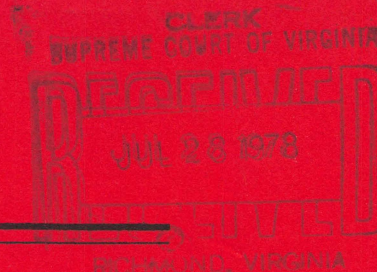


220VA 547



IN THE
Supreme Court of Virginia
AT RICHMOND

RECORD NO. 771634

UNITED STEELWORKERS OF AMERICA,
LOCAL 8417, ET AL. *Appellants*

v.

NEWPORT NEWS SHIPBUILDING
& DRY DOCK COMPANY *Appellee*

JOINT APPENDIX
Volume I

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Washington, D. C. 20036

Counsel for Appellee

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BILL OF COMPLAINT

Your Complainant, Peninsula Shipbuilders' Association, would show unto this Honorable Court the following facts as the grounds for the relief prayed for:

1. That the Peninsula Shipbuilders' Association is a labor union with its principal office at 4306 Huntington Avenue, Newport News, Virginia, 23607, and is the exclusive bargaining representative of the production and maintenance employees of the Newport News Shipbuilding and Dry Dock Company (hereinafter called the N.N.S.&D.D.Co.) as set forth in Section 2.1 of the labor contract between the plaintiff and N.N.S.&D.D.Co., attached hereto as Exhibit 1.

2. That the United Steelworkers of America Local No. 8417 represents certain design-related employees of the N.N.S.&D.D.Co.

3. That the labor contract between the Peninsula Shipbuilders' Association and the N.N.S.&D.D.Co. was entered into on February 17, 1975, and pursuant to Section 30.1 does not expire until June 30, 1978.

4. That said labor contract in Section 5.1 contains an agreement that "during the term of this Agreement there shall not be, nor shall the Association encourage or sanction, any strike (including sympathy strike), picketing, slowdown or intentional interference with operations nor shall there be any lockout over a labor dispute with the Association."

5. That the defendant's labor contract with N.N.S.&D.D.Co. expired on March 31, 1977, and that in spite of negotiations between the defendant and N.N.S.&D.D.Co. a new contract could not be reached.

6. That on March 31, 1977, the members of the defendant voted to engage in a strike against the N.N.S.&D.D.Co.

7. That on April 1, 1977, the defendant through its servants and agents caused to be erected picket lines.

8. That even though substantially all the employees represented by the defendant enter and exit the N.N.S.&D.D.Co. by two gates, the defendant has caused pickets to appear at substantially all other gates.

9. That the picketing is being led by agents and servants of the defendant, at the direction of the defendant, by men who generally reside outside the Commonwealth of Virginia, and who are not employees of the N.N.S.&D.D.Co.

10. That the said purpose of the pickets who are walking the gates normally and solely used by the employees represented by your complainant is to attempt to interfere with the right to work of those represented by the complainant.

11. That the strategy of the defendant is to use, and it has used, force, violence, threats of violence, intimidation, insulting or threatening language in order to induce or attempt to induce the employees represented by the complainant to quit their employment or cease working for N.N.S.&D.D.Co.

12. That the large number of pickets of the defendant and the defendant have acted in such a manner as to obstruct or interfere with the free ingress and egress to and from the premises of N.N.S.&D.D.Co.

13. That as a result of the actions of the defendant's violence, force, threats, intimidation, insulting or threatening language and blocking of egress and ingress to N.N.S.&D.D.Co. have occurred and will continue to occur.

14. That as a result of such actions of the defendant, your complainant and the men and women it represents are suffering and will suffer irreparable damage for which there can be no relief save in a court of equity.

WHEREFORE, your complainant prays inasmuch as it is without an adequate remedy in the premises save in a court of equity wherein matters of this sort are alone properly cognizable and relievable, that the defendant be made a party to this bill of complaint and be required to answer same under oath, that proper process issue, and upon reading of this bill this Honorable Court grant to your complainant a temporary and permanent injunction enjoining and restraining the said defendant and all its members, agents, representatives, attorneys, and servants of the said United Steelworkers of America, Local 8417, from continuing, maintaining or conducting the said work stoppage and picketing in such a manner as to engage in or otherwise use or threaten violence or force, intimidate the members of the complainant, use insulting or threatening language, block ingress and egress to the premises of the N.N.S.&D.D.Co. or in anywise interfere, hinder, or deter the employees represented by the complainant from exercising singly or collectively his or her right to work and to get to work; and your complainant have such other further and general relief as the nature of its cause may require or to equity shall seem meet.

PENINSULA SHIPBUILDERS' ASSOCIATION

0003

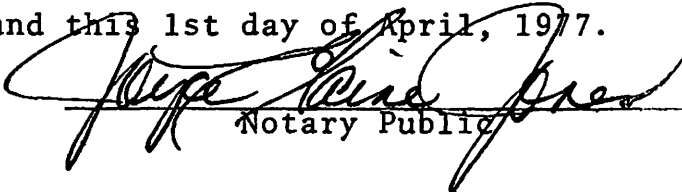
By: 
Robert M. Bryant, Jr.

STATE OF VIRGINIA

CITY OF NEWPORT NEWS, to-wit:

I, Joyce Elaine Jones, a Notary Public in and for the City and State aforesaid, do hereby certify that ROBERT M. BRYANT, JR., after being duly sworn, does say that he is the Business Manager of the Peninsula Shipbuilders' Association, the Complainant, in the foregoing bill, that he has read the allegations of said bill, and that the same are true to the best of his knowledge and belief.

Given under my hand this 1st day of April, 1977.


Notary Public

My commission expires: June 26, 1979.

E. D. David, Esq.
Jones, Blechman, Woltz & Kelly, P.C.
2600 Washington Avenue - Suite 700
Newport News, Virginia 23607

Filed in the Clerk's Office the

1st day of April, 1977

Writ Tax \$ 5.00

Teste:

Fee 25.00

George D. DeShazor, Clerk

Lib. Fee 1.00

Total Paid \$ 31.00

 D. C.

TEMPORARY INJUNCTION

This day came the Peninsula Shipbuilders' Association, an unincorporated labor union, representing all the production and maintenance employees employed at Newport News Shipbuilding and Dry Dock Company, in its own proper person and by counsel, and presented to the Court its Bill of Complaint, duly verified, praying for an injunction both temporary and permanent, against the defendant therein named, which Bill of Complaint having been seen and inspected by the Court.

Thereupon the said Complainant, by counsel, moved the Court for a temporary injunction against the United Steelworkers of America Local No. 8417 and all its members, agents, representatives, attorneys, and servants of the said United Steelworkers of America Local No. 8417 from continuing, maintaining or conducting the said work stoppage and picketing in such a manner as to engage in or otherwise use or threaten violence or force, intimidate the members of the Complainant, use insulting or threatening language, block ingress and egress to the premises of Newport News Shipbuilding and Dry Dock Company or in anywise interfere, hinder or deter the employees represented by the Complainant from exercising singly or collectively his or her right to work and to get to work.

And the Court, having read and considered said Bill, and having heard the evidence ora tenus, being satisfied that the Complainant is now suffering irreparable loss, injury and damage, and is without adequate remedy save in a court of equity, and the Court being satisfied from Complainant's said Bill and evidence of Complainant's equity, and that Complainant is entitled at this time to an injunction as hereinafter awarded.

It is, therefore, ADJUDGED, ORDERED and DECREED that the defendant, its members, agents, representatives, attorneys, employees, associates and confederates, be, and they are hereby enjoined, inhibited and restrained until the further order of the Court from doing or causing to be done and from instigating, encouraging, maintaining, aiding, assisting or abetting any person or persons in doing any of the following things:

1. Continuing, maintaining or conducting the work stoppage and picketing at N.N.S.&D.D.Co. in such a manner as to engage in or otherwise use or threaten violence or force, intimidate the members of the Complainant, use insulting or threatening language, block ingress and egress to the premises of N.N.S.&D.D.Co. or in anywise interfere, hinder, or deter the employees represented by the Complainant from exercising singly or collectively his or her right to work and to get to work.

2. Attacking, assaulting, coercing, obstructing, threatening or intimidating in any manner or at any place any employee or other person working or desiring to work for the N.N.S.&D.D.Co.

3. Destroying or damaging property belonging to those represented by the Complainant.

4. Walking, standing, loitering, assembling, congregating, driving and being in numbers at, near, around or about any gate or working place of N.N.S.&D.D.Co. at any time where their presence and numbers are calculated to coerce and intimidate any person or persons working about or entering or leaving any such place.

5. Obstructing highways or roads or otherwise obstructing, delaying, hindering or in any other manner preventing the employees represented by the Complainant from carrying on their business and work at the N.N.S.&D.D.Co.

6. In any way interfering with, disturbing or preventing the normal conduct of the employees represented by the Complainant of the rights of the individual employees to work for the N.N.S.&D.D.Co. and to earn a livelihood for themselves and their families without fear of bodily injury or threat of violence to themselves, their families or their property on account thereof, and from obstructing or interfering with said employees while going to or returning from their places of work.

It is further ADJUDGED, ORDERED and DECREED that this injunction shall be effective upon the defendant, upon service of this order upon the defendant, from the date hereof for a period of sixty days thereafter and at the expiration of that time such injunction shall stand dissolved, unless before the expiration thereof, upon application by proper party or parties, the same is dissolved, enlarged or a further injunction is granted. But this injunction shall not take effect until bond ^{A CASH} be given before the Court in the penalty of ~~\$1,000~~ ^{\$10,000.00} with such surety as may be approved by the Court with condition to pay all such costs as may be awarded against the Complainant and all such damages as may be incurred by reason of this injunction should the injunction be dissolved.


It is further ADJUDGED, ORDERED and DECREED that the bond required as aforesaid having been given in open Court, this ORDER is effective forthwith.

It is further ADJUDGED, ORDERED and DECREED that the sheriff is directed to serve or cause to be served a copy of this order forthwith upon the defendant.

ENTER this 1st day of April, 1977.


Henry D. Garnett, Judge

I ask for this:


E. D. David

TEMPORARY INJUNCTION

This day came the Peninsula Shipbuilders' Association, an unincorporated labor union, representing all the production and maintenance employees employed at Newport News Shipbuilding and Dry Dock Company, in its own proper person and by counsel, and presented to the Court its Bill of Complaint, duly verified, praying for an injunction both temporary and permanent, against the defendant therein named, which Bill of Complaint having been seen and inspected by the Court.

Thereupon the said Complainant, by counsel, moved the Court for a temporary injunction against the United Steelworkers of America Local No. 8417 and all its members, agents, representatives, attorneys, and servants of the said United Steelworkers of America Local No. 8417 from continuing, maintaining or conducting the said work stoppage and picketing in such a manner as to engage in or otherwise use or threaten violence or force, intimidate the members of the Complainant, use insulting or threatening language, block ingress and egress to the premises of Newport News Shipbuilding and Dry Dock Company or in anywise interfere, hinder or deter the employees represented by the Complainant from exercising singly or collectively his or her right to work and to get to work.

And the Court, having read and considered said Bill and having heard the evidence ore tenus, being satisfied that the Complainant is now suffering irreparable loss, injury and damage, and is without adequate remedy save in a court of equity, and the Court being satisfied from Complainant's said Bill and evidence of Complainant's equity, and that Complainant is entitled at this time to an injunction as hereinafter awarded;

And the Court, upon the Petition by Party to Intervene filed by the Newport News Shipbuilding and Dry Dock Company, upon the Motion to Amend and other papers filed herein, and upon oral argument made in open court, being satisfied that the Newport News Shipbuilding and Dry Dock Company ought to be permitted to intervene and that amendments to the temporary injunction previously entered herein are proper;

It is, therefore, ADJUDGED, ORDERED and DECREED that the defendant, UNITED STEELWORKERS OF AMERICA, Local 8417, its members, agents, representatives, attorneys, employees, associates and confederates and L. L. Johnson, individually and as president of Local 8417; M. K. Trueblood, individually and as vice-president of Local 8417; R. Taylor, individually and as Secretary/Treasurer of Local 8417; R. E. Price, individually and as Sergeant-at-Arms of Local 8417; John Doe and other persons unknown, be, and they are hereby enjoined, inhibited and restrained until the further order of the Court from doing or causing to be done and from instigating, encouraging, maintaining, aiding, assisting or abetting any person or persons in doing any of the following things:

1. Continuing, maintaining or conducting the work stoppage and picketing at N.N.S.&D.D.Co. in such a manner as to engage in or otherwise use or threaten violence or force, intimidate the employees of the Newport News Shipbuilding and Dry Dock Company, use insulting or threatening language, block ingress and egress to the premises of N.N.S.&D.D.Co. or in anywise interfere, hinder, or deter the employees of the Newport News Shipbuilding and Dry Dock Company from exercising singly or collectively his or her right to work and to get to work.

2. Attacking, assaulting, coercing, obstructing, threatening or intimidating in any manner or at any place any employee or other person working or desiring to work for the N.N.S.&D.D.Co.

3. Destroying or damaging property belonging to employees of the Newport News Shipbuilding and Dry Dock Company.

4. Walking, standing, loitering, assembling, congregating, driving and being in numbers at, near, around or about any gate or working place of N.N.S.&D.D.Co. at any time where their presence and numbers are calculated to coerce and intimidate any person or persons working about or entering or leaving any such place.

5. Obstructing highways or roads or otherwise obstructing, delaying, hindering or in any other manner preventing the employees of the Newport News Shipbuilding and Dry Dock Company from carrying on their business and work at the N.N.S.&D.D.Co.

6. In any way interfering with, disturbing or preventing the normal conduct of the employees of the Newport News Shipbuilding and Dry Dock Company of the rights of the individual employees to work for the N.N.S.&D.D.Co. and to earn a livelihood for themselves and their families without fear of bodily injury or threat of violence to themselves, their families or their property on account thereof, and from obstructing or interfering with said employees while going to or returning from their places of work.

7. Physically, through the use of their own bodies or vehicles, blocking the entrances to the Newport News Shipbuilding and Dry Dock Company and preventing or interfering with ingress and egress thereto of this ^{INTERVENOR'S} ~~plaintiff's~~ vehicles, common carrier

vehicles and the vehicles of other persons doing business with the Intervenor/Complainant.

8. Having or allowing any more than (3) pickets at any entrance used primarily by vehicles to pick up or discharge materials or any more than (2) pickets at any entrance used primarily by personnel for ingress and egress to the Newport News Shipbuilding and Dry Dock Company; providing, however that pickets may cross the entrances, so long as ingress and egress is not blocked and a space of not less than fifteen (15) feet is maintained between pickets to allow for the passage of vehicles and personnel and so long as pickets shall not stand in front of vehicles or personnel entering or leaving any entrance to the said Intervenor/Complainant's premises.

It is further ADJUDGED, ORDERED and DECREED that this injunction shall be effective upon all the above-mentioned defendants, upon service of this order upon the defendant, from the date hereof for a period of sixty days thereafter and at the expiration of that time such injunction shall stand dissolved, unless before the expiration thereof, upon application by proper party or parties, the same is dissolved, enlarged or a further injunction is granted. But this injunction shall not take effect until a cash bond be given before the Court in the penalty of \$10,000 with such surety as may be approved by the Court with condition to pay all such costs as may be awarded against the Complainant and all such damages as may be incurred by reason of this injunction should the injunction be dissolved.

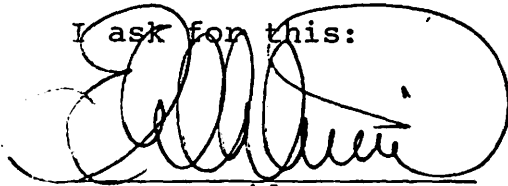
It is further ADJUDGED, ORDERED and DECREED that the bond required as aforesaid having been given in open Court, this ORDER is effective forthwith.

It is further ADJUDGED, ORDERED and DECREED that the sheriff is directed to serve or cause to be served a copy of this order forthwith upon the defendants.

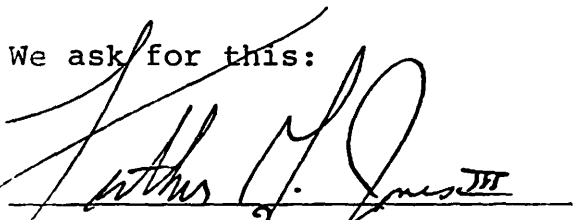
ENTER this 4th day of April, 1977.

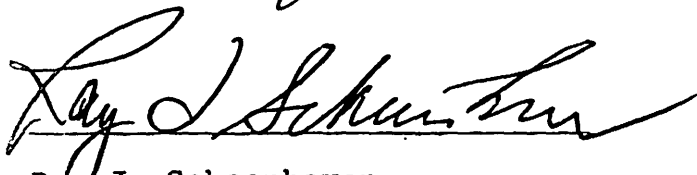

Henry D. Garnett, Judge

I ask for this:


E. D. David

We ask for this:


Luther G. Jones, III, Esquire


Ray J. Schoonhoven

Show Cause Hearing

Held 5-17 & 18, ~~1977~~

and 30, 1977

*
1 National roughly ten days a month, on the average.
2 They are here primarily to help us with the
3 administration of the Strike Fund, Defense Fund.
4

5 Q When you say the "Strike Fund,
6 Defense Fund," what do you mean by that?

7 A This is the money which comes
8 beginning with the end of the third week to the
9 Local Union from the International to help the
10 members, to distribute to them to help meet their
11 needs during the strike.

12 Q All right. Now, describe to
13 the Court, if you will, what steps you took when you
14 began the strike and the picketing to assure peaceful-
15 ness and avoid any impeding of traffic, and then,
16 more in particular, what steps you have taken to
17 insure the court order was complied with.

18 A Initially, first of all,
19 in regard to the strike, really goes back to Monday before
20 the strike was initiated the following Friday, and at
21 that time we set up a strike committee under Kent
22 Trueblood. I asked Mr. Trueblood at that point to
23 contact the Newport News Police Department, find out
24 what, if any, guidelines there were for picketing
25 during a strike. Kent did this and when the strike

1 came about, we did have information on each of
2 the strike posters as to how this should be gone
3 about. When the injunction was issued --

4 Q That information on the strike
5 posters, is that the exhibit that was introduced as
6 Defendants' Exhibit 1?

7 A Yes, it is.

8 Q Go ahead.

9 A All right. After Judge
10 Garnett issued the injunction Friday, we had a
11 general membership meeting the following week where --

12 Q How many people were there?

13 A I'd say eight to nine
14 hundred were in attendance at that time. I read to
15 the membership portions of the injunction.

16 Q And which portions -- why did
17 you omit portions?

18 A Well, the injunction is a
19 rather lengthy thing. I was afraid, frankly, if I
20 went into too much of the legal language, they might
21 get a little bit lost on the thing, so I tried to
22 read the sections where it actually said what we
23 weren't supposed to do.

24 Q Did you read the sections on
25

1 what you were not supposed to do?

2 A Yes, and then I tried to
3 explain to them just exactly what this meant.
4 Furthermore, at the same time, we had a picket
5 committee and they tried to have meetings of the
6 picket captains at least once a week. This
7 information was reiterated to the picket captains
8 and they in turn were responsible for, again, trying
9 to emphasize this to the individuals under them.
10 As time went on during this strike, we have
11 continually reiterated that we had to have a
12 completely peaceful strike. One of the biggest
13 assets, really, that we have is the good will of the
14 community on anything like this and certainly we
15 don't want to do anything to lose this. After
16 the Company came and filed these charges against
17 us, I issued another letter to the members, reminding
18 them again of the provisions of the injunction and
19 I felt they should be extremely careful, because
20 apparently we had a situation where they were
21 saying we had done things. I had a question in my
22 mind whether they were really right or not.

23 Q Is this the letter, that has
24 previously been introduced as Defendants' Exhibit 3,
25

*
1 keep in touch with the base unit. These, for the
2 most part, are on the more isolated gates and
3 particularly for use at night, largely so that they
4 can keep in touch with us and we know they're all
5 right down there. Now, the base units -- excuse
6 me -- the mobile units we have report back to us on
7 any movements of traffic around the Shipyard they
8 see so we can anticipate when a truck may be
9 coming to a gate, if there happens to be a mobile
10 in that area at that time.
11

12 MR. NEALE: All right, Mr.
13 Johnson. Answer this gentleman's
14 questions or the Court's questions.
15

16 CROSS EXAMINATION
17

18 BY MR. JONES:

19 Q Mr. Johnson, in anticipation
20 when a truck may be coming in, why do you need to
21 anticipate?

22 A Well, I think it's always
23 advisable to know that if there's a truck coming
24 towards a gate, we'd be prepared to take down the
25 information. I said before we tried to keep records

so when this strike began, there was presented to this Court, on the morning of the strike, evidence of certain incidents that were at that time alleged to have been occurring in a situation which could become volatile from the very nature of it. This Court felt it was a potential danger not only to the people who wanted to work and to management and to members of the union, but the public at large, which also has an interest in such as this because if there's violence, they have to pay for the police and their streets are the ones that are the battleground and it would cost the public a lot of money. So they have an interest in it, too. So the injunction was issued in good faith and to preserve the peace.

This Court felt and feels that the injunction was fair. We put no restrictions on the union or its membership which would unduly restrict their activities. We refused

1 to remove their pickets and to limit
2 their pickets down to the number that
3 counsel undertook to have us,
4 because I felt and still feel that
5 this union has a right to lawfully
6 conduct its strike and to lawfully
7 have its pickets at places that will
8 not impede the flow of traffic, vehicular
9 or otherwise, either of the public or
10 of the ingress and egress to the shipyard,
11 and I am of that opinion.

12 We have heard a lot of
13 evidence, some with some probative value
14 and some with not much probative value,
15 from both sides. I think one of the
16 things that really, I think, the evidence
17 could be summed up on one point something
18 like this, that this Local of the
19 Steelworkers called the Designers, I
20 believe, are certainly overwhelmingly
21 amateur when it comes to conducting a
22 strike. I would daresay, from the
23 evidence that I heard, that not many
24 of the Designers have participated in
25

any such strike before. They are novices at this game and it is obvious, to me, at least, from the evidence, that they have been kind of feeling their way along in their conduct of this unfortunate affair. And so I'm going to take all that into consideration in making a final determination of this because I really believe, from my personal observation as well as from this evidence, because although I do not undertake, as Judge of this Court, to supervise this strike -- and I state that from the beginning -- as a matter of curiosity, I have perused the various points that the pickets have been walking from time to time, both by day and by night, and in the evidence and from my personal observation, I believe that the rank and file members of this union sincerely desire to conduct this strike in a peaceful and lawful manner. I believe that this has been shown.

*

Now, in every organization, of course, there are people who do not want to follow the rules. They want to take off on their own, do what they feel should be done, some of which could, would lead to violence if it were not curbed. But I would say to this union and to its officials that as far as my injunction, this Court's injunction is concerned, this union is responsible for the acts of its membership, no matter how isolated this act might be. If they're going to conduct a strike, then they take certain risks and one of them is they take the risk of misbehavior, if you want to call it that, of some of its members, and they are responsible to this Court if their members, even acting as individuals, in the conduct of this strike do not comply with the orders lawfully issued.

Now that that has been done,

1 that there has been violation of the
2 injunction -- I don't think we could
3 really argue about that, Mr. Neale.
4 To say that Mr. Garrett, Mr. Stora
5 and Mr. Spivey are not in contempt of
6 this Court really, or in violation of
7 the injunction, would really just be
8 an exercise in futility because I
9 think the evidence is clear they
10 intended and did impede the traffic,
11 and the throwing of that cigarette
12 into that woman's truck, I think was a
13 reprehensible thing to do and the
14 union is responsible for that because
15 these people were on the picket line
16 for the union. Whether they're
17 members or not, I don't know, but I
18 assume they were, but they were on the
19 picket line, so the union is responsible
20 for that.

21 The taking of the pictures
22 of the truck drivers as they come into
23 the shipyard is designed to impede
24 the crossing of the truck drivers. They
25

1 could count these trucks just as
2 easily. They could take the number down.
3 If they wanted to report that to the
4 union, to the Teamsters' Union, they
5 could do that by saying, "On such-and-
6 such a date, trucks numbered so-and-so-
7 and-so entered the shipyard with such-
8 and-such cargo at such-and-such time."
9 They could do that. They don't have
10 to present to that union pictures of
11 the drivers that are driving those
12 trucks. So I don't think it's far-
13 fatched and certainly is a logical
14 inference to draw when one goes up, takes
15 a picture of the driver coming into
16 the yard, that this driver feels that
17 this picture will be used against him
18 or against his truck for some penalty
19 by his union or for some harm to his
20 truck or him up the road later on by
21 somebody, parties unknown. I'm not
22 indicating this union really had that in
23 mind, but certainly this truck driver
24 would have a right to believe that's
25

Therefore, I would have to say that these union officials named here in this petition, and Spivey and Garrett and Stora and Gilbert, I think his name was, were certainly in violation of this injunction. I take into consideration the fact that these union officials are, as I said, amateurs and novices at conducting a strike. I am reminded of, I think a similar situation, of when I was a boy. My mother was a very easygoing lady and she would lay down certain rules and regulations for the family and I would test her out just as far as I could test her and if she told me not to go beyond the corner, I would only go a little bit beyond the corner, so on, and until I got right down to where she would finally jerk me up by the heels. On the other hand, my father was a very easygoing and soft-spoken man, never raised his voice, so far as I know, to anybody, but when he laid down the law,

1 conducted by amateurs, with due deference
2 to the gentlemen, I'm not going to
3 dispose of this matter today. I'm
4 going to continue final disposition
5 of this case until such time as I have
6 been advised that this strike has been
7 settled or otherwise disposed of. I
8 would think that if the union has been
9 bona fidely attempting to comply with
10 this injunction, that they would make
11 every effort from henceforth throughout
12 the duration of the strike to comply
13 with it to show that bona fideness. I
14 would say to the union and to its
15 officials that if this is not -- if it
16 develops that's not true, we do have
17 problems, which we certainly hope we
18 don't have, that this Court would
19 be disposed to consummate this matter
20 forthwith. But I'm going to give
21 everybody the benefit of the fact
22 that everybody's feeling their way
23 along in this matter and these people,
24 if these people had been experienced in
25

1 the conduct of strikes, I would adopt
2 a different attitude, but I think
3 that they're pushing me and I want you
4 to know you can't push me any farther,
5 that we're not going to put up with
6 that.

7 Now, as to the suggestions
8 recommended by the shipyard, I don't
9 know right now if there's any day
10 limitation in this injunction --

11 MR. JONES: I believe the
12 injunction says sixty days, Your Honor.
13 Injunction does say sixty days.

14 THE COURT: I was under the
15 impression it was until further order
16 of the Court, but it might be sixty
17 days. Well, anyway, I have no
18 compunction. I will extend this
19 injunction for the duration of the
20 strike. I certainly don't want any
21 problems. As I say, there's nothing
22 in the injunction that the law doesn't
23 call for, anyway. I'm not putting any
24 undue restrictions on this union nor
25

1 deal in minor matters, frankly. I'm
2 just going to hold all that in abeyance
3 until final disposition is made in
4 this matter.

5 I have said you people are in
6 contempt of this Court and you are
7 in contempt of this Court. Maybe you
8 really don't think so, but actually
9 you are. Now, by allowing this
10 matter to run the rest of the strike
11 without disposing of it, what I
12 am really doing, Mr. Neale, is giving
13 your clients an opportunity to purge
14 themselves of this contempt by showing
15 their bona fideness, they really
16 want to conduct a peaceful strike,
17 and I would agree with you, certainly
18 for the most part it has been a
19 peaceful strike and I take all that
20 in consideration.

21 All right. It's been real
22 nice having you gentlemen in my
23 court.

24 (Whereupon, court was
25

MOTION FOR RULE OR ORDER
TO SHOW CAUSE

COMES NOW the Intervenor, NEWPORT NEWS SHIPBUILDING AND DRY DOCK COMPANY, through its attorneys, and moves this Honorable Court for a rule or order requiring the above-named defendants to show cause why the defendant should not be attached for civil contempt and brought before the court at a time and place fixed by the court to answer for the defendants violation of an injunction issued in this cause. As grounds for this motion, movant shows the court as follows:

TO THE HONORABLE HENRY D. GARNETT:

During yesterday's proceedings you instructed me to give no further objections to the admission into evidence of testimony regarding counts of violations concerning which defendants had not received notice. In compliance with this, I have made no further objections as these new counts were submitted. This is to note for the record defendants' objection to each and every count submitted in this matter for which we have not received notice in the Motion for Rule or Order to Show Cause.

As grounds for these objections in exception to the Court's ruling, I incorporate those grounds stated in the record orally yesterday.

Respectfully submitted,


UNITED STEELWORKERS OF
AMERICA, Local 8417

By 
of counsel

C. T. Neale, III
Hudgins and Neale
10352 Warwick Boulevard
Newport News, VA 23601

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing pleading has been delivered to E. D. David, Esquire and Luther Jones, Esquire, on the 18th day of May, 1977.



NOTICE

TO:

C. T. Neale, III

Hudgins and Neale
10352 Warwick Boulevard
Newport News, Virginia 23601
Counsel for Defendants

D. David, Esquire

2600 Washington Avenue
Newport News, Virginia
Counsel for Peninsula
Shipbuilders' Association

J. D. Champion

29 Courtney Avenue
Newport News, Virginia

Granville Diehl, Jr.

513 Marion Road
Hampton, Virginia

Archie D. Spivey

5407 Huntington Avenue
Newport News, Virginia

PLEASE TAKE NOTICE that the below signed, as attorneys for the Intervenor, the NEWPORT NEWS SHIPBUILDING AND DRY DOCK COMPANY, will file and seek an immediate hearing on the attached MOTION FOR RULE OR ORDER TO SHOW CAUSE before the Honorable Henry D. Garnett, Judge of the aforementioned court, on June 20, 1977, at 10 o'clock a.m., or as soon thereafter as counsel may be heard.

NEWPORT NEWS SHIPBUILDING
AND DRY DOCK COMPANY

By: 

Of Counsel


0033

Robert H. Joyce
Ray J. Schoonhoven
SEYFARTH, SHAW, FAIRWEATHER & GERALDSON
55 East Monroe Street
Chicago, Illinois 60603
(312) 346-8000

Robert V. Beale
JACOBS, NACHMAN, MURCHISON & BEALE
222 - 23rd Street
Newport News, Virginia 23607

CERTIFICATE

I certify that a true copy of the above NOTICE and MOTION FOR
RULE OR ORDER TO SHOW CAUSE was on June ¹⁶~~15~~, 1977, hand delivered
to counsel of record and is to be served upon Messrs. Champion,
Diehl and Spivey.



Robert V. Beale

MOTION FOR RULE OR ORDER
TO SHOW CAUSE

COMES NOW the Intervenor, NEWPORT NEWS SHIPBUILDING AND DRY DOCK COMPANY, through its attorneys, and moves this Honorable Court for a rule or order requiring the above-named defendants and J. D. CHAMPION, GRANVILLE DIEHL, JR., and ARCHIE D. SPIVEY to show cause why the defendant should not be attached for civil contempt and brought before the court at a time and place fixed by the court to answer for the defendants violation of an injunction issued in this cause. As grounds for this motion, movant shows the court as follows:

(The court reporter was sworn.)

MR. BEALE: If it please the Court, as Your Honor is aware, we have issued in this matter a notice and filed a motion for Your Honor to issue a rule or order based upon the affidavits attached to that motion. This morning, a counter-affidavit was filed in behalf of the Steelworkers and handed to me earlier today, which deals with the same subject matter and alleges to the Court that they had no knowledge, have not approved any of the violent acts that are involved in these affidavits. Our position would merely be that, as the Court said originally on, I believe the 20th of May, and I would quote the Court, "I would say to this union and say to its officials that as far as this Court's injunction is concerned, this union is responsible for the acts of its membership, no matter how isolated this act might be. If they're going to conduct a strike, then they take certain risks and one of them is they take the risk of misbehavior, if you want to call it that, of some of its members and they are responsible to this Court if their members, even acting as individuals, in

1 the conduct of this strike do not comply with the
2 orders lawfully issued."

3 Now, it is our position that
4 the affidavits show that they were not complied with
5 and we would ask for an order.

6 THE COURT: All right, sir?

7 MR. NEALE: Your Honor, the
8 affidavit filed by the Defendants does not at this
9 point concede there were acts of violence and we
10 deny it at this point, but I won't belabor the
11 affidavit, because I think it speaks for itself.
12 If I may, I would address the pleadings, because I
13 think this is the status in which we stand today.
14 The motion of the Intervenor lists, I would
15 characterize it as far as having two sets of
16 situations. First is a series of several -- I can't
17 number them, but it is not many -- acts of vandalism
18 and these are not tied in to the union or the union
19 membership. They are involving shipyard employees.
20 There are twelve hundred people in the union and
21 thousands and thousands and thousands of people, it is
22 my understanding, working for the shipyard who are
23 protected by the Court's order. The Intervenor
24 wants to pick out these few acts of vandalism which
25

1 have occurred, which are not tied in, I submit, by
2 the affidavits to union members, and drag the union
3 back in and have another hearing. I submit that
4 this would not be fair.

5 The other set of circumstances,
6 involving Otto Kraemer, this was tied in by the
7 affidavits to union members, not, of course, to
8 union officials, but to union members, and speaking
9 arguendo, assuming those affidavits are true --

10 THE COURT: Would you be more
11 comfortable sitting down, Mr. Neale?

12 MR. NEALE: No, sir. I'm
13 so used to standing up, I think I'd be less
14 comfortable if I did. Thank you, sir. Assuming
15 those affidavits are true, arguendo, that would be
16 an incident, from the face of the affidavit, where
17 this man, who went back to work, apparently, one
18 day, thought that somebody was following him. He
19 called the union, asked for help and help came.
20 It came right away. You see this on the face of the
21 affidavit. The next day, again assuming arguendo
22 the affidavit was true, he was hit by a union
23 member. We do not at this point concede this, but
24 we assume that it's true for purposes of argument.
25

1 That is the one thing, and if it is true, is a
2 serious thing, very serious thing, that is tied in to
3 union membership. But I submit that if the Court
4 would look at this in the light of the number of
5 union members, the number of people protected by
6 the court order, that is, shipyard employees, and look
7 at this also in the light of the fact that just
8 very recently the shipyard issued a general back to
9 work order or request to all union members, which
10 opens the door for anyone to come in, which would
11 cause for the time a stressful situation and that
12 time is now over with -- that was a couple of weeks
13 ago -- that these allegations as they stand do
14 not allege things of sufficient, well, in great
15 enough degree to at this time have another show cause
16 hearing. If the events are occurring and if the
17 events involving Mr. Kraemer occurred, I do not, and
18 I think the Court knows I do not attempt to minimize
19 these at this time in this argument, but when you
20 compare those -- there is only one that is tied in to
21 the union. That is the Kraemer series of incidents.
22 When you compare that with all of the other people
23 in the union, with the great steps that have been
24 taken by the membership to comply with the Court's
25

1 order, and with all of the other people involved,
2 I submit to the Court that at this stage, at this
3 time, without more, that the Court -- I request the
4 Court not have another show cause hearing.

5 THE COURT: Mr. Neale, that
6 is the most unique argument I ever heard in my life.

7 MR. NEALE: Well, I think it's
8 a unique situation, Your Honor.

9 THE COURT: Well, if we were
10 to follow your reasoning, we would say think of all
11 the millions of people in the Commonwealth, whom the
12 laws are designed to protect, and so we've only got one
13 murder here, so you ought to consider there were
14 seven million people who could have committed murder,
15 didn't do that, and, therefore, we're not to consider
16 this one. That doesn't pass on the merits of the
17 allegations in the affidavit. I'll tell you right now
18 I won't accept any reason like that.

19 MR. NEALE: That's really not
20 the essence of my position, Your Honor, and I think
21 the Court knows I would not lighten the severity of
22 that incident and I tried to indicate that to the
23 Court. I think what we're talking about here is
24 whether or not this union and its members and its
25

1 officers are complying and are trying to comply with
2 the Court's order and I think that is really the
3 essence of the matter and I would submit that on
4 the face of these affidavits, one of the affidavits,
5 sir, or a couple of them show how they're trying.
6 One of these people said he was being followed. He
7 called the union. Right away three people were
8 dispatched to see that no problems occurred. I
9 submit when you read all these affidavits together
10 and compare them with the total circumstances, that
11 we should not at this stage, at this point, go
12 through another hearing. The two people who are
13 alleged to have hit Mr. Kraemer are here. I request
14 of the Court that we not go through another hearing,
15 but I am not minimizing, if the Court felt perhaps
16 I was, the severity of the situation.

17
18 THE COURT: No, I didn't say
19 you were minimizing it. I said you were prorating it.

20 MR. BEALE: If Your Honor
21 please, we disagree totally with the approach taken
22 by Mr. Neale. I think if this Court places this in
23 the proper perspective this morning, it looks much
24 unlike what he describes to you. As we understand
25 the situation, this Court entered an injunction for

1 a specific period of time at first and then extended
2 it for the duration of this strike. That injunction
3 was violated by these people. They were brought
4 before this Court and this Court held them in
5 contempt and, in essence, put them on probation for
6 the remainder of the strike. These affidavits show
7 you they violated the probation. In addition to
8 that, you have three more individuals that are going
9 to be brought before this Court if this Court issues
10 this order today, and we suggest there is no
11 question that it ought to, and these people have
12 attacked a man because he returned to work. Let's
13 look at the allegations. Vandalism? We don't call
14 shooting a pellet gun through someone's window an
15 act of vandalism. We call it violence. We suggest
16 to you that's what it is. It's pretty obvious in
17 each of these instances, people returned to work and,
18 lo and behold, what he calls vandalism occurs. Cars
19 are destroyed or damaged and guns are fired through
20 people's homes and people are being attacked. We
21 say it's a dangerous situation and it calls for this
22 Court to bring them back here.

23 MR. NEALE: Counsel uses the
24 phrase "guns are fired into people's homes." The
25

1 affidavit apparently speaks of a pellet gun, certainly
2 not plural, and, of course, he wants to attribute
3 guns being fired into people's homes to the union
4 and the face of the pleading itself doesn't do this.
5 The two people who have been accused have also been
6 charged criminally. Their case comes up in criminal
7 court. I don't think that I need to raise my voice
8 or become emotional or at least I don't want to.
9 I think the essence of the matter here is that of
10 the question whether or not this union, in conducting
11 the strike, has attempted to and is following the
12 Court's order. Now, the series of events, I think
13 should not cause us to be brought back in. As to
14 the incident involving Kraemer, I am not saying to
15 this Court that that is a light incident or that it is
16 an incident that should not be properly dealt with,
17 but I submit to the Court that that incident, it would
18 simply not be realistic or fair or proper to have a
19 show cause hearing directly against the entire union
20 for that incident, and if the Court please, these
21 two individuals are here today.

22
23 MR. BEALE: I don't know, if
24 Your Honor please, how long we're going to do this.
25 I am the moving party. I presume we close it out.

1 That's the way we thought it was supposed to be done.
2 But we would say --

3 THE COURT: Well, I'll tell
4 you, Mr. Beale. Did you ever see that movie "Gone
5 With the Wind"?

6 MR. BEALE: Yes, I did.

7 THE COURT: You remember in
8 the opening scene, where the great, big slave stands
9 up and he says he called it quitting time?

10 MR. BEALE: You call it
11 quitting time?

12 THE COURT: Right. I call
13 it quitting time.

14 MR. BEALE: Right. I would
15 say, if the Court please, that the minimization of
16 the affidavits other than the Kraemer attack is not
17 justified. Admittedly, there are many things in
18 the affidavits here today that are circumstantial in
19 nature, but it's not coincidental. We would suggest
20 when these people returned to work, that that's the
21 very time that their automobile tires became slashed.
22 It's not coincidental, if the Court please, that
23 that's when automobile windows are broken out. It's
24 not coincidental that that's when the pellet is shot
25

1 through the window. We suggest, of course, just
2 this one isolated incident of Mr. Kraemer is
3 sufficient to bring this union back to answer not
4 only for the failure to purge itself from the
5 previous contempt order of this Court, but also to
6 go through and determine whether or not the Union
7 has continued in violation of the original
8 injunction, and, of course, it is our position
9 that they have and that these affidavits are
10 sufficient to warrant that the Court issue an
11 order and allow us to put on not only the evidence
12 as to these affidavits, but evidence to show to the
13 Court that they have failed to purge themselves,
14 so that we would request the Court at that time
15 administer what sanctions it deems necessary
16 for that failure and also to show this has continued
17 and it is becoming of a violent nature and something
18 needs to be done by this Court to curb it right now.
19 That is actually our position. We are fearful of
20 the violence and we intend to present evidence, of
21 course, in addition to what is here, but our position
22 is these affidavits are sufficient to show to
23 this Court that it ought to issue an order for a
24 later hearing and hear all of the evidence in the
25

1 case and conclude whether or not the sanctions ought
2 to be imposed and whether or not these people are
3 in contempt of this Court.

4 THE COURT: Now, I call it
5 quitting time.

6 MR. NEALE: Judge, I thought
7 you would.

8 THE COURT: Now, I made it very
9 clear, I thought, that certainly under the law of
10 the Commonwealth, this union has a right to conduct
11 a strike. I assume they can call it any time they
12 want to and they can continue it as long as they
13 want to, under the law of the Commonwealth, but
14 if this or any other union is going to call a strike
15 in this jurisdiction, then they're going to have to
16 strike peacefully. We made that very clear.
17 Without passing on the merits of the allegations,
18 because I don't know whether they're true or false,
19 I want it clearly understood by everyone that we're
20 not going to play games down here. We're too busy
21 for that. When this Court enters an order, whether
22 people agree with the order or do not agree with the
23 order is really of no moment. Until that order is
24 set aside by a court of competent jurisdiction, that
25

1 remains the law regarding this particular strike and
2 it's going to have to be abided by. Now, I have no
3 intention of holding court every two weeks regarding
4 this strike. I'm going to hear this show cause order
5 and we'll decide then whether there has been a
6 violation or has not been a violation or whether
7 there's been a further violation of this order.
8 I explained to this union, to the officials, very
9 clearly, I thought, that we were not going to
10 tolerate any interference with anybody's right to
11 work in the Commonwealth of Virginia, particularly
12 in this jurisdiction. People have a right to work.
13 Whether other people agree with that or not, that is
14 also of no moment. We're not going to allow anyone
15 to interfere with that. If you do interfere with it,
16 in violation of this court order, then you have to
17 take the consequences. So I want that thoroughly
18 understood. Now, I'm going to hear the show cause
19 on its merits. When do you want to hear it?

21 MR. BEALE: Do you have
22 anything, if Your Honor please, in the area of ten
23 to fourteen days from now? I have the 1st of July,
24 if the Court has that.

26 THE COURT: I see right off I've

1 got the 4th.

2 MR. BEALE: I had a case in
3 your court on the 7th. That has been settled. I
4 don't remember whether I was two or one that day.
5 Do you have that day now?

6 THE COURT: You were two.

7 MR. BEALE: So you still have
8 a case on?

9 THE COURT: Yes, sir. You see,
10 my problem is the first day I can give you is
11 Tuesday, July 19 absent any emergency. I could
12 schedule you in the 19th, probably.

13 MR. BEALE: Well, if that's
14 all Your Honor has.

15 THE COURT: See, I've got
16 nothing else between now and then. Even if I were
17 not trying to help Judge Buxton's docket, I still
18 would have no time, because I can anticipate that
19 this is going to take all day.

20 MR. BEALE: 19th all right?

21 MR. NEALE: Yes, the 19th is
22 agreeable.

23 MR. BEALE: Here is the order,
24 if Your Honor please, that we propose.
25

1 THE COURT: Have you any
2 objections to this other than those you have stated?

3 MR. NEALE: No, sir, Your Honor.

4 THE COURT: I think we have to
5 amend the time here. 19th day of July. Excuse
6 me. I'm reading that in the wrong place.

7 MR. BEALE: If the Court
8 please, it's my understanding that Mr. Neale also
9 represents Mr. Champion, Mr. Diehl and Mr. Spivey.
10 So even though this order called for service on
11 them, I assume delivery is proper service.

12 THE COURT: They're here,
13 aren't they?

14 MR. NEALE: Two of them are
15 here. Mr. Spivey was out of town. He was only
16 served, I think late Friday, or I'm not sure he
17 was served in person.

18 THE COURT: Well, we'll just
19 leave it like that.

20 MR. NEALE: Your Honor, if
21 the Court please, I stated to the Court I had no
22 objection to the order other than what I had argued.
23 I had not reviewed the order before, so when I
24 review it, if I do have other objections, if I may send
25

1 them to the Court and counsel in writing?

2 THE COURT: No, sir, because
3 I'm entering it. I can't enter it conditionally.

4 MR. NEALE: I know you're
5 going to enter it, anyway. What I am saying, these
6 two and a half --

7 THE COURT: No, I was not
8 going to enter it, anyway. That is a rather violent
9 presumption. I was going to listen to any objections
10 you had to it. I certainly can't enter it now,
11 subject to any objections.

12 MR. NEALE: Will you give me
13 a chance to read it for a second?

14 THE COURT: Yes, sir. That's
15 why I asked you.

16 MR. NEALE: Your Honor, as to
17 the first paragraph, where it says these people are
18 in contempt of the court order, I would submit
19 that is a matter for the hearing and I would
20 ask the Court not to make that finding at this time,
21 until such time as we have a hearing and evidence
22 is presented from both sides.

23 THE COURT: Well, it certainly
24 appears that there have, Mr. Neale, at this present
25

1 time. Based on the affidavits, the statement of
2 counsel, it appears that there have been violations.
3 That is no finding that there have, it just says it
4 appears that there have, and this is what I have to
5 have in order to issue a rule. Isn't that correct?
6 It would appear they are in violation.

7 MR. NEALE: Yes, sir, as long
8 as there is no question that the finding has not
9 been entered yet.

10 THE COURT: You ought to know
11 me well enough to know I'm not going to do that,
12 Mr. Neale.

13 MR. NEALE: Yes, sir.

14 THE COURT: I'm certainly not
15 going to find anybody guilty without any evidence.
16 All right. Now, what about his motion?

17 MR. NEALE: I just filed those
18 this moment and I gave counsel copies. What, in
19 essence, we're requesting there is to know which
20 incidents, if any, in addition to the ones in the
21 affidavits are going to be put on. The reason for this
22 is simply if the Intervenor is going to say, on the
23 day of trial, "John Jones did thus-and-such," I
24 would like to know about it in advance so I can have
25

1 John Jones there and any other witnesses.

2 THE COURT: Let me ask you
3 this. Are you satisfied as to the particulars of
4 those allegations contained in the affidavits?

5 MR. NEALE: Yes, sir.

6 THE COURT: All you want is
7 any particulars of any additional matters which may
8 be --

9 MR. NEALE: Yes, sir.

10 THE COURT: Do you have any
11 additional matters at this present moment?

12 MR. BEALE: Yes, sir.

13 THE COURT: When can you give
14 him a bill of particulars?

15 MR. BEALE: I have not seen it.
16 I don't know what he's asking for.

17 THE COURT: He's asking for a
18 bill of particulars on all the incidents and places
19 and times, etc., in addition -- he doesn't say so,
20 but in addition to the ones set forth in the
21 affidavits.

22 MR. BEALE: How soon do you need
23 them before trial?

24 MR. NEALE: Well, I would like
25

1 at least ten days. Probably have to issue witness
2 subpoenas and people are leaving town for vacations,
3 so forth. The sooner I can get it, the better.
4 It's just a question of being able to be amply
5 prepared and subpoena witnesses needed.

6 THE COURT: How much time to
7 you need, Mr. Beale?

8 MR. BEALE: I can certainly
9 have them, as he requests, ten days prior to the
10 hearing.

11 THE COURT: We ought to be
12 able to give them sooner than that.

13 MR. BEALE: Ten days from now
14 would be July 1st.

15 THE COURT: He said ten days
16 before the hearing.

17 MR. BEALE: I can give them
18 to him July 1st.

19 THE COURT: That's what I
20 want to know.

21 MR. NEALE: Is the Court
22 entering July 1 in that order, so I can conform my
23 copy?

24 THE COURT: Yes, sir. Now, is
25

1 there one affidavit or two affidavits?

2 MR. NEALE: One affidavit from
3 me.

4 THE COURT: No, no. I'm
5 talking about Mr. Beale. Have you got one
6 affidavit? Did you file one affidavit with
7 your pleadings?

8 MR. BEALE: No. We did them
9 individually. They are "A" through "N."

10 THE COURT: All right. Now,
11 the order reads, "That the Intervenor file by
12 July 1, 1977 a bill of particulars setting forth all
13 of the incidents," then I have added in parentheses,
14 "(not included in affidavits heretofore filed) with
15 times, dates and places," etc. All right.

16 MR. BEALE: Thank you, Your
17 Honor.

18 MR. NEALE: Thank you very
19 much, Your Honor.

20
21
22 * * *

CERTIFICATE OF COURT REPORTER

STATE OF VIRGINIA,
CITY OF NEWPORT NEWS, to-wit:

I, Linda L. Dean, hereby
certify that I, having been duly sworn, was the
Court Reporter in the Circuit Court for the City
of Newport News, Virginia, on June 20, 1977, at the
time of the hearing in the matter of Peninsula
Shipbuilders' Association, Complainant, and Newport
News Shipbuilding and Dry Dock Company, Intervenor
vs. United Steelworkers of America, Local No. 8417,
et al, Defendants, in Chancery No. 4555-G.

I further certify that the
foregoing was reported in stenotype by me and
reduced to typescript under my direction and is a
true and correct transcript of the proceedings
herein.

Given under my hand this 17th
day of September, 1977.

Linda L. Dean - Court Reporter

ORDER

THIS CAUSE came on to be heard upon the MOTION FOR RULE OR ORDER TO SHOW CAUSE, filed by the Intervenor, NEWPORT NEWS SHIPBUILDING AND DRY DOCK COMPANY, and it appearing upon reading the affidavits attached thereto and the temporary injunction, as amended, dated April 4, 1977, granting relief to Complainant and Intervenor, and it appearing therefrom that the defendants and J. D. CHAMPION, GRANVILLE DIEHL, JR., and ARCHIE D. SPIVEY have violated the terms of said temporary injunction, and are in contempt of this court, be reason of which the rights of the Complainant and Intervenor may be defeated, impaired, or prejudiced; it is

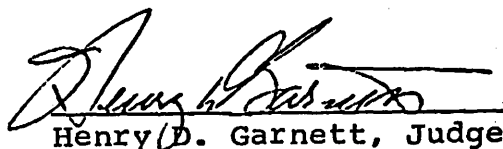
ADJUDGED, ORDERED and DECREED that the defendants, UNITED STEELWORKERS OF AMERICA, Local No. 8417, by and through its president, L. L. JOHNSON, and the defendants L. L. JOHNSON, M. K. TRUEBLOOD, R. TAYLOR, and R. E. PRICE, in their own right, and J. D. CHAMPION, GRANVILLE DIEHL, JR., and ARCHIE D. SPIVEY appear before this court at ~~June 19~~ ^{July} on June 19, 1977, at 10:00'clock,

m., or as soon thereafter as counsel can be heard, then and there to show cause why an order should not be made and entered herein adjudging that the defendants aforesaid and J. D. CHAMPION, GRANVILLE DIEHL, JR., and ARCHIE D. SPIVEY be punished as and for contempt of this court for their misconduct in wilfully and deliberately violating the temporary injunction granted by this court on April 4, 1977.

And further to show cause why this court should not forthwith impose sanctions against the said defendants for their failure to purge themselves from the previous finding of this court that said defendants were in contempt, said Order being entered on June 15, 1977 Nunc Pro Tunc May 20, 1977.

And it is further ADJUDGED, ORDERED and DECREED that a copy of this Order with Notice and Motion be served on the defendants through their counsel and on J. D. CHAMPION, GRANVILLE DIEHL, JR., and ARCHIE D. SPIVEY at least day(s) before time fixed herein for showing cause. Inability to obtain service promptly upon any of the aforesaid parties to be served shall not operate to stay or postpone said show cause hearing as to those parties served with this Order prior to such hearing.

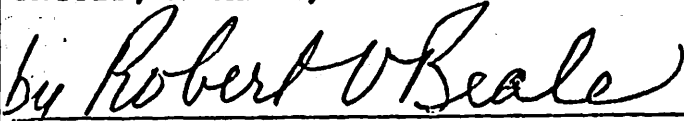
ENTERED this 20th day of June, 1977.


Henry D. Garnett, Judge

We ask for this:

SEYFARTH, SHAW, FAIRWEATHER & GERALDSON

JACOBS, NACHMAN, MURCHISON & BEALE



Co-Counsel for Newport News Shipbuilding and Dry Dock Company

EXCERPTS OF SHOW CAUSE HEARING HELD JULY 19 and 20, 1977

0057A

*

1 MR. BEALE: Yes. We would
2 so move, Your Honor.

3 THE COURT: All right, sir.
4 Mr. Beale, call your witnesses.
5

6 (The witnesses for the
7 Intervenor were sworn and separated.)
8

9 THE COURT: I assume you have
10 a witness, Mr. Neale?

11 MR. NEALE: Yes, sir.
12

13 (The witnesses for the
14 Defendants were sworn and were
15 separated with the exception of those
16 individually charged with contempt,
17 who were allowed to remain in the court-
18 room.)
19

20 MR. NEALE: Your Honor, I
21 have two brief matters with reference to
22 two charges, charges against Mr.
23 Champion and Mr. Diehl. The Intervenor
24 has asked the Court to specifically
25

1 find them in contempt and they are
2 charged, according to the bill of
3 particulars, with assaulting or hitting
4 a man. These people have also had
5 criminal warrants filed against them
6 and their trial is forthcoming. They
7 do not wish to testify, to waive their
8 Fifth Amendment right. This presents
9 some difficulty and, of course, I see
10 no way around it and I wish to acquaint
11 the Court with the problem now. I
12 mentioned this about a month ago
13 when this first came up and we would
14 ask this Court consider withholding its
15 judgment as to these two people until
16 their criminal trial is over, which is
17 the end of August, I believe, although
18 that, I think can be expedited, so these
19 people could then come back after the
20 criminal trial and testify, give their
21 side of it. To do otherwise would be
22 to require them to waive their Fifth
23 Amendment privilege as to the proceedings
24 in the criminal court and I wanted to
25

1 bring that to the Court's attention.

2 THE COURT: Well, that's no
3 problem of mine. I haven't got any
4 idea of continuing this matter for a
5 criminal hearing.

6 MR. NEALE: I'm not asking the
7 Court to continue the whole matter.

8 THE COURT: I've got nothing
9 to do with the criminal matter.

10 MR. NEALE: I'm just asking
11 the Court with reference to these two
12 individuals.

13 THE COURT: They may proceed
14 or not proceed. They may testify or not
15 testify as they see fit. I have nothing
16 to do with that.

17 MR. NEALE: Well, I understand
18 the Court's ruling. I respectfully, for
19 the record, request the Court withhold
20 judgment until the criminal matter is
21 over so they may come back and not
22 jeopardize --

23 THE COURT: I'm not going to
24 withhold any judgment.
25

MR. NEALE: Respectfully

note my exception. With reference to bill of particulars 1, 4, 9, 6, 18, 19, 24 and 27, we move to strike at the outset because they either do not allege contemptuous conduct or they do not associate the conduct alleged with the Union. For example, in number 19, they actually associated, well, some conduct there with the Union member, but they say he was courteous, not impolite.

THE COURT: Mr. Neale, we've have plenty of time to take issue with the bill of particulars, each paragraph. I have no intention of going over that today. Your motion is unseasonable and I'm not going to entertain it. Now, we're going to try this case. I didn't ask for this case to come here to start with. We're going to try it. We're going to try it the best we can, as expeditiously as possible, and I don't want to be bothered

1 with any technicalities. Let's proceed.

2 MR. NEALE: I respectfully note
3 my exception.

4 THE COURT: Want to make an
5 opening statement?

6 MR. BEALE: I would like to
7 make a brief one, if Your Honor please.
8

9 (Opening statements were made
10 by Mr. Beale in behalf of the
11 Intervenor, and Mr. Neale in behalf
12 of the Defendants.)
13

14 EVIDENCE ADDUCED IN BEHALF OF THE INTERVENOR
15

16 OTTO KRAEMER, after being
17 first duly sworn, testified in behalf of the
18 Intervenor, as follows:
19

20 DIRECT EXAMINATION

21 BY MR. BEALE:

22 Q State your name, please, sir.

23 A Otto John Kraemer.

24 Q Mr. Kraemer, how old are you?

25 A Fifty-seven.

1 Q Where are you employed?

2 A Newport News Shipyard and Dry
3 Dock Company.

4 Q How long have you been there?

5 A Little over thirteen years.
6 August 26, will be fourteen years.

7 Q What kind of work do you do?

8 A I'm a senior designer, working
9 as electronic technician.

10 Q Are you a member of the
11 United Steelworkers of America?

12 A I am not.

13 Q Are you eligible to belong to
14 the United Steelworkers of America?

15 A Yes.

16 Q Now, Mr. Kraemer, during the
17 period of this strike, was there a period of time
18 that you were not working?

19 A Yes, sir.

20 Q All right, sir. When did
21 you return to work?

22 A June 6.

23 Q All right, sir. Now, would
24 you explain to His Honor what occurred on June 6,
25

1 when you returned to work?

2 A June 6, I got down -- supposed
3 to be in the employment office at 7:00 o'clock. I
4 was standing outside, along opposite the employment
5 office.

6 Q Is this the morning or the
7 evening?

8 A About 6:40 in the morning.

9 Q All right, sir.

10 A And Ed Halligan walked up to
11 me, says, "Toot" --

12 BY THE COURT:

13 Q Who walked up to you?

14 A Ed Halligan.

15 BY MR. BEALE:

16 Q Who is Ed Halligan?

17 A He's one of my co-workers
18 in the yard.

19 Q All right, sir. And in what
20 area does he work?

21 A E-32 Department, electronics.

22 Q We don't understand. Is he
23 a Steelworker?

24 A He is a Steelworker.

1 Q Does he fall within the union
2 eligible or union member classification?

3 A Yes, sir.

4 Q All right, sir. Then what
5 happened?

6 A He walked up, said, "Toot, are
7 you going in?"

8 Q Are you "Toot"? Is that your
9 nickname?

10 A That's my nickname.

11 Q All right.

12 A And I says, "I'm just looking."
13 He says, "I wouldn't go in. It might be bad for
14 your health," and he walked on off. He had a picket
15 sign on.

16 Q Then what happened?

17 A I went in the employment office
18 building. They was taking pictures.

19 Q Who was taking pictures?

20 A The union members.

21 Q Taking pictures of whom?

22 A Anyone entered in there, was going
23 back in the yard. I said, "Butch, how do you want it?"
24 One of them said something about me going in there
25

1 and I told him, "The Union dropped me. I didn't
2 drop the Union." And he says, "That's not so." I
3 told him, "Check with your President, Mr. Johnson,"
4 and I went on inside.

5 Q All right. Now, on that date,
6 June 6, did you have a doctor's appointment?

7 A Yes, sir.

8 Q All right, sir. Explain to
9 His Honor what occurred with reference to the doctor's
10 appointment.

11 A I left the yard about 1348,
12 walked on up the street, was crossing between 33rd
13 and 34th through the parking lot, Judkins come up.

14 Q Who?

15 A Judkins.

16 Q All right. Who is Judkins?

17 A He's a Steelworker member.

18 Q All right, sir.

19 A He hollered, "Otto, come here."

20 I told him I didn't have time, I had a doctor's
21 appointment at 2:20, kept on walking, and then
22 Champion, Steelworker member, pulled his car up,
23 opened the door, patted on the seat, says, "Come here."
24 I says, "I don't have time. I got a doctor's
25

1 appointment," and I went on over to Standard Drug
2 Store, where I told my wife to meet me.

3 Q All right, sir. Now, you
4 mentioned Champion. Do you see him here today?

5 A Yes, sir.

6 Q Where is he?

7 A Right over there.

8 Q Which one is Champion?

9 A The second one down.

10 Q The man in the beige suit,
11 yellow shirt?

12 A Yes, sir.

13 Q All right. Then what
14 happened?

15 A Well, me and the wife got in
16 the car and drove on around. We got to the stop
17 light up there on Washington Avenue and 34th, Mr.
18 Champion pulled up behind me, tooted his horn a
19 couple times. The light turned, I went on across
20 the street. I don't know where he turned off at.
21 We got down on Warwick Boulevard, along about
22 35th Street, I told the wife, "Somebody's following
23 me." Pulled up to another stop light, he pulled up
24 close to me. Ed Halligan was on his motor bicycle,
25

1 pulled up behind me and followed me to the doctor's
2 office, parked across the street, walked around his
3 bike, and we was watching to see what took place
4 from the doctor's office. He went over to Sambo's,
5 come back, walked around his bike. I called the
6 union hall, asked for Mr. Johnson. He wasn't there.
7 Asked for Mr. Trueblood. He wasn't there. Asked
8 for Mr. Munsinger. He wasn't there. Barbara, the
9 secretary, put Mr. Surles on. He wanted to know
10 what I wanted. I told him I wanted to know why
11 Ed Halligan was following me to the doctor's office,
12 give the Union a chance to police their own people
13 if they seen fit to do so. He says, "I will send
14 someone out to find out why." I was called, went
15 in the doctor's office, and evidently there was some
16 mix-up with some of the patients there or Dr. Warren
17 and the police was called. I was told not to leave
18 by Dr. Givens until the police arrived and the nurse
19 would let me know when to leave. So we stayed in the
20 reception room until the police arrived and the nurse
21 told me to leave. I went out to my car, Mr. McDonald
22 come over to my car, put his hand on it.

23
24 Q Who is Mr. McDonald?

25 A He's a Steelworker.

1 Q Is he a striking Steelworker?

2 A Yes. He wanted to know why
3 I called the union hall for help. I told him, "I
4 did not call the union hall for help. I called to
5 find out why Ed Halligan was following me," and
6 asked him would he please remove his hand from my
7 car so I could leave. He did and I departed. I
8 went on in, returned in the yard with no other
9 incident taking place.

10 Q All right, sir. Now, directing
11 your attention to the following day, June 7,
12 explain to His Honor what occurred that day.

13 A On June 7, I went in prior
14 to 7:00 o'clock, approximately, I'd guess about 6:30.
15 Mr. Crute, Steelworker, striker, was at the gate
16 where the trucks, cars go in.

17 Q Mr. who?

18 A Crute.

19 BY THE COURT:

20 Q How do you spell that?

21 A C-r-u-i-t-e.

22
23 MR. CRUTE: C-r-u-t-e, sir.
24
25

1 BY MR. BEALE:

2 Q Go ahead, sir.

3 A He said, "I wouldn't go in
4 there," and I went on in. I come out approximately
5 4:01. The picketers with the signs was lined up
6 along the street. One of them asked why I was in
7 there. I told them I had to eat.

8 Q Where did you come out?

9 A 33rd Street pedestrian gate.

10 Q All right.

11 A I walked on down approximately
12 20 feet, someone made a noise to my right and I
13 turned around, saw Mr. Diehl.

14 Q Where is Mr. Diehl and who is
15 Mr. Diehl?

16 A Mr. Diehl is a striking
17 Steelworker and he's the first gentleman right over
18 there.

19 Q Which one?

20 A First one.

21 Q This gentleman?

22 A Yes, sir.

23 Q All right.

24 A And he took a swing at me. I
25

1 dodged. He hit me on the shoulder and then I heard
2 someone yell, "You god-damned son-of-a-bitch, we'll
3 get you." Excuse me. "You god-damned son-of-a-bitching
4 scab, we'll get you." I happened to see someone
5 come up with a fist and hit me. I couldn't dodge.
6 I wanted to see the face. I looked at it. It was
7 Mr. Champion.

8 Q That's the gentleman in the
9 middle?

10 A That's correct.

11 Q Where did he hit you?

12 A Rib cage, left-hand side.

13 Q What happened to your rib?

14 A My rib was cracked, number six
15 rib was cracked.

16 Q Did you go to the hospital?

17 A I did.

18 Q Where did Mr. Diehl hit you?

19 A On the right shoulder.

20 Q All right, sir. After being
21 hit twice, what did you do?

22 A I passed out.

23 Q All right, sir. Now, what
24 else occurred them after you passed out? Did you
25

1 regain consciousness?

2 A I regained consciousness and
3 they tell me I come and go. One person, who I
4 thought was Mr. Stephenson -- I'm not for sure -- was
5 shaking me gently on the right shoulder and says,
6 "Otto, are you okay?" And someone had loosened my
7 clothes up and pulled up on my belt, telling me to
8 breathe deep. Then Mr. Spivey come up and had sand
9 in his hand and was rubbing it on the place where I
10 was hit by Mr. Champion.

11 Q Who is Mr. Spivey?

12 A He's a Steelworker, striking
13 Steelworker.

14 Q Where is he?

15 A He's the third gentleman down
16 over there.

17 Q Man with the cane?

18 A Yes, sir. I asked him to quit
19 rubbing me with that sand. He kept on. I got my
20 hand up there so he could not rub me no more. And
21 about the next thing I remember is someone asking me
22 did I want my wife notified and I told them my wife
23 was at my supervisor's home, waiting for me to tell
24 her to go home.
25

1 Q How did you get to the
2 hospital?

3 A By ambulance.

4 Q Have you since that time
5 returned to work?

6 A No, sir.

7 Q Why not?

8 A The doctor suggested I stay
9 out until the 15th and then come back --

10
11 MR. NEALE: I object to what
12 the doctor said. It's obviously hearsay.

13 THE COURT: All right, sir.

14 Overruled.

15 BY MR. BEALE:

16 Q How long have you been
17 convalescing? Ever since this occurred?

18 A Ever since June 7.

19 Q When do you anticipate
20 returning to work?

21 A The doctor give me a slip
22 the 15th, stating if I can work without crawling or
23 putting pressure on my chest, I can go back to work.

24 MR. NEALE: Same objection.
25

1 THE COURT: Overruled.

2
3 BY MR. BEALE:

4 Q Tell me when you anticipate
5 returning?

6 A Two weeks from the 15th.

7
8 MR. BEALE: Answer His Honor
9 or Mr. Neale.

10
11 CROSS EXAMINATION

12 BY MR. NEALE:

13 Q Mr. Kraemer, were Mr.
14 Champion or Mr. Diehl or Mr. Spivey officers of the
15 Union?

16 A Repeat, please.

17 Q Were Mr. Champion, Mr.
18 Diehl or Mr. Spivey or Mr. Halligan officers of
19 the Union?

20 A Not to my knowledge.

21 Q Now, going back to the day
22 on which you went to the doctor's office, what
23 exactly did you say when you called the union hall,
24 asking for assistance?
25

1 A I did not ask for assistance.
2 I asked why Ed Halligan followed me to the doctor's
3 office.

4 Q Didn't, sir, you say a few
5 moments ago that you wanted to give the Union a
6 chance to police themselves?

7 A By that call I did, but I
8 did not make no statement to that effect to them.
9 That was my opinion, to do that, to let them do it if
10 they seen fit to do so.

11 Q And what did they say to you
12 in response to that?

13 A Mr. Surles said, "I will send
14 someone down to check it out."

15 Q And after that, you had three
16 people arrive, Mr. Surles, Mr. Gorman and Mr.
17 McDonald; is that not correct?

18 A I know Mr. McDonald, and two
19 other ones. I did not know who they were.

20 Q And he asked you what the
21 problem was, he was leaning on your car, and you
22 said, "Take your hand off my car"; is that not
23 correct?

24 A That's not correct. He leaned
25

1 on my car and asked why did I call the union hall
2 for help. I said, "I did not call for help. I
3 called to find out why Mr. Halligan followed me to
4 the doctor's office. Will you please remove your hand
5 from my car so I can leave?"

6 Q And he did so?

7 A He did so.

8 Q Do you recall cursing him
9 and the other two union people who had come out
10 with him?

11 A Me cursing them?

12 Q I asked you if you did.

13 A I did not.

14 Q What else did you say to them,
15 sir?

16 A That's all.

17 Q So how many minutes would you
18 say you met with them at this instance outside of
19 the doctor's office?

20 A Approximately two.

21 Q And about how many minutes
22 did it take them to get from the union hall to the
23 doctor's office after you made that call?

24 A I have no idea, because I was
25

1 in the doctor's treatment room.

2 Q Did you tell them at that point
3 about Mr. Halligan, did you say that you thought he
4 was following you?

5 A I didn't "thought." I
6 knowed he was.

7 Q Answer my question, sir.
8 Did you tell them at that point about Mr. Halligan?

9 A Yes. I just told you that I
10 asked him why. He asked why did I call union hall
11 for help.

12 Q No, sir. Did you tell the
13 three individuals who came out in response to your
14 call about Mr. Halligan?

15 A Not the three. Just Mr.
16 McDonald. He's the one come to the car. Police
17 was talking to the other ones.

18 Q Now, on the second day, when
19 you stated that you were hit, whom did you say you saw
20 first coming toward you?

21 A Mr. Diehl.

22 Q And you then, immediately
23 thereafter, you say you saw Mr. Champion; is this
24 correct?
25

1 A Yes, sir.

2 Q Now, were you unconscious or
3 semi-unconscious after you were on the ground for
4 a moment?

5 A Yes, sir.

6 Q You were, sir?

7 A Yes, sir.

8 Q And it took you a while to
9 become alert again; is that correct?

10 A Yes, sir.

11 Q How many minutes, do you know
12 or could you say, if you do know, that it took you to
13 become alert and know fully what was going on?

14 A I do not know.

15 Q Would it be fair, from your
16 recollection of the events, to say it took about
17 three to five minutes?

18 A I could not say. I have no
19 idea.

20 Q Do you know, sir, for sure
21 who was loosening your collar? You mentioned your
22 coming to and someone was loosening your collar and
23 your belt. Do you know who that was?

24 A No, sir.
25

1 Q And you do not know, because
2 you were not fully alert yet; is that correct?

3 A I had to look at the person in
4 the sun. It was behind him, whoever they were, and
5 I could not tell.

6 Q And this person was attempting
7 to assist you, as you understood it at that time; is
8 that correct?

9 A Correct.

10 Q And then you say later you
11 recall Mr. Spivey, whom you thought was rubbing sand
12 on your point of impact; is that correct?

13 A Not thought. He was.

14 Q As soon as you asked him to
15 stop that, he stopped, didn't he?

16 A Negative.

17 Q Didn't you just say you asked
18 him to stop and he stopped?

19 A I made a statement I asked him
20 to stop, he didn't, and I put my hand up there to
21 prevent him from rubbing me any more.

22 Q You don't recall testifying
23 a few moments ago that you asked him to stop and he
24 stopped?
25

1 A No, sir.

2 Q Sir, you have had difficulty
3 before with your heart or a medical problem involving
4 your heart; is that correct?

5 A That's not correct.

6 Q What were you seeing the
7 doctor for? Was that involving a stroke of some
8 sort?

9 A No, sir.

10 Q You had not had a history of
11 stroke or some problem like that in your past?

12 A No, sir.

13 Q And you had not ever discussed
14 this with anyone?

15 A No, sir.

16 Q And what, sir, were you seeing
17 the doctor about?

18 A Hypertension.

19 Q And you had not had problems
20 in the past with passing out or getting dizzy because
21 of hypertension?

22 A No, sir.

23 Q And you never discussed this
24 with anyone?
25

1 A No, sir.

2
3 MR. NEALE: I have no other
4 questions. Answer the Court's questions.

5 MR. BEALE: Does the Court
6 have any questions?

7 THE COURT: Do you want this
8 gentleman any further?

9 MR. BEALE: No, sir.

10 MR. NEALE: We don't require
11 him.

12 THE COURT: All right, sir.
13 You may be excused. You may remain in
14 the courtroom or you may leave.

15
16 (Witness excused)

17
18
19 JERRY OWEN, after being first
20 duly sworn, testified in behalf of the Intervenor,
21 as follows:

22 DIRECT EXAMINATION

23 BY MR. BEALE:

24 -- Q

25 State your name, please, sir.

1 A Jerry Owen.

2 Q Mr. Owen, are you with the
3 United States Navy?

4 A Yes, sir.

5 Q Where are you stationed?

6 A U.S.S. Eisenhower.

7 Q Where is the U.S.S. Eisenhower
8 now?

9 A Currently at Newport News
10 Shipbuilding and Dry Dock.

11 Q Mr. Owen, directing your
12 attention to June 7 of this year, in the afternoon
13 at or around, I believe 4:00 p.m. or shortly
14 thereafter, where were you?

15 A I was right outside the 33rd
16 Street gate, where the motorcycles park.

17 Q Would you tell His Honor what
18 you observed at that time?

19 A Well, I had just walked out,
20 my back was to the gate, and as I started to put my
21 knapsack on my motorcycle I heard someone shout,
22 I heard a commotion behind me and I turned around
23 to see what had caused it. At that time, I saw an
24 elderly man falling over against a 55-gallon drum
25

1 which was used for a trash can and I saw one man
2 leaving him. I stopped the man and, you know, pointed
3 to him. I said, "What happened?" And the guy just
4 looked at me and walked off. Well, I turned back
5 around, looked at the elderly man again, and he
6 grabbed his chest and fell and I went to him.

7 Q Did you see either of the men,
8 the one leaving or the other one actually hit the
9 man?

10 A No, I did not. I just saw,
11 like it was -- I didn't see a punch thrown. It was
12 like body contact is what I saw.

13 Q Were either of the gentlemen
14 that were in the area of the elderly man you referred
15 to, between you and the elderly man at the time
16 that you started seeing him fall?

17 A Well, the elderly man was
18 against the trash can. Just as he stood up is
19 when I saw the body contact.

20 Q What body contact did you see?

21 A It was like the man was trying
22 to push him back down again, something like that.
23 When I turned around, he was, I guess just leaving.

24 Q Did you later find that the
25

1 man you referred to as the elderly man was Otto
2 Kraemer?

3
4 MR. NEALE: I object to the
5 leading question.

6 THE COURT: Go ahead.

7
8 A Well, when I went to the man
9 who had fallen, I heard a name spoken. I didn't
10 know his last name. Only name I heard then was
11 "Otto" and I heard this from several people.

12 BY MR. BEALE:

13 Q Now, did you later have some
14 discussions with some investigators regarding your
15 identification of the two men that you saw in the
16 altercation with the man you referred to as "Otto"?
17

18 A Yes, sir. I did.

19 Q Now, I believe you said you
20 came face to face with one of them?

21 A Yes, sir.

22 Q Would you look around, see if
23 you see that gentleman here?

24 A I believe I do.

25 Q Where do you see him?

1 A I believe it's this man with
2 the white and blue striped shirt. I'm not for
3 certain.

4 Q Tell His Honor the size of
5 the other man that you saw the body contact.

6
7 MR. NEALE: Let's have the
8 record reflect the gentleman to whom
9 he pointed, if the Court please.

10 THE COURT: Well, he said a
11 man in a blue and white striped shirt.

12 MR. NEALE: I think we want
13 that gentleman's name.

14 MR. BEALE: We can show he
15 pointed to the wrong one.

16 MR. NEALE: All right. We
17 can let it show he pointed to the wrong
18 one.

19
20 A Well, the man I was pointing
21 to was this gentleman right here.

22 BY MR. BEALE:

23 Q In the white pants?

24 A Yes, sir. As it was, when I
25

1 stopped the gentleman, I looked at his face. When I
2 later talked to the Shipyard investigators, all I
3 saw was a picture of a face and I identified the man
4 in the picture then as the one I felt certain it
5 was.

6 MR. NEALE: All I want is the
7 record to reflect at this time he
8 pointed to the wrong man.

9 THE COURT: How many times
10 do you want it to reflect it? This
11 makes the third or fourth time.

12 MR. NEALE: As many as
13 possible, Your Honor.
14

15 BY MR. BEALE:

16 Q Now, Mr. Owen, look around
17 the courtroom again and take your time and tell His
18 Honor, do you see the other man that you picked out?

19 A Yes, sir.

20 Q Where do you see him?

21 A Sitting right there in the
22 blue coat, with the light yellow shirt. Excuse me.
23 Now, are you talking about the elderly gentleman
24 who had fell or what?
25

1 Q No. I'm talking about the
2 other gentleman that was involved with Otto, as you
3 refer to him.

4 A The man I mentioned as the
5 second man in my statement is the one sitting over
6 there in the blue coat.

7 Q Man with the beard?

8 A Yes, sir.

9 Q All right, sir. Would you
10 take a look at these pictures and tell His Honor --

11
12 MR. NEALE: Before he shows
13 him the pictures, I notice the pictures
14 have the names of people written on them.
15 I assume there's going to be some
16 attempt to make identification with
17 pictures with names on them.

18 THE WITNESS: May I say
19 something, Your Honor?

20 THE COURT: No, sir. You just
21 answer the question.

22 MR. BEALE: They do have the
23 names. We don't mind blocking them out.
24 What I intend to ask him is whether these
25

1 were the same pictures presented to him
2 for purposes of identification and
3 choosing the persons involved in this
4 altercation.

5 THE COURT: You can ask him
6 that.

7
8 BY MR. BEALE:

9 Q Are they the same pictures
10 that were presented to you for identifying these
11 parties?

12 A To the best of my knowledge,
13 they are.

14 Q Would you look at those pictures
15 and tell His Honor which ones of those people that
16 you picked out as the parties involved?

17 A By name or pointing to
18 the picture?

19 Q Just by pointing to the
20 picture or by name.

21 A This one here, second from
22 the right, is the one I picked as the second man in
23 the party, the one that later came up in my statement,
24 Mr. Spivey.
25

1 Q The one identified over there,
2 Mr. Spivey?

3 A Yes, sir.

4
5 MR. BEALE: If the Court
6 please, he pointed to the second
7 picture from the right. We offer it
8 in evidence.

9
10 A Now, when I told the
11 Shipyard investigators this, also, the second from
12 the right is the man I identified as having the
13 body contact with the elderly man, the one I did
14 stop and ask about --

15 BY MR. BEALE:

16 Q Is that man shown in the
17 picture, the one that you stopped?

18 A To my belief, yes. That's
19 the picture I originally picked out.

20 Q All right, sir. What is
21 the name under that?

22 A Champion.

23
24 MR. BEALE: We'd offer that in
25

1 evidence.

2 THE COURT: Any objection to
3 that?

4 MR. NEALE: Yes, sir, the
5 same objection originally stated, that
6 the pictures have the names under them.

7 THE COURT: That would only go
8 to the weight. Receive them and mark
9 them.

10
11 (Two sets of photographs, five
12 photographs on each of two cards,
13 were received in evidence as Plaintiff's
14 Exhibits Nos. 1 and 2.)

15
16 BY MR. BEALE:

17 Q Mr. Owen, the second man,
18 Mr. Spivey, the man with the beard, what did he
19 do when he came up?

20 A I don't know where he came
21 from. He originally came around to my right. I was
22 sitting at the fallen man's head and he came around to
23 my right and started pushing everybody back, saying
24 it was all right, that nothing had happened, that the
25

1 man just fell and was trying to clear away everybody
2 from the fallen gentleman.

3 Q What did he say to you, Mr.
4 Owen, about what you had seen?

5 A To me, he just kept giving me
6 a nasty look and telling me I was wrong, that the
7 man had only fell, that he hadn't been attacked or
8 nothing had happened, he had only fell.
9

10 MR. BEALE: All right, sir.

11 Answer Mr. Neale or the Court.
12

13 CROSS EXAMINATION

14 BY MR. NEALE:

15 Q What was the first thing Mr.
16 Spivey said to you?

17 A Directly, nothing. As I said,
18 he was, like he was shoving people back, trying to
19 clear them out.
20

21 Q Clear out the area around the
22 fallen man; is that correct, sir?

23 A Yes, sir.

24 Q And he said directly nothing
25 to you; is that correct?

1 A He said, just looking and saying
2 the man had only fallen, that nothing had happened.

3 Q Had you said something had
4 happened to Mr. Spivey?

5 A Not until he mentioned that
6 statement.

7 Q Then what did you say?

8 A I told him he was wrong.

9 Q All right. And then what
10 happened immediately after that?

11 A We were waiting for an
12 ambulance to come for the fallen gentleman.

13 Q And Mr. Spivey continued to
14 stay there and saw that the people were out of the
15 way; is that right?

16 A He continued to stay beside
17 the gentleman, yes, and kept trying to --

18 Q Get people out of the way?

19
20 MR. BEALE: I object. Let
21 him answer.

22
23 A He kept trying to talk to the
24 fallen gentleman. He just regained consciousness,
25 didn't know what was going on, and at the same time

1 he'd look up and tell everybody that nothing was
2 wrong, he'd only fallen.

3 BY MR. NEALE:

4 Q All right, sir. Now, when
5 you were shown these pictures -- first of all, let
6 me back up a moment. When did you first see Mr.
7 Spivey?

8 A That was my first encounter
9 with the man over there at the incident.

10 Q I understand, sir. But at
11 that particular incident, when did you first see him
12 after you saw the man hit or the man fall, whatever
13 you said you saw?

14 A Yes, sir. This was a good
15 four to five minutes after the man was on the ground,
16 after he had regained consciousness.

17 Q That's when you saw Mr.
18 Spivey?

19 A That's when he showed up on
20 the scene.

21 Q You did not know at that time
22 whether or not Mr. Spivey knew this man on the ground,
23 did you, sir?

24 A No, sir. I did not.
25

1 Q Now, sir, when were you shown
2 these pictures that you have identified today?

3 A Several days after the
4 incident.

5 Q And do you recall who showed
6 them to you?

7 A Yes, sir. It was Mr. Pete
8 Lucas, Shipyard investigator.

9 Q And describe, sir, how he
10 showed them to you. What were the circumstances
11 of that?

12 A It was after he'd asked me
13 to write out the statement, in my own words. After
14 I had finished the statement and turned it over to
15 them, he showed me two flats of pictures.

16 Q Were those the two that were
17 just shown to you by counsel?

18 A Yes, sir. There were no names
19 underneath the pictures at all. The names had been
20 blocked over.

21 Q And at that point, how long
22 had you looked at the pictures before you picked
23 them out?

24 A Mr. Spivey's, it didn't take
25

1 me any time, and the one for Mr. Champion, I looked
2 at it several minutes.

3 Q All right, sir. And what
4 did he say to you while you were looking at the
5 pictures?

6 A Nothing.

7 Q Nothing at all?

8 A No, sir.

9 Q And how many other people
10 were in the room with you, sir?

11 A Just one other Shipyard
12 investigator. I don't remember the name.

13 Q Did that gentleman say any-
14 thing to you while you were looking at the pictures?

15 A No, sir.

16 Q Did they tell you where the
17 pictures had come from?

18 A No, sir.

19 Q And after that, you have had
20 nothing more to do with this until you came to court;
21 is that correct, sir?

22 A I've been called over to the
23 Shipyard investigators' office one time to have my
24 statement typed out and notarized and then I went to
25

1 the attorney's office one day and was told about
2 the court. That was it.

3 Q I'm not asking you what your
4 attorney told you.

5
6 MR. BEALE: I think he's
7 talking about me. I'm not his attorney.
8

9 A Well, the Shipyard attorney,
10 whatever.

11 BY MR. NEALE:

12 Q You did sign the affidavit,
13 which said that was just dated June 16, 1977? It's
14 in the Court's files. I'll not re-introduce it.
15 Did you sign an affidavit on June 16, 1977?

16 A Yes, sir.

17
18 MR. NEALE: Thank you.

19 MR. BEALE: No further questions.

20 THE COURT: May this gentleman
21 be excused?

22 MR. BEALE: Yes, sir.

23 MR. NEALE: Yes, sir.

24 THE COURT: You may be excused.
25

1 You may leave or remain in the
2 courtroom, either one you choose.

3
4 (Witness excused)

5
6
7
8 GEORGE T. SCHMITZ, after being
9 first duly sworn, testified in behalf of the
10 Intervenor, as follows:

11 DIRECT EXAMINATION

12 BY MR. BEALE:

13 Q State your name, please,
14 sir.

15 A George Timothy Schmitz.

16 Q Where do you work, Mr. Schmitz?

17 A At the Shipyard.

18 Q What department?

19 A ESTD.

20 Q Are you a member of the
21 United Steelworkers of America?

22 A No, sir.

23 Q Are you eligible to belong
24 to that union?
25

1 A No, sir.

2 Q On June 7, what gate did you
3 use to exit from work?

4 A June 7, I take it, is the
5 Tuesday after the Monday when they said people could
6 come back to work? I want to get the dates straight.

7 Q All right, sir. I can't answer
8 your question. You're going to have to answer mine.
9 On June 7 or whatever day you want to describe it
10 as, the second day you went back to work, what
11 gate did you use to exit?

12 A 33rd Street.

13 Q Did you go back to work on
14 the first day they allowed you to go back to work?

15 A I think we have some confusion
16 here. I was talking about the union members, the
17 first day they were allowed to come back to work.

18 Q All right. This was the
19 second day? Is that what you're saying?

20 A Uh-huh. Tuesday.

21 Q What time did you get off
22 work?

23 A Oh, 5:00 o'clock.

24 Q Did you witness an altercation
25

1 involving someone on that date?

2 A Yes, sir.

3 Q Would you tell His Honor
4 what you saw, please, sir?

5 A Well, we all walked out the
6 gate to go like usual. Otto Kraemer was with us,
7 first man to come back. I work with him and I was
8 walking a couple, few feet in front of him and I
9 heard the strikers yelling at him and turned around,
10 you know, to see what was going on and one of the
11 men, Red Diehl --

12 Q Who is Red Diehl?

13 A He's a union member from my
14 shop.

15 Q What union?

16 A Steelworkers.

17 Q Do you see him here?

18 A I'm sure he's in here
19 somewhere.

20 Q Stand up, look around.

21 A That 's him over there.

22 Q This first gentleman?

23 A Yes, sir.

24 Q All right. What happened?
25

1 A He appeared to be attacking
2 Otto in some way. I couldn't really tell, but he was
3 touching him, you know, grabbing at him in some
4 sort of way. So I stepped over a little closer. He
5 sort of knocked Otto off balance a little bit. So
6 I stepped up to see if there was anything I could
7 do, help him get his balance or anything, and about
8 that time, Mr. Champion over there stepped from the
9 street and hit him one time, knocked him down.

10 Q Where did Mr. Champion hit
11 him?

12 A On his body, in the ribs, lower
13 ribs.

14 Q Do you see Mr. Champion here?

15 A Yes, sir. He's the second
16 man.

17
18 MR. BEALE: Let the record
19 indicate he identified the man in the
20 beige suit and yellow tie as Mr. Champion.

21
22
23 BY MR. BEALE:

24 Q All right, sir. Then what
25 occurred?

1 A Well, we sat and kept Otto
2 comfortable until the ambulance came. There were
3 various people running around, filing around and
4 stuff.

5 Q Did you see any other
6 Steelworkers in the area?

7 A Well, let's see. Mr.
8 Champion and Mr. Diehl, I didn't see them except
9 that once, and Mr. Spivey came over. He came
10 over, knelt down beside Otto.

11 Q Now, Mr. Schmitz, do you
12 know a man named Brennan?

13 A Yes, sir.

14 Q What is his first name?

15 A I always called him
16 "Brennan."

17 Q What does he do?

18 A He works in ESTD.

19 Q Now, directing your attention
20 to the following day, did you see Mr. Brennan?

21 A Yes, sir.

22 Q Did you see someone else who
23 was a Steelworker, striker, that day?

24 A That morning, I saw Mr. Spivey
25

1 and Mr. Brennan together.

2 Q Is Mr. Spivey the man here in
3 the navy blue?

4 A Yes, sir.

5 Q Tell His Honor what occurred.

6 A Well, I was just going to work.
7

8 THE COURT: Are you talking about
9 Brennan? How do you spell that?

10 MR. BEALE: B-r-e-n-n-a-n.
11 He's the man that Mr. Neale took his
12 de bene esse deposition on Friday.

13 MR. NEALE: Yes. I don't know
14 if it's been formally filed, but I
15 intend to file it when we proceed with our
16 case, gentleman whose mother was
17 seriously ill, so we took his de bene
18 esse.
19

20 BY MR. BEALE:
21

22 Q Tell His Honor what occurred.

23 A I came in to work and just in
24 front of the gate, Mr. Brennan and Mr. Spivey stopped
25 me and asked me to take a message into the shop

1 there and they told me to tell Rodney Dick, who was
2 one of the union men that came back, told me to tell
3 him he would be next, Otto Kraemer was only the
4 beginning, and for me to tell him to expect it.

5
6 THE COURT: Take a message
7 to whom?

8 MR. BEALE: Rodney Dick.

9 THE COURT: Rodney Dick?

10 MR. BEALE: Yes.

11
12 BY MR. BEALE:

13 Q Did I understand you to say
14 that Mr. Dick was a union eligible who had returned
15 to work?

16 A Yes, sir. And they also told
17 me that some girls that had come back to work, that
18 work at ESTD, that they should watch out, too, that
19 just because they were women, it wouldn't matter.

20 Q Now, were either of them
21 picketing at that time?

22 A Yes, sir. I can't recall if
23 they had their signs on.

24 Q But you have seen both of
25

1 them picketing?

2 A Yes, sir.

3
4 MR. BEALE: All right. Answer

5 Mr. Neale or the Court.

6
7 CROSS EXAMINATION

8 BY MR. NEALE:

9 Q Directing your attention to
10 the second day, to which you were just testifying,
11 you don't know for sure at that time whether they
12 had their signs or you say they did not have their
13 signs on at that particular time; is that correct?

14 A This was the third day,
15 Wednesday, I guess the 9th.

16 Q The day you said they made
17 the statement with reference to Rodney Dick, they
18 did not have their sign on, did they?

19 A I don't recall if they did or
20 not.

21 Q So you don't recall for sure
22 if they were picketing or not?

23 A They were in front of the
24 gate where they usually picket.
25

1 Q But you do not recall they had
2 their signs on, one way or the other?

3 A No, I don't.

4 Q All right, sir. Who,
5 specifically, said what to you that day? You
6 referred both to Mr. Spivey and Mr. Brennan. Who,
7 specifically, said what?

8 A Well, I'm not too clear on
9 that point. They were both talking pretty much in
10 unison, telling me the same thing.

11 Q You mean they were both
12 talking at the same time?

13 A No, sir. They were taking
14 turns, adding to what they both had to say.

15 Q Well, they were telling you,
16 were they not, they were concerned about what happened,
17 they didn't want to see it happen to anyone else,
18 including this fellow Dick; is that not correct?

19 A They also --

20 Q Is that correct? And then go
21 ahead.

22 A Yes, that's correct. Also,
23 they were telling me what would happen if they kept
24 coming in to work.
25

1 Q Did they tell you they
2 were concerned about what had happened to Mr. Kraemer
3 and they were concerned it would happen to other
4 people or might happen to other people coming
5 to work? Is that what they were essentially
6 saying?

7 A They did not show concern
8 in the usual sense. I know it's opinion, but I'm
9 sure they don't want to hit anybody else, but
10 they were standing up for their union.

11 Q I'm asking you, sir, what
12 they said. Is this the gist of what they were
13 saying?

14 A Please repeat that. I want
15 to be sure.

16 Q That they were concerned
17 about what happened and they were concerned it not
18 happen to other people that had gone back to work?

19 A No, sir. That wasn't really
20 the gist of what they were saying. What they were
21 saying was if anybody, if Rodney Dick kept coming
22 in to work, then he was going to be next.

23 Q Then he was going to be
24 next? And which one of them said that?
25

1 A I can't recall.

2 Q You don't know which one said
3 that?

4 A No, sir. They were alternately
5 talking to me, taking turns. They both had the
6 same thing to say.

7 Q And was anyone else standing
8 with you when you heard them say that?

9 A No, sir.

10 Q And approximately how close
11 to the gate was this incident?

12 A Oh, six feet, I'd say.

13 Q All right, sir. Directing
14 your attention to the previous day, you testified
15 that it was the day after the people were told
16 they could come back to work. What did you mean by
17 that?

18 A I was just trying to get a
19 reference because I didn't know exactly what date that
20 was.

21 Q I understand, sir. But what
22 did you mean, the day people were told to come back
23 to work? What were you referring to?

24 A As best I know -- of course,
25

1 down in the shops we get it as rumor. We were
2 told the union people would be allowed to come back to
3 work starting Monday and that's the day that Otto
4 came back.

5 Q And allowed by the yard to come
6 back to work; is that correct?

7 A As far as I know.

8 Q All the union people; is that
9 correct?

10 A Yes.

11 Q And the people that told you
12 this were your supervisors; is that correct, sir?

13 A They affirmed it, you might
14 say. I heard it from my peers.

15 Q All right, sir. Now, sir,
16 going to that evening on that day when you say
17 this incident occurred with Mr. Kraemer, about how
18 many minutes would you say that you stayed at the
19 scene prior to the ambulance arriving?

20 A Well, I left about the time
21 the ambulance arrived. I'd say twenty minutes. It
22 was a pretty long time.

23 Q Who called the guards? Did
24 anyone call the guards?
25

1 A When Otto first was hit,
2 I yelled to the guard to call an ambulance and
3 I heard later that somebody else went up and made
4 sure that he did call an ambulance.

5 Q And at that time, while you
6 were staying there, you were concerned as to Mr.
7 Kraemer and you were staying right by him, I take
8 it; is that not correct?

9 A Yes, sir.

10 Q And there were other people
11 around, also concerned for his well-being because
12 he was lying there; is that correct?

13 A Yes, sir.

14 Q And did you assist him and
15 other people assist him in terms of loosening his
16 coat and tie, that sort of thing, attempting to
17 make him comfortable?

18 A Well, only one I noticed was
19 a young lady. I don't know who it was. She had
20 blond hair. I just sort of kept Otto's head off
21 the ground, but she loosened up his clothes and
22 took his pulse.

23 Q And you kept his head off the
24 ground with what? A cushion or --
25

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A Just my hand.

Q And you stayed there with him
the whole time; is that correct?

A Until the ambulance came.

Q And you got to him, would you
say within a second or so after he went down?

A I was right there.

Q Can you identify anyone else
who was around him at that time, assisting him or
anything?

A Well, not really, not here.

Q Do you know Archie Spivey?

A Yes.

Q You know Archie Spivey is
here today?

A Yes. He was there, yes.

Q He was there?

A Uh-huh.

Q And he was attempting to
assist, also, wasn't he?

A Well, it was hard to tell
whether he was trying to assist him or not. It did
appear that he was assisting him. Can I go on? I
might as well just tell it the way I saw it.

1 Q Well, you say it did appear
2 he was assisting him; is that correct?

3 A Well, like I say, it's hard
4 to say. Can I just say it?

5 Q Sure. Tell me what happened.

6 A Well, Mr. Spivey appeared to
7 be pretty drunk.

8 Q Okay.

9 A And, well, I guess the best
10 way to put it is he was drunk and to anybody else
11 it wouldn't seem like he was helping him, because
12 he was sort of being rough. Do you know what I
13 mean? He was being rough and he wasn't really
14 helping any. He wasn't helping a bit, but he could
15 have been making a futile attempt to help.

16 Q He got down on his hands and
17 knees and tried to help him in terms of opening up
18 his collar, so forth?

19 A That was already open. He
20 made a guy standing by take off his jacket and he
21 took the guy's jacket and put it under his head. I
22 do remember he did that, but he was sort of shaking
23 him around. I think he didn't know Otto had been
24 conscious a couple times and everything was all right.
25

1 We were just sitting there, waiting for the ambulance
2 and staying with him, and he sort of came up out of
3 nowhere, you know, moving around quick and acting
4 sort of upset, I guess you'd say.

5 Q And you could smell alcohol, I
6 take it?

7 A Strong.

8
9 MR. NEALE: Thank you.

10 MR. BEALE: No further
11 questions.

12 THE COURT: Are you through
13 with this gentleman?

14 MR. BEALE: Yes, sir.

15 THE COURT: You may leave if
16 you like. You may remain in the court-
17 room.

18
19 (Witness excused)
20
21
22
23
24
25

1 SHARON SMOOT, after being
2 first duly sworn, testified in behalf of the
3 Intervenor, as follows:

4 DIRECT EXAMINATION

5 BY MR. BEALE:

6 Q State your name, please.

7 A Sharon Smoot.

8 Q Where are you employed?

9 A Newport News Shipbuilding.

10 Q What department?

11 A 092E.

12 Q What's that? Is that Designers?

13 A Submarine nuclear design.

14 Q Are you eligible to belong to
15 the United Steelworkers?

16 A Yes, I am.

17 Q Do you belong to that union?

18 A No, sir. Never have.

19 Q Tell His Honor when you
20 returned to work.

21 A June 6, '77.

22 Q All right. Would you tell His
23 Honor what occurred on that date?

24 A Yes, sir. I had read in the
25

1 paper the previous Friday that the yard was going to
2 allow people to come back to work. So I came in
3 about five of 7:00, parked my car 44th Street
4 towards Washington Avenue, and as I got out of the car
5 the union van passed by.

6 Q What passed by?

7 A The union van. There's a
8 silver van that has a sign on the side says "US/1
9 Mobile Unit" or similar words, and whoever was
10 driving honked the horn and I didn't want any
11 harassment, so I didn't turn around, acknowledge it.
12 I just walked from 44th Street to the employment
13 office and I went in with a group of other people
14 and heard what was to be said and then reported to
15 work. I left work at 4:30, went back to my car and
16 found it had three flat tires. I turned around,
17 went back to my office, told my boss what had
18 happened and he advised me to call Red Arnold, who
19 is a security man, and Mr. Spanos and the police,
20 which I did.

21 Q What was wrong with the
22 tires?

23 A Well, two of them, I could
24 find the slash marks. One of them, I never did.
25

1 There were gashes in the sidewalls of two of the
2 tires. I proceeded to have the car towed home that
3 night, got it home about 11:30 and I got to bed
4 around midnight. When I woke up, at 5:30 in the
5 morning, I had a pellet that had gone through my
6 kitchen window and evidently hit a hanging basket in
7 the window because it was still lodged in the window
8 sill. I hadn't heard it. I don't know how it got
9 there.

10 Q Are you certain of when the
11 window was broken?

12 A Yes. It wasn't broken when I
13 got home, because I stand right in front of it to do
14 my dinner dishes. It had to be between midnight and
15 5:30 next morning.

16
17 MR. BEALE: Answer Mr. Neale
18 or His Honor.

19 MR. NEALE: Your Honor, I have
20 no questions for the lady. If the Court
21 please, I would move to strike the
22 testimony. There is no causal
23 connection shown whatsoever, to the union.

24 THE COURT: I'm not going to
25

1 strike it. I may not consider it.

2 MR. BEALE: Of course, we
3 disagree with his position and say it
4 is connected. Just the weight --

5 THE COURT: All right. Let's
6 argue the case one time, after the
7 evidence.

8 All right, ma'am. You are
9 excused. You may leave or sit in
10 the courtroom, whichever you prefer.

11
12 (Witness excused)

13
14
15
16 CYNTHIA SCOTT, after being
17 first duly sworn, testified in behalf of the
18 Intervenor, as follows:

19 DIRECT EXAMINATION

20 BY MR. BEALE:

21 Q State your name, please.

22 A Cynthia Scott.

23 Q Where do you work?

24 A Newport News Shipyard.

25 Q In what department?

1 A 092E.

2
3 THE COURT: Ma'am, excuse me.

4 I'm going to ask you to keep your voice
5 up. It's very difficult to hear in here.
6

7 BY MR. BEALE:

8 Q Is that in Design?

9 A Yes, it is.

10 Q Are you a member of the
11 United Steelworkers?

12 A Yes.

13 BY THE COURT:

14 Q Did you say "Yes"?

15 A Yes.

16 BY MR. BEALE:

17 Q Did you return to work?

18 A Yes, I did.

19 Q When did you return to work?

20 A June 7.

21 Q All right. Will you explain
22 to His Honor what occurred on the day that you
23 returned to work?
24

25 A Okay. I parked in the

1 Shipyard parking lot between 43rd and 44th,
2 Huntington and Warwick, and as I approached the
3 picket line I was stopped by Eddie Johnson and he
4 asked me where was I going and I told him I was
5 coming to work, and he said, "It's no need to do
6 that." And I said, "Well, you don't know my
7 family affairs."

8 BY THE COURT:

9 Q Excuse me. Did you say
10 Eddie Johnson?

11 A Yes. And so as I was walking
12 away from him, he said, "Well, you know what can
13 happen," and I just kept walking.

14 BY MR. BEALE:

15 Q Who is Eddie Johnson?

16 A He works in 092E.

17 Q Is he a striking Steelworker?

18 A Yes.

19 Q All right. And then what
20 occurred when you left work that day?

21 A Okay. When I got off at
22 4:30, I went to my car and all four of my tires
23 had been cut.

24 MR. BEALE: Answer Mr. Neale.
25

CROSS EXAMINATION

BY MR. NEALE:

Q Miss Scott, did you say
you are not a member of the union?

A I am.

Q You are a member of the union?

A Yes.

Q This person, Mr. Johnson,
talked to you?

A Yes.

Q Eddie Johnson?

A Yes.

Q How long have you known
Eddie Johnson?

A Ever since I started working
in the Shipyard, 1971.

Q Tell us, please, ma'am, again
exactly what he said to you.

A Okay. He said, "Where are
you going?" I said I was going to work. He said,
"It's no need to do that." I said, "Well, you don't know
how my family affairs stand." And as I was leaving
from the picket line he said, "Well, you know what
can happen." I heard him. I just kept walking.

1 Q And you knew, didn't you, then,
2 as a union member, that you could be theoretically
3 fined by the union or expelled or things such as that,
4 did you not?

5 A Yes.

6 Q For crossing the picket line?

7 A I had some type of idea
8 something like that would happen.

9 Q Now, you signed an affidavit
10 on June 8, did you not?

11 A Yes, I did.

12 Q And when did this incident
13 happen with Mr. Johnson?

14 A June 7.

15 Q So it would still have been
16 fresh in your mind on June 8, would it not have?

17 A Yes.

18 Q What were the circumstances of
19 your signing that affidavit? Were you called in by
20 the Shipyard to sign it, by detectives, or what?

21 A Well, when I came to work June
22 7, I was asked did I have any problems.

23 Q And who asked you that,
24 ma'am?

1 A I believe it was Mr. Fike,
2 Personnel.

3 Q Who?

4 A Mr. Fike.

5 Q Go ahead.

6 A And I told him what was said
7 to me.

8 Q Then what happened? Did he
9 then and there have you sign an affidavit or what?

10 A No. I signed the affidavit
11 after my tires had gotten cut, I believe. Yes,
12 it was June 8 when I signed it.

13 Q Did the same Mr. Fike prepare
14 the affidavit or did they call you to the detectives,
15 Shipyard detectives to have it signed?

16 A I signed it in Personnel,
17 Mr. Fike's office. Wait a minute. Two guys,
18 detectives, I guess.

19 Q Shipyard detectives?

20 A Yes, came.

21 Q They came? Was it prepared
22 when they came?

23 A No. They took my statement.

24 Q Now, when you told Mr. Fike and
25

1 the detectives what happened, you told them the
2 whole thing, didn't you?

3 A Yes, I did.

4 Q I show you this affidavit and
5 ask you if this is the one that you signed?

6
7 MR. NEALE: For purposes of
8 the record, it's affidavit Exhibit J,
9 attached to the original motion for
10 show cause.

11
12 A Yes, it is.

13 BY MR. NEALE:

14 Q There is no mention in that
15 about Mr. Johnson saying anything to you, is there?

16 A No, it's not.

17 Q But you told them about it,
18 didn't you, or did you?

19 A Yes, I believe I did when I
20 came back.

21 Q Well, if it happened the day
22 before, it must have been fresh in your mind, wasn't
23 it?

24 A Yes.
25

Q Did they add or omit any other things in that affidavit?

A No.

Q Ma'am, the parking lot in which you parked and you say that this happened --

A Uh-huh.

Q Where is that parking lot?

A Between 43rd and 44th, Huntington and Warwick, Shipyard parking lot.

Q That's right next to the PSA building; is that not correct?

A I believe it's behind it, isn't it?

Q Right behind it; is that correct? I'm asking you.

A Well, I'm not sure where the PSA building is at. It's on Huntington, isn't it?

Q Just give me the blocks. What were the blocks again?

A 43rd and 44th.

MR. NEALE: Thank you.

MR. BEALE: No further

questions.

THE COURT: You may be
excused and you may stay or you may
leave.

(Witness excused)

JOHN L. BALTES, after being
first duly sworn, testified in behalf of the
Intervenor, as follows:

DIRECT EXAMINATION

BY MR. BEALE:

Q State your name, please,
sir.

A John L. Baltes.

Q Mr. Baltes, where do you
work?

A At the Shipyard.

Q How long have you been there?

A Sixteen years come this 1st
of October.

Q Are you a member of the
United Steelworkers of America?

1 A I can't say whether I am or
2 not. However, I did belong to the former company
3 union, so --

4 Q Are you eligible to belong?

5 A I am eligible, yes.

6 Q Now, Mr. Baltes, were you,
7 during the course of this strike, out on strike?

8 A I beg your pardon?

9 Q Were you out on strike?

10 A For two months, yes.

11 Q And when did you return to
12 work?

13 A June 7.

14 Q Now, would you tell His
15 Honor what occurred on June 7, when you returned to
16 work?

17 A Well, nothing happened during
18 the day. I parked my car outside the house at the
19 curb and about 10:15 in the evening, between 10:15
20 and 10:30 --

21 BY THE COURT:

22 Q Was this at your home?

23 A This was at my home, yes,
24 Your Honor. A car pulled up parallel to my car.
25

1 Someone got out of the car and I heard a loud crack.
2 I didn't know whether someone was shooting out my
3 tires or what, but then they jumped, the person that
4 got out jumped back in the car and they took off
5 very rapidly. Then that following day somebody
6 called me on the telephone and said, "How do you
7 like your windshield?" I said, "Fine." And
8 this was --

9
10 MR. NEALE: For the record, I
11 object to what people say over the
12 telephone.

13 THE COURT: Overruled.

14 MR. NEALE: Respectfully
15 note my exception.
16

17 A And he said, "The next one
18 will be through your bedroom window." And, of course,
19 the car had been, the windshield had been damaged, have
20 to be replaced.

21 BY MR. BEALE:

22 Q This happened on the night
23 that you returned to work on that day?

24 A That's correct.
25

1 Q All right. And what had
2 happened to your windshield?

3 A Apparently had been hit by
4 a hammer because it made a round spot on the
5 windshield and, of course, the crack radiated out.
6 It looked like it was a hammer blow, but it sounded
7 like a gunshot to me and I decided I wouldn't go out
8 there in that case.

9 Q All right, sir. Did you
10 receive any further phone calls?

11 A Oh, yes, quite a few. Some
12 of them just let it ring a couple of times and by
13 the time I got to the telephone there was no one
14 there and that happened twice in one evening.
15 One was around 11:00 o'clock and another about
16 1:30 or 2:00. I didn't look at the clock to see
17 what time it was, but I knew it was rather late or
18 early in the morning and I let that ring for
19 about, oh, three minutes. It seemed like five, but
20 it probably was around three minutes and I finally
21 took the receiver from the hook in that instance.
22 I could not leave my receiver off the hook normally
23 because I was on a two party line with a very
24 elderly woman and I just had to bear the telephone
25

1 calls.

2 Q Did you have any phone calls
3 other than one about the windshield, where the party
4 talked with you?

5 A No. They were very short
6 sentences, like, "Hey, scab," something like that,
7 you know.

8 Q How many times did you
9 receive a phone call where they referred to you as
10 "scab"?

11 A Only once that I can recall.

12 Q All right, sir. Was that
13 after you had returned to work or before?

14 A It was between the period of
15 June 7 and when I finally came back to work again.

16 Q Did you not return to work
17 after the incident on the 7th?

18 A No. To be honest with you, I
19 was ill that next morning.

20
21 MR. BEALE: All right, sir.

22 Answer Mr. Neale or the Court.
23
24
25

CROSS EXAMINATION

BY MR. NEALE:

Q Sir, this first incident when you got the phone call after you heard the pop outside --

A No. The phone call came the following day.

Q The following day?

A Yes.

Q And that's when they asked you how --

A How I liked my windshield.

Q And the next one would be in your bedroom window; is that correct?

A That's correct.

Q I'm sure it concerned you quite a bit?

A It bothered me, certainly.

Q And you then say that you had several other phone calls and a few of these you had discussions or they said things. How many of these did they actually say things, these calls?

A I'd say three or four.

Q Three or four times you

1 actually heard words, which were, "Hey, scab"; is
2 that correct?

3 A Well, only one time was the
4 "scab."

5 Q And you could not leave the
6 phone off the hook, because of this lady? How long
7 did you leave it off the hook? About fifteen or
8 twenty minutes or what?

9 A You mean in a particular
10 instance or any instance?

11 Q Well, the evening --

12 A That was early morning that
13 I finally took the phone off the hook. I would
14 assume it was that because I had been in bed for
15 some time.

16 Q Well, how long did you leave
17 the phone off the hook?

18 A Until I got up in the morning,
19 which was about 5:30.

20 Q About 5:30?

21 A Yes.

22 Q All right, sir. Now, when
23 these incidents occurred, did you report them
24 to your employer, the Shipyard?
25

1 A Yes.

2 Q All right, sir. And you did it
3 the next morning, I assume?

4 A Now, you're testing my memory.
5 I don't --

6 Q Well, as close as you can
7 recall, sir.

8 A Well, repeat the question,
9 please.

10 Q When did you describe these
11 incidents to your employer, as well as you can recall,
12 sir?

13 A Probably after -- well, let's
14 see. I probably called Phil and told him about
15 the phone calls and the windshield -- that's my
16 supervisor I'm talking about -- and other phone
17 calls, well, later, when I came back to work the
18 second time.

19 Q Sir, about how many days
20 after these incidents that you related did you
21 write and sign an affidavit?

22 A You mean after the windshield
23 was broken? Is that what you're talking about?

24 Q That's correct.
25

1 A Either the day after or the
2 following day.

3 Q Well, when you did this, you
4 told them everything that had happened, did you not,
5 sir?

6 A That's correct.

7 Q And when you signed the
8 affidavit, you read it to determine if it was
9 accurate?

10 A Yes.

11 Q Who prepared the affidavit,
12 sir? Shipyard Security detectives?

13 A I couldn't answer that.

14 Q Well, how --

15 A I don't know.

16 Q How did it come to be
17 brought to your attention that you were to sign
18 this affidavit?

19 A Mr. Nunemaker. I wrote an
20 affidavit by hand and gave it to Mr. Nunemaker and he
21 brought it back within a day or two and I signed it
22 in front of a notary.

23 Q All right. And it was
24 correct?

25 A This was a typed job. I'm not

1 talking about the one that I wrote.

2 Q And you read it for accuracy
3 prior to signing it, did you not?

4 A That's correct.

5 Q And did it comply with what
6 you had written, sir?

7 A Yes.

8 Q Sir, I show you an affidavit
9 dated 6-9-77. For purposes of the record, it's
10 Exhibit L attached to the original motion for show
11 cause order. I ask you if that's the affidavit you
12 signed.

13 A That's right, on 6-9-77.

14 Q All right, sir. There's
15 nothing in that affidavit, is there, about anyone
16 saying anything about shooting into your bedroom?

17 A No. I didn't put that in the
18 affidavit, did I?

19 Q Well, do you see it in there,
20 sir? The quotation here, "How do you like your
21 windshield," is in there?

22 A Yes, sir.

23 Q But there's nothing in there
24 about someone saying that, "The next will be in your
25

1 bedroom," is there, sir?

2 A No. Apparently I forgot that
3 at the time.

4 Q All right. The affidavit also
5 reads -- and you stop me if you wish to correct me --
6 that, "The telephone rang twice. Before I could
7 reach the phone the ringing stopped. This was
8 repeated about five minutes later after two rings of
9 the telephone. Approximately 10:15, the telephone
10 rang for about three minutes. I ignored the ring
11 and did not answer the phone." And it says no more
12 about telephone calls; is that not correct, sir?

13 A Well, you can forget how many.
14 See, I didn't put them down and note them as to the
15 time and that sort of thing. Frankly, I didn't
16 think there'd be that much of it.

17 Q You did not mention, sir, at
18 the time that someone had said anything to you about
19 "scab" or, "Hey, scab," or actually talked to you,
20 did you?

21 A Yes.

22 Q You did mention it to Mr.
23 Nunemaker?

24 A I believe so. I wouldn't want
25

1 to swear to it, because I understand I'm not allowed
2 to bring notes in here. Am I correct?

3 Q Sir, I'm not allowed to
4 answer that question, but let me ask you this.
5 Are you saying, then, that you possibly did not tell
6 Mr. Nunemaker everything exactly the way it occurred,
7 sir?

8 A Well, sure, just the way it
9 occurred, but what you're trying to do is test my
10 memory to see what --

11
12 THE COURT: Sir, just answer
13 the questions. Don't argue with him.
14 Just answer his questions.

15
16 BY MR. NEALE:

17 Q Can you tell me whether or not
18 you told Mr. Nunemaker about the words, "Hey, scab,"
19 and about the threat with reference to the bullet in
20 the window?

21 A No. I couldn't answer that.

22
23 THE COURT: He hasn't said
24 anything about a bullet.
25

1 MR. NEALE: He said, "Next
2 time the window."

3 THE COURT: He said, "Next
4 time would be the window." He hasn't
5 said anything about shooting, hasn't
6 said anything about a bullet.
7

8 BY MR. NEALE:

9 Q All right. The threat
10 about "through the window."

11 A It will come through my
12 bedroom window.

13 Q Did you tell that to Mr.
14 Nunemaker or not?

15 A I can't recall whether I did
16 or didn't. I'm not trying to be evasive.

17 Q Sir, before this incident
18 occurred, did anyone ever tell you to make reports
19 or to report anything that might occur; that is,
20 did anyone on behalf of the company tell you to make
21 reports?
22

23 A No, sir.

24 Q What about after the incident?
25 Were you requested by the company to make reports or

1 did anyone put out a general bulletin to you or
2 give you instructions specifically or generally
3 to make reports of any incidents that occurred?

4 A Yes.

5 Q And who is that, sir?

6 A I believe the Shipyard lawyer.

7 Q All right. Now, sir, were
8 you ever the recipient from the yard of a message
9 that any damage that occurred, the yard would repair?

10 A Yes.

11 Q And when did you receive that,
12 sir?

13 A Now, again, I didn't log it, so
14 I couldn't say.

15 Q You can't say exactly when it
16 occurred?

17 A I believe -- yes. Wait a
18 minute. All right. I've got it right. Now, it was
19 on the 8th of June when I got a call from Mr. Baxter
20 Barham and he gave me that information.

21 Q Your windshield had been
22 cracked by a rock before that, had it not?

23 A No, it had not.

24 Q No cracks whatsoever?
25

1 A No, sir.

2 Q It wasn't chipped, sir?

3 A Beg your pardon?

4 Q Are you testifying it wasn't
5 chipped?

6 A It wasn't chipped.

7
8 MR. NEALE: I have no further
9 questions.

10
11 REDIRECT EXAMINATION

12 BY MR. BEALE:

13 Q Mr. Baltes, is there any
14 question in your mind about what was said to you
15 on the phone about coming through the bedroom window
16 and, "Hey, scab"?

17 A Well, not at the same time, no,
18 not the same telephone call.

19 Q I understand. But is there
20 any question that actually occurred?

21 A None in my mind.

22
23 THE COURT: You may be excused
24 and you may remain or you may leave,
25

1 either you choose.

2 THE WITNESS: Well, I have
3 some other people riding with me, Your
4 Honor.

5 THE COURT: Well, do what you
6 want to, sir.

7
8 (Witness excused)

9
10
11
12 JANE BRADSHER, after being
13 first duly sworn, testified in behalf of the
14 Intervenor, as follows:

15 DIRECT EXAMINATION

16 BY MR. BEALE:

17 Q State your name, please,
18 ma'am.

19 A Jane Bradsher.

20 Q You are employed with the
21 Shipyard?

22 A Yes, sir.

23 Q Are you in the Design area
24 of employment?
25

1 A Yes, sir.

2 Q Are you a member of the United
3 Steelworkers of America?

4 A No, sir.

5 Q Are you eligible to belong to
6 that union?

7 A Yes, sir.

8 Q Now, when did you return to
9 work in the Shipyard?

10 A On the morning of June 2nd.
11 No, sir. June 6.

12 Q June 6?

13 A Yes, sir.

14 Q Now, after you returned to
15 work, would you describe to His Honor what occurred?

16 A I returned to work on the
17 morning of June 6 and on the morning of June 7, when
18 I got up to go to work, the glass on the passenger
19 side of my car was completely broken out, the side
20 of the car that had been facing the street, and there
21 were skid marks all along my car and the glass was
22 just completely broken out all along the passenger
23 side of my car on the morning following the morning
24 that I had returned to work.
25

1 Q Where was the car?
2 A Parked in front of my home.
3 Q And were there any windows
4 broken out of the car when you parked it for the
5 night on the day that you had returned to work?
6 A Yes, sir.
7 Q Did you hear any noise during
8 the night?
9 A No, sir.
10 Q Have you received any phone
11 calls with reference to the strike?
12 A At work I have, not at home.
13 Q Okay. What occurred?
14 A The phone would ring, I
15 would pick it up, and during working hours
16 someone would just refer to me as a "scab" repeatedly
17 and then they would hang up.
18 Q This was while you were on
19 Shipyard property at work?
20 A Yes, while I was on Shipyard
21 property during working hours.
22 Q And it's been since you have
23 returned to work?
24 A Yes.
25

1 Q Would you give His Honor an
2 idea of how many times it has occurred?

3 A Approximately four to five
4 times.

5
6 MR. BEALE: Answer Mr. Neale
7 or the Court.
8

9 CROSS EXAMINATION

10 BY MR. NEALE:

11 Q What is your number, ma'am,
12 at work?

13 A There are two, 380-3463 and
14 330-2787.

15 Q You say you got several phone
16 calls and people called you a scab; is that correct?

17 A Yes. My supervisor also got
18 two phone calls.

19 Q Calling him a scab?

20 A Apparently, because he was the
21 one that answered the phone.

22 Q Ma'am, why didn't you tell
23 people about these phone calls to which you just
24 testified, when you signed your affidavit on June 3,
25

1 1977?

2 A June 8? My supervisor
3 received the calls on June 6 and 7. I received
4 them on the afternoon of the 8th and the 9th.
5 They happened the first week I returned to work.

6 Q Had you signed your affidavit,
7 ma'am, prior to receiving the calls?

8 A No, I had not. The affidavit,
9 I made out the draft of the affidavit on the 7th,
10 the morning of the 7th and I had not received any
11 phone calls.

12 Q I understand. I have no other
13 questions. One question, if I may, You say that you
14 went back to work on the 6th or 7th or whatever?

15 A On June 6, morning of June 6.

16 Q Had there been a call from
17 the company saying everyone could come back or
18 something like that? What did you mean by that?

19 A I read in the paper that I
20 could return to work and I requested that I be
21 allowed to return to work and I was.

22 Q And this was an article in
23 the paper, ad by the Shipyard? Is that what you
24 said?
25

1 A I read in the paper the
2 Shipyard would be allowing people to come back to
3 work who desired to do so.

4 Q On that particular date,
5 June 6?

6 A I do not know when the
7 article appeared. That was the morning I requested
8 I be allowed to come back to work.

9 Q And you went to a meeting
10 that morning with everybody else at the yard?

11 A No, I did not go to a meeting.

12
13 MR. NEALE: I have no other
14 questions.

15 MR. BEALE: Thank you.

16 THE COURT: Ma'am, you may
17 leave or you may remain in the
18 courtroom, whatever you want.

19 THE WITNESS: I would like to
20 remain. Thank you.

21
22 (Witness excused)
23
24
25

1 MR. NEALE: Your Honor, just
2 for the record -- not just for the
3 record, but if I may say, the reference
4 to the telephone calls were not contained
5 in the bill of particulars or in the
6 affidavits and, therefore, I suggest are
7 not admissible. It would be also my
8 position that they are not admissible,
9 anyway, because they are not meritorious,
10 because they are not connected with
11 the union. I make that point.

12 THE COURT: Overruled.

13 MR. NEALE: Respectfully note
14 my exception.
15
16
17

18 ROBERT B. MacDONALD, after
19 being first duly sworn, testified in behalf of the
20 Intervenor, as follows:

21 DIRECT EXAMINATION

22 BY MR. BEALE:

23 Q State your name, please.

24 A Robert Brinkley MacDonald.
25

1 Q Are you employed with the
2 Shipyard?

3 A Yes, sir.

4 Q How long have you been there?

5 A This is my forty-third year.

6 Q How old are you?

7 A I am sixty-four today.

8 Q Happy birthday, sir. Now,
9 Mr. MacDonald, are you eligible to belong to the
10 United Steelworkers of America, the union?

11 A I was, but I resigned from it,
12 but I understood I'm held for a year under that
13 clause that I entered into.

14 Q Now, Mr. MacDonald, did you
15 return to work in the Design area after the strike
16 had begun; if so, when?

17 A The first day that the strike
18 began, I was back that next Friday to work. I was
19 one of five returned to work.

20 Q Now, directing your attention
21 to the 6th day of June, was that the date you
22 referred to that you returned to work, on Monday?

23 A Yes, sir. On Monday, I returned.
24 I had a call the first of the month from the yard that
25

1 I was able to get my job back if I wished to return
2 to work at that time. I was to go to Mr. Flood's
3 office over in the employment office.

4 Q Did you go there?

5 A Yes, sir. I reported there
6 quarter to 7:00 Monday morning.

7 Q Were there other people
8 there, also?

9 A There were. In fact, one of
10 the young ladies, Ms. Mull, whose mother died today
11 and she's not here, was so scared she asked me to take
12 her in, which I did.

13
14 MR. NEALE: Wait a minute.

15 I object to what --

16 THE COURT: Yes, sir. I think
17 that's got to go. How long are you
18 going to be with this witness?

19 MR. BEALE: Not long with him,
20 but his wife follows right behind him
21 on the incident he will refer to.

22 THE COURT: All right. Well,
23 we're going to adjourn for lunch until
24 2:00 o'clock. Stand in recess.
25

1 (Whereupon, at 12:15 o'clock
2 p.m., July 19, 1977, court was adjourned
3 for luncheon recess, to be reconvened
4 at 2:00 o'clock p.m., July 19, 1977.)
5

6
7 * * *

8 FIRST DAY

9 AFTERNOON SESSION
10

11 (Court was reconvened at
12 2:00 o'clock p.m., July 19, 1977,
13 pursuant to adjournment for luncheon
14 recess.)
15

16 Appearances: As hereinbefore noted.
17

18 * * *

19
20 ROBERT B. MacDonald, the
21 witness on the stand at the time of adjournment,
22 resumed the witness stand and testified further, as
23 follows:

24 DIRECT EXAMINATION

25 BY MR. BEALE:

Q Mr. MacDonald, I believe you had

1 said you had returned to work on the 6th day of
2 June; is that correct?

3 A Yes, sir.

4 Q And would you describe for
5 His Honor what occurred on that day?

6 A Well, when I started into the
7 employment office, I was asked not to go in there
8 by several of the boys that were on the picket
9 line. Then when I came out, I proceeded to have
10 my picture taken by several of them and was
11 followed into the parking lot by one of them, who
12 was hollering, "Take his picture," at different
13 intervals.

14 Q Do you know his name?

15 A Yes, sir. A Mr. Joyce.

16 Q All right, sir. Then what
17 happened?

18 A I proceeded to get into my
19 car, went to Building 600, where I reported
20 for work.

21 Q All right, sir. Do you have
22 a listed or unlisted telephone number, Mr. MacDonald?

23 A An unlisted telephone.

24 Q Who has access to that
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number?

A As far as I know, the yard has access to it in my section, my boss. The hospital would have it, but, you know, under no circumstances was any of them supposed to give it out.

Q All right, sir. What about the United Steelworkers, the union? Do they have it?

A Now, the United Steelworkers, the union did get it off of a card that I sent in the day before, I think, we went out on strike. I joined it the last day so I could vote.

Q So you are a member of the Steelworkers?

A I would say yes, by law, I would be a member. I have resigned, but I understand that's not valid for a year.

Q All right, sir. Did anything occur during that day after you had returned to work?

A No, sir, during that day, other than just a little harassment over at the employment office, I didn't get a word from anyone until I got home. No, no. That would be the next day.

1 Q All right. Did you again
2 come to work on June 7?

3 A Yes, sir. On June 7.

4 Q All right, sir. And when you
5 went home from work on June 7, what did you discover?

6 A I discovered that my wife was
7 very highly agitated. She had been crying and after
8 while I found out that she had received a telephone
9 call around 3:00 o'clock that day, asking for
10 Bob MacDonald and she wanted to know which one
11 because she had a son named Bob, and she said --
12 shall I just tell exactly the words that were --

13 Q No. She's here and she will
14 tell His Honor what occurred on the telephone. I
15 just want you to describe her condition when you
16 went home and tell the Court what you did as a
17 result of the information you received from your
18 wife.

19 A She was so agitated and she
20 had been crying, which, it takes a lot for her to
21 cry because under normal conditions that never happens
22 with the job that she holds, and my oldest boy was
23 awful mad and I could see that he was so mad that the
24 only thing left for me to do under the circumstances
25

1 was to call the Hampton Police.

2 Q Did you do that?

3 A I did that and asked the sergeant
4 or whoever answered the phone what would he do under
5 the circumstances, and he said, "By all means, fully
6 report it," so I did that very thing.

7 Q All right, sir. Mr. MacDonald,
8 do you know a Steelworker named Price?

9 A I do, sir.

10 Q What is his first name?

11 A Roy.

12 Q Have you had some incident
13 occur with reference to Mr. Price?

14 A Mr. Beale, for years and years
15 I've come to the Shipyard before 6:00 o'clock in the
16 morning, which is not ordinary, and I've not crossed
17 any picket lines at that time, because none were
18 established, but I have received some harassment, to
19 a degree, from Mr. Price, who has taken that time to
20 be in the vicinity of where I am and he will often
21 ride his bicycle over to Building 600, where he will
22 stand out in front and just glare at me. He will
23 not say a word other than that, but I've heard him,
24 over on Pembroke Avenue, hollering "scab."
25

1 Q Has he followed you, Mr.
2 MacDonald?

3 A No, sir. He hasn't followed
4 me.

5
6 MR. BEALE: All right. Answer
7 Mr. Neale.

8
9 CROSS EXAMINATION

10 BY MR. NEALE:

11 Q What does "scab" mean, Mr.
12 MacDonald? To you, what does that mean?

13 A Scab, to me, would be
14 somebody that has irritated the strikers to the
15 effect that they felt like they had not done, in
16 their judgment, that which would seem to be fair.

17 Q Doesn't it mean to you it
18 applies to someone who has crossed a picket line?

19 A In a degree, yes.

20 Q And you did cross the picket
21 line, didn't you?

22 A Not at 6:00 o'clock in the
23 morning.

24 Q Well, you have crossed the
25

1 picket lines since then?

2 A Coming out at 6:30 in the
3 afternoon or 4:30 in the day, yes, maybe.

4 Q You say when you went in at
5 6:30 in the morning, there weren't any pickets out there,
6 were there?

7 A No, sir. Weren't any pickets
8 out there.

9 Q Now, sir, you said something a
10 few moments ago about going back on the 6th. What
11 occurred or what did the yard say to you or do to you
12 or -- strike that. I don't mean do to you, but
13 what did they say to you in reference to going
14 back on the 6th? What happened there?

15 A Only thing said to me, that I
16 was free to return to my job on the 6th. That was
17 all.

18 Q Excuse me.

19 A That was all was said, I was
20 free to come at my own wish, will.

21 Q How did you get that word,
22 sir?

23 A I got it from somebody in
24 the Personnel Office.
25

1 Q And they called you, didn't
2 they, sir?

3 A Yes, sir. They called me.

4 Q And prior to that, you had not
5 been allowed to work by the yard, regardless of
6 whether you wanted to; is that correct?

7 A Oh, yes, I had. I had come
8 in the day after the boys went on strike.

9 Q And what happened, sir?

10 A I was allowed to work.

11 Q And had you worked during
12 that time?

13 A I worked that full day and then
14 I got a phone call later on -- that was Friday.
15 Saturday afternoon, I got a phone call telling me
16 not to come back to work Monday.

17 Q That was from the yard?

18 A From the yard itself, yes.

19 Q So that Monday, sometime in
20 May, is that right, when the strike began, 2nd to
21 3rd to 4th --

22 A March 31, I think.

23 Q March 31?

24 A Yes, sir.
25

1 Q I'm sorry. I'm not quite
2 with it on my dates. So March 31, you got the call
3 from the yard, saying you couldn't come back to
4 work; is that correct, sir?

5 A I came back to work April
6 1st, I think it was. I came back the very next day,
7 which was a Friday. They went out on a Thursday.
8 I came back on a Friday.

9 Q And then it was a day or so
10 after that the yard called you, told you you could
11 not work?

12 A Saturday, told me I could not
13 work.

14 Q And then June 6, thereabouts,
15 they told you you could?

16 A They told me I was allowed
17 back, yes, sir.

18 Q Do you know, from your knowledge,
19 sir, did they not do this same thing to most other
20 people in that bargaining unit?

21 A I have no idea, sir.

22 Q You said that a Mr. Joyce
23 indicated to you or said to someone to take your
24 picture. Which day was this?
25

1 A That was on the 6th, when I
2 came back to work.

3 Q And did you see at that time
4 the company officials taking pictures?

5 A No, sir. I did not.
6 There weren't anybody out there but the boys that
7 were out there on the picket line.

8 Q Well, were you looking for
9 that, sir?

10 A I certainly was.

11 Q Were company people taking
12 pictures?

13 A No, sir. I couldn't find a
14 person around there that were company people.

15 Q Did you see union people
16 taking pictures of you?

17 A I did.

18 Q And were you looking on top
19 of the Personnel Building for company people with
20 movie cameras up there, taking pictures?

21 A No, sir. I was not interested
22 in anything but what was going on around me.

23
24 MR. NEALE: All right, sir.
25

1 * A Yes, sir. I am Mrs. Robert
2 MacDonald or Mrs. Agnes Bentley MacDonald.
3 Q Mrs. MacDonald, where do you
4 work?
5 A Mary Immaculate Hospital.
6 Q What is your position?
7 A I am Evening Supervisor of
8 Nurses.
9 Q Directing your attention,
10 Mrs. MacDonald, to the 7th day of June, after your
11 husband had returned to work at the Shipyard, did
12 you receive a phone call?
13 A Not after he returned. It
14 was prior to his return from the Shipyard.
15 Q Prior to him returning home?
16 A Right. It was 3:00 o'clock
17 in the afternoon, approximately.
18 Q Tell His Honor what the
19 contents of that telephone call was.
20 A Well, the caller, it was a
21 pleasant male voice and he asked for Mr. Bob
22 MacDonald. I said, "Which one? I have two."
23 He said the one that was Senior, worked in the
24 Design of the Shipyard, and then he said, "You tell
25

1 that god-damn son-of-a-bitch that if he goes to
2 work tomorrow, we're going to kill him. We have
3 ways. Do you understand that shit?" And that was it.
4

5 MR. NEALE: As all other
6 telephone calls, I object to the
7 admission of the call without indication
8 of the party and because it's hearsay.
9

10 THE COURT: Overruled.

11 MR. NEALE: I understand the
12 Court's ruling. I make that objection,
13 respectfully note my exception.
14

15 THE COURT: Overruled.

16 BY MR. BEALE:

17 Q Mrs. MacDonald, after you
18 received that message, what did you do?

19 A I became very extremely
20 distraught, paced up and down the floor and cried a
21 little bit.

22 Q How long did it affect you
23 that way?

24 A Well, it was pretty bad at
25 first. I was very agitated. My son came in and asked

1 me what was wrong. He said, "Mama, I know something's
2 wrong." I told him. He said, "Call the police."
3 I said, "No. I better talk to your father first."
4 I tried to get in touch with Mac, my husband, Mr.
5 Robert MacDonald, at the Shipyard and was unable to
6 reach him.

7 Q Did you remain at home until
8 he arrived from work?

9 A Yes, sir. I did.

10 Q What was done thereafter?

11 A He saw the shape I was in.
12 I was still visibly disturbed and he called the
13 police of Hampton.

14
15 MR. BEALE: All right, ma'am.

16 Answer the Court or Mr. Neale.

17 MR. NEALE: I have no questions
18 for her.

19 THE COURT: You may be excused.
20 You may leave or remain in the
21 courtroom, either you desire.

22
23 (Witness excused)
24
25

ROBERT WEIKLE, after being

BY MR. BEALE:

Q State your name, please.

A Robert Weikle.

Q Where are you employed, Mr.

A Newport News Shipbuilding and

Q And what division?

A I work in the Engineering

Q Is it in the design?

A Yes, it is.

Q Are you eligible to belong

A Yes, I am.

Q Are you a member of that

A I am not.

2 When did you return to work,

1 Mr. Weikle?

2 A On the 13th of June.

3 Q Directing your attention,
4 Mr. Weikle, to the 5th day of July, would you
5 describe to His Honor what occurred on that day?

6 A Well, the 5th day of July was
7 a Tuesday morning after the Fourth weekend and as
8 I was entering the parking lot, Gate No. 6, off of
9 42nd Street, I noticed two pickets and --

10 Q Who were the pickets?

11 A Matt Russell and a Paul Joyce.

12 Q Who was the other one? Matt
13 Russell and who?

14 A Matt Russell and Paul Joyce.

15 BY THE COURT:

16 Q Did you say Matt Russell or
17 Pat?

18 A Matt, sir.

19 Q And who else?

20 A Paul Joyce, H. P. Joyce.

21 Q Joyce?

22 A Yes, sir.

23 BY MR. BEALE:

24 Q What were they doing, Mr.
25

1 Weikle, when you saw them?

2 A Mr. Russell was standing
3 outside the gate, to the left of the gate,
4 probably three or four feet in the grass area,
5 and Mr. Joyce was standing towards the center
6 of the gate or maybe a third of the way into the
7 gate.

8 Q All right. And where was
9 your vehicle at that time?

10 A Well, I was entering from
11 42nd Street, across Madison Avenue, into the
12 parking lot.

13 Q Would you describe the line
14 you were driving in?

15 A Sir?

16 Q Were you driving in
17 a straight line or a crooked line or how were
18 you driving?

19 A Just straight across the
20 street, sir, into the gate.

21 Q What happened?

22 A Well, as I neared the gate
23 Mr. Joyce took a step or two towards the front of my
24 car, holding a handmade, homemade sign as if he wanted
25

1 me to read it.

2 Q What did it say?

3 A I didn't read it, sir.

4 Q All right. What did he do
5 with the sign?

6 A Well, as I proceeded he stepped
7 back a step or so and then as I passed him, he took
8 the sign and pushed it in the side of my car.

9 BY THE COURT:

10 Q He took the sign and what?

11 A More or less pushed
12 it towards my car.

13 Q Well, back off that micro-
14 phone a little bit.

15 BY MR. BEALE:

16 Q All right. And what did you
17 do after he did that?

18 A Well, I proceeded into the
19 parking lot and parked.

20 Q All right. What did the
21 pickets do thereafter?

22 A Well, as I was entering the
23 building they were still standing there, because I
24 was looking back to see if they were, you know, holding
25

1 the sign in front of anyone else's car.

2
3 MR. BEALE: All right, sir.

4 Answer Mr. Neale.

5
6 CROSS EXAMINATION

7 BY MR. NEALE:

8 Q Mr. Weikle, what time of
9 the day did this happen?

10 A This was approximately
11 7:20, sir.

12 Q What time are you due for work?

13 A At 7:30, sir.

14 Q How close was this parking lot
15 to your place where you report for work?

16 A From where I park my car,
17 approximately 100 feet from the back door and
18 another 150 feet to my desk.

19 Q And what parking lot was it,
20 sir?

21 A It's the parking lot at
22 Building 600.

23 Q And the gate to which you're
24 referring, was this the gate to that particular
25

1 parking lot?

2 A It's one of six drive-in
3 gates, sir.

4 Q Describe that gate, if you
5 will, sir.

6 A In what respect?

7 Q Well, it has an exit and
8 entrance, doesn't it?

9 A Well, as far as I know,
10 there's only one lane of traffic.

11 Q The gate is at least two
12 car lengths wide, isn't it?

13 A It may be. I've never
14 actually met a car coming out the gate or going in.

15 Q Well, it's a good thing, I
16 suppose. Tell me, then, how wide do you think it
17 is? You've driven through it before, have you not?

18 A I have not --

19 Q You have not driven through
20 it before?

21 A I have.

22 Q Well, sir, is it approximately
23 two or three car lengths wide or what?

24 A Probably two at the maximum.
25

1 Q Fact is that Mr. Joyce and
2 the other picketer were standing on the left side,
3 next to the left post, were they not, sir?

4 A That's not true.

5 Q That's not true?

6 A One picket was standing outside
7 the post.

8 Q Which?

9 A Mr. Russell was standing in
10 the grass, probably three, four feet off the apron.

11 Q Which picket was standing
12 outside the post?

13 A Mr. Russell.

14 Q Where was Mr. Joyce standing?

15 A In the entranceway, up inside
16 the parking lot, beyond the apron.

17 Q Was he standing, as you were
18 approaching the gate, was he standing on the left
19 side of the gate or right side?

20 A He was standing to my left,
21 sir.

22 Q To your left, and he was
23 standing in the left half of the gate area, was he
24 not, sir?
25

1 A Well, I'm not sure exactly
2 what distance from the gate. It's, I would say
3 approximately one third of the way across the gate
4 entrance, opening.

5 Q All right. And tell me, did
6 his sign make contact with your car?

7 A It did.

8 Q And did it do any damage
9 to your car?

10 A It put a small scrape on the
11 car.

12 Q Small scrape?

13 A About six inches long.

14 Q Have you had the company
15 fix it yet?

16 A I have not.

17 Q Company has told you and
18 anyone else they would fix any damage that occurs to
19 property by virtue of coming back, haven't they?

20 A That's true.

21 Q And you were arrested
22 subsequently, shortly thereafter, were you not,
23 sir, for this incident?

24 A I was what?
25

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Q Arrested?

A Well, several days later.

Q All right, sir. And you were charged with assault and battery, weren't you?

A That's true.

Q Now, sir, what did you do after you drove in?

A Went to a parking space and parked.

Q And you went in to work?

A I did.

Q When did you first tell people about it?

A Well, after I got inside the gate, I mean after I was inside the building.

Q Who did you tell?

A I reported it to Personnel.

Q What happened next?

A Well, I heard that other people had encountered similar problems.

Q Well, did they have you sign an affidavit?

A Yes, they did.

Q They did?

1 A Well, I filled out a statement
2 in my own words and signed it myself.

3 Q Who did you give this to?
4 A Personnel Department.

5 Q And when was this?
6 A On the 5th.

7 Q Same day of the occurrence?
8 A Yes, sir.

9 Q And have you seen that statement
10 again?

11 A Yes, I have.

12 Q And when did you see it again,
13 sir?

14 A Well, I Xeroxed a copy of it,
15 which I have.

16 Q And you got that Xerox copy
17 that very day?

18 A Right.

19 Q Did you bring that with you,
20 sir?

21 A I did not.

22 Q Any particular reason why
23 you didn't bring it with you?

24 A I didn't see any need in
25

1 *
2 bring it.

3 Q I'm not asking you what you
4 told him. I'm asking you when you first brought it
5 to his attention.

6 A I did not bring it to
7 his attention myself. I reported the incident
8 to Personnel as instructed. They asked if I
9 would bring them a signed statement, which I did.
10 I would say it was probably a day or two -- I'm
11 not sure -- that I was told that a lawyer had
12 been assigned.

13 Q Oh. The attorney for the
14 Shipyard is defending you in the criminal action?

15 A Let me back up on that, if
16 you will. On the 5th is when the incident happened
17 and I reported to Personnel and heard nothing else
18 until the night of the 6th. I heard at that time
19 that there was a warrant at the police station, so
20 I went down there on the 7th at noontime, picked it
21 up. It was being held for me. I picked it up.
22 That afternoon is when I told Personnel that I had
23 the warrant in my possession. Then they said they
24 would appoint an attorney. That was on the 7th
25 when I even heard the first reference to an attorney.

1 Then it was on the 8th when I talked with the
2 attorney.

3 Q That was in reference to
4 the criminal case only?

5 A Well, there were two cases,
6 two different charges.

7 Q All right, sir. And that
8 attorney was Mr. Beale, was it not?

9 A That's true.

10 Q Now, sir, you say Mr. Joyce
11 was standing about one third of the way across.
12 Was this when he held out his sign?

13 A Yes.

14 Q Explain how he held out his
15 sign. Would you be more specific?

16 A Well, the reason it's
17 noticeable, other pickets wear their signs around
18 their necks on a string. He was holding his
19 out to his left at an angle perpendicular to the
20 body and it looked like a handwritten sign and he
21 was waving it like he was trying to attract
22 attention.

23 Q But you say you did not
24 read it?
25

1 A I did not.

2 Q You were going so fast you
3 couldn't see it?

4 A That wasn't true. I was not
5 over five miles an hour. My car hadn't even traveled
6 50 feet from where I stopped at the stop sign on
7 Madison Avenue. It's probably 10 feet from the
8 avenue to the apron.

9 Q Were you watching ahead
10 of you?

11 A After I checked either
12 side for traffic I proceeded into the parking
13 lot.

14 Q And as you were going
15 past Mr. Joyce, were you watching what was
16 happening in front of you or were you watching
17 Mr. Joyce?

18 A I was watching his movement.
19 I was reading the sign.

20 Q How large was the sign?

21 A I couldn't tell you. I'd
22 say maybe two to three feet square.

23 Q You just said you were
24 reading the sign. Were you?
25

1 A I did not read the sign.

2 Q You, sir, have been calling
3 people, calling members of the Design unit from
4 the Shipyard, trying to urge them to come back to
5 work, haven't you?

6 A That's not true.

7 Q You have made no calls to
8 people, asking them to come back to work on behalf
9 of the yard?

10 A Not on company time.

11 Q Not on company time? What
12 time has it been on?

13 A I have talked to several
14 people at church, shopping centers, different
15 places, just talking to them in general, but
16 I have never actually invited any of them back.

17 Q Have you made any calls
18 from the Shipyard telephones to people to come
19 back to work?

20 A I have not.

21 Q Have you made any calls from
22 your own telephone at home?

23 A I've talked to one person from
24 my home.
25

1 Q Did the Shipyard ever make
2 available to you numbers of people to call from
3 your home or otherwise?

4 A They have not. It's not
5 been suggested to me.

6 Q Tell me, sir, did Mr. Joyce
7 say anything to you when he held this sign?

8 A I couldn't say for sure. I
9 heard someone holler "scab."

10 Q You did? Do you know who it
11 was?

12 A No.

13 Q What is a scab, sir?

14 A We're talking about a distance
15 of 50 feet and just a few seconds. I wouldn't
16 have had time to read a sign or I couldn't tell
17 you what kind of clothing he had on. I couldn't
18 tell you what color shoes he had on. I wasn't
19 interested. All I was interested in was driving
20 in the parking lot and --

21 Q You were interested in
22 driving 50 feet in a few seconds, going 60 miles
23 an hour?

24 A I could see the sign. I didn't
25

1 read it.

2 Q Do you usually drive 50 feet
3 in a few seconds?

4 A Yes.

5 Q That is your customary way
6 of driving in?

7 A Yes, sir.

8 Q And you knew before you
9 started there was a picket one third of the way --

10 A How fast do you go in 50 feet?
11 I mean, how many seconds?

12 Q Did you know there was a picket,
13 when you started across the street, there was the
14 picket there one third of the way from the left post?

15 A I did. I said a third. He
16 took a couple steps toward the center of the
17 roadway.

18 Q You say you were called a
19 scab. What is a scab?

20 A Dictionary says a scab is a
21 person who returns to work when a union is on
22 strike. It could be management people, a number of
23 things.

24 Q And you did return to work when
25

1 the union was on strike, did you not?

2 A I did that.

3 Q So you were a scab, weren't
4 you?

5 A That's true, according to
6 the dictionary, and I'm proud of it.
7

8 REDIRECT EXAMINATION

9 BY MR. BEALE:

10 Q Mr. Weikle, Mr. Neale has
11 asked you about a warrant for assault and battery.
12 Have you been in any altercation or anything or is
13 this assault and battery warrant the result of
14 what you have described to the Court?

15 A Yes, it is, sir.

16 Q All right, sir. Was there
17 also another warrant?

18 A Reckless driving on public
19 highway.
20

21 Q Have you been tried for
22 those two things?

23 A No, sir. Scheduled August
24 5th.

25 MR. BEALE: Thank you.

RECROSS EXAMINATION

BY MR. NEALE:

Q Mr. Weikle, you know the sign at the gate says 10 miles per hour, don't you?

A What about it?

Q Does it?

THE COURT: Just answer his question.

A I don't recall having seen that, sir.

BY MR. NEALE:

Q How many times have you driven through that gate, sir?

A Every morning.

Q Every morning?

A Every afternoon. I told you a few minutes ago I was doing approximately five miles an hour. I went back myself to check it.

THE COURT: I don't know

1 what all that's got to do with this
2 case, anyway.

3 MR. NEALE: I agree, sir.

4 Thank you.

5 MR. BEALE: No further
6 questions.

7 THE COURT: All right, sir.
8 You are excused. You may leave or you
9 may have a seat in the courtroom,
10 either you prefer.

11
12 (Witness excused)

13
14
15
16
17 WILLIAM F. ALEXANDER, after
18 being first duly sworn, testified in behalf of the
19 Intervenor, as follows:

20 DIRECT EXAMINATION

21 BY MR. BEALE:

22 Q State your name, please.

23 A William F. Alexander.

24 Q Mr. Alexander, directing
25 your attention to the 5th day of July, this year,

1 were you a passenger in a vehicle with Mr.
2 Weikle?

3 A I was.

4 Q Going to work?

5 A That's correct.

6 Q Would you describe to the
7 Court what occurred, please?

8 A We stopped on 42nd Street
9 and Madison Avenue for the stop sign and as we
10 approached the gate two gentlemen were standing
11 there, Mr. Joyce and Mr. Russell. Mr. Russell was
12 standing back behind the post. Mr. Joyce was in
13 the driveway. As we approached he sort of bent
14 down and when he identified us, he stood back up
15 and put a sign out in front of us. I thought he
16 was trying to get it on the windshield, and as
17 we passed, we went through it, we went on in to
18 park, I looked back. Both gentlemen were still
19 on the gate. There was no outcry, no nothing.

20
21 MR. BEALE: All right, sir.

22 Answer Mr. Neale.
23
24
25

CROSS EXAMINATION

BY MR. NEALE:

Q Well, sir, did Mr. Weikle outcry or say anything to you about it at the time?

A Pardon me?

Q Did Mr. Weikle cry out or say anything to you at the time?

A Mr. Weikle?

Q Yes, sir.

A No, sir.

Q Did he mention it to you at the time at all?

A I don't understand your time frame, sir.

Q Right after it happened, you all continued --

A Well, we get harassed every day we go in, but --

Q Did he say anything to you about that specific thing, that specific item, sir?

A Just said, you know, who was there.

Q No, sir. I don't know. I'm

1 asking if he discussed it or said anything to you
2 about it as you drove on into the parking lot and
3 got out, walked in the building.

4 A I'm sure we commented that
5 we got harassed again.

6 Q But you don't recall anything
7 specifically said?

8 A I don't recall the specific
9 words that he spoke to me, no. I just said,
10 "There's Joyce and he's on the gate again."

11 Q All right, sir. And as
12 you were driving past, explain or describe
13 precisely what happened as you were driving past
14 Mr. Joyce.

15 A Okay. As we came across
16 Madison Avenue, which is the distance of about,
17 I'll say three car lengths, we had stopped, he was
18 gradually accelerating, going into the parking
19 lot, Mr. Joyce was in the gate. I don't mean he
20 was way over in it, but he was in it. The gate
21 is only so wide. We approached it, he -- as I
22 said, when we stopped, he bent down to look because
23 Mr. Weikle's car has tinted glass in it and it's
24 difficult to see and I presume this is what he was
25

1 doing, was trying to identify who was in there.
2 As we approached him, he stood up, he threw a
3 sign out in front of us. All other picketers
4 generally have a sign on their person, hanging
5 either on the front or back. He had this thing --
6 I don't know what was on it, probably had "scab"
7 and some other hieroglyphics which I couldn't
8 read, looked like maybe it was encased in
9 plastic. As we got very close to him, he with-
10 drew it.

11 Q All right, sir. Did you
12 notice anything else that occurred as this
13 was happening, as he put it out and as he withdrew
14 it?

15 A Only that he put it out and
16 pulled it back.

17 Q All right, sir. I show you
18 a picture of the gate and parking lot behind it
19 and ask you if you can identify it?

20 A Yes. This is the gate into
21 the office.

22 Q That's the gate you all went
23 through?

24 A Yes.
25

1 MR. NEALE: All right, sir.

2 I would introduce this into evidence
3 as Respondents' No. 1 or Defendants' 1,
4 I believe it's so styled.

5 MR. BEALE: No objection.

6
7 (The photograph was received
8 in evidence as Defendants' Exhibit
9 No. 1.)
10
11

12 REDIRECT EXAMINATION

13 BY MR. BEALE:

14 Q And you say you were
15 driving so slow Mr. Joyce was able to lean over,
16 peer in and look in the window; is that right?

17 A As we approached the gate,
18 yes, he was out in the opening of the gate. He
19 was not behind the post. Both gates were open and
20 I presume that that's what he bent down for. I
21 wouldn't know why else he was bending down.

22 Q Was there any contact or --

23 A Not that I know of.
24

25 MR. BEALE: Thank you, sir.

1 We have no other questions.

2 THE COURT: Thank you. You
3 may be excused. You may leave or have
4 a seat in the courtroom.
5

6 (Witness excused)
7

8
9
10 DORIS CAPSTAFF, after being
11 first duly sworn, testified in behalf of the
12 Intervenor, as follows:
13

14 DIRECT EXAMINATION

15 BY MR. BEALE:

16 Q State your name, please,
17 ma'am.

18 A Doris Hatten Capstaff.

19 Q Where are you employed,
20 Mrs. Capstaff?

21 A Shipyard, Division E-26.
22

23 THE COURT: Excuse me. I'm
24 going to ask you to speak up, please,
25 and don't get too close to the

1 microphone. It just garbles everything.
2 Speak up so I can hear you.

3
4 BY MR. BEALE:

5 Q Are you eligible to be
6 a member of the Steelworkers' Union?

7 A Yes, I am.

8 Q Are you a member?

9 A I resigned from it.

10 Q Directing your attention
11 to the 5th of July, on that date, what entrance to
12 the Shipyard did you use?

13 A Gate 6 from 42nd Street.

14 Q Would you describe to His
15 Honor what occurred on that date?

16 A We were coming down from
17 Jefferson Avenue to Madison Avenue to enter Gate 6
18 and there were two pickets on the right-hand side.
19 The one I recognized was Paul Joyce. He crossed
20 over to the left-hand side. When we started --

21
22 MR. NEALE: If the Court
23 please, this is not in the bill of
24 particulars nor have I been notified
25

1 *

2 I think he's mistaken, if the Court

3 please. I have it here if he'd like

4 to read it.

5 THE COURT: No, sir. Let's

6 proceed.

7 MR. NEALE: If the Court

8 please, I note my objection and

9 exception for the record. I have not

10 been notified by way of bill of

11 particulars of this incident and I

12 respectfully except to the Court's

13 ruling.

14 THE COURT: I could try this

15 case while you all are objecting.

16 Let's proceed.

17 BY MR. BEALE:

18 Q Describe what occurred,

19 Mrs. Capstaff.

20 A As we approached the gate

21 Joyce crosses over to the left-hand side. Then

22 when we started through the gate, he crosses back

23 in front of the car and stops and we had to swing

24 around to keep from hitting him.

25

1 Q Who is Joyce?
2 A Paul Joyce. He's employed E-26.

3 BY THE COURT:

4 Q Who were you with?
5 A My husband. My husband was
6 driving.

7 Q You were not with Mr. Weikle?
8 A Ch, no, sir. I wasn't with
9 Mr. Weikle.

10 BY MR. BEALE:

11 Q What time did this occur on
12 July 5th?

13 A Between 6:55 and 7:00 o'clock.

14 Q Now, Mrs. Capstaff, have you
15 received some telephone calls?

16 A On July 4.

17 Q Would you tell His Honor
18 about that?

19 A It was 12:00 o'clock, the
20 first one was, and when I answered the phone, they
21 asked, "Am I talking to Mrs. Scab? I want to talk
22 to Mrs. Scab."

23 Q Would you try to talk a bit
24 slower if you can? I can't keep up with you.
25

1 A It was 12:00 o'clock at
2 night on July 4.

3 Q All right. And --

4 A And the phone rang and I
5 answered the phone. This voice said, "Could I
6 speak to Mrs. Scab? Am I speaking to Mrs. Scab?"
7 I said, "You have the wrong number," hung up the
8 phone. It didn't even dawn on me it was one of
9 them calling until a few minutes later, it rang
10 again. My husband answered the phone. They hung
11 up. Then it started ringing every hour. If I
12 answered, they'd say, "Hello, hello." If he'd
13 answer, they'd hang up.

14 Q That occurred how often?

15 A About 12:00 o'clock to 4:00
16 in the morning.

17 Q Tell His Honor whose voices
18 you recognized on the phone.

19
20 MR. NEALE: I object to that.

21 I don't know if it's been established
22 she recognized anybody on the phone.

23 THE COURT: You can cross
24 examine on that, Mr. Neale.
25

1 BY MR. BEALE:

2 Q Go ahead.

3 A Well, the first one was
4 Roy Price.

5 Q Who is Roy Price?

6 A He's one of the designers up
7 there.

8 Q Is he a striking Steelworker?

9 A Yes, sir, I think.

10 Q Who was the other?

11 A Tom Gorman.

12 Q Who is Tom Gorman?

13 A Striking Steelworker, E-26.

14
15 THE COURT: Who was the first
16 one?

17 MR. BEALE: Roy Price.

18
19 BY THE COURT:

20 Q Tom Gordon?

21 A Gorman.

22
23 MR. BEALE: Answer Mr. Neale,
24 Mrs. Capstaff.
25

CROSS EXAMINATION

BY MR. NEALE:

Q How long have these
conversations occurred, ma'am?

A On July 4?

Q The ones to which you
testified, when someone said, "Hello, hello," and
someone else said "Mrs. Scab"?

A Only one said "Mrs. Scab,"
that was the first one.

Q How long did that transpire?

A Just a couple minutes. I said,
"You have the wrong number," and hung up.

Q Which person made that call,
do you think made the "scab" call?

A Roy Price.

Q And you said you thought
he was one of the striking designers?

A He's one of the striking
designers, yes.

Q Why did you say you think?

A I shouldn't have said I
think. I know.

Q How long have you known Mr.

1 Price?

2 A I've been at the yard twenty
3 years. I know he's been there that long.

4 Q How often have you talked to
5 him on the telephone?

6 A Once or twice.

7 Q How well do you know him
8 personally?

9 A As a fellow worker. That's
10 all I want to know him.

11 Q You were pretty upset after
12 it occurred, I take it?

13 A No, didn't bother me at all.

14 Q Not at all?

15 A No. I just had my phone
16 changed to unlisted phone so I wouldn't be bothered
17 again.

18 Q You didn't feel harassed or
19 bothered?

20 A I couldn't see why they'd call.

21 Q Didn't prevent you from
22 going to work, did it?

23 A No.

24 Q Didn't bother you at all,
25

1 did it?

2 A No, did not.

3 Q How is it you came to report
4 it to the company?

5 A Because you're supposed to
6 report every bit of harassment that the
7 Steelworkers do.

8 Q Who told you to report
9 this?

10 A We have been told to report
11 to our Personnel any harassment.

12 Q I understand. Who told you?

13 A The Personnel Department.

14 Q Do you know who therein issued
15 this order?

16 A Well, when we came back to
17 work, we were told if we had any problems, to report
18 it. They came around and asked if we had any
19 problems.

20 Q They came around from
21 department to department?

22 A Yes.

23 Q And it was at this point that
24 you reported this?

25 A No. I went to the Personnel

1 man myself on the 5th of July and reported it.

2 Q They also told you if
3 any damage occurred, say, for example, to cars or
4 whatever, the Shipyard would repair it, didn't
5 they?
6

7 MR. BEALE: If Your Honor
8 please, we'll concede that so we'll not
9 have to ask the question to each of the
10 witnesses, that the yard --
11

12 THE COURT: I really don't
13 understand the importance of it.

14 MR. NEALE: The importance of
15 it is if I had a cracked windshield, it
16 would sure be a fine way to get the
17 yard to pay for it. All I've got to
18 do is come to court, testify, and the yard
19 has got to pay for it.

20 THE COURT: If you can prove
21 anybody had a cracked windshield
22 and they broke it, that's fine with me.
23 For the sake of the record in this case,
24 let's concede what Mr. Beale says, that
25 the Shipyard did tell them that.

1 MR. NEALE: That's fine. I'm
2 happy with that concession, yes, sir.

3
4 BY MR. NEALE:

5 Q Now, the next phone call, in
6 which you say you identified another voice, when
7 did this occur?

8 A Around 2:00 o'clock.

9 Q And how long did this
10 transpire?

11 A Just -- well, we had calls
12 all night, but that was about two minutes, just,
13 "Hello, hello."

14 Q That's all that was said,
15 "Hello, hello"?

16 A Yes.

17 Q And who do you say made this
18 call?

19 A Tom Gorman.

20 Q How long have you known Mr.
21 Gorman?

22 A Well, I've worked beside him
23 for, I guess four years.

24 Q And how long or how many times
25

1 have you spoken with him on the telephone?

2 A Once or twice in the
3 department.

4 Q Did that once or twice
5 include at this time to which you were referring
6 and you thought he called you?

7 A No.

8
9 MR. BEALE: She said he
10 called, not she thought.

11
12 BY MR. NEALE:

13 Q Did you report both of these
14 instances at the same time?

15 A Yes, on the 5th.

16 Q Did you say at that time
17 that you thought Mr. Price and Mr. Gorman were the
18 callers?

19 A I said I knew they called.

20 Q And you said this when you
21 reported it on the 5th?

22 A Yes. It's written down
23 on the document.

24 Q Do you have that statement with you
25

1 today, ma'am?

2 A No, sir.

3 Q You did make a written
4 statement?

5 A Yes, sir.

6 Q Did you make an affidavit?

7 A No, sir.

8 Q In your job, what sort of --
9 I mean, what is your job? What does it involve in
10 the Shipyard?

11 A Procuring electrical material
12 for design.

13 Q Electrical material?

14 A Yes.

15
16 MR. NEALE: I have no other
17 questions.

18 MR. BEALE: No further
19 questions.

20 THE COURT: Thank you, ma'am.
21 You may be excused.

22
23 (Witness excused)
24
25

1 DOUGLAS C. HOADLEY, after
2 being first duly sworn, testified in behalf of the
3 Intervenor, as follows:

4 DIRECT EXAMINATION

5 BY MR. BEALE:

6 Q State your name, please, sir,
7 and your place of employment.

8 A Douglas C. Hoadley; Newport
9 News Shipbuilding and Dry Dock Company.

10 Q How long have you been with
11 the yard?

12 A Twenty-one years.

13 Q In what section do you work?

14 A Ships System Manual Group.

15 Q Is that in Design?

16 A That's Design Group, yes.

17 Q Are you eligible to become
18 a member of the United Steelworkers of America?

19 A Yes, I am.

20 Q Are you a member of that
21 group?

22 A Yes, I am.

23 Q Mr. Hoadley, directing your
24 attention to July 5th, morning hours, what time did
25

1 you go to work that day?

2 A Just before 7:00 o'clock.

3 Q What entrance did you use to
4 the Shipyard?

5 A Went through Gate 6.

6 Q Would you tell His Honor
7 what occurred that morning as you attempted to
8 enter the Shipyard?

9 A Well, I was coming down
10 Jefferson Avenue, I turned left on 42nd Street to
11 come through Gate 6. I got to the stop sign at the
12 intersection of 42nd Street and Madison Avenue and
13 came to a complete stop. Then I noticed two
14 pickets at the gate, Mr. Russell and Mr. Joyce.
15 Mr. Russell was standing beside of the gate, with
16 his Steelworkers strike sign hung around his neck
17 and Mr. Joyce was standing there just slightly aside
18 from him and when I accelerated to cross the avenue,
19 Mr. Joyce proceeded to walk across the apron between
20 the two gate posts. So I removed my foot from the
21 accelerator to allow Mr. Joyce to proceed on
22 across the apron and he chose to get about halfway
23 and stand, turned around, faced my car in a
24 crouching position, displaying the sign, which I
25

1 didn't try to read. The lettering wasn't too legible
2 and I was more concerned about the individual at the
3 time. So I proceeded to coast on through the gate
4 and it didn't appear Mr. Joyce was going to move, so
5 about the same time I applied my brakes Mr. Joyce
6 jumped aside. I did stop and roll my window down
7 and he spoke a few words to me, no profanities or
8 anything of that nature, and I suggested that he not
9 place himself in the path of a moving vehicle, and
10 I just proceeded on into the lot with no further
11 incident.

12
13 MR. BEALE: All right, sir.

14 Answer Mr. Neale.

15
16 CROSS EXAMINATION

17 BY MR. NEALE:

18 Q You say no profanities or
19 anything of that nature?

20 A No, sir.

21 Q And the gate was how many
22 car lengths wide? Two, two and a half?

23 A Well, two cars can pass in
24 that gate, yes.
25

1 Q And when you first saw Mr.
2 Joyce or when he started crouching down, where was
3 he in that gate?

4 A He was just behind the gate
5 in the lot, perhaps three, four feet.

6 Q Would you say he was about a
7 quarter of the way from the left-hand column,
8 left-hand gate post?

9 A No. I would say he was right
10 dead center.

11 Q Right in the middle of the
12 gate?

13 A Yes.

14 Q In the center lane there?

15 A Yes.

16 Q And he was stooping down so
17 that the sign -- or he was stooping down and the
18 sign was level with the windshield; is that
19 correct?

20 A Yes.

21
22 MR. NEALE: Thank you. I
23 have no further questions.

24 MR. BEALE: No further questions.
25

1 THE COURT: Thank you, sir.

2 You may be excused. You may have a
3 seat in the courtroom if you like.
4

5 (Witness excused)
6
7

8
9 CHAMPION J. GOODRICH, after
10 being first duly sworn, testified in behalf of the
11 Intervenor, as follows:
12

13 DIRECT EXAMINATION

14 BY MR. BEALE:

15 Q State your name, please, sir.

16 A Champion J. Goodrich.

17 Q Where are you employed, Mr.
18 Goodrich?

19 A Hull Design.

20 Q Are you eligible to belong
21 to the United Steelworkers of America?

22 A Right.

23 Q Are you a member of that union?

24 A No, sir.

25 Q When did you return to work,

1 Mr. Goodrich?

2 A Tuesday, the 7th.

3 Q Of June?

4 A Right.

5 Q Have you received any
6 telephone calls since that time?

7 A Well, before I came to work
8 Tuesday morning, about 1:00 o'clock, I had one,
9 and then the phone rang again about 1:30. I didn't
10 answer the phone. My wife answered the phone.

11 Q All right, sir. Have you had
12 any other phone calls?

13 A Well, the next morning it
14 rang a couple times, but nobody was on the phone.

15 Q Now, directing your attention
16 to the 14th day of June, will you tell His Honor
17 what occurred?

18 A About 12:30, I was asleep,
19 my wife wasn't. She was --

20 BY THE COURT:

21 Q This was at night?

22 BY MR. BEALE:

23 Q 12:30 a.m.?

24 A Right.

1 Q And you were at your home?

2 A Right.

3 Q All right. What occurred?

4 A We heard a crash. She called
5 me and we looked all over the house at that time and
6 I didn't discovery anything until next morning. One
7 of the windows of my house was broke and the glass on
8 the floor, piece of cement had been thrown through
9 it.

10 BY THE COURT:

11 Q Piece of cement, you said?

12 A Broken piece of cement.

13 BY MR. BEALE:

14 Q How big was it?

15 A Oh, it's about like that.

16 (Indicating)

17 Q Show His Honor.

18
19 THE COURT: He just showed me.

20 MR. BEALE: I thought you
21 were writing at the time.

22 THE COURT: I have peripheral
23 vision.

24 MR. BEALE: All right. Answer
25

1 Mr. Neale.

2
3 CROSS EXAMINATION

4 BY MR. NEALE:

5 Q Did you report it to the
6 company right away, Mr. Goodrich?

7 A Beg your pardon?

8 Q Did you report it to the
9 company right away, this happened?

10 A Yeah. When I went in to work
11 next morning.

12 Q And did you report it to the
13 police?

14 A Right.

15 Q How long have you lived in
16 that neighborhood, sir?

17 A Twenty-one years.

18 Q And lately you've had some
19 problems with that neighborhood, haven't you,
20 sir?

21 A I had some children from the
22 school, problems in the yard.

23 Q As a matter of fact, you've
24 had to report to the police and to the school board
25

1 with reference to children in the neighborhood
2 committing vandalism?

3 A Right. In the yard, not in
4 the house. I've never had anything done to the
5 house.

6 Q Not before this, sir?

7 A Right.

8 Q But you have had vandalism
9 before?

10 A Right.

11 Q And you have had kind of a
12 running problem over and over again with these
13 children in the neighborhood; is that right?

14 A Right.

15
16
17 MR. NEALE: Thank you. No
18 further questions.

19 THE COURT: All right. Thank
20 you, sir. You may be excused.

21
22 (Witness excused)
23
24
25

1 J. K. PONTON, after being
2 first duly sworn, testified in behalf of the
3 Intervenor, as follows:

4 DIRECT EXAMINATION

5 BY MR. BEALE:

6 Q State your name, please.

7 A Jacqueline K. Ponton.

8 Q Where are you employed?

9 A With the Newport News Shipyard.

10 Q What section?

11 A E-32.

12 Q Is that Design?

13 A Yes.

14 Q Are you eligible to be a
15 member of the United Steelworkers?

16 A Yes.

17 Q Are you a member?

18 A No.

19 Q All right. Now, directing
20 your attention to June 8, would you describe to
21 His Honor what occurred on that day?22 A On June 6, when I was coming
23 to work, 33rd Street gate, when I approached the
24 guard station, just as I approached I was stopped
25

1 by one James R. Brennan.

2 Q Who is James Brennan?

3 A A fellow that works in our
4 department.

5 Q Is he a striker or not?

6 A Yes.

7 Q All right.

8 A I was approached by him
9 and he told me that they did not appreciate me
10 crossing the line, because they had to walk in the
11 picket line for nine weeks for us, and I told him
12 he hadn't been walking the line nine weeks for me,
13 he'd been walking it for himself. He said, "I'd
14 appreciate your not crossing that line," and if I
15 did not believe it, just ask Otto Kraemer.

16 Q Anything else occur?

17 A On that same day, he sent a
18 message in by another guy in the department named
19 Schmitz.
20

21
22 MR. NEALE: I object to any
23 hearsay about sending a message in
24 to her by someone else.

25 THE COURT: I'll listen to

1 the message. We can't attribute it to
2 anyone in particular unless it can be
3 proven.

4 MR. BEALE: I think Mr.
5 Schmitz has already testified to the
6 message. He took it in to Rodney
7 Dick. It doesn't matter. Answer
8 Mr. Neale.
9

10 CROSS EXAMINATION
11

12 BY MR. NEALE:

13 Q How long, ma'am, have you
14 known Mr. Brennan? Four years?

15 A Ever since he came to
16 work in the department. I don't know how long
17 that's been.

18 Q Would you estimate three,
19 four years or are you able to do that?

20 A About three years.

21 Q You have seen him on a daily
22 basis, haven't you?

23 A When he worked?

24 Q Yes.

25 A Yes.

1 Q And you felt nervous when you
2 went in because you were crossing the line, didn't
3 you?

4 A No, I was not nervous.

5 Q You were not nervous?

6 A No.

7 Q Let's go back to what
8 happened when Mr. Brennan walked up to you and
9 first started talking to you. He was, I believe you
10 say he was asking you not to go in, something
11 like that, because they had been striking so long.
12 Isn't that what you just said?

13 A I said he said he did not
14 appreciate me crossing that line.

15 Q And then what did you say to
16 him?

17 A I told him that they hadn't
18 been walking the line for me, he had been walking
19 the line for himself.

20 Q You told him something else,
21 didn't you?

22 A What?

23 Q I'm asking you.

24 A No, I didn't tell him nothing
25

1 else. I told him he'd been walking the line for
2 himself, he hadn't been walking it for me.

3 Q You told it to him just like
4 that, didn't you?

5 A Yes.

6 Q Was anyone else with you
7 that heard this?

8 A No. I was by myself.

9 Q Were you the one that
10 raised the umbrella at him?

11 A No.

12 Q You were not? Do you know
13 who was?

14 A I do.

15 Q Who was that?

16 A I wasn't with her.

17 Q Do you know who it was?

18 A I know what she told me.

19
20
21 MR. NEALE: We'll find out
22 later. I have no further questions.

23 MR. BEALE: No further
24 questions.

25 THE COURT: Thank you. You

1 may be excused. You may have a seat
2 in the courtroom or leave.

3
4 (Witness excused)
5
6
7

8 JOAN JOHNSTON, after being
9 first duly sworn, testified in behalf of the
10 Intervenor, as follows:

11 DIRECT EXAMINATION

12 BY MR. BEALE:

13 Q You are Joan Johnston; is
14 that correct?

15 A Yes. That's correct.

16 Q You are in Design at the
17 Shipyard and eligible to be a member of the
18 United Steelworkers; is that correct?

19 A Eligible, yes, sir.

20 Q You are not a member?

21 A No. I'm not a member.

22 Q When did you return to work,
23 Miss Johnston?

24 A I returned to work on June the
25

1 7th.

2 Q All right. Now, directing
3 your attention to the 8th of June, would you
4 describe for His Honor what occurred?

5 A Well, on the 8th of June, I
6 was approaching -- normally I go into 33rd Street
7 gate and I was halfway of the block, coming down
8 toward that gate when I was approached by a James
9 Brennan. He had his strike -- whatever it is they
10 were wearing. He saw me and he took that off
11 before he started to approach me. Then he met
12 me halfway down the block.

13 Q What did you do when you saw
14 him coming?

15 A Well, I braced myself because
16 I had heard about what had happened to another
17 fellow that worked in my department, so I kind of
18 thought it wasn't for any good that he would approach
19 me, come directly to me. So he came on down halfway,
20 had his hand in his pocket. That was after he had
21 taken his strike thing, whatever it is, had taken that
22 off before he came halfway down the block, and when
23 he got down there where I was, he started talking
24 quite loudly about he had been out walking for me for
25

1 ten weeks. I said, "Well, you haven't been walking
2 for me, because, first of all, I don't belong to
3 the union. I never have belonged to the union.
4 For ten weeks, nobody, none of them called to see
5 if I needed a loaf of bread or penny or anything
6 else and I am self supporting." And he steadily
7 talked and talked and I kept walking toward the
8 gate. So I went to the first entrance I could get
9 to, which is the vehicle entrance, and while he was
10 talking to me, this Brennan, he was asking me if
11 I heard what had happened to Otto Kraemer. So to
12 me, I felt he was going to let me know what happened
13 to Otto could also happen to any other one whether
14 you belonged to the union or not.

15
16 MR. NEALE: If the Court
17 please, I appreciate her feelings,
18 but I think the relevant importance is
19 what he said, not --

20 THE COURT: I assume she's
21 the one raised the umbrella. I
22 think she can explain why.

23 MR. NEALE: I think she was.

24 MR. BEALE: I think it's
25

1 important for the Court to know she
2 was intimidated.

3 MR. NEALE: It's perfectly
4 possible to be intimidated when the
5 intimidator is not the least bit
6 intending to intimidate.

7 MR. BEALE: Of course, that's
8 not what the evidence shows.

9 THE WITNESS: I was
10 intimidated because he approached me --

11 THE COURT: That's all right,
12 ma'am. Just answer the gentlemen.

13 MR. BEALE: Answer Mr. Neale's
14 questions or the Court's.

15 THE WITNESS: Mr. Neale, will
16 you repeat that? I didn't quite
17 understand what you were saying.

18 THE COURT: Just wait until
19 somebody asks you another question.
20

21 CROSS EXAMINATION

22 BY MR. NEALE:

23 Q About how far down the
24 block was he when he took off the sign?
25

1 A Well, it's a curve, like,
2 around that area, so he was standing in the middle
3 in the curve where he could see up the street or
4 around the side of the street. I was coming
5 along the side of the street, approaching on Sunset
6 from 32nd Street area.

7 Q Then he was talking to you,
8 trying to persuade you not to go back in; is that
9 right?

10 A Trying to persuade me not to
11 go back in?

12 Q Yes.

13 A He was talking to me. He
14 said to the effect he had walked for me for ten
15 weeks.

16 Q And you didn't agree with
17 that?

18 A No. No, he didn't walk for
19 me.

20 Q Well, tell me, what else
21 did he say to you?

22 A He asked me if I had heard
23 what happened to Otto Kraemer.

24 Q And you said that you had?
25

1 A No. I didn't say. I didn't
2 answer that.

3 Q Well, you had heard, hadn't
4 you? Is that why you raised the umbrella at
5 him?

6 A Well, it was an automatic
7 reflex. I had the umbrella, which normally I carry
8 anyway, and when he walked up with his hand in his
9 pocket, it was automatic that the umbrella just
10 sort of went back a little bit.

11 Q So you had heard of Mr.
12 Kraemer, hadn't you?

13 A Yes, I had.

14 Q And you assumed, you just
15 assumed when he said that, that he meant that
16 as a threat and that's why you're here today; is
17 that right?

18 A Possibly. Well, why I'm here
19 really is I don't feel that I should be intimidated
20 when I don't -- I haven't broke any of your
21 rules, because I never belonged to that union or
22 any union.

23 Q When did you report this
24 incident to the detective squad in the Shipyard?
25

1 A Detective squad?
2 Q Or to whomever you reported
3 it.

4 A The same morning that it
5 happened.

6 Q Very same day?

7 A Yes.

8 Q It took you -- what? About
9 three minutes to get down there and report it?

10 A Oh, I don't know. I didn't
11 count the time.

12 Q Did you go straight down to
13 report it?

14 A Well, I didn't have to
15 go straight any place.

16 Q Why was that, ma'am?

17 A Well, anything that was
18 said to us, we were supposed to make note then,
19 when it happened.

20 Q And when did you get word
21 to do that?

22 A As soon as I walked in and
23 started discussing what had happened.

24 Q No, ma'am. You just said that
25

1 anything that was said to you, you were supposed to
2 make notes of it. When were you told by the yard to
3 do this, start taking notes?

4 A Yard didn't tell me this.

5 Q Who told you?

6 A Right after the incident
7 I kept -- all right. Same thing happened while
8 Jim Brennan was there. I kept walking. As I
9 got to the vehicle entrance I also met another co-
10 worker, fellow worked in the same department I did.
11 It was Archie Spivey. He says, "Joan, don't go
12 in there. You belong out here with us. You should
13 be walking with us," and, of course, I was called
14 a "scab" and this sort of thing.

15 Q Who in the yard, which member
16 of the yard, the supervisors or the yard management
17 told you to take notes of incidents?

18 A Well, my department head,
19 assistant department head, yes.

20 Q Do you know who that was?

21 A Yes, I do.

22 Q Who?

23 A Mr. L. H. Foster.

24 Q When was that?

1 A That was on the same morning.

2 Q Very same morning?

3 A Right, because he
4 happened to walk into the building that I work in.
5 He happened to walk in that building momentarily
6 after I had walked inside.

7 Q And did you tell him of this
8 right at that point?

9 A Uh-huh.

10 Q He then told you to take notes
11 of this and any other incidents; is that correct?

12 A True.

13
14 MR. NEALE: I have no other
15 questions.

16 MR. BEALE: No questions.

17 THE COURT: Thank you. You
18 may be excused.

19 MR. NEALE: Sir, I have one
20 more, very quickly, if I may, and I
21 apologize.

22
23 BY MR. NEALE:

24 Q How long have you known Mr.
25

1 Brennan?

2 A Oh, gee whiz. I guess he's
3 been there two, three years. I don't know. I was
4 there before he.

5 Q You have known him at least
6 two, three years?

7 A I would think so. Since
8 he's come into that department.

9 Q And you had a fairly good
10 relationship with him, professional relationship
11 with him as you worked together those three, four
12 years?

13 A Up until this point.

14 Q And the same thing would be
15 true of Mr. Spivey? Would that not be true,
16 also?

17 A True.

18 Q And the same thing would
19 apply with Mrs. Ponton? You all, all of you have
20 known each other and on a fairly friendly basis
21 during the past three, four years while you were
22 at work?

23 A Yes. That's what surprised
24 me. True colors start to show in something like this.
25

1 A person wants to go to work, they would act so
2 nasty, the people you work with. If they want to
3 walk, fine, but why leave other people out?
4

5 THE COURT: I don't think
6 that's necessary.
7

8 MR. BEALE: No other
9 questions.
10

11 (Witness excused)
12
13
14

15 IKE G. CRADDOCK, after being
16 first duly sworn, testified in behalf of the
17 Intervenor, as follows:

18 DIRECT EXAMINATION

19 BY MR. BEALE:

20 Q State your name, please, sir.

21 A Ike G. Craddock.

22 Q Where are you employed, Mr.

23 Craddock?

24 A In Newport News Shipbuilding
25 and Dry Dock.

1 Q In what capacity?

2 A In Design Department.

3 Q Are you a member of the
4 United Steelworkers?

5 A Yes, I am.

6 Q Now, did you, after the
7 strike had begun, did you subsequently return to
8 work?

9 A One day, yes, sir.

10 Q What day was that?

11 A I'm not positive.

12
13 THE COURT: Sir, I can't
14 hear you. You'll have to speak up.

15
16 A I'm not positive what day
17 it was.

18 BY MR. BEALE:

19 Q Do you know the day of the
20 week?

21 A Yeah. It was Wednesday,
22 I believe.

23 Q Was it the first week that
24 the people had gone back to work?
25

1 A Right. They announced it
2 that night on the TV, that Wednesday we could come
3 back. Next day, I went in.

4 Q On that day, after you had
5 worked that day, would you explain to His Honor
6 when you were leaving, what occurred?

7 A Well, after I got off work,
8 which was, I think 6:00 o'clock because we worked
9 over, I walked out with Faye, I think Mall is her
10 last name.

11 Q Mull?

12 A Mull, and her supervisor,
13 Richard. I don't know his last name.

14 Q Listen to His Honor. He's
15 having trouble understanding you. Now, just
16 stay back from the mike, if you will, and talk
17 slowly.

18 A That day, after we worked
19 overtime, which I think was 6:00 o'clock when
20 we got off, I walked out with Faye and Richard.
21 Richard is the supervisor.

22 Q Faye -- what did you say?

23 A Mull or whatever her last
24 name is. As we were walking out we were followed or
25

1 circled around by one of the Steelworkers.

2 Q Who was that?

3 A Ernie Surles.

4 Q Was he on some type of
5 motor vehicle?

6 A Yes, sir.

7 Q What was it?

8 A Sir?

9 Q What kind of vehicle?

10 A A Motobecane type thing or
11 something.

12 Q What did Ernie Surles do?

13 A He really didn't do anything
14 to me, but he was talking.

15 Q What did he do to anybody
16 else?

17 A He was just talking to Faye
18 and they were exchanging conversation.

19 Q What was he saying to her?

20 A Just things like that she
21 had been a disappointment to the union and, you know,
22 to that effect.

23 Q And how long did that go
24 on with him circling the three of you on the --
25

1 A Just until we reached her
2 boss' vehicle.

3 Q How far was that, from the
4 time he started doing it until you got there?

5 A Somewhere around two blocks,
6 I guess.

7 Q All right. And once you got
8 there and got into the vehicle, what did Surles then
9 do?

10 A We had our picture taken.

11 Q Did Surles take a picture?

12 A Yes, sir.

13 Q Now, subsequent to that, Mr.
14 Craddock, have you returned to work?

15 A No, I haven't.

16 Q Tell the Court why you have
17 not returned to work.

18 A Well, I'm a little bit
19 scared of things that might happen or whatever, plus
20 I have some other mixed emotions about it.

21
22
23 MR. NEALE: Your Honor, with
24 reference to why he did not return
25 to work, I respectfully submit to the

1 Court the question at issue is
2 that whether or not there were acts
3 done to intimidate him and whether
4 these were in violation of the
5 Court's injunction or other law.

6 THE COURT: You must not have
7 heard all his answer, Mr. Neale. His
8 answer was he was a little scared, but
9 then he had some mixed emotions about
10 the whole thing.

11 MR. NEALE: He was trailing
12 off and I was going to elaborate on
13 those.

14 MR. BEALE: I'll ask him the
15 question Mr. Neale wants to ask.

16
17 BY MR. BEALE:

18 Q Did you receive word of
19 intimidation and threats?

20 A In an indirect way.

21 Q Tell the Court about that.

22
23 MR. NEALE: I object to
24 hearsay.
25

1 BY MR. BEALE:

2 Q Tell the Court what occurred
3 that made you conclude you were not going to return
4 to work.

5 A Well, some friends of
6 mine, you know, confided in me.

7
8 MR. NEALE: Your Honor, I
9 object to this hearsay.

10 THE COURT: He hasn't said
11 anything yet, Mr. Neale.

12 MR. NEALE: Yes, sir. He's
13 bound to be saying something --

14 THE COURT: I've heard a lot
15 of witnesses saying something and they
16 weren't saying anything, so he's not bound
17 to be saying something.

18
19 A Want me go on?

20 BY MR. BEALE:

21 Q Yes, sir. Please go on.

22 A They thought it would be
23 better for my welfare if I didn't try to go in.

24 Q Better in what way?
25

1 A Physical and mental.

2 Q Do you have a family?

3 A I certainly do.

4 Q I just ask you directly, Mr.

5 Craddock -- first of all, let me ask you this.

6 Have you ever talked to me about this case before

7 today? Have you ever seen me before today?

8 A No.

9 Q Now, Mr. Craddock, just
10 tell His Honor whether or not you were afraid to go
11 to work.

12 A Yes, I was.

13
14 MR. BEALE: All right, sir.

15 Answer Mr. Neale.

16
17 CROSS EXAMINATION

18 BY MR. NEALE:

19 Q Sir, you said you had mixed
20 emotions. By that, did you not mean that you
21 had mixed emotions about whether or not you wanted
22 to continue in the union and continue the strike or
23 the cause of the strike?

24 A Right.

1 Q And you still do have those
2 feelings, do you not?

3 A Still do.

4
5 MR. NEALE: I have no other
6 questions.

7 MR. BEALE: No further
8 questions.

9
10 BY THE COURT:

11 Q You say you're afraid to go
12 to work?

13 A Yes, sir. Wouldn't you be after
14 hearing all that's been going on?

15
16 THE COURT: You're not
17 supposed to ask me questions. You're
18 supposed to answer. Go ahead. You
19 may be excused.

20
21 (Witness excused)

22
23 MR. BEALE: Your Honor, I
24 wonder if we could take about two
25

1 minutes and let me see -- I hate to
2 keep running the same type witnesses.
3 I would like to try to --

4 THE COURT: I don't want to
5 see any more like that one.
6

7 (Brief recess)
8

9
10
11 LILLIAN HOLMES, after being
12 first duly sworn, testified in behalf of the
13 Intervenor, as follows:
14

15 DIRECT EXAMINATION

16 BY MR. BEALE:

17 Q State your name, please.

18 A Lillian Holmes.
19

20 THE COURT: Ma'am, you're
21 going to have to speak up so I can
22 hear you.
23

24 A Lillian Holmes.
25

1 BY MR. BEALE:

2 Q Where are you employed?

3 A Newport News Shipbuilding and
4 Dry Dock Company.

5 Q What section?

6 A E-01, Design Aide.

7 Q Are you a member of the
8 United States Steelworkers?

9 A No, I'm not.

10 Q Directing your attention
11 to the 7th day of June, would you describe for
12 His Honor what occurred on that day?

13 A I was working up in the
14 zebra vault at the time, up in the main office
15 building, and the phone rang and it said, the person
16 in my statement, called and she said, "Lillian" --

17 Q Who are you talking about?

18 A Sandra Wornom. She identified
19 herself as Sandra when I asked.

20 Q Who is Sandra Wornom?

21 A She'd been working in the
22 vault in Building 600.

23 Q Is she a striking Steelworker?

24 A Yes, she is.
25

1 Q And what occurred?

2 A After we identified ourselves,
3 she went on to talk and wanted to know my reasons
4 for coming back to work and I did state them to
5 her, my personal reasons, and I also told her at
6 that time when all this took place, I had been out
7 on maternity leave and I'd been out from the yard
8 quite some time before all of this got started, I
9 had taken no part in it and I had not been around
10 when the voting took place and I wasn't a member
11 and I felt no obligation to the union at that time,
12 because I wasn't included in this, and I had more
13 reasons why I had to come back to work. And later on
14 she went on in the conversation to ask me, well, since
15 I had come back that day, not to come back anymore,
16 and I told her I couldn't do that, because of my
17 obligations. Then she went on to say, well, if I
18 couldn't do anything for them, not to do anything
19 to hurt them. I said, "Well, I understand your
20 side. Just like I have my side, you have your
21 side," and I told her I didn't appreciate her
22 calling to harass me or talk to me about certain
23 things, and I said, "If everybody would, you know,
24 just leave those alone and mind their own business
25

1 and stop all this talking back and forth, things
2 would get along. I think we could reach a decision
3 and a settlement sooner." Then later on she went
4 on to say to the effect, when she went on in the
5 conversation, she said that -- she was talking on
6 after we had exchanged ideas and I told her then
7 that I wouldn't take the time to talk to anybody
8 else, but since she had not been in my area, but
9 under the same title of work, I would talk to her
10 about it. Then later on she made a gesture of --
11 well, after she said not to do anything against
12 them, she said, "Well, how about while you're
13 there, would you mind getting rid of some of the
14 drawings or confusing some of the outlines or
15 destroying some of the work?" I stated, "Oh,
16 Sandra, I couldn't do anything like that. First
17 of all, if the company thought enough of me to
18 offer me a livelihood, least I could do is come in,
19 do my job, go home, and I couldn't live with a
20 clear conscience to do such a thing if they had
21 offered me employment." And I told her it wasn't
22 my character, I had not been raised -- my religious
23 background had a part to do with that and I just
24 could not do such a thing as that and that's the way
25

1 I left it.

2
3 MR. BEALE: All right.

4 Answer Mr. Neale.

5
6 CROSS EXAMINATION

7 BY MR. NEALE:

8 Q This request, ma'am, that you
9 say was to destroy or to hide papers or whatever,
10 came toward the end of the conversation; is that
11 correct?

12 A Correct.

13 Q And the conversation lasted
14 how long?

15 A A matter of minutes.

16 Q About five minutes?

17 A Yeah, I would say.

18 Q And early in the conversation,
19 you say you told her that you had not been out
20 because you supported the strike, but because of
21 maternity leave?

22 A Maternity leave.

23 Q And you told her you were
24 opposed to the strike and from your moral obligations
25

1 and moral feelings you supported the yard and
2 wanted to continue working; is that correct?

3 A That's correct.

4 Q And you all had a nice talk
5 along these lines, didn't you?

6 A I voiced my opinion. She
7 called me and she asked me certain questions and I
8 voiced my opinion. I didn't appreciate the call.
9 I told her from the start, "I don't appreciate you
10 calling like this, but since you were a worker here,
11 I will take the time to answer some questions,"
12 but I was terribly upset and it was nerve-wracking
13 to me. I was on my job.

14 Q Just answer my question.

15 A Well, I'm just --

16 Q Isn't it truthful to say that
17 you told her in the very beginning that you did not
18 support the strike and that you did support the yard;
19 is that correct?

20 A I didn't support the strike.
21 I felt obligated, if they offered me a job, to do
22 the best job I could do.

23 Q You say after you told her
24 all of that, then she turned around, asked you to
25

1 destroy all the papers, this person who had
2 already identified herself?

3 A She did.

4 Q Ma'am, your husband, I believe
5 is Mr. Woody Holmes?

6 A True.

7 Q Mr. Woody Holmes has what
8 position in the Shipyard?

9 A He's a supervisor in Personnel.
10

11 MR. NEALE: I have no
12 further questions.
13

14 MR. BEALE: No further
15 questions.
16

17 (Witness excused)
18

19
20 MILTON MEYER, JR., after
21 being first duly sworn, testified in behalf of the
22 Intervenor, as follows:

23 DIRECT EXAMINATION

24 BY MR. BEALE:

25 Q State your name, please, sir.

1 A Milton Meyer, Jr.

2 Q Where do you work?

3 A Newport News Shipbuilding and
4 Dry Dock Company, Department E-26.

5 Q Is that in Design?

6 A That is, sir.

7 Q When did you return to
8 work, Mr. Meyer?

9 A On 6 June 1977.

10 Q Now, Mr. Meyer, on the 6th,
11 would you tell His Honor what occurred when you
12 returned to work?

13 A I went to the employment
14 office prior to 7:00 o'clock on the morning of the
15 6th. As I approached the employment office Paul
16 Joyce walked in front of me and said, "This is the
17 guy we want to get." I went on into the personnel
18 office and attended the meeting that was held there.
19 After the meeting was over and we were told we could
20 go back to our jobs, go back and report to the
21 supervisor, as I walked to my car, which was parked
22 behind the employment office in a pay parking lot,
23 I noticed Mr. Joyce was following me. I stopped at
24 my car. He stopped approximately two rows behind me
25

1 and I noted he was writing. I don't know what he
2 was writing, but I presume he was writing down license
3 and type of car.

4 Q Sir, have you received any
5 telephone calls, Mr. Meyer?

6 A Yes, sir.

7 Q Would you tell His Honor about
8 those and when they were?

9 A I received one phone call
10 in the office at a few minutes after 4:00, telling
11 me I best not leave the building that day and I
12 better make arrangements to stay in the building
13 all night.

14
15 MR. NEALE: Voice objection
16 again for the record. I won't do this
17 again if the objection will be allowed
18 to continue. I object to the contents
19 of phone calls when there is no
20 identification of origin and where they
21 came from.

22 THE COURT: Don't be afraid
23 to object, sir.

24 MR. NEALE: I respectfully
25

1 note my exception to the Court's
2 ruling.

3
4 BY MR. BEALE:

5 Q Would you state what was
6 said, again, on the phone?

7 A I was told not to leave the
8 building after work and to arrange to stay in the
9 building all night.

10 Q Was this on the same day that
11 you had returned to work?

12 A This was on the 6th of
13 June.

14 Q Have you received any
15 further telephone calls?

16 A When I arrived home, my wife
17 and daughter were quite upset. They had received
18 a phone call during my absence at a little after
19 7:00 p.m. on the 6th of June. On the 7th of June,
20 we had an additional eight phone calls between 10:30
21 and 11:30 p.m.

22 Q All right. Did they speak
23 when the phone rang on June 7, when you received
24 eight phone calls?
25

1 A I must say this. Three
2 times my wife answered the telephone, twice I
3 answered it and once my daughter answered it. The
4 other two times the phone was, the rings were
5 there, but no one was there when the phone was
6 picked up, in other words, it was a dead line,
7 there was nobody on the other end at all. My wife
8 was quite upset. I cannot say what, you know, I
9 just know she was upset after the phone call. Two
10 phone calls, there was a voice on the other end.
11 The phone call that my daughter received, there
12 was a voice on the other end.
13

14 MR. NEALE: I object.
15

16 BY MR. BEALE:
17

18 Q What was said to you?

19 A The phone call -- I received
20 two phone calls. One, there was dead air on the
21 other end, and the other phone call -- and I don't
22 know if I can use the language that was used to
23 me on the phone.

24 Q No way for the Judge to know
25 unless you tell him.

1 A "You dirty son-of-a-bitch,"
2 and the phone was slammed down.
3

4 MR. BEALE: All right, sir.

5 Answer Mr. Neale.
6

7 CROSS EXAMINATION

8 BY MR. NEALE:

9 Q When you went in to work
10 that morning, did Mr. Joyce -- you said Mr. Joyce
11 said, "This is the guy we want to get." How far
12 was he from you when he said that?

13 A Maybe a foot and a half.

14 Q And what was he doing when
15 he said that?

16 A Walking in front of me and
17 slightly to my right and in front.

18 Q And to whom was he saying it?

19 A Pardon me?

20 Q To whom was he saying it?

21 A Only an assumption on my part
22 is all the people present in front of the building.

23 Q And there were lots of people
24 there with you, going in, as well as the regular
25

1 picketers, were there not?

2 A I don't know. I was by
3 myself when I was on the way to the building.

4 Q You were by yourself on -- what
5 was it? June 6?

6 A Morning of June 6.

7 Q What time was that?

8 A Approximately 6:40 a.m.

9 Q And you had no other people
10 with you at that time, going in to work, sir, at
11 that building?

12 A I drove to work by myself.
13 I parked the car and I proceeded from the parking
14 lot to the personnel office.

15 Q Sir, wasn't there a bunch
16 of people walking up the sidewalk with you to the
17 personnel building, reporting in at the same
18 time?

19 A Sir, there was no one with
20 me. I was by myself. There may have been other
21 people around, but no one was with me.

22 Q All right, sir. Point is, you
23 don't know whether those other people around then
24 were returning to work or how many were returning
25

1 to work and how many were picketing, do you, sir?

2 A That's correct. I do not
3 know.

4 Q When Mr. Joyce said, "This
5 is the man we want to get," the point is you
6 don't know for certain whether he meant they wanted
7 to take your picture or do something else or for
8 sure whether he was even referring to you, do you,
9 sir? You just assumed that; is that not
10 correct?

11 A I would say that
12 with reference to the way his head was, I would
13 say that it was in reference to me. What his
14 intent was, I cannot say.

15 Q But only, then, by the way
16 his head was do you think it was in reference to
17 you, sir?

18 A That's correct.

19 Q How did you report this,
20 sir? Just when you went in that day to the
21 personnel building? This thing about Mr. Joyce
22 saying, "This is the man we want to get," did you
23 report that as soon as you got in?

24 A I reported it not in the
25

1 personnel office. I reported it to my department
2 head when I arrived in Building 600.

3 Q Was that that same day?

4 A That was that morning.

5 Q And you had reported it because
6 you had been told to report all incidences; is that
7 right?

8 A Negative. I was not so told.

9 Q Did you report it because
10 you did not like it that Mr. Joyce had said
11 this, sir?

12 A That's correct. I didn't
13 like it.

14 Q Had anyone asked you to make
15 these reports prior to your reporting it?

16 A No, sir.

17 Q Were you told then to write
18 down incidents of all, rather, reports of
19 all other incidents, sir?

20 A I was told to write up what
21 had occurred and that was all I was told to do,
22 sir.

23 Q How tall are you, sir?

24 A Approximately six, four.
25

1 Q And roughly what do you
2 weigh, sir?

3 A About 240.

4
5 MR. NEALE: All right, sir.

6 Thank you.

7 MR. BEALE: No further
8 questions.

9 MR. NEALE: I have just one
10 more.

11
12 BY MR. NEALE:

13 Q Is this Mr. Joyce, to whom
14 you're referring? (Indicating)

15 A That's Mr. Joyce sitting
16 behind you.

17
18 MR. NEALE: Thank you, sir.
19 I have no further questions, sir.

20 THE COURT: Thank you. You
21 may be excused.

22
23 (Witness excused)
24
25

1 MR. BEALE: If Your Honor
2 please, I have a matter I would like
3 to take up with you and Mr. Neale
4 in your Chambers, sir.
5

6 (Brief recess)
7

8
9
10 JOHN W. MOORE, JR., after
11 being first duly sworn, testified in behalf of the
12 Intervenor, as follows:
13

14 DIRECT EXAMINATION

15 BY MR. BEALE:

16 Q State your name, please,
17 sir.

18 A John W. Moore, Jr.

19 Q Mr. Moore, where do you
20 live?

21 A Windsor, Virginia.

22 Q Where do you work?

23 A E-26, Newport News
24 Shipbuilding and Dry Dock.

25 Q Is that in Design?

1 A Yes, sir.

2 Q Are you a member of the
3 United Steelworkers?

4 A I was, yes, sir.

5 Q You are eligible to be a
6 member?

7 A Yes, sir.

8 BY THE COURT:

9 Q Are you now a member?
10 That's what he's asking you.

11 A Well, I sent a letter of
12 resignation, sir.

13 Q Mr. Moore, directing your
14 attention to -- let me ask you this first. When
15 did you return to work?

16 A After the strike or during
17 the strike?

18 Q Yes, sir.

19 A June 27.

20 Q June 27?

21 A Yes, sir.

22 Q Now, did anything occur on
23 June 27, when you returned to work?

24 A No, sir, nothing on June 27.
25

1 Q All right. Now, directing
2 your attention to June 28, would you explain to
3 His Honor what occurred on that day?

4 A Yes, sir. As I drove down
5 Jefferson Avenue --

6 Q Where were you going to or
7 from?

8 A I was leaving from work.

9 Q What time of the day was it?

10 A Approximately quarter to
11 7:00.

12 Q And you were going down
13 Jefferson Avenue, heading to where?

14 A Heading toward the traffic
15 circle, the James River Bridge.

16 Q All right. And what happened?

17 A Well, I heard this horn
18 blowing and I didn't pay any attention at first,
19 then I looked up and it was a black and white
20 sports car driven by Mr. Haynie.

21 Q By whom?

22 A Mr. Haynie.

23 Q What is his first name?

24 A Ed.
25

1 Q Ed Haynie? Who is he?

2 A Sir?

3 Q Is he a member of the
4 Steelworkers?

5 A Yes, sir.

6 Q Is he a striker?

7 A Yes, sir.

8 Q All right. What happened
9 next?

10 A Well, he continued to
11 follow me and he shook his fist, that he wanted to
12 see me, and he motioned me to pull over. I didn't
13 pull over. I kept driving. I drove on through
14 the traffic circle, started over the bridge. I
15 was in the lane to go across the bridge. He was in
16 the lane to turn. He kept straight and on the
17 bridge.

18 Q Explain that in a little
19 more detail to His Honor. How close did the
20 cars come together?

21 A To --

22 Q When you started to go on the
23 bridge?

24 A Well, he was right on my
25

1 bumper almost, less than a car length.

2 Q All right. And then does it
3 turn into one lane of travel onto the bridge?

4 A Yes, sir.

5 Q Tell the Court what happened
6 there.

7 A I was in the lane to go
8 straight through and he was in the lane to make a
9 left and when it plays out, it goes into one
10 lane.

11 Q All right. What happened?

12 A Well, as I went across the
13 bridge he followed me.

14 BY THE COURT:

15 Q Which bridge are you talking
16 about, now, the James River Bridge or the overpass?

17 A The James River Bridge. As
18 you go into the James River Bridge, I think it's
19 River Road down to the left where you can make a
20 left turn there, sir.

21 BY MR. BEALE:

22 Q All right. Who went on the
23 bridge first, you or Haynie?

24 A I went on the bridge first.
25

1 Q Did you have any problems
2 getting onto the bridge?

3 A Well, I finally got in the
4 right lane to get on the bridge. He had slowed back
5 at that time and I went on through the bridge.

6 Q All right. Then what
7 happened?

8 A Well, he followed me for a
9 while across the bridge, then he passed me and
10 then he slowed down to about five miles per hour,
11 trying to get me to stop on the bridge, and then he
12 finally speeded up and went on across the bridge
13 and was waiting at the other side of the bridge
14 when I came across and I came on by him, he started
15 out in pursuit of me again. I went up to the
16 Carisbrooke section and made a U-turn and came back
17 to the toll office there and called the Isle of
18 Wight Police Department and he came on back
19 across the James River Bridge at that time.

20 Q When you made a U-turn to
21 come back toward Newport News from the other side,
22 what did Haynie do?

23 A He came on back behind me.

24 Q He made a U-turn, also?
25

1 A Yes, sir.

2 Q And then where did you stop
3 to use the telephone?

4 A Right at the office at the
5 end of the toll bridge.

6 Q Is that a Highway Department
7 office?

8 A Yes, sir.

9 Q During the course of
10 crossing the bridge - you have described to His
11 Honor what occurred with fist and what-have-you on
12 Jefferson Avenue. Did Mr. Haynie do anything
13 else during that period of time insofar as motions
14 to you are concerned?

15 A Just motioned for me to stop.

16 Q When did he do that and how
17 many times and where were you?

18 A Well, the time that he slowed
19 down to almost a stop on the bridge, he did it,
20 and he did it on Jefferson Avenue and again before
21 we got to the bridge approach.

22 Q All right. Now, since that
23 time, has anything else occurred?

24 A Well, I've had a couple phone
25

1 calls, one on July 5th and one on July 10th.

2 Q All right. What was the
3 phone call about on July 5th?

4 A Well, it said it was the
5 union speaking and I'd been unloyal to my union.

6 Q I can't understand you.
7 Would you speak up just a little bit, please?

8 A Yes, sir. They said it was
9 the union calling and I had been unloyal to my
10 union by returning back to work.

11
12 MR. NEALE: If the Court
13 please, same objection, same exception.

14 THE COURT: All right, sir.

15
16 BY MR. BEALE:

17 Q All right. What else did
18 they say?

19 A They said I was considered
20 a traitor and I knew what happened to traitors.

21 Q Say anything about you coming
22 to testify in this case?

23 A Yes, sir.

24 Q What did they say?
25

1 A Yes, sir. They said they
2 knew I would be testifying in the yard's behalf.

3 Q And did the comment about
4 being a traitor and knowing what happens to
5 traitors, was that all in the same conversation that
6 they discussed with you coming before this Court to
7 testify?

8 A Yes, sir. That was the last
9 statement.

10 Q What was the content of the
11 phone call on July 10th?

12 A July 10th, I was called and
13 asked if my name was John W. Moore, Jr., which I
14 said it was, and I was told that what I was doing
15 coming back to work, that I was unloyal to the
16 union, because the union was responsible for me
17 having a job, and I asked who it was talking to me
18 and he said it was the man that had secured my job
19 back for me and if I really wanted to meet him,
20 just step out of the gate, he was six foot, three,
21 weighed 220 pounds, he would smash me to the
22 sidewalk.
23

24
25 MR. BEALE: All right, sir.

1 Answer Mr. Neale.

2
3 CROSS EXAMINATION

4 BY MR. NEALE:

5 Q This following incident
6 occurred how long?

7 A I beg your pardon?

8 Q This following incident
9 occurred for how long? How long did he follow
10 you?

11 A Sir, from the time I --

12 Q In terms of minutes, if you
13 can. Thirty minutes?

14 A I would say approximately
15 ten minutes.

16 Q And you identify the person
17 as Mr. Haynie who was following you?

18 A Yes, sir.

19 Q And how long had you known
20 Mr. Haynie?

21 A Approximately six months.

22 BY THE COURT:

23 Q Is he in the court?

24 A Yes, sir.
25

1 Q Where is he?

2 A Right here, sir.

3 BY MR. NEALE:

4 Q All right. Now, what
5 car did you say he was driving?

6 A A black top and white bottom
7 sports car.

8 Q You testified earlier -- I
9 believe you did -- correct me if I'm wrong -- this
10 was the first thing happened to you that you took
11 to be threatening or of that nature; is that
12 correct?

13 A That's correct, sir.

14 Q And you say you had known
15 him for six months. You didn't stop at all and talk
16 with him?

17 A No, sir.

18 Q Did it occur to you that
19 if you had stopped to talk with him, it would have
20 been a perfectly innocent, innocuous thing he wanted
21 to say to you or ask you?

22 A Sir, from the looks on his
23 face, I could tell it wasn't a friendly conversation
24 he wanted to hold with me, sir.

25

1 Q How close was he to you?

2 A He was riding right along next
3 to me, in the next lane.

4 Q Next to you?

5 A Yes, sir.

6 Q How often did you look at
7 his face?

8 A Every time he would blow the
9 horn. He was continuously blowing his horn.

10 Q And you didn't stop once to
11 see what he wanted to ask you about or tell you
12 about?

13 A No, sir.

14 Q And you say you have known
15 him for six months?

16 A Yes, sir.

17 Q And he stopped following you,
18 you say, when you got back to Newport News?

19 A No, sir. When I turned at
20 Carisbrooke exit and returned back to the toll
21 office at the end of the bridge, James River Bridge,
22 on Isle of Wight side.

23 Q And that's when he stopped
24 following you?
25

1 A Yes, sir.

2 Q He went back over the

3 bridge?

4 A Yes, sir.

5 Q Now, at that point, you had

6 been in the union or union eligible, weren't you?

7 A Yes, sir.

8 Q Which were you, union

9 member or union eligible?

10 A Immediately after returning

11 back to work I filed a letter to be no longer

12 represented by the Steelworkers.

13 Q He didn't follow you home,

14 though, did he?

15 A Sir?

16 Q He didn't follow you home,

17 though, did he?

18 A No, sir.

19 Q Finally gave up, left?

20 A Yes.

21

22 MR. NEALE: I have no other

23 questions.

24 MR. BEALE: No further

25

1 questions.

2 THE COURT: Thank you. You
3 may be excused.

4 THE WITNESS: Thank you, sir.

5
6 (Witness excused)

7
8 MR. BEALE: Call Mr. Johnson,
9 the President of the Union.

10 MR. NEALE: Your Honor, if
11 counsel is going to call him as an
12 adverse witness concerning the
13 matter just discussed, we came right
14 back out and got into this hearing right
15 away and we'd like a few minutes to
16 ask him about this to see exactly what
17 has occurred and we haven't had time to
18 discuss this with him.

19 THE COURT: I thought your co-
20 counsel said he knew about it.

21 MR. NEALE: He said he knew
22 something, basically, about it, but
23 this is like calling your client on a
24 new matter.

25 THE COURT: You all discuss

1 it. Go ahead.
2

3 (Off record discussion
4 between counsel for the Defendants)
5

6 MR. NEALE: If I may, for the
7 record, I would object to going into
8 this at this time, because we were
9 only notified, I think 15 to 30 minutes
10 ago. I understand counsel wasn't
11 notified prior to that, either. Still
12 I think it gives us inadequate time
13 to get to the bottom of exactly what
14 happened. So for the record, I make
15 that objection.
16

17 THE COURT: All right. Let's
18 hear what it's all about. May or may
19 not.

20 MR. NEALE: I respectfully
21 note my exception.
22
23
24
25