

WORKERS DEFENSE LEAGUE

DOCKET

1967-68

THE INDIVIDUAL AND GOVERNMENT

*I. House Committee on UnAmerican Activities*

The previously pending case involving persons arrested for disorderly conduct at the Chicago HUAC hearings in 1966 was discontinued on advice of our General Counsel when the U.S. Court of Appeals denied our appeal.

*II. Immigration*

1) Dominicans

Supplying representation in deportation proceedings and in State Department negotiations for thirty-two Dominicans who were former officers who supported Juan Bosch in the 1965 revolution.

2) Haitians

Supplied representation for a woman and her two children against deportation to Haiti. Voluntary departure to rejoin her husband in Canada was secured.

Filed amicus curiae motion to allow reopening of deportation proceedings.

Secured voluntary departure to the Bahamas in lieu of deportation to Haiti.

Cooperating with Franco-American Bar Association and International Rescue Committee to supply assistance to other Haitian refugees.

3) South Africans

Continuing to represent nine South African entertainers whose departure was stopped two years ago but who continue to be without legal status in the United States.

Supplying representation for two South African nurses in securing adjustment of status to that of permanent residence.

Supplying representation to South African refugee in attempting to secure adjustment of status to that of permanent resident as spouse of resident alien.

Supplying representation to South African seaman in resisting deportation.

4) Miscellaneous

Assisting the following in adjustment of status:

2 Indians, 1 Cuban, 1 Canadian, 2 Englishmen, 1 Rumanian

1 Turk and 1 Kenyan.

Assisting in securing visa for lecture tour by South American radical.

III. *Licence to work*

1) as a seaman -

Coast Guard document secured on appeal after denial because of fight aboard ship resulting in three years imprisonment in 1958. (Appeal from denial of union-management hiring hall privileges pending.)

Appeal pending from denial of Coast Guard document because of a juvenile conviction 13 years previously and a subsequent social fracas in which charges were dismissed.

2) as a taxi driver -

Attempted to secure hack license for person who had been acquitted of four assault charges in years 1952 and 1965. Appeal lost but application will be reinstated later as the record shows the circumstances of the alleged assaults made his actions justified.

3) as a teacher -

Representations made to the Board of Examiners of denial of conditional substitute teacher license because of arrest, although no indictment had ensued. (Referred to cooperating attorney.)

IV. *Military*

1) Discharges

Review of six less than honorable discharges, four of them on security grounds, have been instituted. One was withdrawn at the request of the individual, the remainder are pending.

2) Discharge Pending

A man who had completed his two years of active duty has been subjected to security investigation of his civilian activities while in the Inactive Reserve. A discharge hearing is pending. Court action is planned if necessary.

3) Court Martial

Assistance including psychiatric counselling of person threatened with court martial for fleeing veterans administration hospital after receiving psychiatric separation from

active duty.

4) Political Activity While in Ready Reserve

Advice was given concerning right to register Viet Nam protest while on the two week summer active duty.

Threatened security discharge for political activities while in the ready reserve. WDL counselling and representing.

5) National Guard

Securing of transfer from Inactive Reserve to National Guard Unit by professional to avoid induction.

V. *Selective Service*

1) Conscientious Objectors

Eight appeals from denial of C.O. classification by local board are pending.

Three appeals have been denied and legal action is planned if no other deferment can be obtained.

Twenty-two other registrants were assisted in preparation of C.O. claims, 6 of which were granted and the others are pending.

2) Improper Classification

Appeals pending from denial of dependency classification to registrant who is "stabilizing influence" in home as father is former mental patient and under continuing out-patient psychiatric care.

Registrant ordered inducted after admission to veterinary medical school. Negotiation with Selective Service underway.

VI. *Rights of the Mentally Ill*

1) Commitment

Advised friends of two persons being held at Belview Hospital concerning commitment procedures and assisted them in securing representation at hearing.

2) Release

Investigation of securing transfer of patient from Matteawan State Hospital for the Criminally Insane to a civilian hospital.

3) Recovery of Property Transferred while Confined

Attempted to assist in action seeking reconveyance of property

transferred to former wife while mentally incompetent.

4) Social Security Disability Benefits

Supplying representation in appeal of denial of social security disability benefits to a mental patient whose disability existed prior to attaining eighteen years of age.

Supplied representation in appeal of denial of social security disability benefits to welfare client who had been determined to be mentally unfit to engage in effective employment. Appeal granted and back compensation awarded.

VII. *Welfare*

Secured rent reduction because of failure of landlord to correct electrical and sanitary violations.

Assisted welfare client in contesting four month retro-active rent increase. (Arrangements were made for deferred payment.)

Assisted welfare client in avoiding eviction because of inability to pay advance rent deposit.

Assisted welfare client in attempting to secure return of her four year old child that her estranged husband had taken to North Carolina (Cooperating attorney in Durham, N.C. working on this.)

VIII. *Workmen's Railway and Unemployment Compensation*

1) Investigating securing reopening of workmen's compensation case of nurse who was permanently injured by attack of a patient in a city hospital.

2) Supplied representation and secured workmen's compensation for person becoming emotionally disturbed (resulting in mental commitment) while on job.

3) Secured counsel for railway worker suffering from job related injury.

4) Secured review of railway retirement pension for widow of deceased worker.

5) Assisted in two unemployment compensation appeals for denial of compensation to 70 year old machinist because of alleged lack of diligence in seeking employment. One case won, other case pending.

*I. Civil Service*

Secured review of post office denial of reemployment to mail handler with six years experience because of three absences without permission.

Secured hearing and partial remittance of suspension because of Housing Authority maintenance employee charged with using profanity on foreman.

*II. Discrimination*

Filed complaint with City human Rights Commission against PATH (Hudson Tubes), for refusal to accept female applicant for available conductor's job. (Pending.)

Appeal to State Committee on Human Rights of accountant denied employment by private university because of age. (Unsuccessful)

*III. Dismissal for Union Activities*

Appeal of dismissal for clerical worker by private university for union activities. (Unsuccessful.)

Appeal of dismissal by telephone Company operator who demanded enforcement of union rules. (Pending)

Consulted by food store employee who took excess vacation without notification. (Referred to Amalgamated Meat Cutters who secured reemployment for him at reduced pay.)

Bus line porter claimed he was fired for union activities. (Case referred to union that determined no action could be taken because of absentee record.)

*IV. Other Dismissals*

Consulted by building maintenance employee discharged for fight with another employee. (Referred to Local 32B)

Employee discharged by delivery service because of disappearance of package. (No action taken as case had already been decided adversely by arbitration.)

Intervened on behalf of nurses aid discharged for failure to return on time from emergency leave to Trinidad to visit aging grandmother (who died). (Unsuccessful.)

*V. Organizing Efforts*

WDL assisted through preparation of authorizing letters a group of nurses at St. Vincent's hospital that were attempting to organize.

WDL assisted through distribution of literature, picketing and organizing a letter writing campaign of subscribers in Office Employees International Union strike against GHI and GHDI.

THE INDIVIDUAL AND THE UNION

I. WDL was consulting individual union members concerning alleged discrimination within the union in Nine cases. After review by the Workers Rights Committee of WDL these cases were resolved by negotiations with the union, referred to private attorneys for consideration or dismissed as being without merit. The unions involved were: I. A. M., Newspaper Guild, Plumbers Union, Local 102 - ILGWU, Local 11 - Restaurant Workers, Local 135 - Carpenters, Sheetmetal Workers, Screen Actors Guild, Teamsters

II. WDL participated amicus in support of the insurgent group challenging the International Trusteeship over District Council 9, Brotherhood of Painters, Decorators and Paperhangers. This action was successful and the trusteeship was dissolved and elections were ordered under court supervision. In the ensuing democratic election the insurgents won. Collateral to this, we assisted the Hardwood Finishers of District Council 9, in an authorized strike that the District Council was threatening to break through importation of scabs.

III. Assisting in review of enforcement of NLRB decision requiring open Hiring Hall for Local 350 - Bridge, Structural Iron Workers (Atlantic City, New Jersey.)

IV. Assisting in negotiations for guaranteed annual wage payment to member of International Longshoremen's Association who was disabled and unable to work during last fiscal year.

V. *West Coast Longshoremen Cases:* A major victory was achieved in this long standing action to secure reinstatement into the International Longshoremen's and Warehousemen's Union of 51 "B" longshoremen who were deregistered (fired). The U. S. Court of Appeals affirmed the validity of the complaint and ordered the case to trial on its merits. The ILWU and the Pacific Maritime Association has just filed a petition seeking U. S. Supreme Court review. Irving A. Thau has filed a brief in opposition.

OTHER CASES AND ISSUES

*I. Rights of the Aged*

- 1) Forced early retirement of deaf mute artist from corporation which resulted in substantial reduction in pension including deductions for presumed social security benefits which he is not yet receiving. Discussion underway with National Council for the Aging, with view toward securing either congressional or private hearings on this apparently growing practice.
- 2) Union pension denied because of inadequate employment in the industry subsequent to establishment of industry pension despite thirty-three years of prior employment in the industry. Investigation of possible union negotiations of retroactivity or union establishing independent retroactive pension rights to meet this fairly widespread problem.
- 3) See also Unemployment Compensation, VIII above, p. 4.

*II. Student Rights*

- 1) Denial of high school diploma because of inability to complete physical education requirement due to diabetic condition. (Referred to NYCLU.)
- 2) Dismissal on Brandeis University for alleged use of marijuana and refusal to identify others that might have been involved. (Negotiation for reinstatement discontinued when student decided she did not want to return.)

*III. Miscellaneous*

Approximately 50 other appeals were considered and, where they appeared to have merit, disposed of by a phone call, a letter, or referred to cooperating attorney.