



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

WASHINGTON, D.C. 20506

July 2, 1970

Dr. Hector P. Garcia
National Chairman
American G I Forum
1315 Bright Street
Corpus Christi, Texas 78405

Dear Dr. Garcia:

Your testimony before our Commission was excellent. I am well aware of the pressures that were and can be placed on you for having the courage and intelligence to speak out on the subject of employment discrimination. You are the patriots of our country and not those who want to stifle the truth. Our country will survive as a democracy just as long as tough minded individuals like you are willing to expound the truth and the truth is that employment discrimination is rampant in our country.

I do not know what the future will bring to persons like you and those of us who believe in civil rights. I do know that the very fabric of a democratic society hangs in the balance. I do know that a non-democratic society spells death for the minorities. I do know that to maintain a free society the burden and sacrifice is placed on a very few. You were one of those few at the Houston hearings.

Please be assured that I will put forth every ounce of effort, intelligence and courage to gain equal employment for the Mexican Americans, Blacks, Indians, Puerto Ricans, and women of this land.

Sincerely,

A handwritten signature in cursive script, reading "Vicente", is written above the printed name.

Vicente T. Ximenes
Commissioner

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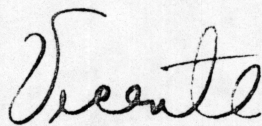
February 8, 1971

Dr. Hector Garcia
Founder, American G I Forum
1015 Bright Street
Corpus Christi, Texas 78405

Dear Dr. Garcia:

Enclosed is notice of ruling by the Tenth Circuit Court in
Denver. The Court ruled against me and it means that
there will be additional delay. We will appeal to a higher
Court and I have every reason to believe that the lower
Court Judge will be overruled.

Sincerely,



Vicente T. Ximenes
Commissioner

Enclosure

FEAR OF PICKET LINE HELD NOT PROTECTED

The Fourth Circuit Court of Appeals, in a two-to-one decision, enforces a Labor Board order for reinstatement of two striking employees who elected to honor the picket line of a striking union at Union Carbide Corporation. The company claimed substantial business justification for the discharges. It was to prevent more defections in the company's construction division. The strike was by production and maintenance men.

Circuit Judge Murrah remarks that NLRB's primary responsibility has been to strike the proper balance between asserted business justifications and the invasion of employee rights in the light of the Taft Act and its policy. The court, Judge Murrah adds at this point, cannot say that the Board has violated that responsibility by equating an employee who honors a picket line with an economic striker. He also declares that it cannot be denied that respect for the integrity of the picket line may well be the source of strength of the whole collective bargaining process in which every union member has a legitimate and protected interest.

A third construction division worker also was fired for refusing to cross the picket line, but the court refuses to enforce the reinstatement order as to him. It is pointed out that his action was based on fear of personal harm, not on principle and for this reason his refusal to cross the line is not considered protected by the court. As Judge Murrah puts it, one who is afraid to cross a picket line by reason of physical fear makes no common cause, contributes nothing to mutual aid or protection, and does not act on principle.

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EEOC CHARGE AGAINST FIRM RULED INVALID

The Equal Employment Opportunity Commission served on Adolph Coors Company at Golden, Colo., a demand that the company furnish EEOC with certain information about its employment practices at the company. One of the requests was for a list of all employees showing date hired, job title, rate of pay, and ethnic or racial identity. On the basis of company objections, Federal Judge Hatfield Chilson rules the EEOC demand invalid and must be set aside because the charge on which it is based is invalid.

Title VII provides that whenever a written charge has been filed by a member of the Commission it must set forth the facts on which it is based. The company petitioned that the demand of EEOC for the production of information be set aside or modified and thus raised a question as to the validity of the charge in view of the requirement of the statute.

The court finds not persuasive the arguments of the Commission and the authority cited. It finds the Commissioner's charge completely devoid of any facts to support his conclusion that he has reasonable cause to believe the Act has been violated at this company. The court says it cannot ignore the Congressional mandate that the charge must be supported by facts. Finding the charge in this instance invalid, Judge Chilson rules that the demand for evidence must be set aside.

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OTHER DEVELOPMENTS

ARBITRATION

Michigan Court of Appeals bars grievant's suit against union for damages alleging breach of duty of fair representation; rules action must be dismissed unless plaintiff able to show union acted arbitrarily and in bad faith in pursuing arbitration of discharge grievance - - - - -

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CONSTRUCTION INDUSTRY

President Nixon confers with construction labor and management representatives on holding down wage and price increases; asks for recommendations within 30 days - - - - -

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