—to help them move to other jobs at the paper.

Detroit drive pays off as unit grows

The increased push for new Guild members in Detroit is paying off: membership at the Detroit Free Press has hit the triple-digit mark, where 100 employees now carry Guild cards. "This is great news and a remarkable achievement," said Lou Mieczko, president and chief administrative officer of the Detroit Newspaper Guild. "We've more than doubled the numbers of Free Press Guild members since we launched our membership drive."

Milwaukee unions eye uncertainty

With speculation rife about the future of the employee-owned Milwaukee Journal Sentinel, the Milwaukee Newspaper Guild and all other unions at Journal Communications have created a unity council and hired a lawyer to evaluate developments. "Chances are, whatever is going to happen—whether it

is a cash investment, sale of the company, or some other variation—it will undoubtedly be presented to the employee-owners as a fait accompli," said local president Lauria Lynch-German, in explaining the cautious approach.

CBC backs off on outsourcing plans

Hundreds of employees at the Canadian Broadcasting Corp. whose futures were up in the air breathed a sigh of relief in late April, as the CBC announced it has abandoned plans to outsource jobs covered by its contract with the Canadian Media Guild. Although some possibility of minor outsourcing persists, the CBC has said it intends to concentrate on "internal improvements." Still in the works, however, are CBC plans to outsource administration of its pension plan.

NY Daily News seeks more cuts

The New York Daily News is once again looking to cut staff, beginning with offers of buyout packages to staffers in the advertising and circulation departments. Although the New York Guild was unsuccessful in negotiating a new contract with owner Mort Zuckerman after he took over the paper in a bankruptcy procedure in 1993, the Guild is still the designated bargaining unit at the paper and would have a legal basis for getting involved if the buyouts escalate into layoffs.

Boston in uproar over videotape

When the Boston Globe, which has stonewalled the Guild in contract negotiations for more than two years, mailed a "marketing videotape" to all employees' homes, that was the final straw: half-a-dozen of the Guild's officers commandeered a rolling dumpster, went department by department collecting the tapes from irate members, then hauled them up to Globe management in protest. Management's response? Disciplinary action for causing a "workplace disruption." The union has filed a grievance and is talking to lawyers.

Luther Jackson elected treasurer

San Jose Guild executive officer Luther Jackson has been elected treasurer of The Interfaith Council on Religion, Race, Economic and Social Justice. Based in San Jose, the Interfaith Council is an association of clergy and laity working in partnership with labor and community organizations to promote social and economic justice. It played a major role in persuading the San Jose City Council to adopt a living wage ordinance and an initiative to provide health care for children in Santa Clara County.

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Journalists again threatened as 'professionals'

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has been revisited several times over the decades. As Heywood Broun himself pointed out in the column that triggered formation of the Guild, publishers would like nothing better than for reporters and editors to think of themselves as "professionals," primarily to discourage unionization.

More recently, in 1975, New York Times columnist and Pulitzer Prize winner Russell Baker testified at a National Labor Relations Board hearing that he didn't think of himself as a professional because he didn't have "the economic freedom that I conceive a professional man has." Unlike true professionals, like doctors, architects or engineers who can hang out a shingle and work for themselves, Baker pointed out, "I am at the mercy of

somebody who owns a press to pay me."

The proposed new rules, on the other hand, suggest it's not economic independence, academic accreditation, licensing or a professional code of conduct—all traditional earmarks of a profession—that should apply. Instead, "Journalists may qualify as creative professionals if their work generally requires invention, imagination, originality or talent."

Reporters may question—especially in light of recent plagiarism and faked story scandals—whether their work should include "invention" or "imagination," but the proposed rule skirts such considerations. "Writers for newspapers, news magazines, television news programs, the Internet and other media, for example, generally perform work involving originality and talent," the

proposal continues. "Radio announcers and television announcers also perform work that requires artistic or creative talent. Exempt work includes conducting interviews, reporting or analyzing public events, and acting as a narrator, announcer or commentator."

The Guild and CWA attorneys will submit a statement opposing the proposal ahead of the June 30 deadline for public comments. But it's sobering to realize that the Department of Labor's proposal is only one aspect of a much broader attack on overtime pay, which was formulated specifically to encourage employers to maintain a 40-hour workweek: although they can demand that employees work longer hours, employers have to pay extra for that flexibility.

Turning that logic on its ear, however, are several proposed Congressional bills that would allow employers to convert from a 40-hour workweek to an 80-hour two-week work period; and to allow employers to offer employees the "option" of taking compensatory time off instead of overtime pay for working longer hours. The lure is that "banked" comp time could be used for family emergencies and other unpredictable demands—but because time off would be granted only at the employer's discretion, the flexibility in the Family Time Flexibility Act (as one of the bills is titled), is entirely management's. Moreover, employers would be free to carry a comp time obligation of up to 160 hours for up to a year—the equivalent of borrowing a month's worth of work.

Don't do, don't say

Continued from page 1

cially when you realize that the industry is trying to have it both ways simultaneously: demanding that journalists stifle any independent thought or deed in the name of professional "objectivity," while also seeking to classify them as "creative professionals" because of their supposed inventiveness, imagination, originality and talent. For which, of course, publishers shouldn't have to pay more than the minimum.

This fast-moving contagion has reached even San Francisco, where the Chronicle in recent weeks "clarified" a code of ethics to such an extent "that they just flat-out banned all political speech," says Carl Hall, former president of the Northern California Media Guild. The ban is now the subject of a Guild grievance, but meanwhile the Chronicle fired Henry Norr, a columnist covering high-tech issues, after he got himself arrested protesting the U.S. invasion of Iraq.

That marks a sea-change since 1967, when the newspaper editorialized against Proposition P, which would have put the city on record as opposing the war in Vietnam. The staff promptly rebelled against its employer, with approximately a hundred employees buying an ad—also published in the Chronicle—informing President Johnson that the newspaper's "professional journalists and concerned citizens" were opposed to the war.

These days, Hall adds, "a lot of people here think management is right" about Norr, and "probably a lot of people here would be embarrassed by that 1967 ad." On the other hand, a petition supporting Norr was started by the business section and has accumulated dozens of signatures, so clearly there are conflicting opinions among journalists themselves as to what constitutes "professional" conduct.

Meanwhile, Courant travel writer Denis Horgan is making the kinds of throat-clearing noises that presage a lawsuit. Norr's dismissal is being grieved, and he has said he will file a complaint with the state's labor commission—and meanwhile will "continue exercising my constitutional rights."



MARK WEISHEIMER

AP techs push for job security

Stressing that job security is at the top of their agenda, AP's technical workers have started bargaining for a new contract to replace the one that expired May 18. TNG-CWA Local 1314 President Karl Jendretzky told company managers that union members want to improve their technical skills so the Guild can maintain AP's standing as an "industry leader." The technicians, who haven't had a raise since 2001, affiliated

with TNG-CWA last year and have been working closely with the News Media Guild, whose contract with AP expired last November.

Members of the local include, sitting (from left to right): Joseph Cepeda and Bobby Johnson. Standing, front row: R. Scott Green, William (Van) Vander Haar, Jerry Reynolds, Ed Morsett, Earl Pavao, Russ Hall, Mark Miller, Ralph Garside, Jim

Faulkner. Standing, back row: Dan Hiller, Mike Gorman, Aurelio Pagano, Roy Bolch, Jack Campbell, Jim Harrington, Michael Mazzo, Ken Fiedler, Pat Turley, John Braunreiter, Mark Weisheimer, Karl Jendretzky, Tony Kee, Doug Remmem, Johnny Yost and Lancelot Norville. At extreme right are Eric Geist, TNG's director of field operations holding daughter Gilda; and wife Maria, holding son Elijah.

Ethics codes—and other business

Continued from page 1

restrictions must be negotiated. (See page 8 for a more detailed explanation.)

The second protection, Camens added, is the outside activities clause in union contracts. Although the New York Times does not have such a clause, most locals do—and the very existence of such a clause can be used as an argument against imposition of a new code of ethics. At the very least, an outside activities clause places a burden on an employer to show it wouldn't be violated by a new code.

Finally, Camens noted, statutory rights in the law can't be waived by a contract. For example, the rights enumerated by the California constitution are extended to private workplaces. Many states, she added, have laws that prohibit employers from discriminating against employees because of their political activity.

While TNG-CWA President Linda Foley agreed that the "fuzzy line" between complete freedom and unbridled control can be hard

to define, she asserted that employers are dishonest in their approach to the issue "and use it against us, because we're the only ones who care about this in most cases." For example, she offered, when county officials publicly supported the right of employees at the Montgomery (MD) Journal to unionize, publisher Ryan Phillips apparently saw no conflict of interest in condemning the officials editorially, criticizing not only their position but their physical appearance.

Having aired the subject for the first time, several executive council members suggested it might be a fitting subject for a seminar at the Guild's sector conference in August. "We are doing everybody a favor by continuing to talk about this," contended Arnold Amber, Director, TNG Canada.

In other business, the council approved several draft resolutions to be presented for a vote at the sector conference. Among them is a resolution that would require all full-time and part-time professional

staff of TNG-CWA and TNG Canada to retain full Guild membership as a condition of employment. A second resolution would create a new category of Guild membership for freelancers, who would become eligible to join the local "in the area of his or her principal employment or work."

A third resolution would apprise Guild locals of existing constitutional requirements regarding at-large membership. Some locals, council members noted, are offering at-large Guild membership to former members who have been unemployed too long to meet constitutional requirements. At-large membership is defined strictly by geography and may be offered to otherwise fully qualified employees only in areas where "no local exists."

Separately, the executive council approved a resolution urging locals to adopt a collective bargaining rights campaign. "We have to send a message across the table that organizing is as important as the grievances we do," Foley said, in

describing the steady decline in union membership across the U.S. "We're going to go out of business real fast if we don't change this equation soon."

In approving the resolution, the council set a goal of having 50% of all Guild locals adopt a similar document by the end of June. The resolution commits locals to:

- Implement a member education program on collective bargaining rights;
- Emphasize the connection between bargaining and organizing rights in contract talks;
- Solicit public statements of support for collective bargaining by elected officials and candidates;
- Support federal and state legislative initiatives to restore collective bargaining rights;
- Participate in national actions to bring attention to the collective bargaining crisis, as for example has been illustrated by the two-year-long struggle at the Chinese Daily News.

Nationwide demonstrations are being planned for Sept. 10.

Labor round-up

As unemployment stats rise . . .

Unemployment jumped to 6.0% in April 2003, while the average number of hours worked per week dropped to its lowest level since 1983, according to the Bureau of Labor Statistics. The statistics reflect a continued hemorrhaging of jobs from the private sector, which shed 538,000 over the first four months of this year and 2.7 million since the recession began, in March 2001. The extent of joblessness also is evident in how long it takes the unemployed to find work, with 21.8% of the unemployed unable to find jobs within six months.

. . . so does lack of health care

Pacing the rise in joblessness has been the growth of those without health insurance: nearly 75 million people in the U.S. younger than 65 were without health insurance for at least two months in 2001 and 2002, according to the Robert Wood Johnson Foundation. Of that number, 65% went without coverage for at least six months, and 24% were uninsured for the entire two-year period. A bill to establish a comprehensive national single-payer proposal has been sponsored by Rep. John Conyers, D-Mich., but prospects of passage are bleak.

Ad revenue down—but profits up

File this under 'C,' for "cognitive dissonance": while newspaper companies continue laying off employees and demanding regressive union contracts, and despite a second consecutive year of so-called "negative advertising growth," operating margins remain at historic highs: 22.6% in 2002, according to the Barry Group, an industry consultant. Of course, all that glitters. . . "Arguably," the consultants add, "there may be a material trade off between the focus on earnings growth and the long term health of the franchise."

Fort Wayne JOA gets new life

While a joint operating agreement in Seattle is on the skids, Knight Ridder and the Journal Gazette Company have agreed to extend their JOA in Fort Wayne, Ind., to the year 2050. Under the amended contract, Knight Ridder, owner of The News-Sentinel, will increase its share of the agency that governs the partnership from 55% to 75%. The Fort Wayne JOA was created in 1950 and is one of only a dozen such agreements still in existence.

Journalism: is it to die for?

Marking World Press Freedom Day on May 3, a global coalition of more than 100 media organizations announced formation of the International News Safety Institute to raise awareness of the dangers faced by journalists. At least 14 journalists have died in Iraq, but last year's spate of anthrax-tainted letters underscored that job hazards aren't confined to a battlefield. The International Federation of Journalists is one of the institute's key founders, as are Reuters, CNN, ABC, BBC, CBC, CNN and numerous other groups. The American affiliates of the IFJ, including TNG-CWA, announced they will sponsor a journalism safety forum in New York City this fall to further underscore the institute's concerns.

IUE leads tough bargaining at GE

Improved pensions were to be the top target May 19, when 14 unions representing more than 100,000 General Electric workers were scheduled to open contract talks. Leading the negotiations is the International Union of Electronic Workers-CWA, which also will focus on job security and health care. GE is the world's most-profitable corporation, earning \$15.1 billion last year and paying its top five executives \$62.2 million in salary, bonuses and other compensation. GE also had a \$165 million "incentive pay program" for top execs if the firm met specific financial targets over the last two years.—Press Associates, Inc.

Teamsters start own COPE program

The Teamsters, long renowned for marching to a different union drummer, said they will create their own nonprofit political group to back moderate causes and candidates. The move is seen as a rebuff to the AFL-CIO, which Teamster President Jimmy Hoffa has accused of blindly supporting liberal Democrats—occasionally earning him the chance to bend White House elbows.

Massive pro-labor rally planned for fall

CWA Local 1180 in New York City is organizing a massive pro-labor demonstration in front of the United Nations this fall, on a date yet to be announced, on behalf of the right to organize and the right to strike. Quoting from the UN's own 55-year-old Declaration of Human Rights, local leaders said they will seek support from unionists, environmentalists, peace activists "and other people of good will," and blasted "transnational corporations and their allies in industry and government who have been waging relentless war against workers' moral and legal right to strike, to the point of violating human rights of workers throughout the world." See www.cwa1180.org for more information.—Press Associates, Inc.

Chinese Daily News fight goes global

As part of an international mobilization campaign demanding respect for workers around the globe, the unions of the International Confederation of Free Trade Unions have taken on the cause of workers at the Chinese Daily News, a Chinese-language daily published in Monterey Park, Calif.

Approximately 150 of the newspaper's reporters, editors, photographers, sales and printing employees have sought union representation and a fair contract for more than two years, but have been fought by union-busting consultants and a campaign of harassment and intimidation.

The ICFTU campaign began May 1, when the group of 12 global union federations—representing more than 158 million workers—demanded respect for all working people. Among its points:

- Respect for workers' freedom of association, which requires employers to maintain a position of neutrality and non-interference on the issue of union representation;

- Respect for the labor laws of the United States, which precludes harassment of union activists;

- Respect for employees' rights to collective bargaining, which requires employers to negotiate in good faith over wages, hours and working conditions.

To help the Chinese Daily News workers, support-

ers are being asked to send a message to the newspaper's Taiwan-based president, Min Shen Su. The message, at www.unionvoice.org/campaign/cdn_respect, protests the company's violations of workers' rights and urges it to respect the democratic will of its employees.

The Chinese Daily News workers have filed multiple charges with the National Labor Relations Board over management's violation of their right to representation and its harassment, intimidation and retaliation against union supporters at the company.

An NLRB administrative law judge upheld a March 2001 election in which the workers voted for representation by The Newspaper Guild-CWA. But management appealed that decision to the full NLRB in Washington, D.C. while continuing to suspend, reassign job duties and harass workers.

Employees have met with NLRB regional staff to press their campaign and have won the support of members of the United States Congress, who also have urged management to end its union-busting tactics and honor workers' rights to representation.

For English or Mandarin updates on the Chinese Daily News, visit www.cwa-union.org/international. Or go to www.global-unions.org/may1 for more information on the ICFTU campaign.

GCIU ponders CWA merger

Faced with declining membership due to factory closings, and despite increased organizing, the Graphic Communications International Union board has opened merger talks with CWA as well as with the Teamsters and PACE.

"We could go it alone, but it would not be in the best interests of our union or the members we represent," GCIU President George Tedeschi explained in his union's paper, The Graphic Communicator. "For us not to react to the fact that we are losing members, which has been happening for more than a decade, would not be responsible."

Latest AFL-CIO figures, for the year 2002, show GCIU had 69,377 members, a gain of 710 over the year before. But GCIU membership has declined by

20,000 in the past five years.

"The main cause of the loss has been plant closings," Tedeschi said. "We not only lose members and financial resources, but density in the industry" and become weaker in bargaining, he added. "The hard fact is that the best way to protect the interests of members is to seek a merger with another union that also has density in the printing and paper industries."

CWA President Morton Bahr, in meeting with the GCIU board, noted that CWA includes two former printing industry unions: The International Typographical Union and The Newspaper Guild. CWA, with 635,092 members also includes industrial unions, while GCIU represents workers in industrial print shops.—Press Associates, Inc.

Ullico cleans house, but financial condition shaky

By Mark Gruenberg
Staff Writer, Press Associates Inc.

Shareholders of the labor-owned but scandal-tainted Union Labor Life Insurance Company (ULLICO) elected new board members and installed a new chief executive officer May 8. But the new board faces unclear finances, and two Congressional committees have scheduled hearings next month on allegations of insider trading among the insurer's former directors.

Laborers President Terence M. O'Sullivan, one of the few board holdovers after 12 directors were ousted April 23, was elected chairman and chief executive officer. He replaces former Building Trades Department President Robert A. Georgine, one of 19 ULLICO officers and directors who netted a financial windfall that was not made available to regular shareholders, most of whom are union pension funds.

An independent report by former federal prosecutor James R. Thompson found that ULLICO's directors, as a group, gained \$10.66 million in profits by buying the privately held insurer's stock at \$54 a share in 1999, selling it back to the company at \$146 in December 2000, then cutting the price in half after that. Not all directors were involved. The report recommended return of the profits, but only three directors—including CWA President Morton Bahr—are known to have complied.

The report also advocated a wide range of corporate governance reforms, including financial transparency, a majority of outside directors, ethics rules and training for directors and officers, less power for

the chairman/CEO, and hiring experienced outside financial and insurance advisors in key operating positions. Interviews May 8 with new and holdover board members and stockholders, however, indicate some recommendations are not being implemented. Of the 14 new directors, for example, only four are from outside the labor movement.

An additional challenge facing the company is its uncertain financial condition. Insurance rating agencies have downgraded ULLICO to "vulnerable," and an auditor's report to the new board is said to show large losses in outside investments. Former Chief Financial Officer John Grelle quit in March, slamming the board's "unwillingness to face the financial crisis" facing ULLICO. "Your failure to act . . . puts the survival of ULLICO in greater and greater jeopardy with each day that passes," he wrote at the time.

Grelle said ULLICO lost money on its life, property and casualty insurance, as well as in its investments in Global Crossing, whose earlier meteoric rise and fall fueled the alleged insider trading. O'Sullivan, who did not participate in the trades, said his first task would be to hire "independent professionals to assess the viability and potential of each of the company's business lines."

In addition to Congressional hearings June 10 and 19, Georgine and other directors face several federal probes. Anti-worker right-wing groups say Georgine and other ULLICO officers have been called to testify before a federal grand jury. The Bush administration's Justice and Labor Departments also are probing the transactions.

Cold shoulder from the Pentagon

When more than half-a-dozen U.S. and foreign journalists became casualties of U.S. firepower in Iraq on a single day, six American media labor organizations—including The Newspaper Guild-CWA—requested an independent investigation to determine what went wrong.

The explicit official answer: war is hell. The implicit answer: don't hold your breath.

In a letter to TNG-CWA President Linda Foley dated April 14, Victoria Clarke, Assistant Secretary of Defense for Public Affairs, expressed her condolences over the deaths of the journalists and acknowledged that the work "these people" do is very important.

Still, Clarke added, "a war zone is a dangerous place. . . . We repeatedly cautioned news organizations, and urged them not to keep their people in Baghdad." Although Clarke gave her personal assurances that journalists were never targeted intentionally, U.S. forces were fired upon and acted in

self-defense by returning fire.

"War by its very nature is tragic and sad," Clarke concluded. "A compassionate country has an obligation to wage it as humanely as possible and that is exactly what we are doing."

Notably lacking from Clarke's response, however, was any acknowledgment of two specific requests made in an April 9 letter to Secretary of Defense Donald H. Rumsfeld. Signed by Foley and the presidents of the American Federation of Television and Radio Artists, the National Association of Broadcast Employees and Technicians, the National Writers Union, the Writers Guild of America East and the AFL-CIO Dept. for Professional Employees, the letter asked that Rumsfeld "immediately convene an independent investigation into these incidents to determine what went wrong and the extent to which they may have been avoidable events."

The letter, noting that the six signatories

represent thousands of U.S. journalists, also requested "a meeting with Pentagon representatives to discuss how to prevent tragedies such as these from occurring in the future, including identifying specific measures necessary to ensure the safety of the hard working and courageous U.S. and international journalists and media staff who are covering this war."

Prompting the ignored requests were the shelling of the Palestine Hotel by a tank whose commander claimed he was returning hostile fire, although every journalist in the vicinity who has spoken up on the issue has challenged the claim and said there was no shooting from the hotel. Two cameramen were killed and three Reuters employees injured in the incident. Earlier that same day, a U.S. warplane fired missiles at the offices of Al-Jazeera and of Abu Dhabi TV, killing a correspondent and wounding yet another cameraman. There were no U.S. claims of hostile fire in that incident.

Nor were these the first questionable attacks, the labor leaders' letter pointed out. During the first days of the war, a reporter for ITN was killed by what may have been a "friendly fire" incident, prompting a request from the National Union of Journalists of Great Britain and Ireland for an investigation by the UK Ministry of Defense.

Also early in the conflict, two Israeli journalists and a Portuguese television reporter allegedly were roughed up and then detained for 48 hours by U.S. troops, prompting a protest by the Sindicato dos Jornalistas of Portugal. The journalists were not officially embedded with forces, but were traveling alongside American convoys.

But having observed that war "by its very nature is tragic and sad," the Pentagon apparently has concluded that there's nothing to investigate and no measures that could be implemented to prevent future tragedies. The labor leaders who signed the letter, Foley said, are considering their options.

Union proposals get shareholder support

Union members, from TNG-CWA and elsewhere, have been out in force in recent weeks to make their presence felt at corporate shareholder meetings. And in a sign that the times are changing, their initiatives garnered surprisingly broad support.

Management's closest call came at Knight Ridder's annual meeting April 22, when a Guild-sponsored measure urging the board to count stock options as expenses was declared a winner—only to suffer a reversal several hours later, after mailed-in ballots were counted. The final tally showed the proposal had been defeated by less than 1% of votes cast.

Company management had opposed the advisory resolution, arguing that expensing options would "hurt" earnings and is not required by law. Supporters, however, pointed out that options are expenses, inasmuch as they represent a future claim against corporate assets, and therefore should be included on a balance sheet.

Despite the defeat, Guild supporters were buoyed by the results. "It seems to me that if it's that close, the board of directors should take it to heart," said Lynne Dennis, the shareholder who proposed the change. Her proposal noted that Knight Ridder CEO

Tony Ridder was paid \$935,720 in cash in 2001 and got options valued at nearly \$1.6 million.

(Ironically, that same day the industry board that sets accounting rules ordered companies to declare stock options for executives as expenses in the future. The board has since come under pressure from Congressmen to reverse itself, as it did once before, after corporate lobbyists fought a similar change.)

A similarly strong message was communicated April 17 by Reuters shareholders, who showed their displeasure at the hefty pay package awarded to chief executive Tom Glocer. Although the company's remuneration package was approved by 77% of the votes cast, 39% of shareholders didn't vote at all. Moreover, the resolution failed to win a show of hands at the London meeting, and shareholders attending the meeting voted 88% against the pay package.

Shareholders are unhappy because Glocer got a large bonus despite presiding over the company's first losing year since it went public, not to mention an 80% collapse in its stock price. Employees, meanwhile, are distraught because of 3,000 layoffs to date and a similar number still to come.

The company "can only make a



SAN JOSE NEWSPAPER GUILD

TNG-CWA President Linda Foley, at right, with Lynne Dennis, a copy editor at the San Jose Mercury News and unit chair of the union representing the paper's editorial employees. Dennis is a Knight Ridder shareholder who submitted a proposal calling on the company to expense its options, thereby giving shareholders a more accurate accounting of Knight Ridder's compensation practices.

comeback if the employees pitch in," TNG-CWA unit chair Peter Szekely told the board, to audience applause. "It's hard to see them pitching in if they see the executives waging war on them."

Gaining the least support among Guild-initiated shareholder proposals was a bid by IAPE, Local

1096, to have Dow Jones split the positions of chairman and chief executive. Both positions have been held by Peter Kann for more than a decade, a period in which the company made numerous financial blunders that the union attributes, in part, to a lack of adequate board oversight. The local's proposal was

supported by only 8% of votes cast, but still cleared the 5% threshold needed to reintroduce the measure next year.

The Investor Responsibility Research Center announced in late April that 1,009 shareholder resolutions had been filed with the Securities and Exchange Commission this year, a 26% increase from 2002. Of that number, 319 proposed changes in management compensation, a 200% increase over last year.

The AFL-CIO and its members have presented proposals at more than 150 companies this year, including four initiatives for curbing executive pay and perks at General Electric that were pushed by IUE-CWA. The CWA affiliate leads a 14-union, 100,000-plus-worker coalition in contract talks with GE that were scheduled to begin May 19. The proposals link executive pay to performance, control golden parachutes and require GE to obey world labor and human rights standards.

CWA also mobilized for shareholder meetings at telecom firms. For example, Local 1701 members handed out data at Sprint's May 13 meeting in Overland Park, Kansas, demanding shareholders limit executive compensation, restrict golden parachutes and increase accountability.

FCC in final stretch of stealth deregulation

While public opinion surveys suggest most Americans don't have a clue about the ongoing struggle over media deregulation, the Federal Communications Commission is poised to make some big decisions June 2. But despite months of gathering public comments regarding ownership limitations the FCC never disclosed precisely what changes it was contemplating, creating an Alice-in-Wonderland air of uncertainty about the whole process.

"We don't know what we're going to be working on," FCC Commissioner Michael Copps, one of two Democrats on the five-member panel, told an AP reporter in early May. "It's like a state secret." Fellow Democrat Jonathan Adelstein called the planned June 2 vote a "rush to judgment," adding that Powell had rebuffed several

requests to publicize his pending recommendations.

On May 12, the commissioners finally received a 261-page report from staff members covering the six major ownership rules up for reevaluation. But the report was not made public, forcing reporters to turn once again to "sources" to find out what might be in the works. According to the Washington Post, the report recommends:

- Abolishing the cross-ownership ban in large and mid-size cities while retaining it in small cities; the ban prohibits single ownership of TV stations and newspapers in the same market.

- Raising the number of television stations that a broadcast network, such as ABC or Fox, can own. Currently, a network cannot own a number of stations that combine to reach more

than 35% of the national audience. That number is likely to be raised to near 45%.

- Allowing one company to increase the number of television stations it can own in a large market, such as Washington, from two to three while keeping the limit at two in medium-size markets and one in small cities.

Other rules, the Post added, such as one that limits a single company to owning no more than eight radio stations in the largest cities, will be retained. However, the definition of what constitutes a radio market will be redrawn to prevent one company from further dominating local airwaves. Another FCC rule, which forbids one of the four major television networks from buying another, also will be retained, the Post reported.

The Los Angeles Times, likewise citing unidentified sources, also reported that the

proposals would allow TV broadcasters to reach 45% of U.S. households rather than the current 35%, and would allow a single company to own as many as three television stations and one newspaper in large markets.

Repealing or limiting the existing rules on television, newspaper, cable and satellite ownership creates the possibility that these media will follow the example of radio, which was deregulated in 1996—and which is now dominated by Clear Channel Communications, following a buying spree in which it scooped up more than 1,200 radio stations nationwide.

Expectations are that the Republican-dominated FCC will approve the looser restrictions along partisan lines, 3-2, but recent Congressional hearings may postpone—if not alter—the outcome.



Heywood Campbell Block
(1899-1979)



Herbert Lawrence Block
(1909-2007)

Keynote speaker David Broder, political columnist for The Washington Post, says Herbert Block was the newspaper's "guiding conscience." Also shown

is Kathleen Price, TNG-CWA administrative assistant; and Bob Edwards, host of NPR's Morning Edition, serving as master of ceremonies.

ALL PHOTOS THIS PAGE BY RAY CROWELL/WASHINGTON-BALTIMORE GUILD

Award winners feted

The memories of three giants of The Newspaper Guild were honored May 6, as the second annual Freedom Award Fund Banquet attracted a distinguished crowd to fete this year's award winners: Andy Furillo of the Sacramento Bee for the Heywood

Broun Award, Sarah Waites Elkins and Katherine M. Peters for the David S. Barr Award and the Medill Innocence Project for the Herbert Block Freedom Award. Also honored, as winners of substantial distinction in the Broun competition, were Jaimita Haskell of WNYC and Winston-Salem Journal staffers Kevin Begos Jr., Danielle Deaver, John Railey and Scott Sexton.

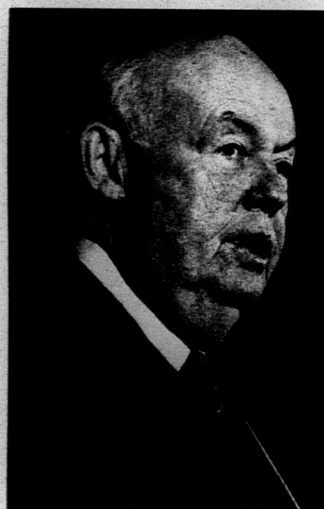
Veteran newscaster Walter Cronkite put in an appearance—on videotape—recalling his early years as a Guild leader. AFL-CIO President John Sweeney delivered brief but well-considered remarks, proclaiming a national need for "a free, compassionate and responsible press like never before" and commending those who "stand up for those who are too small, too weak, too old to stand up for themselves."

Keynote speaker David Broder reminisced about Herb Block's influence on the Washington Post's newsroom and recalled how the cartoonist would wake up each morning "with a fresh supply of

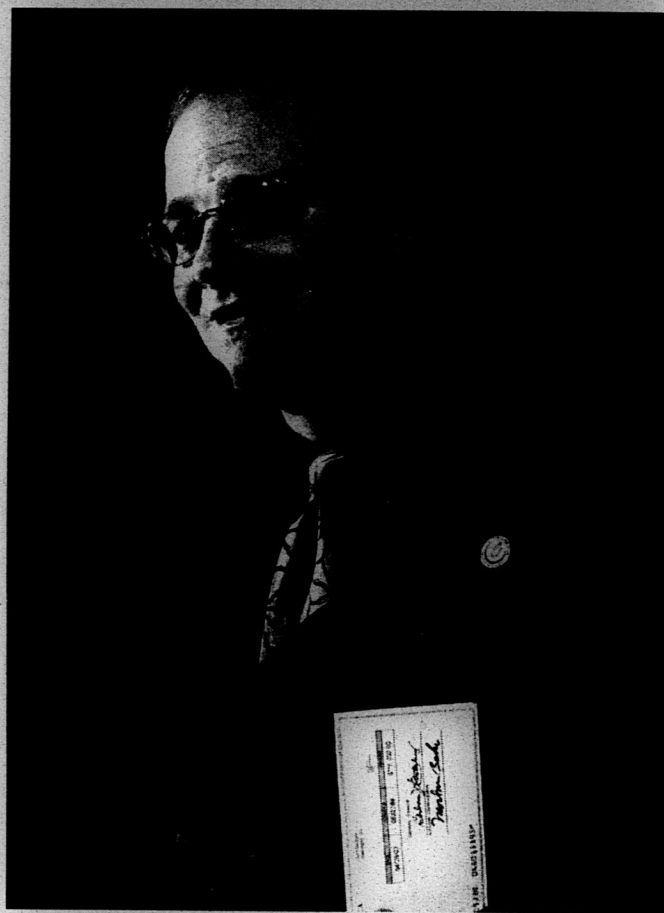
righteous indignation." How appropriate, he added, that Block's famously "Spartan lifestyle"—enabling him to accumulate an estate of approximately \$50 million—would benefit future generations, both through the Freedom Award and through a separate foundation.

Although David Protess, founder and director of the Innocence Project, was unable to attend the banquet, his appreciative comments were played on videotape and the Freedom Award accepted by four of the students who worked on the projects that exonerated several death-row prisoners.

Meanwhile, although 16 TNG-CWA locals financially supported the event, the Boston Newspaper Guild did so with an added twist: its donation was made in honor of the six Guild members on the team that won the 2003 Pulitzer Prize for Public Service, for their series on sexual abuse in the Roman Catholic Church.



AFL-CIO Pres. John Sweeney



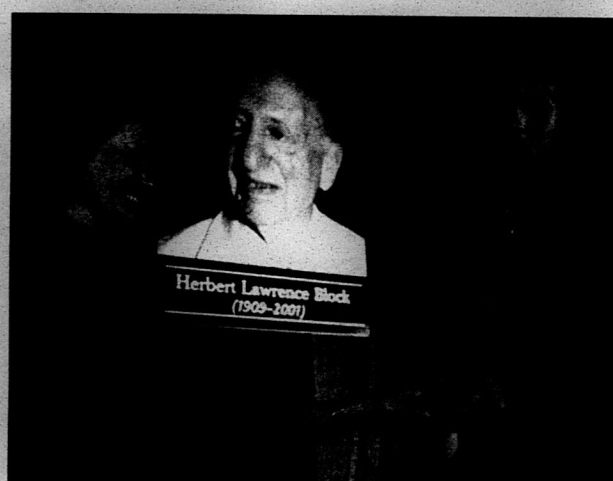
Broun Award winner Andy Furillo, plaque and check in hand.



TNG-CWA attorney Barbara Camens, left, presents the David S. Barr Award for college students to Katherine M. Peters, who wrote about the economic devastation of coffee farmers.



Bob Jordan, who chaired the Broun Awards committee, with Jaimita Haskell, who won an award of substantial distinction.



Debbie Barr, widow of David S. Barr, presents the high school award named after her husband to Sarah Waites Elkins. Elkins wrote about superficial patriotism after 9/11.

LOOKING AHEAD

As always, it's the journalism

By Linda Foley, President

A lot of ink, cyberspace and air have been expended in recent years on the once and future occupation of modern journalism.

Has the digital age improved it or made it less important to civic discourse? Is today's journalism serious enough, or are today's journalists so elitist that they've become disconnected from real life? Does "the media" have a liberal bias or is it tilting more toward the right these days? And on and on.

So far, there is no consensus, either about what's wrong with journalism or how to fix it. There never has been. (I recall a rather useless debate in a 1970s beginning reporting class about whether journalism was art or science. We concluded it was neither, and moved on.)

Perhaps that's because, as San Francisco Chronicle Editor Phil Bronstein said at a recent Washington forum on international reporting, "Journalism is the first draft of the first draft of history." Journalists reporting in the immediacy of the moment never get it quite as accurately as historians benefiting from the perspective of hindsight.

After experiencing another wonderful evening at The Newspaper Guild's Freedom Award Banquet on May 6, I've decided it doesn't really matter. What makes journalism compelling is how it connects people: to events and to one another.

Sacramento Bee reporter Andy Furillo, the winner of this year's Heywood Broun Award, put it another way as he accepted his honors. He went into journalism, he said, because he wanted to "make a difference."

Furillo succeeded in making a difference for the people of Franklin Villas, a Sacramento neighborhood whose low-income residents had been abandoned by absentee landlords. His Broun-winning series drew attention to their plight and prompted the city council to take over the project. He dedicated his award to the Villas' residents.

Katherine Peters, winner of the David S. Barr Award for college journalism, tied the effects of the global coffee crisis to the lives

of coffee farmers. Sarah Waites Elkins, the Barr high school winner, related flag-waving to how her fellow students felt about patriotism.

Broun special distinction winners from the Winston-Salem Journal detailed how more than 7,600 North Carolinians were sterilized for the sake of eugenics research. And Jaimita Haskell of WNYC's Radio Rookies looked at how tracking in New York City Schools affected individual students.

Northwestern University professor David Prottess, founder of the Medill Innocence Project, this year's Herb Block Freedom Award winner, used his videotaped message to memorialize the lives of death-row inmates freed as a result of legwork done by the project's journalism students, as well as those whose innocence was not proven in time to save them from execution.

The evening also featured a speech by noted Washington Post political columnist David Broder and the wit and smooth delivery of emcee Bob Edwards of NPR's "Morning Edition." Walter Cronkite kicked off the banquet with videotaped greetings. AFL-CIO President John Sweeney, as well as CWA President Morton Bahr, also added their brief messages of praise and congratulations.

The Newspaper Guild-CWA, its locals and staff (including yours truly) worked hard to attract prestige and attention to the annual event. Still, as always, it was the work of the award-winners that continued to make the Freedom Award Banquet so special. In other words, it's the journalism, stupid.

So the next time I get discouraged about the superficiality of war coverage or the lack of in-depth analysis of a proposed tax cut, I'll think of the work of Furillo, Peters, Elkins, Haskell, the team from Winston-Salem and the students of the Medill Innocence Project. And I'll remember how their determination to make a difference connected them to each other and to Broder, Edwards, Cronkite, Broun, Block and Barr.

And how their journalism profoundly affected the lives of so many other people.

What makes journalism compelling is how it connects people: to events and to one another.

LETTER

To the Editor,

I want to thank you for running Sister Barahona's article "Spare us the military propaganda, please" [March Guild Reporter]. I am the editor of the Journeyman newspaper, the official publication of the Building Trade Council of Alameda County, which passed a resolution against the war on Iraq. We published a number of articles about labor's opposition to the war, plus other material concerning war and peace, and as a result received a number of strongly worded letters protesting our coverage.

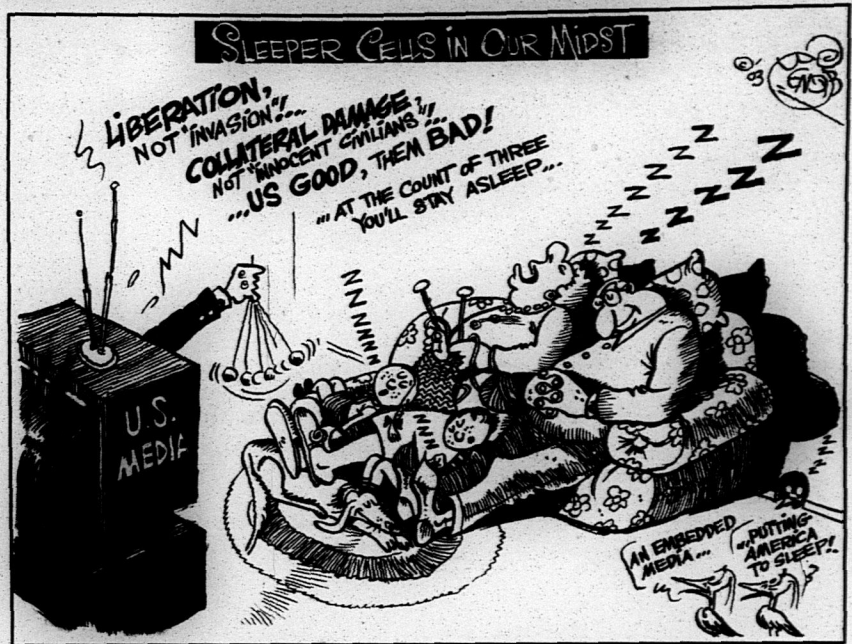
It is obvious that the Bush/Pentagon propaganda machine has worked well, with the apparent cooperation of the majority of mass media.

Reading the letter from Brother Taylor of Denver, it is obvious that if you tell a lie enough times it will stick. While it has never been proven that Iraq had anything to do with 9/11 he repeats the lie. And where are those darned WMDs everyone in the Administration insisted Iraq had?

Well, now we've gone to war and destroyed a country for the stated purpose of "freeing the Iraqi people," a line I am hearing over and over again from many union brothers and sisters. Once again, throw out the excuses until one sticks. . . .

It's indeed a sad state of affairs for the free flow of information.

—Lincoln Smith,
Northern California Media Guild



Laid-off cartoonist urges Guild activism

[On April 24, the St. Paul Pioneer Press became one of a growing number of U.S. dailies that view editorial cartoonists as expendable by laying off Kirk Anderson, an eight-year, 24-hour-a-week employee paid at the top reporter/artist scale of \$27.81 per hour. Cartoonist Gary Huck describes Anderson as "a Pulitzer Prize waiting to happen," but the Press defended its decision by referring to "continued economic uncertainty." The Press also decided not to run Anderson's farewell cartoon, below right—perhaps in reaction to his farewell memo, excerpted here.]

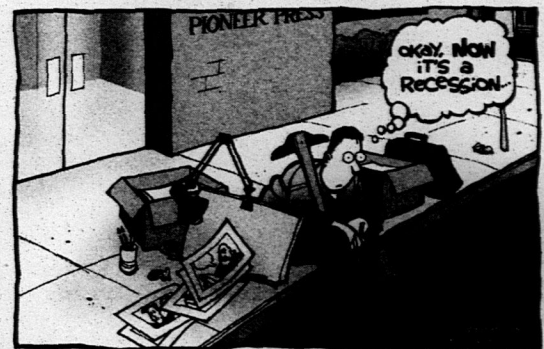
So long, everybody. Thanks for helping make it a great eight years.

Today is my last day. I just want to say I feel privileged and honored to have worked at this newspaper with y'all. It's been a great job, getting paid to piss on people's legs three times a week. I was honored to appear in the same pages as Ruben Rosario, Nick Coleman, Kirk Lytle, David Hanners, etc. etc. etc. We have a lot of great talent, and I was privileged to be part of a great paper.

I must say a special thanks to my editors, Ron Clark and Steve Dornfeld. You allowed me the freedom to have my own voice, to say what I believed in. What a wonderful rare opportunity, to be trusted with such a precious commodity. Thank you to the rest of my opinion page colleagues (even the ones whose opinions were always wrong), for all your help, support and companionship.

I'm an introverted little wallflower curled up under a drawing table in a dark corner of the seventh floor, and I wish I'd gotten to know many of you better. Because all the folks I've had the pleasure to work and chat with have been a lot of fun.

Getting canned sucks. But I understand that difficult business decisions must be made in difficult times, and I'm glad I'm not the one who has to make those difficult decisions. But if I was . . . I'd probably cut the private service that comes in to water and dust and turn the plants in the publisher's



office, before I'd cut a local cartoonist. In other words, I'd cut something only the privileged few who enter the publisher's office see, before I'd cut something 190,000 readers see. Is the position of local cartoonist really valued less than office plants? I could've watered 'em, and I don't even have a PhD in horticulture.

I hope seeing my rolling bloody head bobble down the stairs doesn't frighten anyone, I hope it just makes you cheersed off about the mess it leaves behind. I hope job cuts don't make anyone feel resigned to their fate and lucky merely to have a job;

they should make us all fight harder for what we've got, and fight harder to build on it. Strong journalism doesn't come from frightened workers. Strong journalism comes from empowered employees who believe in themselves, in their mission, and who know that their company supports and cares about them and their mission too.

I know a few folks are nervous about Guild activism. I know it's easy for me to talk, I've already lost my job. But I think about this the same way I thought about posting this e-mail: I don't want to live in a world where someone's money keeps me from talking openly. I won't live as if my silence can be bought. My principles do not have a price. I will say what I believe.

Our profession believes in the freedom of speech more than any other; our industry prides itself on protecting the right to free speech. Let us follow in that honorable tradition and speak freely, speak often, speak loudly, speak, shout, sing, laugh, knowing it's not just what our gut calls us to do, it's what our business' highest principles of protecting free speech call us to do. . . .

By TNG Convention action, letters to the editor 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. (Next deadline: June 6.) Letters and articles proposed for publication may be e-

mailed to the editor at azipser@cwa-union.org.

For address changes, see the box on page 2 or e-mail to duesinfo@cwa-union.org; sending such changes to the editor will merely delay processing.

Guild members have a voice in ethics

[The question of what constitutes ethical conduct for journalists has gained prominence in recent months, as newspaper publishers have aggressively sought to restrict employees' conduct. Yet as the following excerpt of a legal memorandum prepared by the Guild's attorneys indicates, employers do not have *carte blanche* to impose whatever standards they alone decide are desirable. Locals faced with efforts by employers to act unilaterally are urged to contact Kathy Mulvey Brennan, TNG-CWA Director of Contract Administration.]

By Barbara Camens and Derek Baxter
General Counsel to TNG-CWA

The Newspaper Guild has long encouraged high standards of journalistic ethics. Article I of the Guild Constitution establishes as one of the primary reasons for the Guild's existence, to "raise the standards of journalism and ethics of the industry."

But matters of journalistic ethics can be controversial, and the codes of conduct regulating them can often unfairly seek to restrict non-work activity. Many publishers' codes have recently fallen from a legitimate emphasis on best journalistic practices—crediting of sources, checking with both sides to a story, etc.—to increasingly invasive restrictions on the non-work activities of employees (journalists and non-journalists alike), and even of their significant others. Many codes infringe on civil and economic rights outside the workplace, all in the name of "perceived conflicts of interest"—as solely defined by the employer. And, of course, many of these codes authorize discipline for violations, up to and including discharge.

Management should not be permitted sole discretion to determine what constitutes proper ethics and what the rules governing employee conduct should be. Through bargaining, the Guild can seek to eliminate ambiguity, make clear what the rules are and when disciplinary consequences will attach to violations, and prevent codes from unnecessarily restricting personal lives. At the table, the Guild can affirmatively advocate for ethical policies important to its members, such as a journalist's right to protect the integrity of her writing and to keep sources confidential (and the publisher's obligation to support her defense of the confidentiality of sources). And because there often are no black-and-white answers to ethical dilem-

mas, the Guild can guard against lists of restrictive rules meant to ensnare employees with ethical violations in favor of codes that encourage dialogue and resolution.

Whether a code of ethics is unilaterally promulgated by the employer, or is bargained over, there are several key issues to keep in mind. What follows are some practical tips for locals faced with a publisher who announces it is implementing a code of ethics.

In 1987, after a titanic legal battle over the Pottstown Mercury code of ethics, the National Labor Relations Board set down standards as to whether ethics codes must be bargained over in the context of newspapers and, presumably, other media outlets. It ruled that such codes of ethics, with accompanying disciplinary consequences for their breach, are "terms and conditions" of employment and therefore are presumed mandatory subjects of bargaining.

The NLRB fashioned one major exception: a publisher need not bargain over a narrow set of ethical rules that impacts its "core" entrepreneurial control over its newspaper or other publication. The publisher may unilaterally impose only this "core" set of rules; it must bargain with the Guild over ethical rules beyond the core. Moreover, the NLRB decided that the "core" consists only of rules that are reasonable and that directly govern conduct that might compromise journalistic integrity. It also held that the rules must on their face be:

(1) narrowly tailored in terms of substance, to meet the employer's legitimate objectives, without being overly broad, vague, or ambiguous; and

(2) appropriately limited in applicability to affected employees to accomplish the necessarily limited objectives.

How do we sort out, in real life bargaining, what rules are at the "core"—and thus beyond the employer's bargaining duty—and which are not? As ethical rules and restrictions vary widely, it is impossible to make a laundry list of every provision that would require bargaining and those that would not, but the following questions should be asked:

• Is the rule reasonable? Does it govern conduct that directly compromises journalistic integrity? Or is the conflict of interest merely speculative? If the latter, the code is a mandatory subject of bargaining.

• Is the rule narrowly tailored to meet the specific, needed objective, and nothing more? Or is it vague, overly broad, or ambiguous? If the provisions are open-

ended, or if management may interpret them at will, they may be vague and ambiguous. They may also be vague if management may amend the code at its sole discretion. In both cases, the rules must be bargained over.

• Is the prohibition limited in its applicability to those employees whose work directly implicates the underlying ethical concern? If the rules concern journalistic integrity—taking freebies from news subjects, for example—but apply to all employees, editorial and non-editorial alike, they may be overly broad and thus a mandatory bargaining subject. This factor alone should make bargaining required over the entire code. Similarly, if the code places sweeping restrictions on all editorial employees—for example, if all are prohibited from engaging in political activities, not just those who cover political issues—again, it may be overly broad in its applicability and thus a mandatory bargaining subject.

• Has the employer met its burden of showing that the restriction is directly (not speculatively) tied to its ethical objectives?

Throughout this test, it should be remembered that the burden is on the employer to clearly distinguish between what is and isn't permissible. Here are some practical examples of how particular provisions may fare under the "core ethical rule" test:

Restrictions on receiving gifts or favors.

A restriction that prohibits gifts or favors given by news sources to a reporter covering the source affects the "core" of editorial integrity and is not a mandatory bargaining subject. But the Guild may appropriately demand bargaining over an indiscriminate ban on accepting tickets and other "freebies," as applied to all journalists or to all other employees. Such a restriction is overly broad, and not narrowly tailored to meet legitimate expectations of integrity.

Restrictions on outside employment and activities.

A narrowly tailored prohibition on outside employment that directly conflicts with an editorial employee's regular assignment may be part of this "core." A publisher could, for example, impose a ban on a food reporter's operating her own restaurant in the same geographic area she writes about. But a publisher is likely to propose something broader than this, and an overly broad prohibition on outside employment is a mandatory subject of bargaining.

Restrictions on political activity.

Again, a reasonable rule governing a

direct conflict (such as preventing a reporter who covers politics from running for political office) may be unilaterally imposed. But a wide ban on all forms of political participation beyond voting, applied to all employees, requires bargaining. In the course of the Pottstown saga, the D.C. Circuit Court of Appeals allowed that certain "core" prohibitions on political activity were permissible, such as preventing a city hall reporter from moonlighting as the mayor's PR assistant, or prohibiting a syndicated columnist from serving as a "prominent party official." But the court took pains to point out that such a prohibition should not be overly broad.

To unilaterally regulate political activities, the publisher therefore must demonstrate the direct benefit of a ban on such political participation, and prove that the ban is as narrowly tailored as possible to meet its goal. Such a showing may be difficult to make. Historically, arbitrators have been reluctant to give effect to overly broad, vague prohibitions on political activities. For example, in the Knoxville Newspaper Guild, an arbitrator reinstated a reporter who had been fired for serving on a local school board, although she had never covered the board in her reporting.

Other restrictions on personal activities.

As with political activities, a unilateral ban on other non-work activities must be narrowly tailored to a publisher's legitimate ethical concerns, and must not unduly restrict employees' personal lives. Conclusory speculation that certain activities could reduce "public confidence" or create the "appearance" of a conflict of interest is not sufficient, if the activities in and of themselves do not create a direct conflict. For example, one arbitrator rejected the allegation that a sports reporter's participation at a public hearing on the construction of a dog track in his neighborhood would necessarily undermine public confidence in the paper. The arbitrator noted that the employer had not proven that the public was incapable of distinguishing between the employee's role as a reporter and his role as a concerned citizen and property owner.

Overly broad restrictions on the activities of relatives.

Some employer codes would penalize a reporter for the outside activities of a spouse, relative, or significant other. In the past, the labor board has looked suspiciously on codes that restrict family members' activities, finding them overly broad and thus a mandatory bargaining subject.

THE GUILD Reporter

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DAYBOOK

New England District Council,
May 31–June 1, Portland, ME

Native American Journalists,
June 18–21, Green Bay, WI

Jobs with Justice annual mtg.,
June 19–22, Miami

Nat'l Assoc. Hispanic J'nalists,
June 26–28, New York City

Nat'l Assoc. of Black J'nalists,
Aug. 6–10, Dallas

Asian-American Journalists,
Aug. 13–16, San Diego

TNG-CWA Sector Conference,
Aug. 22–23, Chicago

CWA Annual Convention,
Aug. 25–26, Chicago

Nat'l Lesbian, Gay Journalists,
Sept. 11–14, Los Angeles

Pride at Work convention
Sept. 18–21, Tyson Corner, VA

FROM THE MORGUE

Fifty years ago this month:

Guild officials at two training institutes describe a spreading pattern of concerted publishers' attacks on job and union security clauses in contract negotiations across the U.S. . . . A trial board of the Erie Newspaper Guild imposes \$500 fines on six members for strike-breaking activities the previous November. . . . Members of the Seattle-Tacoma Newspaper Guild prepare for a strike against the Seattle Times, after working without a contract since March 21.

Twenty-five years ago this month:

Faced with a cumulative, decade-long deficit of \$484,000, the Guild's executive board votes to seek an across-the-board dues increase of \$1 a month . . . TNG launches a petition drive on behalf of the Labor Law Reform Bill. President Carter tells supporters the bill "is neither pro-union nor anti-union. What it will do is make the labor law work in practice as it does in theory." . . . The New York Daily News announces it is unilaterally cancelling its Guild contract.

Ten years ago this month:

Denver Guild Administrative Officer Bruce Meachum announces he'll run against incumbent TNG President Charles Dale; Linda Foley, executive secretary of the contracts committee, announces her candidacy for secretary-treasurer. . . . Guild-represented employees of the Boston Herald, some of whom pay \$195 a week for health care coverage, leaflet outside a Newspaper Association of Americas convention in support of President Clinton's health care plan as Clinton addresses the group.

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