

SS164.mp3

Bill Thomas- This is tape 2.

Sam Weintraub- The second part of the responsibility....the first part is to try to establish who started it and we were reasonably convinced that the union knew about it and that it had been planned if not by Washington, if not by Champa and those then certainly by responsible local officials like T.O. Jones and T.O. certainly the local was responsible we felt if we couldn't prove the other exactly. But then the second phase of responsibility is after the strike does start. If you then take over the strike you are equally as responsible as if you had started it you see. We had information, direct information from people that attended the meetings, at I guess it was Clayborne Temple and various places but I suppose it was Clayborne Temple where Champa, Epps and Lucie and various others had gotten T.O. Jones and encouraged the strike and if we stick together we will make it...

David Yellin- This is after it started?

Sam Weintraub- After it started yeah. And of course Jerry Worth's position and the union's position was we came down when we heard this started to try to settle it you see and I suppose in a broader sense as a professional I know what he means, even though he is encouraging the strike and then legally becomes responsible for it. And had taken it over and had gone to the point of distributing, had taken \$5,000 out of the international's treasury and gave it to them in some presentation.

David Yellin- Is there a differentiation between the local of the union and the national or international?

Sam Weintraub- Yes.

David Yellin- There is, so Jerry Worth did have something to stand on if they didn't consult him.

Sam Weintraub- Again, my labor board experience, (Muffled), put s me in a different light than most other labor lawyers who haven't gotten that experience. The labor board always distinguishes, because the local is responsible for something this does not automatically make the international responsible. Locals under the most international constitutions are autonomous and they can act on their own and if T.O. Jones does something this doesn't mean this is binding on Jerry Worth or Champa and you have to establish the actual ratification and participation of the international under labor board principles and generally speaking though not quite as strongly you have to do that in state court kind of injunctions as well. You se the labor board operates in the federal courts. So I proceeded on the premise that I had to establish international responsibility, direct responsibility as well as a tribute from T.O.'s actions. Not as well, I never allege as a matter of fact that T.O.'s actions bound the international. I just didn't believe in that theory and didn't go on it.

Bill Thomas- But you felt that there were not, not enough evidence?

Sam Weintraub- Oh yeah Jerry Worth got up at meetings not as many as Champa because he only came down at the early stages once or twice but Champa and very strong terms talked about mayor, king, emperor, Lobe and said the only way you are going to win is to stick together and don't break and the garbage will not be collected and then Lucie would get up and varying versions of the same thing. They took it over and they organized them and they put out leaflets and everything else. So on that face we had much clearer basis for their responsibility of the strike once it started, then for establishing that they had something to do with starting it.

David Yellin- So the second point was stronger.

Sam Weintraub- Oh much stronger, it was almost clear cut. We had the statements they made and they didn't deny it. We had witnesses at the meetings who stated chapter and verse exactly what was said by Champa or Lucie.

Bill Thomas- I don't think there is too much question about that but there is though a question of initiating and because admittedly we are running into an area of educated guesses but would you be willing to give us an educated guess as to who..

Sam Weintraub- Well I think if I had all the material to format I think, I finally became convinced, although as a professional I know how sometimes the members run away from the union and I have always told client after client don't worry about a strike as far as the leader is concerned, they don't want strikes any more than you do. It is the mavericks, the hot heads, the young people, the young kids that don't give a damn they can get mad and walk out and 99 out of 100 and that is literally true those statistics, the union leaders do not want that strike because they know that this doesn't really settle things in the long run unless they have to, unless we force them to the wall by hard tough bargaining, give them no choice. But most of them want to avoid a strike and I recognize this. So and I started with that premise in looking at this thing and maybe., my thinking was influenced by my advocacy, you know I was looking to establish that they had started and we had nothing direct to show that they started, that they either knew that it was coming or that they had started it.

Bill Thomas- Except you can put one or two of them here eat the time.

Sam Weintraub- One or town of them here and I just can't remember what it was but certainly I was convinced that T.O. had something to do with it because h was there running the meeting at which they had decided to strike.

David Yellin- Just a few..

Sam Weintraub- That is the local was responsible. Not the international.

David Yellin- Now when T.O. came and you say he organized, first of all having the meeting organized the me4eting with Blackburn on Sunday night at Blackburn's office. While the union was waiting. He would also have had pressings, or been privy to the fact that Blackburn would not have come with him when he asked him too.

Sam Weintraub- Probably could have assumed that.

David Yellin- He could have assumed that, my question sort of is, do you think if Blackburn had come that there would have been a strike.

Sam Weintraub- Yeah I think so, I think he would have been hooted down, I am the kind of guy that when things like that are asked of me I will sometimes recommend on my feeling saying look, talk to them, that is all you have to do and maybe it will work itself out. But not with a mass, not with a mass like that. This is not collective bargaining, this is anarchy. You talk through representatives you see, this is what collective bargaining is all about, representation. People in mass are not effective. Except when they maybe exercise power by all walking out. But I think if you have 1200 people all talking at one time you need effective representation people who know their business you see. This is really contrary to all collective bargaining. For this guy to go down there and talk to them. I have a feeling that as hot as they felt about it, now it is possible that he might have, the sting might have come out of their feeling if they would have seen him.

Bill Thomas- Let me ask this question another way from T.O. Jones standpoint. Did this leave T.O. Jones any alternative if the men....

Sam Weintraub- How about some more cigarettes do you have any? We are down to our one between us.

Maid- Oh here are some of thee other kind I found them..

David Yellin- For the record I am among a bunch of cigarette smokers.

Sam Weintraub- Among a bunch of fiends.

David Yellin- I have nothing to do with it.

Maid- do you happen to have a dollar bill on you?

(Tape Break)

Bill Thomas- I guess what I was wondering was you were talking about the membership running away with the leaders.

Sam Weintraub- That can't happen.

Bill Thomas- No it can't and what I was wondering I think is if T.O., if he left a group of laborers to go and ask a specific question and to get an answer and come back and get a report, and that answer was negative.

Sam Weintraub- He had no choice then.

Bill Thomas- Did he, did that throw him into a lockdown situation?

Sam Weintraub- I think it might well have been, all I was trying to say was that the evidence that I had was that this confrontation with Blackburn had been planned several days before. That it was not a spontaneous thing. The union said they were just meeting and airing their gripes and they said why don't 12 of you the stewards and T.O. go talk to Blackburn. They were trying to establish that meeting with Blackburn had been set up before hand you see. So the whole thing dumped and was planned and this isn't to say yet in it broader sense that T.O. didn't have any choice. It could be that he, even though this was not spontaneous and was planned maybe this, he was using this as a device to keep them from striking if he could go over, he had planned it 3 days in advance instead of right on the spot you see, and that can happen. Union leader shave used many devices in the past. I have, you might almost say connived with union leaders at some time, where neither one of us wanted a strike, and when I say connive I mean he is acting responsibly, he knows that the strike isn't the right thing to do and he knows that he can trust me to come up with something a check off or something...

Bill Thomas- That would be better for the people..

Sam Weintraub- Yeah he knows he can trust me and most of them I do think can trust me and so we will work together on some thing like that and perhaps, he was suing this as advice even if it were planned before hand that is possible yes. And you know you can't lose the confidence of your membership or you are in effective so he had to go along to a certain extent. Like I have seen union leaders say yeah this company is no good but at t he same time they will say, let's come back 3 days later and meet on this, a cooling off period. He has got to be the leader and he has got to be in the front ranks or he loses, I do the same thing with my clients. I will never agree with them when they say stuff like goons and all of this but I won't quarrel on it I just look at them and kid them. You know about heel....maybe I will say nothing at first. This is a word which I have used a thousand times, education. Union leaders has to educate his membership I have to educate my client and one of the educational factors, is you can't lose his confidence. If you tell him at the beginning that he is wrong you are through, you are ineffective from them. He won't believe you he thinks you are the secretary of the union you know. So what you tell them, like I had one comment (muffled) well the whole trouble was a rat race of grievances and the whole trouble was that they had an open end arbitration. The company could refuse to select any arbitrator and they never got the arbitration under. They had a pile up between everybody was madder than hell and when I first started negotiating for them the only thing I said, was do you want to change that, I can understand why they are mad about it, it is pretty standard but if you don't want it we won't give it to them. I can understand, he knows now that this is pretty standard and that he isn't being abused. One fear of businessmen is that they are being taken advantage of, that they are getting something less than some one else.

David Yellin- The fear of human beings.

Sam Weintraub- And then you start bargaining and he hated the guts of this union when we started the bargain. But he was a fair guy and I made them bring up

grievances and he settled them on the spot. He took the that out of their resentment and made him feel good and at the end the therapeutic process he was pretty good and when I walked into the last meeting I said Jack, it looks like we will do it this time what about that arbitrator and he said, oh give it to them. This is what I mean by education and this is what union leaders have to do. They can't come on out and say the union is right, the company is right.

David Yellin- Right yeah.

Sam Weintraub- You know. And I can see T.O. perhaps doing it that way but still collective bargaining being what it is the law says or courts say and I agree that the union as the representative must be held as responsible. A strike did take place, they were there and they could have headed it off. Maybe they would have lost their jobs as a result maybe they had been thrown out but hey didn't do that. They didn't physically try to stop them. Now in any case any doubt s were resolved once the strike started, as to responsibility they had no choice of course. Now Jerry Worth comes down and says when I heard about this thing I sent Champa and all the rest down to try and settle it. I understand what he means and let's still be honest even though he is exhorting he was leading the,, you see what I mean. Hew had to gain their confidence he had to stay with them but at the same time he was hoping that they were working as an effective representative to settle it with the administration. This is what he means by coming down to settle I can see that. But under law he was exhorting and continuing that strike.

David Yellin- Yeah he couldn't come down and say no you shouldn't strike and then try to settle for the law, I mean does the law recognize this?

Sam Weintraub- Now I must say this in all fairness to the city's position and that is that this is what he was saying and I can understand that perhaps this is what he was aiming at but the facts speak otherwise. The facts were that they took over that strike and were running it until the ministers came in. Whether they had a more statesmen like approach involved I don't know but the fact I that he was encouraging the strike, he didn't tell them to go back to work. Which if the injunction, if the law is correct that you cannot....he was in clear violation of the law, there is no question about it. This other thing gives him the benefit of the doubt you see.

David Yellin- So your advice to the city was that the city from that point of view had good grounds to grant and to seek and injunction.

Sam Weintraub- Well my first advice was to legally get the injunction as my advice from 66. After investigating the facts I also told them I thought we could get it on the facts if the facts supported responsibility of local and the international. As a matter of fact when I first started the trial I wasn't sure I could prove that they had started it. But it was the evidence at the trial as it come out, these facts that I gave about the initiation came out at the trial. More than I had learned and I hadn't realized that

until in my summation while I was reviewing the evidence I realized that by god this same thing is falling into pattern right up to the strike itself.

Bill Thomas- Sam would there have been a transcript of that hearing?

Sam Weintraub- I think there was.

Bill Thomas- Now was that a Chancery court?

Sam Weintraub- Yeah.

Bill Thomas- Do they have a reporter?

Sam Weintraub- Yeah.

Bill Thomas- Do they?

David Yellin- Who would have that other than...

Sam Weintraub- I think the city has one.

Bill Thomas- Do they?

Sam Weintraub- Yeah, whether the union has one or not I don't know. I don't think I have a copy of it for my files.

David Yellin- Who handled it for the union, Mr. Sabella?

Sam Weintraub- Ted Sabella and he had someone with him. Tome Beauford I think, assisted him. Somebody Beauford I have forgotten his name. But Ted, you asked me about Ted. In the old days when I knew him at labor board days he was always known as Ted where he got the name I don't know. People who didn't know that he had this tame they look at Anthony and they call him Tony. I have the same question every time I call him Ted, they say Ted, which is he.

Bill Thomas- Well how about the timing when the city called you and said stand ready and that sort of ting why not immediately on February 12<sup>th</sup> when the walk out occurred why not jump in then?

Sam Weintraub- That is a good question. People have argued this, I have questioned it. On the one hand looks what happened the last time in 66 they nipped it in the bud and they didn't have all this. And on the other hand I wasn't there then so I don't know why it wasn't gotten.

Bill Thomas- You just get your call?

Sam Weintraub- I did have some discussion with some of the attorneys that were advising the city like Jim Manere, Tom Pruitt, Jack Petry, Walter Armstrong, Myron Hallie.

David Yellin- That is after the strike started?

Sam Weintraub- Yeah, this is between the time that Giannati told me to get ready and the time we got the injunction. I remember having lunch with this group of attorneys and the question then by the way should we get the injunction now and what form should the injunction take and so on or so forth. There was still some questions as to whether to get it now or wait a little while or something. And I just lost that discussion it was 6 or 76 people at lunch and everybody talking but I, looking back, I think that maybe there were several reasons at the beginning. One is that maybe they thought that it would work, many strikes end once they realize it isn't effective. And incidentally most strikes after about the 2<sup>nd</sup> or 3<sup>rd</sup> paychecks go by and people are getting hungry, this is the time when you negotiations really get serious and you settle the strike.

David Yellin- But there are no negotiations here...

Sam Weintraub- During this? They were talking, discussing through intermediaries...

Bill Thomas- The ministerial association...

David Yellin- Well not quite.

Sam Weintraub- They hadn't quite gotten into it?

David Yellin- No the 24<sup>th</sup>.

Sam Weintraub- But Champa was meeting with Lobe.

David Yellin- Yes with Lobe.

Sam Weintraub- And so on, they weren't talking much,. One of the things may have been that the mayor really felt that he could run garbage pick up. Not is not do a good job or even a fair job but at least not have a real health problem.

David Yellin- but the mayor wanted them to go back to work.

Sam Weintraub- Yes, and I guess he thought that by sticking with the legal issue that it was illegal that eventually plus the fact that they weren't winning, they weren't brining the city to their knees, might bring them back I don't know. Could have been apolitical thing, I don't know that I can't delve into his mind. Why even perceive, he was aware of the last injunction. There was no question in his mind whether he was right or wrong about it that the strike "was illegal." It wasn't because there was any question in his mind.

David Yellin- Yeah in his mind being Lobe's.

Sam Weintraub- Yeah I don't think there was any question in their minds of course they are not labor lawyers and this could be a different set of circumstances, I remember if that there was a question asked of me of these lawyers whether or not

really there was a basis for an injunction. I don't think anyone really seriously questioned whether they could get an injunction if they had too.

David Yellin- Now what would be the...

Sam Weintraub- \_Now it may also have been the facts, They might not or may have felt or maybe have given him more credit of knowledge of law in this field. They might have felt that they couldn't prove anything but a spontaneous walk out you see and that the union wasn't, couldn't prove anything but a spontaneous walk out, I don't know. I really think that the mayor thought that it would be over in two or three weeks and he didn't have to use brute force that is an injunction you know the long arm of the law.

Bill Thomas- Let me put the question another way then, when the injunction finally was out why at that particular time.

David Yellin- Yeah what was the injunction going to do?

Bill Thomas- What finally brought this about?

Sam Weintraub- I think a number of things. My feeling is I don't think that the mayor or anyone advising him felt that this would bring the men back to work. I noticed by reading the paper as we went along there, I had nothing to do with the situation I didn't talk to anyone except for those two phone calls, R.J.'s and Giannatti and that was towards the end. But I noticed the question growing in the public mind, he says it is illegal why doesn't he prove it. If it is illegal then go into court and get it. I remember it got to the point whether either the press or the commercial editorialized on it a couple of times.

Bill Thomas- Well they both did.

Sam Weintraub- Maybe there is some...and you know this general feeling that a strike which is peaceful is legal, everybody knows that. With that and everything else, pressure going on the mayor that maybe all this is a phony you know. So I have a feeling that they finally felt they had to vindicate his possession. It was more and more pressure on him to make a decision.

David Yellin- but you had nothing to do with this decision?

Sam Weintraub- No. Nothing at all.

David Yellin- And so that when we have the statement that most people in part of the city did not want the injunction but there was great pressure on the mayor to bring an injunction on the basis that if it wasn't illegal let's make it illegal. That this makes sense, were you aware of that?

Sam Weintraub- Well this is just speculation on my part.

Bill Thomas- I think we have to be fair here now and tell Sam what we understand and then see whether he can then help us to determine whether that is indeed right or not.

David Yellin- But we understand then that this indeed did happen, that..(muffled)

Sam Weintraub- We dropped a candle here. (Tape Break)

David Yellin- Actually.....

Sam Weintraub- The story you got was that there was pressure that developed.

David Yellin- there was pressure from the business community and from one man who was close to the mayor, particularly and plus, Ned Cook, plus the newspapers particularly the editorials..

Sam Weintraub- To put his money where his mouth is?

David Yellin- Right.

Sam Weintraub- He is talking about illegal and they began to wonder if it was because he wasn't, it wasn't, I have a feeling that was probably so.

David Yellin- And everybody was supposedly against it, particularly all the way down the line because it would as it eventually did tie the mayor and prevent him from then consorting or conferring.

Sam Weintraub- I can understand that because as soon as that injunction started the advice given to him was that he couldn't talk, Giannatti I know that. And so I would imagine that he had already given him that advice, yeah I could see that, I don't know that since I wasn't there before. I didn't realize that Ned had, but this was my speculation and it was so obvious, and also this is supported by the fact that I had a distinct recollection at one meeting with the mayor the day before I was ready and there was a question to do it today, tomorrow or the next day?

David Yellin- That is Bill's question.

Sam Weintraub- And let's say it was a Thursday, we got the injunction on Saturday.

Bill Thomas- I think we can help probably an awful lot. There was a on the Friday the Friday before that and maybe you will remember or maybe it didn't have anything to do with it. The Friday before that Saturday was when they had the march from the auditorium back to the church and when the macing and the trouble occurred the car rocking.

Sam Weintraub- Was on the 23<sup>rd</sup>?

Bill Thomas- Yes and so this was the first any sort of confrontation.

David Yellin- The picnicking sit-in was the 22<sup>nd</sup>.

Sam Weintraub- Oh see everything was coming to a head then. I remember meeting one morning. It could have been Friday morning or Thursday morning with a group of lawyers, I think Cook was there and the mayor. And the mayor was listening, he wasn't saying much and the discussion was among....and the only way I got into the discussion was to answer questions. I had nothing to do with policy either then or later. As a matter of fact when I was asked to do it I thought long and hard about taking it and I felt this was different. I just felt in my bones from the last time and didn't know if I wanted to get involved and one of the reasons I finally decided to take I, one of the two reasons really, one was that I would have some influence on policy and having influence in the professional field maybe they would listen to him and maybe things could work out yet. And the second reason is maybe you hang your hat on some thing but Taylor Blair, he is an old friend of mine and someone I had negotiated with for years, had made a couple of strong statements or at least was quoted in the papers saying I hope they do get the injunction and we will show them that it is, and I hope that they do try for the injunction they will soon find out that a strike isn't illegal and he cited the Alpo case as saying something different than what I thought it said. That statement struck me because there are so many times in my experience since I have left the government where the union has virtually invited us to get the injunction where there is violence as a way to end the god damn thing. As a basis, as a maybe they can talk, well you are illegal, it is a face-saving device for settling it in less than the terms they were asking you see. And I read into that more than Taylor Blair. I talked to Taylor later and he said no, he was just mad when he said it. I read into that he was hoping we would get an injunction. This would be a nice face saving device to get them back to work. And for those two reasons I got involved but mainly because I thought I would have some influence but I was just there to answer some questions. But I do remember this and this is what confirms my idea that they didn't get the injunction for thinking it would end this thing. Why do you get an injunction then  
? To end it. Because at that meeting, I remember asking the question, what is the purpose of this?

Bill Thomas- What do you expect to gain from this?

Sam Weintraub- Yeah, and do you expect them to go back to work and to a man they said no, this won't do it. We were discussing statements that the mayor would say to the press in conjunction with getting an injunction and I noticed that they had a long winded statement this long justifying the mayor' position and I said at this time what is the purpose of that statement. Is it calculated to get the men back to work because if it is you are saying jus the opposite you are throwing out a red flag. With the calling of names and everything else. Or is it something else, are you trying to reach the public. Anyway I got the feeling then that it was almost, there was an outside chance that they would come back...

David Yellin- What was the...why were they doing all this?

Sam Weintraub- I don't know, no answer was given but my guess was there were two charges for the reason, they said that they didn't think the injunction would end it so I felt that it was a matter of satisfying the public.

Bill Thomas- Right to solidify that position.

David Yellin- Can I ask you a question even... are you giving us this answer because you feel you ought to?

Sam Weintraub- I feel I what?

David Yellin- You feel you ought too?

Sam Weintraub- Ought to what?

David Yellin- Not give us the answer, let me see how I put it. Are you protecting your position as an attorney?

Sam Weintraub- No I haven't done this and I do want you to see at this point say look I recognize this as an unusual situation, it is history that is involved so on and so forth but a lawyer does have an obligation of confidentiality. And if I am quoted in any way or cited, or statements are made which inevitably must come from me I would appreciate if you would not attribute it to me or if you do that I have an opportunity to....this is...

David Yellin- We will certainly..

(Tape break)

David Yellin- Back and that is in your experience with injunctions do they usually favor the injunctee or the one against who is injunct?

Sam Weintraub- The one who is enjoined?

David Yellin- Yes, by the city causing an injunction against the union the public would then be naturally in favor of the union because then they were maybe under dog or something, would that be why he would be provoking for instance as a technique, provoking the city to do it. Or the city would be loathed to do it because that would tend to put the union...

Sam Weintraub- No this could be, but my experience, total experience without exception until this thing is that when you get an injunction that is the end of it, that ends the strike.

Bill Thomas- That is what happened in 66.

Sam Weintraub- Right and I have been involved in many industrial injunctions, violence generally, and it ends it just like that, invariably.

David Yellin- Well then when you got this injunction...

Sam Weintraub- It doesn't end the strike necessarily, most injunctions don't enjoin the strike as a whole where there is violence because there is a mass of people there normally these courts Chancery courts here are pretty careful about it, they don't grant more than they should and all they do is they don't enjoin the strike where there is violence, they just limit the number of people that can congregate, they limit the amount of pickets to 2 let's say at each gate so it will be more orderly and so on. This is what normally happens and when that happens some of the spirit goes out of the strike, when they can't rally and demonstrate their feelings they lose spirit and sooner or later within a few days the strike ends. In this case, this was an injunction against ending the whole strike because the strike itself was illegal. This was the basis of the strike you see.

David Yellin- (Muffled).

Sam Weintraub- The injunction was aimed at ending the strike totally because in his case, it wasn't a question of the court saying oh there should only be two pickets or anything like that, since it all was allegedly illegal it all had to be ended. I couldn't believe really and at that meeting with these lawyers at lunch I think the feeling there was more or less that it would have a chance to end but at the meeting with the mayor, in his office, or in his conference room, when the decision was made when to go for it, this was either Thursday morning or Friday morning, and I, for the first time realized that nobody in that room, really thought they would win it. They were hoping and in all fairness they were hoping it would end it, there is no question in my mind they were hoping to end it. Walter Armstrong, you could tell from the way he was working with me to shape this statement that he was hoping to end it by this thing. He didn't want to wave any, do anything to interfere that would upset the men anymore than they were already you see. You see, you can go for an injunction and at the same time say some things like to hell with him. To hell with the city. So we did cut that thing down and he managed to come out a fairly innocuous statement, a statement of fact as to why he was going for the injunction. We had to protect the city and this and that and the other and that is all. No charges or anything else against the union and the mayor went along with that and he said I leave it to you lawyers several times. One time one guy said to the mayor I have forgotten who it was, he said you are not saying much. He said, I am listening, I am a good listener but I am my own man. I don't know how many times he has heard him say that I am my own man and if I don't like what you are saying buddy I will let you go.

Bill Thomas- Let me say one point in here. And I think probably it is true that by then pressures had been built up by the newspapers and they had to declared editorially right down the line that they felt it was an illegal strike. Now can I ask you point blank did this injunction then solidify that point to underscore the idea that it was an illegal strike and could that have been the purpose, or one of the purposes?

Sam Weintraub- I am sure as I indicated before from my speculation that certainly, although I wasn't told this in so many words because I wasn't privy to their original

discussions which led to the call to me and everything else but I feel certain that this was one of the reasons for getting the injunctions is to put the stamp of illegality on it. They are being accused of saying it is illegal and not backing it up and the question is now being raised as to if it really was illegal then if he is afraid to go into court and get this injunction. And as I said the newspapers had editorialized along those lines that if you really right go and get it. If it really is illegal and I am sure that must have occurred because it occurred to me on the outside reading the newspapers and it certainly must have occurred to them. But I will not, but I do think though judging their reactions and everything else, that if lightning struck and if it worked like magic so much the better. Against their real impression was that these men were too enflamed by now. Too enflamed to think, to respect even an injunction the court's order and it probably wouldn't work. But there was hope there that it would and so I think the reason was two-fold, not really thinking it would work, hoping it would if lightning struck. But there being every strike is a tactical thing as well as your in the most industrial strikes they are limited to the combatants and but you still are trying to convince the men to come back through one form or another and the men are trying to convince the company through one form or another to yield and so on and so forth. Here the arena was broader. The public and so they had to convince the public too, because the public works on...it is an amazing thing how people, strikers will react to, I have seen cases I had one injunction when the AGC, associate general contractors, was truck city wide by the carpenters union, big fat headlines everyday. About the schools are not being built and the hospitals are about to fall down because of the strike and I remember they committed a secondary boycott at one building. One of the projects out of dozens and dozens of projects around it. We got the injunction against them. That day as it happens the, I say it was a federal injunction from Washington and we didn't know the day it would come down but as it happened it came down and hit the newspapers the day of the union meeting when they were going to vote on the associations (muffled).

Bill Thomas- Bad timing.

Sam Weintraub- The association had weak links who were about to fold and they were beginning to split in the union ranks, in the membership ranks. Some wanted to give in and that did it. It had nothing to do with the overall strike but it was just an incident at one particular time and my gosh we are citizens we don't want to engage in an illegal strike and we all felt that had created enough votes to settle in the union and it ended that day, they settled on our terms. So in every strike you are trying to end it on your terms and there is nothing, anything special about or anything devious about he administration trying to gain public opinion, it was in the public arena and I am sure this was one of the motives to stamp to it as illegal. He was calling it illegal and now he was trying to get an official stamp of illegality and I am sure that was part of it.

David Yellin- Now the thing that interests me here and maybe at this point. You said that you gathered from the tenure of the meeting that they felt the men were too enflamed.

Sam Weintraub- Probably yeah.

David Yellin- Ok now, why were, was there anything specifically that they said why were the men enflamed, were they enflamed by what or what were they enflamed about?

Sam Weintraub- Oh I don't think we discussed it to that extent, we weren't....it is just that they are, they wouldn't come back. They wouldn't have discussed it with me as a lawyer.,

David Yellin- I see.

Sam Weintraub- See I thought I was coming in more as a lawyer, I thought I was coming in as a labor consultant and I wasn't. not too much anyway.

David Yellin- What I am getting t, I don't mean to be coy but what I am getting at I think is that by this time was there any question or any discussion that this was more than a labor strike? Was race into it at this point?

Sam Weintraub- Gee I can't recapture that. I know at one point before it really became evident that it was racial, I had the feeling that it was coming. As a matter of fact there was one incident which so struck me because almost like an oracle, Taylor called me, Taylor Blair one Sunday. And at home...

David Yellin- Just to clarify he is the attorney for....

Sam Weintraub- No he is the international representative for the IBW electrical union and he was much involved as a sort of intermediary. The, at first I think he was honestly trying to mediate the thing. He went up to see the mayor a couple, three times and he knew him not too well but he knew him, he went with Frank Miles one time before the injunction I am sure and went up there and suggested him having an election and the mayor wouldn't go along for it. This I know from talking with Taylor and from talking with Frank, they had gone up a couple times and he sensed t hat this thing was going to develop into more, because they were all negros for one thing and he sensed that something would happen. Apparently the mayor wouldn't buy holding an election, because it was his firm view and I tell you I have never seen anybody, with as much steel in his back as this mayor. He felt that he could not negotiate whether it was, depending on where you sit it depends on how you view it whether it was steel, stubbornness, or politics. You know but you can say it without and still be objective and say he certainly had steel in his back if nothing else. To be able to stand all that pressure and even after the assassination there was, I mean you could call it wild and crazy but anyway. He did agree to certain things that Taylor and Frank had recommended. But I think that was a little bit later but anyway...

David Yellin- Taylor called you?

Sam Weintraub- Taylor called me one evening at home and wanted to talk, we had known each other. This must have been after we got the injunction because then my name appeared in the paper. And he said he wanted to talk and he called and talked to Avis and said he wanted to talk with me. He said something like I am sorry to see Sam involved in this or some thing like that, since I again, since I was not a consultant labor relations wise, I hesitated to call him back. But I felt my god I knew his connection with the union, and I thought this might be a break. Maybe he was looking for a basis of settling the thing. I held back that night I wanted him to call me again rather than me call him. I waited and waited and he didn't call back and so the next morning I called him late in the morning he was just headed to church. He said I am glad you called I will call you back later. And at about 2 or 3 in the afternoon he called me and he was, we were both all mixed up and we were both mad. He was mad at me for getting involved, he said god damnit, what the hell are you doing this isn't Sam Weintraub getting involved in something like this. He and I had talked earlier before I was retained by the city about the issues involved and I recognized that he was trying to mediate this thing in some way and use his good offices in some way. Although his instincts are union wise, he recognizes the same time that responsibly something had to be done to bring them together. He would work on the union and the mayor both. Like a true mediator. A mediator hits them both and he is trying to settle it. And he said, in fact I had told him earlier, I had been negotiating a contract with him at that time, with sounds associations, an electronic sound companies and then I told him that some mediation was necessary or something like this. And he was kind of mad. God damnit Sam what the hell are you doing getting involved in this, this is against all your principles and this that and the other and I got mad in turn and I remember saying something which was as it turned out really prophetic I know that everybody knew it by this time it was in my bones, it was in everybody bones I am sure and he was saying that, calling the mayor all kinds of things, he was talking about my client you know. And I might have disagreed with some of the way this thing was handled from a policy point of view. But I became defensive and I said Taylor I know you and I know like you like anybody else in your position is going to act responsibility and he is going to try and stop things before it starts or find some other way to work it out. How responsible do you feel it was for this organization this (muffled) to call a strike like this and I said let's not kid ourselves they called it, they knew it was happening, this is the way I put it to him. And I said they called it, how responsibly is it to catch a mayor who has just walked into office an administration that doesn't even know which is the back door and the front door and Ingram had pulled all the papers out and they were in turmoil when I got this god damn thing. And these are the words I used, Taylor if this doesn't end and end quickly the city is going to blow up and it is going to engulf us all. I will never forget those words because this is well before any real...it was already in the air but it wasn't really....the negro ministers hadn't come into the picture yet really, they wee on the wings and in the fringes and I remember saying that to him and he would tell me the same thing that the city was going to...and I said pal there is another thing it is not only going to engulf the city but it is

going to engulf you and the labor movement. You are not going to operate as a labor union any more. There is another prophetic thing because I said, you know what happens when you try to get the men to walk out and they do walk out you have got to be there leader, you have got to lead that damn thing even though it was against your better judgment you are going to get out there and lead and I respect you for it. Now when this thing becomes a racial issue and the black power people get into it and they said you are going to have to preserve your position as a labor leader, to preserve your position of your union you are going to have to get out front and be a black power man and I said do you want that. I knew Taylor's views on that and this fight made him change his views by the way, he began to appreciate, I used to argue with him all the time, he always used to argue with Jesse Turner, he was on the WOPC that committee. He represented the county or Ramsey or somebody and he always resented Jesse getting up there, Jesse Turner getting up there and saying something about negros and everything and nobody would tell me these things and I knew I was hitting a responsive chord there. I said, do you want this stuff to happen. This thing has changed Taylor completely. I used to be the guy that would defend Turner and then try to showed why he had to say these things and so on. Certainly if he was anything he was a martyr and a buffer to the more militant people he had to do this to control these people but he wouldn't take this. I said you are going to have to get out in front and by you I meant the union. It is going to engulf us all including you, you aren't going to operate as a union anymore you are going to be a civil rights organization. And but the main thing I said was that it was going to blow up and it was going to engulf us all. He said basically the same thing to me and I was saying the same thing to him. I meant it thought I felt that the union had acted irresponsibly. That they, the very fact, in fact this was part of the one of the pieces in the puzzle that made me think that the union called it, the very fact that it was aright at the beginning of the administration. They hadn't given them a chance to resolve anything. They hadn't given him a chance to see whether the city would sit with them or anything else they were catching them at the very beginning....

(Muffled)

Sam Weintraub- Yeah you want an cigarette?

Unknown Man- no you can have it I have another one.

Sam Weintraub- And this is what I felt then, and he kept telling me no he didn't know anything about it and that sort of thing. Now Taylor don't kid us, don't kid me you know better than that. This was, they knew what was going to happen. Maybe it wasn't at their instigation but they knew and they did nothing to stop it and to me being involved in tactics all the time, labor relations tactics and strategy it looked to me like a beautiful move to catch the city while they are off balance and make them capitulate right then. They had enough problems they would settle and everything else. I said is that the kind of responsible leadership, I felt it wasn't. They knew that these were negros and they knew there was racial undertones or overtones to this thing and yet they let the strike happen. I said that was wholly irresponsible. Taylor

on the other hand accused the city of being irresponsible. And so one because I was on the defensive I wasn't truly reflecting my views but I was on the defensive.

David Yellin- You were defending your client.

Sam Weintraub- Yeah defending my client, I guess defending me too, from being involved.

David Yellin- Well now I want to be sure that we get this very clear because I must confess I came in not as clear about it as I think I should be. After the 24<sup>th</sup> injunction, then came the next thing in which you were involved, or is there anything that happens before, the contempt action. And those are two separate things.

Sam Weintraub- Right.

David Yellin- Ok now how did that come about can you talk about that?

Sam Weintraub- You see some blank spaces there. We got the injunction on the 24<sup>th</sup>.

David Yellin- We can have a calendar.

Sam Weintraub- Apparently this was on a Saturday. By the way I, at that point we got the injunction from Chancellor Hoffman at his home we went to see him at his home.

Bill Thomas- Because it was Saturday?

Sam Weintraub- It was Saturday yes. And the I went down then, what you get, we hadn't filed a petition yet, so from his home we went down to the court house and filed papers, we had asked the clerk to come in too. Filed the papers and then I immediately called Howard Paul who had represented this union in the past. And although by this time I had heard somewhere I don't know where that Sabella represented them. But since how Paul was still on record as the attorney and we were proceeding on the old case as well as the new I called him first and had rumors that he had represented them, maybe his name appeared in the paper or something I don't know. Oh yes he had represented some of the individuals of the rocking of the car, T.O. Jones and so on and I didn't know who represented them but I called Howard first and I called him at home and I don't know whether I represent them but I probably do not. And but it was my responsibility to notify the other side immediately so I called him and then I called Ted at home and advised him. I am curious about that, Ted wasn't concerned he said well I will come in on Monday and read the papers. You know I wanted to bring it to him or something like that I forgot.

Bill Thomas- He wasn't concerned about the injunction?

Sam Weintraub- He wasn't concerned no. Ted acts like that often. He has gotten calloused I think through the years and my guess....I had a feeling that he didn't want to be disturbed over the weekend or he could have known it was coming sooner or later and he would deal with it in time.

David Yellin- Was there anything he could do about it as a matter of point of information.

Sam Weintraub- Oh my god yes, absolutely. If you come down and study that record of (muffled) and start getting ready to beat it, to combat it because you have a hearing then you see.

David Yellin- Oh I see. But he knew the hearing wouldn't be for a couple of days?

Sam Weintraub- Couple of days but the injunctions move quick and I in all, I just had a feeling that he didn't want to be bothered and I think he was mad at me for calling him because now he has to operate. Although that it may have been that he expected it and it might be that he was mad too that it was done over the weekend and that was only happenstance. We must have met on Friday, that Friday morning and they said go to it. And so I was ready and we moved. But there was no particular significance on picking a Saturday of no intention of trying to catch anybody off guard. Because we would have gotten it if we had come in on a Friday or come in on a Monday the court would have signed it just like that.

David Yellin- I would just wonder however, just again for history and to re-create the setting, whether the events of those two days which are surely publicized now it is real difficult I am sure for you to recall but the 22<sup>nd</sup> was when they went into the council and then he 23<sup>rd</sup> is when the council was supposed to pass something and didn't and then that is when they marched back and the macing took place.

Bill Thomas- Well David if the meetings with the attorneys was on Friday morning it seems to be closes to Friday...

David Yellin- If it was on Thursday morning I could see why none of the others had gone.

Sam Weintraub- Now remember I think I was called before then, I was probably called Tuesday or Thursday and I was told to get started.

David Yellin- Yes.

Sam Weintraub- See now if I had my records I would have my time book to and I would know exactly when I was called.

David Yellin- Say if you were called and Thursday morning nothing had happened yet, but by Friday morning something had already happened and you were anticipating some thing else, I think it behooves us to try and look into that a little closer and maybe we might...

Sam Weintraub- Well let me say this that I am sure, you see I met, if it was a Friday then I met with the mayor in the group in his conference room when the decision was finally, the debate was selected, I mean let's move now rather than wait until Monday or what not. I met with the group of lawyers at lunch at least the day before

if not the day before that. And it was just a question of whether we do it today or tomorrow.

David Yellin- Yeah but I mean the question is whether Saturday or Monday could have been prompted..

Sam Weintraub- Possibly, I remember vaguely those incidents and I don't think in our discussion that didn't come up. There was a discussion of the tactics of filling it right now or waiting until Monday and I think there was a letter going, didn't a letter go out to the employees at that time?

David Yellin- Well that was what the mayor was talking about the letter.

Sam Weintraub- I think there was question of maybe writing...

Bill Thomas- I think he had it written by then, a letter.

Sam Weintraub- I think it was some question to see whether the letter would take effect or something would happen.

Bill Thomas- I don't recall there Dave that letter.

David Yellin- No the letter came a little later because that is after the 24<sup>th</sup>.

(Tape Break)

Sam Weintraub- I would think so but again this is all speculation because I wasn't..

David Yellin- But it is all kind of interesting in the narrative.

Bill Thomas- Yes and then sequence.

David Yellin- But in the sequence you know now the minister's organization met the very same day the injunction came out and that was the beginning of the minister's organization. See that day, so that is why in hat sense the timing of this.

Sam Weintraub- Are you talking about the ministerial association not the negro ministers...

David Yellin- Yes the negro ministers, it is COME.

Bill Thomas- Community on the move for equality.

Sam Weintraub- Oh really.

David Yellin- That same day, see they met Saturday and they formed Saturday.

Sam Weintraub- I remember that now, now I remember it, I remember my Shigrin afterwards I remember telling Avis I thought I was in a labor dispute and when this thing busted, it busted, I remember that the day after, I said why didn't I know one day more and I wouldn't have gotten involved in this thing.

David Yellin- (muffled) Taylor Blair came Saturday night and Sunday.

Sam Weintraub- It was a Saturday night and Sunday. I remember telling Avis, I said me, fighting civil rights me, I just couldn't face it. This injunction was by the way, no I must have known there was some negroes involved before then.

David Yellin- The ministers?

Sam Weintraub- There must have been some ministers individually because I remember...

David Yellin- They were all involved you see..

Sam Weintraub- I remember wording this injunction very carefully and limiting it to union participants. There was some question raised at my luncheon, somebody said this...I was developing the facts as far as I knew and where we could go with this injunction and so on and I said nothing about the ministers, nothing apparently, nothing about any other actions by outsiders, there must have been some marches or something before then. I don't know.

David Yellin- There was a vigil on the 19<sup>th</sup>.

Sam Weintraub- Was there. And somebody one of the attorneys present, he said well heck that is part of the...what about them we can get them under the...I said now look, there is a constitutional question already. The union will raise the constitutional question why broaden this thing to include others, other than the actual union thing. Actually as a labor attorney was all I wanted was to keep it confined to a labor matter and I remember saying my god what am I doing getting involved in a racial matter. I remember saying me and George Wallis...(Tape End)