

1942

PROHIBITING "HOT CARGO," "SECONDARY BOYCOTT"

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

PROHIBITING "HOT CARGO," "SECONDARY BOYCOTT" California Proposition 1 (1942).
http://repository.uchastings.edu/ca_ballot_props/419

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

PART I—ARGUMENTS

PROHIBITING "HOT CARGO," "SECONDARY BOYCOTT." Referendum against Act of Legislature (Chapter 623, Statutes 1941). Declares unlawful "hot cargo" and "secondary boycott," allowing person injured injunction and damages. Defines "hot cargo" as combination or agreement resulting in employer's or employee's refusal to handle goods or perform services because of another employer's labor dispute or contract; "secondary boycott" as combination or agreement to cease performing services or cause any employer loss to induce him to refrain from business with another employer because of latter's labor dispute. Act effective to May 1, 1943, or during proclaimed national emergency or war.

YES	
NO	

(For full text of measure, see page 1, Part II)

Argument in Favor of Referendum Measure Prohibiting Hot Cargo, Secondary Boycott

Senate Bill No. 877, commonly referred to as the "Hot Cargo and Secondary Boycott" law, is a wartime measure designed:

- (1) to prevent interruption of essential industry during the war emergency for the satisfaction of the questionable motives of certain so-called labor "leaders";
- (2) to secure American workmen against industrial disputes with which they are not directly concerned;
- (3) to curb for the duration in the public interest the abuse of excessive powers assumed by labor "leaders."

This law was enacted by the California State Legislature at its session in 1941, and was vetoed by the Governor. It was submitted to full and open hearings and debate before it was passed over the Governor's veto by a vote of 33 to 5 in the Senate and 54 to 26 in the Assembly.

The "Hot Cargo and Secondary Boycott" law is a patriotic measure which will defend the right of every man to honest employment by prohibiting labor dictators from forcing workers who have no quarrel with their employer to quit work because of some remote dispute about which he knows nothing. It will protect the nation in wartime against the loss of countless man-hours in essential industry. It will defend the workman against loss of income brought about by disputes to which he is not a direct party. It will put honest workmen and their employers beyond the interference of labor "leaders" who would tie up all industry—the farm as well as the factory—if necessary to gain their dictatorial ends.

These "leaders" have fostered the referendum against Senate Bill No. 877 in order to solidify themselves as dictators of public policy in this State for the advantage of their own powerful ring.

A "YES" vote on this referendum proposal will be a vote to support your regularly elected Legislative Representatives against devices of dic-

tator-minded individuals; a vote to confine industrial disputes to the parties directly involved.

Senate Bill No. 877, which these enemies of labor and of honest legislation would defeat,

DOES NOT interfere in any way with the right of organized labor to strike.

DOES NOT prohibit aggrieved employees from picketing the establishment of their employer.

DOES NOT interfere in any way with the right of labor to collective bargaining.

DOES NOT compel any man to work against his will.

DOES NOT interfere in any way with practices or precepts of legitimate trade unionism.

But this bill does outlaw for the duration of the war an "unsound weapon" which is "nothing but a racket."

These activities will be unlawful for the duration under the "Hot Cargo and Secondary Boycott" law which labor "leaders" intoxicated with power are now trying to upset.

If honest labor's pledge to refrain from work stoppages during the war emergency is kept, this law need never be invoked. If such pledges are not kept, this law should be, **MUST BE**, available.

Vote "YES."

Outlaw "hot cargoes" and "secondary boycotts" for the duration of the war.

W. P. RICH,
Senator, Tenth District.

FRANK L. GORDON,
Senator, Eleventh District.

Argument Against Referendum Measure Prohibiting Hot Cargo, Secondary Boycott

Proposition No. 1 is essentially un-American and is contrary to all of the principles for which America is now shedding its life's blood; it is an attempt on the part of cliques of short-sighted and selfish employers to enslave millions of American working men who are striving unceasingly to protect the democratic insti-

[Four]

tions of America. It is an attempt by these employers to cause dissension and discord in this crucial time when national unity is most essential to preserve our Republic.

Proposition No. 1 is clearly unconstitutional. While the bill was still before the Legislature, the Attorney General, Mr. Earl Warren, now candidate for governor, rendered an opinion to the effect that the bill was of doubtful constitutionality, and the Legislative Counsel, Mr. Fred Wood, who is the official legal adviser of the State Legislature on these matters, also rendered an opinion that the bill is unconstitutional, at least in part.

For more than thirty years the Supreme Court of California has upheld the right of boycott, both primary and secondary. A primary boycott exists when a group of people decide that they will not patronize a certain individual or firm either by buying goods from him or selling goods to him or by working for him. A secondary boycott means that if a certain individual or firm is manufacturing goods under unfair conditions, either by failure to pay a living wage or under sweatshop conditions generally, any group of citizens may decide not to purchase those particular goods, and furthermore, may decide that they will not deal with any concern which handles those goods. A decision or determination or agreement not to deal with any one whom you do not like is declared to be a constitutional right both by the Supreme Court of California and by the Supreme Court of the United States.

Proposition No. 1 makes it unlawful to refuse to work for an unfair or an un-American employer or to refuse to handle, or to induce any one to refuse to handle or purchase the goods

of such employer, if such employer has a dispute with his employees or labor organization.

Proposition No. 1 affects not only working people and labor unions, but the general public as well. A citizen would be subjected to a suit for damages or for injunction if he, in the exercise of his constitutional right of free speech, makes a statement which even indirectly induces an employer to refrain from selling the product of an unfair employer who is having a dispute with his employees, or causes the public to patronize such store.

The expression by any person of sympathy with a group of workers who are attempting to better their working conditions which directly or indirectly causes loss to such unfair employer, will subject such public spirited and humane person to a suit for damages. No one is exempt from the provisions of Proposition No. 1. It affects the employer, the employee, and the general public.

Proposition No. 1 is a veritable slave bill in that it would compel employees to work against their will. This would introduce into the State of California a condition of involuntary servitude which is contrary to both Federal and State constitutions, and which was abolished many years ago by Abraham Lincoln. This new form of slavery is even more extensive in that it applies to persons of all races, colors and creeds.

C. J. HAGGERTY,
President, California State Federation of Labor.
EDWARD D. VANDELEUR,
Secretary, California State Federation of Labor.
J. W. BUZZELL,
Secretary, Los Angeles Central Labor Council.

ANNUAL LEGISLATIVE SESSIONS AND BUDGETS. Senate Constitutional Amendment 7. Amends Constitution, Article IV, sections 2 and 34. Requires annual sessions of Legislature, unless Governor in interim convenes Legislature in extraordinary session; all sessions, except extraordinary, commencing first Monday in March and continuing not exceeding 60 days; members' compensation, provided by section 23 same Article, paid during regular session as provided by law. Requires Governor, within first five days of each regular session, submit to Legislature budget for next fiscal year instead of next biennium as now required; in other respects continues existing provisions of section 34 relating to State budgets.		YES	
2			
		NO	

(For full text of measure, see page 2, Part II)

Argument in Favor of Senate Constitutional Amendment No. 7

After years of experience in the California State Legislature, it is the firm conviction of the undersigned, and of other members of the Legislature who voted for this constitutional amendment, that the California State Legislature should meet in regular session every year, rather than once in two years as now provided. The present restrictive provisions of the

State Constitution were adopted in 1879, when California was small. During the 63 years which have elapsed since the existing plan was formulated, economic and social conditions have changed materially. California now has a population of 7,500,000 people, as compared with less than 1,000,000 at that time. As the State has grown, Government has become more complex and far-reaching. The cost has mounted until expenditures for a two-year period now exceed \$500,000,000. This does not include millions of

PART II — APPENDIX

PROHIBITING "HOT CARGO," "SECONDARY BOYCOTT." Referendum against Act of Legislature (Chapter 623, Statutes 1941). Declares unlawful "hot cargo" and "secondary boycott," allowing person injured injunction and damages. Defines "hot cargo" as combination or agreement resulting in employer's or employee's refusal to handle goods or perform services because of another employer's labor dispute or contract; "secondary boycott" as combination or agreement to cease performing services or cause any employer loss to induce him to refrain from business with another employer because of latter's labor dispute. Act effective to May 1, 1943, or during proclaimed national emergency or war.

YES	
NO	

The Legislature of the State of California, in regular session in 1941, passed over the Governor's veto the following act, and a petition bearing the signatures of a sufficient number of electors asking that the act be submitted to the electors for their approval or rejection, having been filed with the Secretary of State, in due time, the said act is hereby submitted on referendum.

(This proposed law does not expressly amend any existing code section, but adds a new chapter to the Labor Code; therefore the provisions thereof printed in BLACK-FACED TYPE to indicate they are NEW.)

PROPOSED LAW.

An act to add Chapter 8, comprising Sections 1131, 1132, 1133, 1134, 1135 and 1136 to Part 3, Division 2 of the Labor Code, relating to hot cargo and secondary boycotts.

(Passed over Governor's veto June 5, 1941. Filed with Secretary of State June 7, 1941.)

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 is hereby added to Part 3, Division 2 of the Labor Code, to read as follows:

CHAPTER 8. HOT CARGO AND SECONDARY BOYCOTTS

1131. The "hot cargo" and "secondary boycott" are hereby declared to be unlawful.

1132. Any act, combination or agreement which directly or indirectly causes, induces or compels a violation of any of the provisions of this chapter, or inflicts any loss, injury or damage on anyone because of his refusal to violate any of the provisions of this chapter shall be unlawful.

1133. Any person injured or threatened with injury by any violation of any of the provisions of this chapter shall be entitled to injunctive relief therefrom in a proper case, and to recover any damages resulting therefrom in any court having jurisdiction in the State of California.

1134. Definitions.

(a) As used in this chapter, "hot cargo" means any combination or agreement resulting in a refusal by employees to handle goods or to perform any services for their employer because of a dispute between some other employer and his employees or a labor organization or any combination or agreement resulting in a refusal by employers to handle goods or perform any services for another employer because of an agreement between such other employer and his employees or a labor organization.

(b) As used in this chapter, "secondary boycott" means any combination or agreement to cease performing, or to cause any employee to cease performing any services for any employer, or to cause any loss or injury to such employer, or to his employees, for the purpose of inducing or compelling such employer to refrain from doing business with, or handling the products of any other employer because of a dispute between the latter and his employees or a labor organization or any combination or agreement to cease performing, or to cause any employer to cease performing any services for another employer, or to cause any loss or injury to such other employer, or to his employees, for the purpose of inducing or compelling such other employer to refrain from doing business with, or handling the products of any other employer, because of an agreement between the latter and his employees or a labor organization.

(c) As used in this chapter, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(d) As used in this chapter, the term "employer" includes any person acting in the interest of an employer, directly or indirectly and any association of employers, including growers and other hirers of labor.

(e) As used in this chapter, the term "employee" includes any natural person who works for any person for compensation.

1135. This chapter shall be in effect until May 1, 1943, and thereafter:

(a) During the continuance of the existence of the National emergency declared by the President of the United States to exist, by his proclamation issued under date of September 8, 1939.

(b) During any period of war between the United States of America and any foreign power, legally declared to exist.

1136. If any provision of this chapter, or the application of such provision to any person or cir-

cumstance, shall be held invalid, the remainder of this chapter, or the application of such provision persons or circumstances other than those as which it is held invalid, shall not be affected thereby.

SEC. 2. This act is enacted for the purpose of preserving tranquillity among the citizens of this commonwealth and to insure during this present critical period of National emergency and intensive armament the unobstructed production and distribution of the products of our factories and fields, for the continued protection and preservation of our democratic way of life and for the general welfare of the people of this State.

ANNUAL LEGISLATIVE SESSIONS AND BUDGETS. Senate Constitutional Amendment 7. Amends Constitution, Article IV, sections 2 and 34. Requires annual sessions of Legislature, unless Governor in interim convenes Legislature in extraordinary session; all sessions, except extraordinary, commencing first Monday in March and continuing not exceeding 60 days; members' compensation, provided by section 23 same Article, paid during regular session as provided by law. Requires Governor, within first five days of each regular session, submit to Legislature budget for next fiscal year instead of next biennium as now required; in other respects continues existing provisions of section 34 relating to State budgets.

YES	
NO	

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to the Legislature.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its Fifty-fourth Regular Session commencing on the sixth day of January, 1941, two-thirds of all the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State so as to read as follows, respectively:

(This proposed amendment expressly amends existing sections of the Constitution; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.)

PROPOSED AMENDMENT TO THE CONSTITUTION

SEC. 2. The sessions of the Legislature shall be biennial annual, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at 12 o'clock m., on the first Monday after the first day of January next succeeding the election of its members in March, and

shall continue in session for a period not exceed 60 days thereafter, whereupon a recess of ~~not less than thirty days~~ houses must be taken for not less than thirty days. On the reassembling of the Legislature, no bill shall be introduced in either House without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling.

The compensation of the members of the Legislature provided by Section 23 of this article shall be paid during each annual regular legislative session at such times as may be provided by law.

SEC. 34. The Governor shall, within the first thirty five days of each regular session of the Legislature and prior to its recess, submit to the Legislature, with an explanatory message, a budget containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for each fiscal year of the ensuing biennial period; the next fiscal year together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the first fiscal year of the existing biennial period and the actual and estimated revenues and expenditures for the second fiscal year thereof, preceding fiscal year. If the proposed expenditures f