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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 II

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1 LLOYD LEE JOHNSON, after
2 being first duly sworn, was called as an adverse
3 witness by the Intervenor, and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. BEALE:

6 Q State your name, please, sir.

7 A Lloyd Lee Johnson.

8 Q Are you President of the
9 Local United Steelworkers?

10 A Yes, I am.

11 Q Mr. Johnson, you brought
12 with you today, I believe, did you not, this board?

13 A Yes, I did.

14 Q Would you tell His Honor
15 what this is?

16 A Yes. It's a list of the
17 people who have gone back to work since the 6th
18 of June.

19 Q Where is this kept?

20 A This is posted on the wall
21 in the union hall and as any additional names are
22 known we add them to the list.

23 Q What is the purpose of this
24 board?
25

1 A The purpose of that board
2 is so we know the percentage of our people who are
3 presently back in the Shipyard.

4 Q The percentage?

5 A The percentages, yes.

6 Q You could do that without
7 names, couldn't you, Mr. Johnson?

8 A Not really. I think what
9 we have to do on this, the importance of the thing
10 is not only how many are there, but what functions
11 these people perform; in other words, Mr. Beale, if
12 we have design aides going in, typists, people working
13 in the vault, this sort of thing, it's not the major
14 problem it is if we have senior designers and
15 designers.

16 Q All right, sir. See these black
17 marks here?

18 A Yes.

19 Q Why are they on there?

20 A Those were added entirely
21 at my instruction by one of my secretaries. We
22 had a situation when the list was first made, where
23 Joan, one of my secretaries, came into the office
24 and told me that someone had put some marks up on
25

1 the list.

2 Q What kind of marks?

3 A There were some X's, I think,
4 beside some of the names.

5 Q Are they covered up now with
6 this black?

7 A Exactly. I went out, I asked
8 what the X's were about and no one seemed to know,
9 so I told Joan just to put a black mark beside
10 each of the names and cover up the marks that were
11 there.

12 Q Now, you see through this
13 black, they are X's that have been marked out with
14 black; is that correct?

15 A Yes. This is what I'm
16 talking about.

17 Q Now, on this name right here,
18 O. J. Kraemer --

19 A Right.

20 Q Can you see under that,
21 instead of an X, there's an asterisk by his name?
22 Do you know what that meant?

23 A Well, sir, when I said "X,"
24 I'm not sure whether it's an X or asterisk. The
25

1 others may be asterisks as well.

2 Q Can you see them? They're
3 all X's, aren't they?
4

5 MR. NEALE: If the Court
6 please, may I come up and look, because
7 I can't see them.
8

9 A I would like to get a little
10 better look. This is an asterisk. There's an
11 asterisk. It appears to me that -- well, here,
12 this is a star. Apparently that's an X.
13

14 BY MR. BEALE:

15 Q What do these question marks
16 mean?

17 A Whether or not the person is
18 presently working in the Shipyard. The name
19 indicates that the person went over to the personnel
20 office and we think went in. If you will note down
21 here, whenever someone is confirmed as being in the
22 yard, the block, dot is added beside --

23 BY THE COURT:

24 Q Where was that kept?

25 A On the wall in the union hall.

1 BY MR. BEALE:

2 Q And your purpose, as
3 President of the Union, for keeping this was to
4 know the percentage of workers that had returned
5 to work?

6 A Well, not just the percentage.
7 The type of workers we were talking about. The
8 key thing, really, in any strike is how much
9 of the work is being done in the yard. What we
10 had to look at was the sort of people that were
11 going in.

12 BY THE COURT:

13 Q Why didn't you just keep
14 it on your desk?

15 A Well, I don't know of any
16 strike, really, Your Honor, where they don't
17 keep a list of the people so that the other workers
18 know just who's going in.

19 Q Well, what difference did it
20 make to you whether they had an asterisk or check
21 or anything behind the names so you had to cover it
22 up?

23 A It made no difference to me.
24 The fact was it was there and I did not know why it
25

1 was there, so I said I wanted it blocked out.

2 When I don't understand the meaning of something,
3 I'd prefer it not be there. I was later told this
4 was to confirm the fact the people had gone back
5 into the yard, but at that point, I did not know
6 that, so I had my secretary put a black mark over
7 each of these. I think this was about around
8 the 10th of June.

9 BY MR. BEALE:

10 Q What was here and scratched
11 out?

12 A I have no idea.

13 Q Who is your secretary? Did
14 she scratch these out instead of you?

15 A Yes. I have no idea what
16 that was.

17 Q Well, did you direct that be
18 done?

19 A I did. I didn't want anything
20 on this list except people's names which I felt
21 was other than the identification number and
22 what they were.

23 Q Now, what hangs right over
24 top of this in the union hall? Do you have a
25

1 picture that goes over top of this?

2 A Yes. I believe it's a picture
3 of a Shipyard employee up on the side of the building,
4 taking a picture down at us.

5 Q That's maybe a different
6 picture. I'm talking about hand drawn picture.

7 A None that I know of.

8 Q There is not a picture of
9 a knee with a bandage over it that hangs over
10 it to represent this is a scab board?

11 A Quite honestly, not that I
12 have ever seen. I would call it a scab board. I
13 don't think any picture is necessary.

14 Q Neither do I. But do you
15 deny one usually hangs over it?

16 A I neither deny or confirm
17 it. I don't know whether it does or not. I've
18 never seen one.

19
20 MR. NEALE: If counsel is
21 trying to develop this is a scab
22 board, we'll so stipulate.

23 BY MR. BEALE:

24 Q How often, Mr. Johnson, do you
25

1 go in the union hall?

2 A Oh, I go in the union hall
3 every day.

4 Q And you deny having seen that
5 picture?

6 A Let me put it this way, Mr.
7 Beale. I've never noticed the picture. I don't
8 know how long the picture has been there or if it
9 is there. There are an awful lot of things posted
10 on that particular wall and, frankly, the scab list
11 there is not a major concern of mine.

12 Q But it was with your
13 approval, as President of the Union, that the
14 names themselves rather than the numbers in E-02
15 and the number of employees in the other areas of
16 Design who returned to work, it was with your
17 approval the names were displayed to your membership?

18 A Yes. Most certainly was. We
19 were getting regular calls from people asking which
20 people in their department had gone back to work.

21
22 MR. BEALE: Your Honor, even
23 your file isn't this big, but we
24 would like to offer this in evidence.
25

1 THE COURT: Well, I don't
2 want it here. Take a picture of it
3 or something. I've got no room for it.

4 MR. STROPP: Your Honor,
5 we have stipulated that is a scab
6 board and we're currently engaged
7 in the strike. That is, as Mr.
8 Johnson testified, a useful tool. If
9 possible, we'd try to reproduce it
10 for the Court.

11 MR. BEALE: It's all right.
12 with me if the Court just takes a
13 look at it, but I want the Court to
14 be aware of what's on it.

15
16
17 BY MR. BEALE:

18 Q Mr. Johnson, are you familiar
19 with a corporation called CDI Corporation?

20 A I most certainly am.

21 Q What is that?

22 A CDI is what I would refer
23 to as primarily a design job shopper; in other
24 words, they employ designers that they send to other
25

1 places to do work for other companies.

2 Q All right, sir. Directing
3 your attention to the 18th day of July, did you
4 have a telephone conversation with an officer of
5 CDI Corporation?

6 A Yes, I did.

7 Q Did that concern a contract
8 currently in existence with the Shipyard for them
9 to furnish design persons to the Shipyard?

10 A It most certainly did.

11 Q All right, sir. Would you
12 read paragraph number two from this letter and see
13 if that depicts what you said to CDI?

14 A Well, to begin with,
15 the gentleman --

16 MR. NEALE: If the Court
17 please, I haven't seen the letter yet.

18 A -- signing the letter is not
19 the person I talked to and --

20 THE COURT: Just a minute,
21 sir. Let Mr. Neale see the letter.

22 THE WITNESS May I finish
23
24
25

1 reading it?

2
3 BY MR. BEALE:

4 Q Paragraph two is what I'm
5 referring to.

6 A No, it's very definitely
7 not an accurate statement.

8 Q Well, let me ask you another
9 way. Did you tell the representative, the officer
10 of CDI that in the event -- that their men had
11 been identified as crossing your picket line and
12 if it continued, it could result in physical
13 harm to them?

14 A No, I did not. I was asked
15 the question by the representative of CDI what
16 was the situation here in Newport News. I said that
17 we were in the fifteenth week of the strike and
18 that while I had been doing everything I could to
19 keep things as cool as possible, we inevitably had
20 some people whose tempers were beginning to get
21 hot. He asked if there was any possible threat to
22 any of his people. I said I couldn't say whether
23 there was or there wasn't. The main thing involved
24 in the conversation was very simply that I wanted
25

1 to tell him that we had a great many people presently
2 in their employ. CDI, as I say, is a job shopper
3 who sells the services of their engineering people
4 to other companies throughout the country. We have
5 some 60 people who are members of the union that
6 are presently employed with CDI at Pascagoula. We
7 also have others in Jacksonville. We have them in
8 Philadelphia. We also have them on the West Coast.
9 I told the gentleman I was talking to that I had
10 been called by many of these people, saying they
11 felt if CDI was, in fact, going to come into Newport
12 News to do our work while we were on strike, that
13 then, under those conditions, they felt they could
14 no longer continue their employment with CDI and
15 would have to come home. I told him that, in fact,
16 I felt he was putting me in an untenable position
17 on the thing, that if they were going to send
18 people into the Shipyard to do our work, I thought
19 I had no choice but to advise our people in other
20 localities to come home.
21

22 Q And when you related to the
23 gentleman to whom you were speaking on the phone
24 the fifteen-week-old status of the strike and that
25 you couldn't tell him whether or not physical harm

1 would or would not result, you indicated to him,
2 Mr. Johnson, that, as President of this Union, it
3 was out of control and you could no longer control
4 the union members?

5 A No. I wasn't indicating
6 that. But we have a very new situation, I think,
7 here. We haven't had a situation where a company
8 that our people were working with was coming into the
9 Shipyard, trying to do our work. I was telling
10 the gentleman that I simply could not predict what
11 would happen. I think it would have been
12 irresponsible if I had told him I could predict
13 it.

14 Q Was your primary purpose in
15 discussing the matter with him to try to get CDI
16 to stop crossing your strike line?

17 A Of course, it was.

18 Q All right, sir. Now, what
19 did you mean when you told him you couldn't tell
20 him whether physical harm would or would not come
21 to CDI employees?

22 A What I meant was, very simply,
23 this. We had a situation where they were sending
24 people in to do our work. It was an entirely new
25 situation. We have not had a situation where a job

1 shopper came into Newport News to do the work of
2 any of our people that were on strike. What I
3 was saying to him was in this context. I didn't
4 know what the consequences were. When he asked me
5 the question what was the situation here, were
6 things out of hand, I could only tell him that
7 certainly after this many weeks of the strike,
8 tempers were short. My main point of conversation,
9 as I said, was the fact that we had people employed
10 by them. This was also, of course, the main tool
11 to try to see to it that they did not come in here.
12 The gentleman told me that he thought the Newport
13 News designers were probably the most competent
14 he'd ever run into and he didn't want to lose their
15 services.

16 Q So are you suggesting that
17 that's the reasoning behind the attempt to cancel the
18 contract, they didn't want to lose the Newport
19 News --

20 A Well, he put it very clearly
21 to me. He said Pascagoula was a long standing client
22 of theirs, they had people in Pascagoula now since
23 1968, that Pascagoula was, as he put it, delighted
24 with the services that our designers there -- there
25

1 are about 60 of them -- were providing, and was I
2 saying to him that I was going to ask those people
3 to come home? I said that I most certainly was. He
4 said, well, under those conditions, he thought he
5 needed time to talk to his upper management, that he
6 didn't think that they wanted to jeopardize the
7 relationship which they had with Pascagoula.

8
9 MR. BEALE: All right, sir.
10 We'd like to offer this letter in
11 evidence, if the Court please.

12 MR. NEALE: I object to that
13 letter, Your Honor. We haven't got the
14 person here who wrote it. It's been
15 testified to it's not accurate.

16 THE COURT: Yes, sir. I
17 refuse it.

18 MR. BEALE: For the record,
19 I would like to proffer the letter
20 and state our reasons for offering it
21 to the Court. We think it's important,
22 especially since Mr. Johnson has testified,
23 to show to the Court that the
24 representation of Senior Vice President
25

1 of CDI Corporation has indicated that
2 they intend and desire to cancel the
3 contract and for reasons contrary to
4 what Mr. Johnson has indicated. That
5 reason isn't even mentioned and whether
6 or not this letter is accurate, I think
7 it's important that the Court know that
8 notification has been received that
9 they intend to cancel and the reasons
10 stated, whether their reasons are
11 valid or not. We proffer it and note
12 our exception.

13 THE COURT: I can't accept
14 that letter. You don't have the man
15 here who wrote it, signed it, and Mr.
16 Johnson said it's an incorrect statement.

17 THE WITNESS: It's not the
18 man I talked to.

19 THE COURT: Sir, you have two
20 lawyers there to argue your case.
21 Now, you just answer the questions.
22

23 BY MR. BEALE:
24

25 Q

Now, Mr. Johnson, since this

1 Court held officers of this union and its membership
2 in contempt, I believe either on the 20th day
3 of May or the 21st, and incorporated in that
4 finding that they would be given an opportunity
5 to purge themselves, what have you done to try
6 to cool the situation that exists as presented
7 here, that you have heard today?

8 A Well, I've done a number of
9 things. We have been holding weekly membership
10 meetings. We feel that this is the best possible
11 way, really, to keep in touch with the people. At
12 each of those weekly membership meetings, I have
13 reiterated to the people that I felt we had to
14 comply as completely as possible with the terms of
15 this injunction. Also, in each of those meetings, the
16 Steelworker representatives who were present--in
17 some cases it was Ray Mundsinger and some Don Walters --
18 have also reiterated the same thing, that we were
19 under the terms of the injunction and we had to
20 comply with it fully. I also issued two letters, one
21 a complete restatement of what the injunction entailed
22 and all the terms of it.

23 Q Excuse me for interrupting you,
24 but was that first letter, detailing the terms of the
25

1 original injunction, was that issued right after the
2 Court entered its decree holding the union in
3 contempt?

4 A It was, I believe, about a
5 week after. I have a copy with me that we can make
6 available. Then I wrote a second letter, which was
7 signed by both Ray Mundsinger and myself, shortly
8 after the back to work movement began, saying that
9 we were hearing of some cases of harassment, that
10 there were no direct tie-ins that had been shown me
11 to any of our members --

12 Q Did you say that in the
13 letter?

14 A Yes, I did. And that I felt
15 that if anything of this sort was going on, it had
16 to be put to a stop immediately and that one of
17 our most important things was the good will of the
18 community and I didn't want to in any way jeopardize
19 this.

20 Q Were you suggesting that if it
21 couldn't be tied in, it was all right to continue
22 to do those things?

23 A I most certainly was not.

24 Q Why did you mention that in
25

1 your letter to the union membership?

2 A Well, I had had no proof of
3 any kind. I had been told by Mr. Savas and by
4 several other people that apparently there was
5 some harassment going on. I had had no proof of
6 any kind presented to me to connect it to our
7 people and it was the sort of thing that really
8 could be done by anyone.

9 Q The second letter that went
10 out --

11 A Yes.

12 Q Did it go out after your
13 attorney received the affidavits and motion had
14 been made for another hearing before this Court?

15 A No, it didn't, I don't believe.
16 I'd have to look at the exact date of the letter.

17 Q When do you think it did go
18 out?

19 A I would say about the 10th of
20 June, in a few days of that, anyway. I have both
21 letters available if --

22 Q Since you received copies
23 of the affidavits and things such as that, have
24 you sent any memoranda or any written letter or
25

1 flyers out to your membership, calling attention
2 to things like the Otto Kraemer incident and that
3 they ought to be ceased, or anything such as that?

4 A Well, the particular letter
5 that we're talking about here, I believe the only
6 thing we had from you until the bill of particulars
7 came out were the statements that we had about a
8 month ago. Those incidents were all prior to the
9 letter which I issued. We have not issued anything
10 further on that, but since that time I have had four
11 more membership meetings, which I have, at each
12 meeting, emphasized the importance of complying
13 with the terms of the injunction.

14 Q Have you chastised any of
15 your members that you received the notations that
16 they were involved in these incidents?

17 A Well, when I received -- let's
18 see -- I believe it was sometime around the 20th
19 of June -- the other charges that you filed, you
20 listed three of our people there, Jerry Champion,
21 Red Diehl and Archie Spivey. I had those people
22 removed from picketing duty at that point. We
23 have not allowed them on any picket line since that
24 time until we see what the outcome of the case is
25

1 involving them.

2 Q Anything else that you have
3 done with reference to the facts that have been
4 presented to you?

5 A Well, whenever I hear of
6 any incidents that could possibly involve any
7 violence of any kind, I try to be sure that I
8 put the word out at the meetings that we don't want
9 that sort of thing going on. I've had comments made
10 to me that I've pounded this into everyone at the
11 meetings so much it's starting to get a little old,
12 as they put it. They hear it over and over again.
13 It's gotten down to the point it's almost always
14 something that is a verbatim playback that they all
15 think about it all the time.

16 Q Mr. Johnson, are the photo-
17 graphs that are taken of persons crossing the picket
18 line done with your approval?

19 A Yes, they are.

20 Q What is the purpose of taking
21 photographs of workers returning to work?

22 A Very simply we have many
23 Design departments. There's no one I know of who
24 knows all the workers in all the departments. If we
25

1 take a picture of the individual going in, we can
2 then bring the pictures back to the union hall and
3 people from each department can take a look at the
4 picture and identify who the individual is and if
5 he's in their department.

6 Q All right, sir. Now, let me
7 ask you this. Doesn't the badge designate what
8 department they're in and whether they're in
9 Design, has a specific color on it, doesn't it?

10 A The badge designates the fact
11 they're in Design, yes. If you look at the badge,
12 I don't think anyone can read what the department
13 is unless you get right up to it.

14 Q But at any rate, department
15 or otherwise, you could have just counted the
16 Design employees instead of photographing them,
17 could you not?

18 A Not and have gotten an
19 accurate picture, as I said before, of what we were
20 talking about. The determining factor and what
21 we're interested in is what Design employees. We
22 have people fulfilling many different functions.
23 Certainly it's much more damaging to our strike
24 effort when a senior designer or designer goes in
25

1 than when a technical aide goes in or a secretary.
2 These people are of value to the company only when
3 the others are in there for them to support.

4 Q How about the binoculars? Are
5 they with your approval, also?

6 A Well, really, Mr. Beale, I
7 can't see anything wrong with the binoculars.

8 Q That's not the question.

9
10 THE COURT: His question is,
11 was it with your approval?

12
13 A I don't believe I knew about
14 the binoculars beforehand. I don't think they
15 were mentioned to me one way or another. I do know
16 binoculars were used.

17 BY MR. BEALE:

18 Q And what is the purpose of
19 the binoculars?

20 A Well, Building 600, if you
21 look at the layout of it, has a very long parking
22 lot at the back of it. Anyone going into the back
23 door of Building 600, there's no way to see just who
24 they are unless you do use some kind of optical
25

1 instrument which would magnify things.

2 Q So that the binoculars and
3 the cameras and the scab board are all with your
4 approval, but only for the purpose of determining
5 what percentage of the workers in each department
6 have returned to work? Is that what you are
7 saying?

8 A No, that's not what I'm saying.
9 What I'm saying and I will reiterate, is that
10 we have to be able to determine what people are
11 doing what functions that are going in before we
12 can make an adequate evaluation of how the strike
13 is proceeding. We have in the neighborhood of
14 a hundred people back in the Shipyard. As it works
15 out, most of those hundred people are secretaries or
16 technical aides. There are not very many people
17 in what I would call key jobs or key positions
18 and consequently we don't feel that the effect of
19 those hundred people is very significant on the
20 strike. I could not make that determination unless
21 I knew who those people were.

22
23 MR. BEALE: All right, sir.

24 Thank you, Mr. Johnson.
25

*
1 wished to call him back.

2 MR. NEALE: I do wish to
3 recall him.

4 THE COURT: I understood you
5 were going to call him today, too, Nr.
6 Neale. Of course, you can put him
7 right back.

8 MR. NEALE: If I may, on a
9 few items, yes, sir.
10
11
12

13 LLOYD LEE JOHNSON, previously
14 sworn, resumed the witness stand and testified
15 further, as follows:

16 CROSS EXAMINATION

17 BY MR. NEALE:

18 Q Mr. Johnson, you were asked
19 about a telephone conversation you had, yesterday,
20 with a man from CBC or CPC?

21 A CDI.

22 Q Who first raised the question
23 about, in this telephone conversation, who first
24 raised the question about safety?
25

1 A The gentleman from CDI.
2 His question to me was, what were the conditions
3 in Newport News at this point, that he realized
4 that the strike had been going on for quite a length
5 of time and he wanted to know just what the conditions
6 were here.

7 Q And am I correct in your
8 testimony that he was asking you to guarantee --
9 is this what you said yesterday -- safety?

10 MR. BEALE: If Your Honor
11 please, we're going to object to what
12 the other man said on the telephone.
13 As I understand it, the letter could
14 not come in for the same reason. I
15 think he could say what he said to the
16 man, but I object to the phone
17 conversation.

18 MR. NEALE: That's the most
19 outlandish thing I have heard. This
20 gentleman put him on the stand to
21 ask him about the telephone conversation.

22 THE COURT: Now, Mr. Neale --

23 MR. BEALE: I put him on the
24
25

1 stand, if the Court please --

2 THE COURT: It's real hot,
3 air conditioning isn't working right,
4 I don't have any in my office and I'm
5 tired already. I'm tired and it's just
6 10:00 o'clock now. I know what's
7 hearsay, what's not hearsay. I can
8 separate the wheat from the chaff, so
9 I'd appreciate it if we'd just get
10 along and try this case. Now, as to
11 what the man said on the telephone,
12 I can understand Mr. Beale's objection,
13 particularly in view of the objection
14 you made yesterday. You didn't want
15 him to testify as to what the man
16 said on the telephone. You remember
17 that?

18 MR. NEALE: Yes, sir.

19 THE COURT: Of course, you
20 didn't want him to, because it's hearsay,
21 and it's for the same reason I would
22 have to sustain Mr. Beale's objection
23 that it's hearsay. Let's don't worry
24 too much about what's hearsay and what's
25

1 not hearsay. We don't have any jury
2 and I can separate the wheat from the
3 chaff. I would appreciate it if
4 you'd just get it on.
5

6 BY MR. NEALE:

7 Q What was your understanding of
8 what you were being requested to tell this man?

9 A Well, my understanding of it was
10 he wanted to know, basically, what the attitude of
11 the people was at this point. I simply told him
12 we were fifteen to sixteen weeks in the strike now
13 and that certainly some of the tempers were getting
14 a little short, that we were talking about a very
15 different incident here from anything we had had
16 before, that we haven't had any job shoppers as
17 such coming in and doing the work and I couldn't
18 really tell him exactly how the people would react
19 to it.
20

21 Q What would happen, Mr.
22 Johnson, if --
23

24 THE COURT: Let me ask Mr.
25 Beale a question. Mr. Beale, do you

1 have any more evidence concerning
2 this phone call to Florida? Are you
3 going to pursue this any further?

4 MR. BEALE: No, sir.

5 THE COURT: Then you can
6 forget all about it, Mr. Neale.

7
8 BY MR. NEALE:

9 Q Mr. Johnson, directing your
10 attention to questions yesterday as to what you
11 have done with reference to the Court's injunction,
12 you referred to letters and bulletins, etc., which
13 you say that you sent out. After examination of
14 these by Mr. Beale, I'll show them to you and ask if
15 you can identify them.

16
17 (The documents were examined
18 by counsel for the Intervenor.)

19
20 BY MR. NEALE:

21 Q Are these, sir, the letters
22 that you wrote or caused to be sent out?

23 A Yes, sir.

24 MR. NEALE: I ask them to be
25

1 marked as Respondents' 2, 3 and 4 at
2 this point.

3 THE COURT: Any objection?

4 MR. BEALE: No, sir.

5 THE COURT: Staple those
6 together and mark them No. 2.

7
8 (Three letters were received
9 in evidence collectively as Defendants'
10 Exhibit No. 2.)

11
12 BY MR. NEALE:

13 Q Is there anything else you
14 have done, Mr. Johnson, in regard to attempting to
15 assure that people comply with this Court's order;
16 and, if so, what?

17 A Well, as I said yesterday, of
18 course, I brought it up every membership meeting.

19 Q I ask you not to repeat
20 what you said yesterday.

21 A All right. In several cases,
22 where we have had reports of incidents, when I didn't
23 want to wait for a membership meeting, I felt the
24 nearest and fastest link I had with the pickets on
25

1 the gate was through the gate captains. So in the
2 gate captains' meetings, we would bring this up.
3 Any information we want to convey to the pickets,
4 this is probably the fastest single way of getting
5 it to them. By the time I can write a letter or
6 wait for a weekly meeting, I can cover it much
7 faster using this method. If I hear of any incident
8 that's addressed to any particular area, in other
9 words, any particular gate, on several occasions
10 I've had the individual gate captains in and asked
11 them to pass on specific word to the people that
12 they should stop doing whatever the incident
13 involved.

14 Other than, sir, the
15 affidavits and the bill of particulars which were
16 furnished us in this matter, have you received
17 reports by the company as to incidences which they
18 claim impeded their workers or which they claim
19 violated the Court's order?

20 A Tom Savas called me one time.

21 Q And who is Tom Savas?

22 A The Vice President in charge
23 of Personnel for the company. He called me one time
24 to talk about one individual, whom he said had stopped
25

1 someone in one of the parking lots and told him
2 they didn't want him to go in to work; that the man
3 was not one of our people going back, that he was
4 just a yard worker, one of the supervisors in the
5 yard and he didn't know why he did this. My response
6 to this was I couldn't imagine why he did it, either,
7 and I had told our people to stay off the company
8 property, so certainly I would pursue this, which
9 I did at the next gate captains' meeting, and made
10 it clear we didn't want anyone going on the company
11 property and certainly I saw no reason why they
12 should be talking to any Shipyard workers that
13 weren't part of our unit.

14 Q Did Mr. Savas give the
15 names involved in this incident?

16 A No, he did not.

17 Q Any other reports from
18 anyone in the company?

19 A No. That's the only report
20 I have received other than what we've had in
21 connection with these hearings.

22
23 MR. NEALE: I have no other
24 questions at this time. Mr. Beale may
25

1 wish to redirect.
2

3 REDIRECT EXAMINATION

4 BY MR. BEALE:

5 Q Didn't you have a telephone
6 call from Mr. Fairfield?

7 A Yes, I believe I did.

8 Q And he asked you to tell your
9 people to stop ringing his telephone; is that right?

10 A Yes, that's correct, and I
11 believe I told Mr. Fairfield that I couldn't imagine
12 why any of our people would be ringing his telephone,
13 anyway.

14 Q And then he told you the reason
15 was he had just called Haynie and found his line was
16 busy when the phone calls were trying to be made;
17 is that correct?

18 A Yes.

19 Q So he indicated to you who
20 he thought it was?

21 A Well, I indicated to Mr.
22 Fairfield I thought the fact he had called Mr.
23 Haynie and Mr. Haynie's line was busy certainly
24 was no indication that he was trying to call Mr.
25

1 Fairfield. At that point, Mr. Fairfield would not
2 have been able to call him.

3 Q It didn't prove it, but you
4 did not investigate it; is that what you're saying?

5 A As a matter of fact, I did
6 investigate it. I had Mr. Haynie in and I had talked
7 to him about it and he said he most certainly had not
8 been calling Mr. --

9 Q Didn't Mr. Fairfield tell you
10 after that that the phone calls stopped?

11 A No. Mr. Fairfield hasn't
12 told me one way or the other whether the phone
13 calls stopped. That was the only communication
14 I had with him.

15 Q You say Mr. Savas did not
16 identify your striker who had stopped the man in
17 the parking lot?

18 A That's correct.

19 Q Did he tell you whether
20 he was on a motor vehicle or not?

21 A No. He didn't make any
22 mention of who it was at all.

23 Q Did you attempt to find out
24 who it was?
25

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A Yes, I did.
Q You could not?
A I could not; that's correct.

MR. BEALE: That's all.

MR. NEALE: I have no other questions at this time. I would like to call him on direct.

THE COURT: All right.

(Witness stood aside)

WILLIAM E. HORNE, after being first duly sworn, testified in behalf of the Intervenor, as follows:

DIRECT EXAMINATION

BY MR. BEALE:

Q State your name, please, and your place of employment.

A William E. Horne; Shipyard.

Q What sort of job do you have at the Shipyard?

1 A Security guard, sir.

2 Q Now, Mr. Horne, did you recently
3 conduct an investigation with reference to some
4 tacks?

5 A Yes, sir. Some roofing
6 nails.

7 Q Roofing nails?

8 A Yes, sir.

9 Q All right, sir. Would you
10 tell His Honor when that was and what occurred?

11 A It was on the 5th of July at
12 6:42 at Gate No. 6, Building 600.

13 Q 6:42 a.m. or p.m.?

14 A It was p.m., sir.

15 Q All right. What occurred?

16 A Well, Guard Fitzgerald opened
17 the gates at 6:05.

18 Q Did you see him open the gates?

19 A Yes, sir. And I opened
20 Gate 5. Then I moved back approximately 100 feet
21 from both gates and watched both gates.

22 Q For how long?

23 A Until 6:40, we secured the
24 gates.
25

1 Q All right. Were there any
2 strikers at the gates?

3 A Yes, sir.

4 Q Who were they?

5 A Mr. Gorman and Mr. Haynie.

6 Q All right. What did you
7 discover?

8 A When I went to close the
9 gate at 6:42, there was approximately 420 three-
10 quarter-inch tacks.

11 Q Was there anyone else, during
12 that period of time from the time the gate opened
13 until you discovered the roofing tacks, in the
14 area of the gate other than Gorman and Haynie?

15 A No, sir.

16 Q And there were how many?

17 A Approximately 420, sir.

18 Q All right, sir.

19
20 MR. BEALE: Answer Mr. Neale.

21
22 CROSS EXAMINATION

23 BY MR. NEALE:

24 Q This occurred July 5th?
25

1 A Yes, sir.

2 Q How long have you been a

3 security guard for the yard?

4 A Nine years.

5 Q Before that, were you in any

6 other security guard or police work?

7 A I was in the military police

8 for eight years.

9 Q Prior to that?

10 A I was in aviation twenty years

11 in service.

12 Q So in all, you have had

13 seventeen years, approximately, of police work and

14 security guard work; is that correct?

15 A That's correct.

16 Q With that much experience,

17 you are rather thorough or at least attempt to be

18 rather thorough in your job; is that correct?

19 A That's right.

20 Q And you opened this gate and

21 you stayed there until it was closed; is that right?

22 A I did not open the gate.

23 Q You observed Mr. Fitzgerald

24 open the gate?

25

1 A That's right.

2 Q But you stayed there until
3 it was closed; is that correct?

4 A That's correct.

5 Q Why did you open the gate,
6 sir?

7 A We opened the gate to let the
8 people out from work.

9 Q To let the people come out?

10 A Yes, sir.

11 Q And did the people come out?

12 A Yes, they come out.

13 Q How many people came out? A
14 whole lot?

15 A Approximately a hundred.

16 Q Approximately a hundred
17 people?

18 A Yes, sir.

19 Q And then when you closed the
20 gate up, you found these 420 tacks; is that correct?

21 A That's right.

22 Q You say two pickets were
23 picketing at this area during the time the gates
24 were open?
25

1 A Yes, sir.

2 Q And you have been advised by

3 the company as part of your duty to observe any

4 and all incidents and to watch these picketers

5 closely to see they stay in line; is that correct?

6 A That's right, sir. We're

7 watching two gates.

8 Q And you were doing your job; is

9 that right, sir?

10 A Yes, sir.

11 Q And you didn't see those

12 pickets put those nails down, did you, sir?

13 A No, we did not, sir.

14 Q And when did you report this

15 to the company?

16 A When I found them at 6:42, sir.

17 Q And that, again, was July

18 5th?

19 A That's right.

20 Q To whom did you report it?

21 Mr. Spanos?

22 A No, sir. Lieutenant Nichols.

23 Q And was he working under Mr.

24 Spanos?

25

1 A Yes, sir.

2 Q Would it surprise you, then,
3 that we were just advised of this on the day before
4 this hearing, in the bill of particulars? Do
5 you know anything about that?

6 A Pardon, sir?

7 Q Do you know anything about
8 why it took so long to get into the bill of
9 particulars, that is, to get from Mr. Spanos to
10 this Court?

11 A I have no idea.

12 Q When you made this report,
13 did you make it in writing, sir?

14 A Yes, sir.

15 Q And do you have a copy of
16 that, sir?

17 A Not here, sir.

18 Q Were you advised to bring a
19 copy with you?

20 A No, sir.

21 Q Were you advised not to bring
22 a copy with you?

23 A No, sir.

24 Q Do you have any notes with you
25

1 pertaining to this incident?

2 A I have one in front of me,
3 sir.

4 Q May I see them, sir?

5 A Yes, sir.

6 Q What time did the pickets -- when
7 were the gates closed, sir?

8 A What time did they leave?

9 Q No, sir. What time did the
10 gates close, sir?

11 A We close the gates at 6:40,
12 sir.

13 Q What time did the last people
14 come out?

15 A There's still some go out the
16 one gate that's open.

17 Q So there are still people
18 coming out when you close the gate?

19 A Yes, sir. We keep it open
20 for ten minutes.

21
22 MR. NEALE: I have no other
23 questions.

24 MR. BEALE: No further questions.
25

1 THE COURT: All right. Thank
2 you, sir.

3
4 (Witness excused)
5
6
7

8 LARRY LANNING, after being
9 first duly sworn, testified in behalf of the
10 Intervenor, as follows:
11

12 DIRECT EXAMINATION

13 BY MR. BEALE:

14 Q State your name, please, sir,
15 and your place of employment and section.

16 A Larry Lanning; Newport News
17 Shipbuilding, 092-D, OSND.

18 Q Is that Design?

19 A Yes.

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

22 A I signed a card, yes.

23 Q Directing your attention to
24 the 8th day of June, would you explain to His Honor
25 what occurred, please?

1 A About 12:00 o'clock at night
2 I received a phone call and they asked me if my name
3 was Lanning. I said, "Yes." They said, "Did you
4 read the paper, what happened to the designer that
5 was injured?" I said, "Yes." And he said, "Are you
6 going to work tomorrow?" I said, "Yes." And he
7 said that, "You can't cover all the bases all the
8 time and things could happen to your, your family
9 or something like that when you're not at home or watch-
10 ing everything at the same time."

11 Q Did they say anything else,
12 Mr. Lanning?

13
14 MR. NEALE: If the Court please,
15 for the record, my same objection goes
16 to the phone call. I think what this
17 man is saying on the phone call is subject
18 to the same objection as Mr. Beale's
19 objection to my question as to Mr.
20 Johnson's reporting what he heard on
21 the phone call.

22 THE COURT: All right, sir.
23 We ruled on that before.

24 MR. NEALE: Yes, sir. You
25

1 sustained his objection and overruled
2 mine and I respectfully submit they're
3 the same, sir.

4 THE COURT: Well, that's not
5 a fact, sir. Let's proceed. And I
6 resent that inference.

7 MR. NEALE: I respectfully,
8 sir, note my exception.
9

10 BY MR. BEALE:

11 Q Say anything else, Mr.
12 Lanning?

13 A I can't remember all of it.
14 I mean you have my statement the next day.
15

16 MR. BEALE: All right.
17 Answer Mr. Neale.
18

19 CROSS EXAMINATION
20

21 BY MR. NEALE:

22 Q When did you report this, sir?

23 A Following day.

24 Q And to whom did you report
25 it, sir?

1 A To my project manager,
2 E. F. Sise.
3 Q And did you give an affidavit?
4 A Yes, I did.
5 Q Are you a union member or
6 union eligible?
7 A Yes, sir.
8 Q Did you report it to the
9 union?
10 A No.
11 Q When you reported it to your
12 company supervisor, sir, did he tell you to report
13 it to the union or not to report it to the union or
14 anything along those lines?
15 A No. I wasn't directed in
16 either way.
17 Q How long did it take him to
18 come back and type up that statement, sir?
19 A The next day.
20
21 MR. NEALE: All right, sir.
22 No further questions.
23 MR. BEALE: No further
24 questions.
25

1 THE COURT: All right. Thank
2 you. You may be excused.

3
4 (Witness excused)

5
6
7
8 DAVID W. BARRY, 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, sir.

14 A David Walter Barry.

15 Q Where are you employed, Mr.
16 Barry?

17 A With the Shipyard.

18 Q And what area?

19 A In the Building 600, Hull
20 Technical Division.

21 Q Is that Design?

22 A Right.

23 Q Are you a member of the
24 United Steelworkers?
25

1 A I am not.

2 Q Are you eligible to be a
3 member?

4 A I am.

5 Q Mr. Barry, after the strike,
6 did you return to work?

7 A Yes, I did.

8 Q When did you return to work?

9 A The 1st day of April and also
10 the 4th day of April, then the 6th and 7th of June,
11 and this last time, the 30th of June.

12 Q All right, sir. Now, Mr.
13 Barry, would you tell His Honor what occurred
14 at your home with reference to an automobile and when
15 that was?

16 A On the night of June 6th,
17 after 11:00 o'clock, because the family had retired
18 at 11:00 o'clock, sometime after 11:00 o'clock on
19 the 6th or the morning of the 7th, the Blazer parked
20 on the driveway, owned by my son, had the rear tail-
21 gate windows smashed.

22 Q All right, sir. And what oc-
23 curred after that, Mr. Barry?

24 A I returned -- well, we called
25

1 the local police early that morning, the morning of
2 June 7th. I returned to the office the next day,
3 the 7th, and in crossing the line at the gate, my
4 license number was taken of my car.

5 Q All right, sir. Then what
6 occurred?

7 A Next day, I called my
8 supervisor and said I would not cross the line
9 and in any way jeopardize myself, my family or
10 my property.

11 Q Did you have a visit from
12 anyone that discussed with you whether or not you
13 should go back to work?

14 A No, I did not.

15 Q You did not return again to
16 work until June 30; is that correct?

17 A Right.

18
19 MR. BEALE: All right, sir.

20 Answer Mr. Neale.

21
22 CROSS EXAMINATION

23 BY MR. NEALE:

24 Q Sir, when you returned to work
25

1 on June 6, did you go to that initial meeting in
2 the personnel building?

3 A I did.

4 Q And were you told at that
5 time, sir, that the company would repair any
6 damage done to people who crossed the line?

7 A Not at that time, no.

8 Q When were you told that?

9 A I wasn't told at all until
10 I returned back to the office.

11 Q That was that day?

12 A No. That was the day of the
13 7th.

14 Q Now, you made an affidavit on
15 June 16 -- correction -- June 10, 1977, relating
16 these incidents, did you not, sir?

17 A I did.

18 Q And you did not state in that
19 anything as to your license plate being taken, did
20 you?

21 A No, I did not.

22 Q Or your license number being
23 taken, I should say.

24 A No, I did not.
25

1 Q And how do you know that
2 someone was taking your license number?

3 A I slowed up after I passed
4 the gate to see what was going on. I looked back.
5 I actually saw this girl taking down information
6 and I assumed, quite obvious, it was the license
7 number.

8 Q You saw a girl?

9 A Right. Writing on a pad.

10 Q So you assumed it was your
11 license number?

12
13 MR. NEALE: I have no other
14 questions. Thank you, sir.

15 MR. BEALE: No further
16 questions.

17
18 BY THE COURT:

19 Q Was she a picket?

20 A She was, yes, sir. She had
21 the placard on her string around her neck.

22 BY MR. NEALE:

23 Q She did have a placard on
24 her?

25

1 A Yes, she did.

2 Q I take it you were concerned
3 about this for some reason?

4 A Well, that was the second
5 time of crossing the picket line that week.

6 Q Did you report this to the
7 union?

8 A No, I did not.

9 Q When did you report it to
10 the company?

11 A Beg your pardon?

12 Q When, if ever, did you report
13 this to the company?

14 A I have not.

15
16
17 MR. NEALE: All right. Thank
18 you.

19 MR. BEALE: No further
20 questions.

21 THE COURT: Thank you, sir.
22 You may stand down.

23
24 (Witness excused)
25

1 MR. BEALE: Rodney Dick.

2 MR. NEALE: Your Honor,

3 while this witness is out, with
4 reference to my objection and the way
5 the Court felt, I wish to apologize for
6 any undue implication of what I was
7 saying with reference to the objection
8 to telephone calls. I did not intend
9 it in that way and I hope the Court
10 understands that.

11 THE COURT: All right, sir.

12 I accept that.

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

20 DIRECT EXAMINATION

21 BY MR. BEALE:

22 Q You are Rodney Dick and
23 employed in the Shipyard in the Design area?

24 A Yes, sir.

25 Q All right, sir. Mr. Dick,

C314

1 when did you return to work?

2 A Tuesday. I went to the
3 meeting Monday, but I didn't return that day. I
4 went the second day. I went Tuesday.

5 Q June 7?

6 A June 7.

7 Q All right, sir. And, Mr.
8 Dick, after you returned to work, would you tell
9 His Honor what occurred?

10 A I'm afraid I don't understand
11 what you mean.

12 Q On any specific date as you
13 passed through the gates.

14 A Okay. The first day, nothing.
15 I don't think they saw me, which was Tuesday. The
16 second day I went to work, which was Wednesday, I
17 was pointed out, and I'm not sure of the exact
18 words, I tried to ignore it, but I was called
19 an old man, says, "Old man, just remember we're
20 going to have to work together someday."

21 Q Who said that?

22 A Brennan.

23 Q Who?

24 A Brennan.
25

1 Q And did you thereafter receive
2 a message that -- without givine what the message
3 was, did you receive a message sent to you by
4 Brenman?

5 A Yes, sir.

6 Q Who brought that message to
7 you?

8 A Smith.

9 Q Schmitz?

10 A Schmitz.

11 Q Anyother occurrences as you
12 crossed, going into the yard?

13 A Normal, what I expected. I
14 was called a scab, nothing physical, but --

15 Q All right, sir. When did
16 the first physical thing occur?

17
18 MR. NEALE: If the Court
19 please, I believe he just said "nothing
20 physical."

21 THE COURT: Go ahead.

22
23 A Nothing physical going through
24 the gate.
25

1 BY MR. BEALE:

2 Q Don't answer him. Just
3 answer me.

4 A Only physical thing that
5 happened to me was that my automobile was covered
6 with some kind of dye.

7 Q When did that occur?

8 A On the morning of July 4.

9 Q Where do you live, Mr. Dick?

10 A Virginia Beach, Old Dominion
11 Manor.

12 Q Where was the car at that
13 time?

14 A In my private driveway
15 alongside the house. My son's car was also there.
16 It also got covered.

17
18 MR. BEALE: All right, sir.

19 Answer Mr. Neale.

20
21 CROSS EXAMINATION

22 BY MR. NEALE:

23 Q When did you first report any
24 of these incidents to the union, sir, if you did?
25

1 A To the union?

2 Q Yes, sir.

3 A I did not.

4 Q When did you report any

5 of these incidents to the company, if you did?

6 A I reported the fact my car

7 had been vandalized on July 5, next day, when I

8 went to work.

9 Q And to whom did you report

10 it?

11 A To my department head, Mr.

12 Larry Foster.

13 Q Did someone later bring back

14 an affidavit for you to sign in that regard?

15 A They asked me to write an

16 affidavit in that regard, yes, sir.

17 Q And that was the same day?

18 A Yes, sir. July 5.

19 Q Do you have any knowledge as

20 to why this information did not reach this Court

21 in bill of particulars until the day before this

22 trial?

23 A I have no idea, no, sir.

24 Q When did, sir, the company

25

1 first tell you, was it June 6 or June 7, that damage
2 to cars or to property would be repaired by the
3 company?

4 A It was June 5, the same
5 day that I told Mr. Foster. He said that the company
6 would take care of cleaning it up.

7 Q When did you first go back
8 to work?

9 A Tuesday, June -- oh. July
10 5 is when they told me they would fix my car.

11 Q All right. You first went
12 back to work Tuesday, June 7?

13 A Yes.

14 Q You were told that day,
15 were you not, at the meeting or by one of your
16 supervisors or whoever, that the company would
17 repair any damage to property occasioned by your
18 return to work, was it not?

19 A I think that was covered at
20 a meeting that Monday, which was June 5.

21
22
23 MR. NEALE: All right. Thank
24 you, sir.

25 MR. BEALE: No further

1 questions.

2 THE COURT: Thank you, sir.

3
4 (Witness excused)

5
6
7
8 E. J. FRANKLIN, after being
9 first duly sworn, testified in behalf of the
10 Intervenor, as follows:

11 DIRECT EXAMINATION

12 BY MR. BEALE:

13 Q Are you Mr. E. J. Franklin?

14 A Yes, sir.

15 Q Are you employed in Design in
16 the Shipyard?

17 A Yes, I am.

18 Q Are you eligible to belong
19 to the United Steelworkers?

20 A Yes.

21 Q Are you a member of the
22 United Steelworkers?

23 A Yes.

24 Q Now, Mr. Franklin, when did
25

1 you return to work?

2 A June 27.

3 Q All right, sir. Directing
4 your attention to the 3rd day of July, would you
5 explain to His Honor what occurred?

6 A Sometime in the morning of
7 July 3, someone came by my house and threw something
8 on my car that looked like maybe was shoe dye. I
9 don't know what it was. It was on the right front
10 fender and hood of the car. I tried to remove it
11 with gasoline, but it wouldn't come off. I called
12 the local police department and they came out. I
13 gave them a report and I made a report to the
14 Shipyard.
15

16 MR. BEALE: Answer Mr.

17 Neale.
18

19 CROSS EXAMINATION
20

21 BY MR. NEALE:

22 Q When did this happen, sir?

23 A Morning of July 3.

24 Q And when did you report it
25 to the Shipyard, sir?

1 A I reported it to the Shipyard
2 on Tuesday, which would have been the 5th.

3 Q Did you sign a statement to
4 that effect the same day?

5 A Yes, I did.

6 Q And where do you live?

7 A 315 Augusta Drive in
8 Hampton.

9 Q Now, when did you first go
10 back to work? July 7?

11 A No. I went back the 5th.

12 Q I beg your pardon?

13 A I went -- well, actually, I
14 went back the -- that same day, that Sunday, which
15 was the 3rd.

16 Q Of which month?

17 A July. You talking about
18 when I first went to work?

19 Q Yes.

20 A First went back to work on
21 June 27.

22 Q Did you go to that meeting
23 that was conducted June 6 at the personnel
24 division by the management of Tenneco?
25

1 A No, I didn't.

2 Q Do you have any knowledge, of
3 your own direct knowledge, as to why or what
4 happened to your report between the time that you
5 made it and the time it reached the bill of
6 particulars on the day before the trial began?

7 A I didn't understand the
8 question.

9 Q Way I flubbed it, I don't
10 blame you.

11
12 THE COURT: I think he's
13 already answered it.

14
15 BY MR. NEALE:

16 Q Do you know why it took so
17 long for your report of this incident, which you
18 made, I believe you said, on July -- when? July 7?

19 A I think it was the 5th. It
20 was the day after the holiday.

21 Q Do you have any knowledge as
22 to why it took so long for it to reach the bill of
23 particulars filed in this matter the day before this
24 trial, which was two days ago?
25

1 A I didn't know it took so
2 long.

3 Q Thank you, sir. Oh, excuse
4 me. Did you ever report this to the union?

5 A No, I did not.

6
7 MR. NEALE: Thank you.

8 MR. BEALE: No questions.

9 THE COURT: All right. Thank
10 you, sir. You are excused.

11
12 (Witness excused)

13
14
15
16 BRENDA WILLIAMS, 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 Brenda Williams.

23 Q Where do you work?

24 A Machinery Material in Grouping
25

1 Department.

2 Q Is that in Design?

3 A Yes.

4 Q Are you a member of United
5 Steelworkers or are you eligible to become a member?

6 A I'm a member.

7 Q Mrs. Williams, when did you
8 return to work?

9 A It was that Tuesday. I
10 believe it was the 7th of June.

11 Q All right. Would you
12 explain to His Honor what occurred after you returned
13 to work?

14 A I received phone calls. I
15 was followed from my home to my sister's house.

16
17 THE COURT: Excuse me. I
18 really couldn't understand you. Keep
19 your voice up, please, and speak a
20 little louder.

21
22 A I received several phone calls.

23 BY MR. BEALE:

24 Q What was said when you
25

1 received the phone calls?

2 A One phone call --

3
4 MR. NEALE: For the record,
5 I make the same objection as
6 before and respectfully note my
7 exception to the Court's ruling.
8

9 BY MR. BEALE:

10 Q Go ahead, Mrs. Williams.

11 A One phone call, I received
12 at work, asking me why did I cross the picket line,
13 and I told the person that called me that the
14 union did nothing for me and I felt like I owed
15 them nothing.
16

17 Q Do you know who that was?

18 A Yes. It was Tom Gorman.

19 Q What else did he say?

20 A He told me that a lot of
21 people have pride and I told him, "I have pride,
22 too, by coming back to work."

23 Q You mentioned that you were
24 followed. Did that occur after you returned to
25 work?

1 A Yes, sir. It was on that
2 Thursday.

3 Q Thursday during the first
4 week that you had returned?

5 A Yes.

6 Q All right. Explain to His
7 Honor what occurred.

8 A It was about three or four
9 men in the car. They were parked outside my
10 apartment. I really didn't pay them any attention
11 until I was driving down the street and I noticed
12 this black and white car following me and they
13 followed me to my sister's house, which is on
14 Middleboro Terrace off Shell Road, and I drove up
15 to my sister's house. They stayed on Shell Road
16 and they hollered out and told me that I better not
17 go to work. At this time, my sister opened the
18 door and she was asking me what had happened and
19 I told her a group of fellows had followed me. She
20 asked me not to come in that morning because she
21 had gotten a fright herself.

22
23 MR. NEALE: If the Court
24 please, I move to strike what her
25

1 sister told her.

2 THE COURT: It's really got
3 nothing to do with this. What
4 difference does it make what her sister
5 said?

6 MR. NEALE: Well, she said she
7 was frightened.

8 THE COURT: Well, so she said
9 her sister was frightened.
10

11 BY MR. BEALE:

12 Q Since the incident with the
13 men in the automobile, have you received subsequent
14 phone calls?

15 A Yes. I received some on
16 July 4 and I don't know who they were. I
17 received several phone calls that night.
18

19 Q July 4?

20 A Yes.

21 Q What did they say to you?

22 A They called me "scab" and one
23 person told me that I'd better not come to work and
24 I told him I was coming and that was about all. They
25 just called me "scab" and all that.

1 Q Did you recognize anybody's
2 voice?

3 A I wasn't positively sure, but
4 I had an idea who one of them was.

5 Q Who was that?

6 A One was a woman, which I felt
7 like it was Sandra Wornom.

8
9 MR. BEALE: All right.

10 Answer Mr. Neale.

11
12 CROSS EXAMINATION

13 BY MR. NEALE:

14 Q Mrs. Williams, you say Mr.
15 Gorman called you on June 7; is that right, ma'am?

16 A Yes.

17 Q And he tried to discuss with
18 you and reason with you and basically asked you not
19 to return to work and you told him you felt that
20 you should and you did. Is that the gist of it?

21 A That's right.

22 Q And I believe, from the bill
23 of particulars, you say Mr. Gorman wasn't disrespectful
24 during that conversation; is that right, ma'am?

1 A That's what I said.

2 Q So you had no complaint about
3 that conversation, I take it?

4 A No.

5 Q Now, on July 4, when you
6 got other calls, you say that you think one of
7 them was Miss Wornom. How many times had you
8 talked with Miss Wornom on the telephone before?

9 A I talked to her several times
10 on the phone. She used to call downstairs for
11 one of the fellows.

12 Q For one of the fellows?

13 A Yes.

14 Q And you say that you think
15 that this was her, but you cannot be sure, you
16 cannot be positive; is that correct?

17 A That's what I said.

18 Q All right. Now, when you
19 got this call, what did you say back to the
20 person or these people who were calling?

21 A Do you want me to say
22 exactly what I said?

23 Q Yes, ma'am. I want you say
24 exactly what you said.
25

1 A Okay. I will say it. I
2 told her, I said, "I think I know who this is
3 and if I catch you, I'm going to whip your M-F ass."

4 Q Did you say "M-F" or did
5 you say it out?

6 A I said it out.

7 Q And what else did you say?

8 A That's all and I hung up my
9 phone.

10
11 MR. NEALE: I have no other
12 questions.

13 MR. BEALE: No further
14 questions.

15 MR. NEALE: I have one other
16 on another point.

17
18 BY MR. NEALE:

19 Q Did you report these calls
20 that you felt were bothering you to the union?

21 A To the union?

22 Q Yes.

23 A No, I didn't.

24 MR. NEALE: No further
25

1 questions.

2 THE COURT: Thank you. You
3 may be excused.
4

5 (Witness excused)
6

7 MR. BEALE: Mr. Lavender?

8 THE COURT: They say the
9 best defense is a strong offense.
10

11
12
13 RANDOLPH C. LAVENDER, after
14 being first duly sworn, testified in behalf of the
15 Intervenor, as follows:
16

17 DIRECT EXAMINATION

18 BY MR. BEALE:

19 Q State your name, please, sir.

20 A Randolph C. Lavender.

21 Q Mr. Lavender, are you employed
22 in the Design area, Shipyard?

23 A I'm employed in E-34 Department.
24 That's Surface Ship Tests.

25 Q Is that Design?

1 A Yes, it is.

2 Q Are you eligible to be a

3 member of the United Steelworkers?

4 A Yes.

5 Q Are you a member?

6 A No.

7 Q When did you return to work?

8 A I returned on the first day

9 that we could come back. I don't recall the day.

10 Q Do you recall the day of the

11 week?

12 A Pardon?

13 Q Do you recall the day of the

14 week?

15 A Yes. It was on a Monday.

16 Q Was it in June?

17 A Yes. It was right around

18 the first week in June.

19 Q All right, sir. After

20 you returned to work, Mr. Lavender, will you tell

21 His Honor what occurred with the picketers?

22 A Yes, sir. On the following

23 Wednesday of that same week, I was coming in the

24 37th Street Gate at the Shipyard and I was approached

25

1 by a picketer, who stopped, and I stopped and
2 walked around him and he made some statements to
3 me.
4

5 MR. NEALE: Your Honor, if I
6 may -- I don't find -- I may be
7 mistaken. I don't find it in the bill
8 of particulars or affidavits or in
9 the oral bill given to me.
10

11 BY MR. BEALE:

12 Q Go ahead.
13

14 MR. NEALE: For the record,
15 we have not been furnished with it.
16 I object. If I am in error, then I
17 stand corrected.
18

19 THE COURT: All right, sir.

20 MR. NEALE: All right. We've
21 got it. I apologize for the
22 interruption.
23

24 BY MR. BEALE:

25 Q You were stopped by a picketer

1 and you walked around him?

2 A That's correct. I walked
3 around him. As I said, he made some statements
4 to me, which I reported to you in the affidavit.

5 Q Well, report it to His
6 Honor right now.

7 A Okay. He said something
8 to me to the effect, "You're going in to work today,
9 huh, scab?" I didn't say anything. I stopped,
10 turned and looked at him, see if I recognized him.
11 I did not and I turned, walked through the gate and
12 he called me an obscene name.

13 Q Tell His Honor what he said.

14 A He called me a "dirty
15 cock-sucker" and no other words were exchanged and
16 I went on in to work.

17
18 MR. BEALE: All right. Answer

19 Mr. Neale.

20
21 CROSS EXAMINATION

22 BY MR. NEALE:

23 Q Well, Mr. Lavender, have you
24 ever heard that word before?
25

1 A Occasionally.

2 Q Report it to the union?

3 A Pardon?

4 Q Did you report it to the

5 union?

6 A No, sir.

7 Q When did you report it to

8 the company?

9 A The same morning.

10 Q And who else was with you

11 when this happened?

12 A No one.

13 Q And you walked right on in to

14 work, didn't you?

15 A Yes, sir.

16 Q And you've been going to

17 work since then, haven't you?

18 A Yes, sir.

19 Q And let's face it, Mr. Lavender,

20 you and I and most people have heard that word,

21 whether we like it or not or agree with it or not or

22 think it's proper or not, have heard it since we

23 were in high school or probably below that; is that

24 right?

25

1 MR. BEALE: He said he
2 heard it before.

3
4 A Excuse me? What was the
5 question?

6 BY MR. NEALE:

7 Q You have heard the word
8 frequently before?

9 A I stated I have heard it
10 occasionally.

11 Q Only occasionally?

12
13 THE COURT: What difference
14 does it make?

15 MR. NEALE: I think the
16 question is whether the man was
17 threatened. While it's not a pleasant
18 thing to say, certainly it's not a
19 threat. I have no further questions.

20 MR. BEALE: Thank you. I
21 have no further questions.

22 THE COURT: Thank you. You
23 may be excused.

24 (Witness excused)
25

1 A June 10th. It was on a
2 Friday.

3 Q And when you returned to
4 work, what occurred?

5 A I drove down with my brother,
6 who also works at the Shipyard, and I met Ernie
7 Surles, Mr. Surles, who's on picket duty, and
8 talked to him for, I guess twenty minutes or so.

9 Q When you say you met him,
10 what do you mean?

11 A Well, he was walking up
12 and down the sidewalk and I was coming into the
13 main gate, to the main office building, Building 86,
14 and he stopped me to talk to him and I was willing
15 to stop and talk to him.

16 Q All right. What did he say?

17 A Well, he asked me not to do
18 this to him and to not go in and that there was no
19 contract or I'd have no protection until a contract
20 was agreed upon.

21 Q All right, sir. Did he
22 talk to you about a board where people's names go?

23 A Yes, sir. He said, "You know" --
24 can you hear me? I don't know how loud I'm talking.
25

1 Q You're all right.

2 A He said that, "You know
3 you'd have no protection and we'd have to take your
4 picture and place it on the bulletin board and
5 you'd be a scab and that if you decided to come
6 out again, we'll draw a line through your name,
7 through the picture, but the picture would still
8 remain on the board."

9 Q Did he say anything else to
10 you about what happens to people whose names are
11 put on that board?

12 A He indicated, and I don't
13 know what was in his mind, but I took it as a threat,
14 that he did tell me, "And you know what happens to
15 scabs." I think they were the exact words. At
16 that time, there was a lot of things happening to
17 people that were coming back and I don't know who
18 was doing it.

19
20
21 MR. BEALE: All right, sir.

22 Answer Mr. Neale.

23 CROSS EXAMINATION

24 BY MR. NEALE:

25 Q Mr. Russell, you have known

1 Ernie Surles for a right long time, haven't you,
2 sir?

3 A Well, yes, relatively
4 long.

5 Q How long?

6 A I don't know. I would say
7 four years, anyway.

8 Q And you and he had been fairly
9 good friends in the time period, wouldn't you say?

10 A Well, we didn't socialize.
11 I had nothing against him. He had nothing against
12 me.

13 Q But you were friends in a
14 professional sense, weren't you, in that you worked
15 together?

16 A We worked in the same
17 department.

18 Q And you knew each other,
19 in terms of your working hours, pretty well, didn't
20 you?

21 A Well, yes, I would say so.

22 Q All right, sir. Now, you
23 said that he said, "You will be a scab and you
24 know what happens to a scab." Do you know what
25

1 the word "scab" means or what does the word "scab"
2 mean to you?

3 A It's all kind of in the
4 eyes of the beholder.

5 Q I'm sorry. I couldn't
6 understand you.

7 A It's all in the eyes of the
8 beholder. If I wanted to call somebody else a
9 "scab" or they wanted to call me a "scab," it's
10 really relative.

11 Q Well, I asked you what do you
12 think is the definition or the meaning of the
13 word "scab" when you're called that.

14 A Well, from the union's
15 point of view, it's someone that goes to work or
16 crosses the picket line, I would say.

17 Q And you were going to work,
18 crossing the picket line, weren't you, sir?

19 A Yes, sir.

20 Q And you knew that a scab or
21 someone who crossed the picket line could have
22 privileges taken away or whatever by the union,
23 insofar as his relationship to the union, so far as
24 disciplinary proceeding and that sort of thing, didn't
25

1 you, sir?

2 A I didn't understand that question,
3 really.

4 Q Well, you knew if someone
5 violated the union rules, the union could have
6 disciplinary proceedings, according to the by-laws,
7 with regard to that, didn't you?

8 A No.

9 Q You didn't know that at the
10 time? So for all you know, this is what Mr. Surles
11 could have been talking about, isn't it, sir?

12 A Well, I didn't take it that way.
13 I didn't know what he was thinking. I can't read
14 his mind.

15 Q Exactly.

16 A I knew from what other
17 people had encountered that had come back to work.

18 Q That was based upon your
19 assumption? You say you didn't know what Mr.
20 Surles meant; is that correct?

21 A Well, I just took it as a
22 threat.

23 Q But that's all that Mr.
24 Surles said, isn't it?
25

1 A No. There were other things
2 said, but --

3 Q Well, he didn't say he was
4 going to hurt you, did he?

5 A No, and he didn't say he
6 wasn't.

7 Q Did he say anyone else was
8 going to hurt you?

9 A No. There was no comment one
10 way or the other. He just told me if I come back,
11 he said, "You know what happens to scabs."

12 Q How long had you been in the
13 union? How long had you been in the Designers'
14 Union or Steelworkers' Union?

15 A Is that a combination union
16 you're talking about?

17 Q Yes, sir.

18 A Well, if you're union eligible,
19 you have to abide by the union's rules. I don't
20 know whose rule that is, whether it's a company or
21 federal, but you're put into a lump whether you
22 belong to the union or not. If you wouldn't mind
23 asking that question again, I have a better answer
24 now.
25

1 Q I think you just answered
2 it. You knew if you were union eligible, you
3 were supposed to abide by the rules? You did know
4 that, didn't you?

5 A I was just union eligible. I
6 didn't have to abide by the rules.

7 BY THE COURT:

8 Q A union eligible? Is that
9 what you're saying?

10
11 MR. NEALE: That's what he is
12 saying.

13 THE COURT: I thought you
14 asked him if he didn't know that was
15 true.

16 MR. NEALE: That's what he
17 just finished saying. He said he
18 didn't know whether it was by company law
19 or federal law or requirements, but
20 that's what he thought would be the
21 fact.

22
23 A Well, that's the way it
24 operates. If you're union eligible, if there's an
25

1 increase or decrease, whatever, that's the way
2 you're treated, as a lump, in the union eligible.

3 BY MR. NEALE:

4 Q An increase or decrease in
5 salary or benefits, that sort of thing? Is that
6 what you meant by that?

7 A Yes, sir.

8 Q And you are aware, are you
9 not, when the members come back off strike, there's
10 a likelihood, pretty certain probability, that you
11 would not be respected as much as you had been
12 before by these people who had stayed out on strike?
13 You were aware of that, were you not, sir?

14 A No, sir.

15 Q You were not aware of that?

16 A No, sir.

17 Q Was Mr. Surles trying -- did
18 he say that to you?

19 A Well, that's relative, too.

20 Q No, sir. I am asking you, did
21 he say that to you? Not what you thought based
22 upon what someone else said, sir, but answer my
23 question, sir, what he said to you, sir.

24 MR. BEALE: Now, he's arguing
25

1 with this witness, if the Court
2 please.

3 THE COURT: No, he's not.
4 The gentleman is asking a question.
5 He didn't answer the question.

6
7 A He did say that, but that's
8 not true.

9
10 THE COURT: All right. Thank
11 you, sir.

12
13 (Witness excused)

14
15
16
17 MR. BEALE: Shipyard rests.

18 THE COURT: Shipyard rests.

19 MR. NEALE: Your Honor, I won't
20 belabor the point, but for the record,
21 I move to strike those incidents which
22 have not been related to the union. I
23 can go through the notes and relate
24 them one by one, but various incidents
25

1 which have not been related, incidents
2 which occurred, but there is no evidence
3 that the union did it or union members
4 did it.

5 THE COURT: Overruled.

6 MR. NEALE: I respectfully
7 note my exception for the reasons
8 stated. Call Mr. McDonald.

9
10
11 EVIDENCE ADDUCED IN BEHALF OF THE DEFENDANTS

12
13 DAVID McDONALD, after being
14 first duly sworn, testified in behalf of the Defendants,
15 as follows:

16 DIRECT EXAMINATION

17 BY MR. NEALE:

18 Q Sir, state your name and
19 address, please.

20 A David McDonald. I live at 219
21 Allegheny Road, Hampton.

22 Q Are you a member of the United
23 Steelworkers, Local 8417, Local Designers here in
24 Newport News?
25

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25

A Yes, sir.

Q How long have you been a member?

A Since their election in January.

Q All right, sir. And directing your attention to June 6 of this year, did you have occasion to respond to a telephone call from a Mr. Kraemer; and, if so, tell the Court just exactly what you did, what occurred.

A Yes, I did respond to a telephone call and Mr. Kraemer phoned the union hall. He said he needed some help, he was at the doctor's office. Mr. Ernie Surles took the call, got me out of another meeting. We immediately went to where Mr. Kraemer's doctor's office was.

Q Who else did you take with you?

A Mr. Tom Gorman.

Q What was the purpose of your leaving right then?

A Otto apparently gave the indication he was in some sort of trouble or something, Mr. Kraemer, and we went up there to

1 find out what the problem was, alleviate the
2 situation, whatever.

3 Q Tell the Court what happened
4 when you got there.

5 A When we got there, Mr.
6 Kraemer was in the doctor's office. His wife was
7 outside. We talked to her for a few minutes about
8 the situation and this kind of stuff. She
9 claimed someone had been following them.

10 Q I can't ask you what she said.
11 Just go ahead and tell what happened when Mr.
12 Kraemer came out.

13 A That was some time later.
14 Before he came out two police cars drove up and the
15 officers first -- they gave us the impression we
16 were there to harass Mr. Kraemer, which wasn't
17 true. He phoned us. That's why we went up there.
18 They stayed around a while, said if Mr. Kraemer
19 wanted to press charges, he would have to get a
20 civil type warrant. When Mr. Kraemer came out of
21 the doctor's office, he and his wife went over
22 directly to his car. I asked him what the problem
23 was. He wanted to know why he was being followed.
24 I told him I didn't know. I was leaning over, had my
25

1 arm resting on top of his car. He said he wanted me
2 to remove my arm, he was leaving.

3 Q Tell what words he used.

4 A Told me to get my "god-damned
5 arm" off his car, he was leaving. Before I could
6 move, he was leaving. The car moved out.

7 Q Did you all go back to the
8 union headquarters?

9 A Yes, we did.

10 Q Directing your attention to
11 the next day, were you on the picket line that day?

12 A Yes, sir.

13 Q And what gate was that, sir?

14 A 33rd Street and Sunset.

15 Q And what is your role or
16 function in the picketing?

17 A I'm a gate captain.

18 Q And what does that mean, sir?

19 A Means that I make sure the
20 gates are properly covered with the pickets, that
21 everything is kept in an orderly manner, there's
22 no undue harassment or anything of people either
23 entering or leaving the gates.

24 Q All right, sir. Now, sir,
25

1 do you know Mr. Champion and Mr. Diehl?

2 A Yes, sir, I do.

3 Q All right, sir. Do you know
4 whether or not they were on picket duty that day?

5 A They had been on that
6 morning.

7 Q All right. And when did
8 they get off?

9 A 12:00 o'clock.

10 Q And what did they do there-
11 after, up until, say, around 5:00 or 4:30,
12 that time?

13 A They adjourned to the
14 restaurant across the street there, the Corner House.
15 We were sitting there, drinking beer.

16 Q And how long had they been
17 drinking beer when the time of 4:30 or so came
18 around?

19 A Approximately four and a half
20 hours or so.

21 Q And tell the Court what, if
22 anything, occurred and just prior to the time of
23 roughly 5:00 o'clock, say, in the time period of
24 4:30 or so, quarter to 5:00, with reference to Mr.
25

1 Champion and Mr. Joyce.

2 A Mr. Joyce and Mr. Ray Taylor
3 came down to our gate.

4 Q Who is Mr. Joyce? Is he a
5 member of the union?

6 A Yes. They're both members
7 of the union.

8 BY THE COURT:

9 Q Mr. Joyce and who came?

10 A Mr. Ray Taylor.

11 Q Ray?

12 A Yes, sir. He's Secretary-
13 Treasurer of the union. It makes us feel good when
14 the officers come by once in a while and we were
15 in there, having a few beers and discussing things
16 and, of course, Mr. Joyce is a Henry Howell fan,
17 just spouting off, political talk, you know, about
18 Henry Howell. I don't know exactly what it was.
19 Something upset Mr. Champion. He decided he didn't
20 want Mr. Joyce around anymore.

21 Q Decided what?

22 A He didn't want Mr. Joyce
23 around there anymore, around the Corner House. We
24 discussed it. I don't know exactly what happened
25

1 there, but I do know Mr. Joyce was hit by Mr.
2 Champion.

3 Q All right. And then --

4 BY THE COURT:

5 Q Was this in the restaurant?

6 A No, sir. This was out on the
7 street, 33rd Street. I was making an attempt to
8 get Mr. Joyce away from the gate.

9 Q Who was trying to get Mr.
10 Joyce away from the gate?

11 A I was, sir.

12 Q Was Champion helping you?

13 A No, sir. He didn't want Mr.
14 Joyce around, so I thought it would be better if
15 we got Mr. Joyce out of there.

16 Q Well, when did he hit him?

17 A As Mr. Joyce was walking
18 toward the car to leave.

19 BY MR. NEALE:

20 Q Now, was Mr. Joyce a striker,
21 a picketer, also?

22 A He had been picketing earlier.

23 Q Earlier that day?

24 A Right. At 4:00 o'clock he
25

1 was out on the gate with the rest of us there.

2 Q What was it that seemed to
3 precipitate the incident between union member
4 Champion and union member Joyce? What was Mr.
5 Joyce talking about?
6

7 MR. BEALE: He just said that,
8 if Your Honor please, he was talking
9 about Henry Howell, how much he liked
10 him.
11

12 BY MR. NEALE:

13 Q Now, what did you do in
14 reference to Mr. Champion, if anything?
15

16 A We went over to one corner.
17 On the corner, we were discussing the situation and
18 trying to get things calmed down. I told Mr.
19 Champion I thought it would be better if he left,
20 under the circumstances. I didn't know if Mr.
21 Joyce was coming back with police or what.

22 Q All right. What was
23 Mr. Champion's state at this time, as you observed
24 it?

25 A He was somewhat inebriated,

1 I would think a little belligerent.

2 Q What, if anything, did Mr.
3 Champion do with you?

4 A We had a discussion. Actually,
5 physically, he didn't do anything. I was under the
6 impression he was going to right at first.

7 Q Why were you under that
8 impression? What did he do with his arm?

9 A He drew back. I thought he
10 was going to swing, but he didn't, but I got the
11 impression at that time he was.

12 Q What was the outcome of that
13 discussion?

14 A Well, Mr. Red Diehl was
15 involved. I got him off to one side.

16 Q How long had Mr. Diehl been
17 drinking?

18 A All afternoon.

19 Q What was his state, as you
20 observed it at that time?

21 A He was in pretty much the
22 same state as Mr. Champion.

23 Q And go ahead.

24 A Mr. Diehl thought Champion was
25

1 going to hit me, also, so he came over there to
2 protect me and we got things separated. Obviously,
3 Mr. Champion wasn't going to hit me. I was able to
4 turn my back to him, walk away. He never laid a
5 hand on me. I was getting Mr. Diehl back in the
6 restaurant and Mr. Champion at that time, I assumed
7 he was leaving. He turned, walked up the street to
8 leave.

9 Q All right. And this was
10 roughly what? 4:30, quarter to 5:00?

11 A It was getting rather close
12 to 5:00 o'clock at the time. My wife was coming
13 after me at 5:00. I was on the corner, waiting
14 for her.

15 Q And they had been off the
16 picket line since when?

17 A Since 12:00 o'clock.

18 Q Now, sir, after these incidents,
19 what did you do or say to Mr. Champion and Mr.
20 Diehl and Mr. Spivey with reference to whether or
21 not they should picket anymore?

22 A At this particular time, I
23 thought it might not be too wise.

24 Q Well, sir, I mean the next
25

1 day.

2 A Oh. The next day?

3 Q Yes. After the incidents
4 which followed, what did you all say to them or do to
5 them next day?

6 A We didn't want them down
7 there any longer.

8 Q And have they picketed since
9 then?

10 A No, sir.

11
12 MR. NEALE: Answer this
13 gentleman's questions or the Court's,
14 please.
15

16 CROSS EXAMINATION

17 BY MR. BEALE:

18 Q Mr. McDonald, were you over
19 there, drinking beer with them?
20

21 A I had one or two beers, yes,
22 sir.

23 Q How many?

24 A Several. I don't know, really.
25

1 Q Had you been drinking ever
2 since noon, also?

3 A No, sir.

4 Q When did you start drinking?

5 A I should imagine somewhere
6 around 3:00 o'clock or so. I knew I was leaving
7 at 5:00, my wife would be after me.

8 Q So did you stay over there
9 from 3:00 o'clock to 5:00 o'clock, drinking, yourself?

10 A Not constantly, no, sir. I was
11 in and out.

12 Q And you weren't in and out
13 at all between 12:00 o'clock and 3:00 o'clock?

14 A I don't understand what you
15 mean by that.

16 Q Well, I mean you indicated
17 to the Court how much and how long the other
18 gentlemen had been drinking when, in fact, you were
19 not even in there. Isn't that a fact?

20 A I was in that vicinity and
21 up to 37th Street and up to the union hall and
22 back to 33rd Street all day long.

23 Q So all you know is that they
24 were in the place?
25

1 A At 12:00 o'clock, yes.

2 Q And then you went over at
3 3:00 and joined them and started drinking, also?

4 A Yes, sir.

5 Q And did you also have
6 arguments with the men?

7 A At this particular day?

8 Q Yes, sir.

9 A Yes, sir. Had an argument
10 with Mr. Champion, yes, sir, after the incident
11 with Mr. Joyce.

12 Q When Mr. Champion left, did
13 he head up toward the 33rd Street Gate?

14 A Not the gate, no, sir. He
15 was headed toward West Avenue.

16 Q Who was with him?

17 A He was by himself.

18 Q How about Mr. Spivey? Where
19 was he?

20 A Mr. Spivey was inside the
21 restaurant at the time.

22 Q When did he leave?

23 A I don't know. I had already
24 gone at that time.
25

1 Q When did Mr. Diehl
2 leave?

3 A I don't know that, either,
4 sir.

5 Q But Diehl wasn't with
6 Champion when he went up toward West Avenue?

7 A No, sir. At that particular
8 time, when Mr. Champion walked off, I was talking
9 with Mr. Diehl in front of the restaurant.

10 Q How long did you talk to
11 him there?

12 A Maybe five minutes or so and
13 my wife came around the corner to take me home.

14 Q You did not see the attack
15 on Otto Kraemer?

16 A I did, yes, sir.

17 Q You did see it?

18 A Yes, sir.

19 Q Did you see Mr. Champion hit
20 him?

21 A Didn't actually see the hit.
22 I saw Mr. Champion standing there. I saw him move
23 and I saw Mr. Kraemer fall.
24
25

1 BY THE COURT:

2 Q Was this the same day you're
3 discussing?

4 A Yes, sir.

5 BY MR. BEALE:

6 Q Where was Mr. Diehl when you
7 saw that?

8 A He was in the immediate
9 vicinity.

10 Q In the immediate vicinity of
11 what?

12 A Of the attack.

13 Q Well, did Mr. Champion,
14 during this five minutes that you were talking
15 with Mr. Diehl on the corner, did Mr. Champion
16 turn and come back?

17 A I didn't see that, no, sir.

18 Q So that for that period of
19 time that you were with Mr. Diehl, Mr. Champion
20 headed down towards West Avenue?

21 A That's right, sir.

22 Q And from your vantage point,
23 the attack, you could see?

24 A Yes, sir.
25

1 Q And Mr. Diehl was with you
2 and then, later, was there with Otto Kraemer, is that
3 correct?

4 A Not exactly in that order.
5 I was talking with Mr. Diehl as Mr. Champion walked
6 up the street, in front of the restaurant at the
7 door. As my wife came around the corner, I walked
8 up toward the car. She parked slightly up the
9 street. At that time, I left Mr. Diehl. I
10 didn't actually see him cross the street, but somehow
11 or another he got across the street. He was there.
12 There was a noise that went up. I looked up.
13 There was Mr. Diehl and Mr. Champion.

14 Q And Mr. Kraemer on the
15 ground?

16 A I saw Mr. Kraemer fall.

17 Q Where was Mr. Spivey then?

18 A To my knowledge, he was in
19 the restaurant there. There was no one else on
20 the street.

21 Q And did you then leave there?

22 A My wife became excited over
23 what was happening. I told her to go home. There
24 were other people started coming up. Class one
25

1 employees. My wife got excited. I told her, "Let's
2 get out of here." I took her home with the
3 intention of coming back immediately, which I did.

4 Q Mr. Champion was also out of
5 hand in discussing that he was going to get some
6 of the men who had crossed the strike line in your
7 discussion.

8 A No, sir. I didn't hear
9 him say that at all.

10 Q The only thing you heard him
11 do was argue about Henry Howell?

12 A Mr. Champion wasn't
13 discussing Henry Howell at all. That was Mr.
14 Joyce.

15 Q But Mr. Champion didn't like
16 that you said.

17 A I don't know whether he
18 liked it or not. Something upset him. I assume
19 that's what it was. I don't know that.

20 Q Do you know whether Mr.
21 Champion drove an automobile to work that day?

22 A He has a pick-up truck.
23 Whether he actually drove it or not, I don't know.

24 Q You don't know where it
25

1 would have been parked then?

2 A No, sir.

3 Q Now, on the day before this
4 you went to the doctor's office. Do I understand you
5 correctly? When you arrived there you did not
6 find one of your members there across the street
7 watching the doctor's office?

8 A I saw no one around at all,
9 No, sir, except Mrs. Kraemer. She was standing by
10 the door of the doctor's office.

11 Q Did you investigate later
12 to determine if one of your men did follow Otto
13 Kraemer there?

14 A Mr. Kraemer gave me a man's
15 name. I called the man later that evening and
16 he didn't know what it was about.

17 Q He didn't know what it was
18 about?

19 A Not that he followed anyone.
20 No, sir.

21 Q He denied having gone to the
22 doctor's office.

23 A He denied following Mr.
24 Kraemer.

25

1 Q Did he deny having gone
2 up to the doctor's office where Mr. Kraemer was?

3 A He was in that area. He
4 didn't say anything about the doctor's office.

5 Q He was in the area, is that
6 what you said?

7 A He told me he had gone to
8 Sambo's, a restaurant up there which is in that
9 vicinity. And that he had driven behind Otto but
10 he wasn't actually following Otto as such.

11
12 MR. BEALE: All right, sir.
13 Thank you.

14 MR. NEALE: Does the Court
15 wish to inquire?

16 THE COURT: No, sir.

17 MR. NEALE: Thank you. We
18 may wish to recall him so he better
19 wait outside.

20 THE COURT: All right. You
21 remain under subpoena.

22
23 (witness stood aside)
24
25

1 ARCHIE SPIVEY, after being
2 first duly sworn, testified in behalf of
3 Defendants as follows:

4 DIRECT EXAMINATION

5 BY MR. NEALE:

6 Q Sir, state your name and
7 address, please.

8 A Archie Spivey, 15 Gay Drive.

9 Q Sir, directing your
10 attention to June 7, 1977, did you have occasion
11 to be in the -- I believe it's Corner House
12 Restaurant and Bar here in Newport News?

13 A Yes.

14 Q All right, sir. And when
15 had you gotten off picket duty that day, if you
16 had been on picket duty?

17 A Roughly around noon.

18 Q All right, sir. And then
19 what did you do?

20 A Well, I stayed in the Corner
21 House most of the afternoon.

22 Q All right. What were you
23 doing in the Corner House?

24 A Drinking beer mostly.
25

1 Q Around about 5:00

2 about how many beers had you had to drink?

3 A I have no idea. Several.

4 Q All right. Did you have

5 occasion to observe Mr. Champion and Mr. Diehl?

6 A Yes.

7 Q And can you tell the Court

8 whether or not they were drinking during this

9 time period.

10 A Yes, they were.

11 Q Now, sir. With reference to

12 approximately 5:00, what, if anything,

13 did you observe with reference to Otto Kraemer and

14 tell the Court exactly what you did in that regard

15 to that incident.

16 A Okay. I was still in the

17 Corner House. I heard a commotion on the street,

18 saw some people running up the street. I went out.

19 I got about halfway across the street and I saw a

20 man lying on the ground. When I got closer, it

21 was Otto.

22 Q How long had you known

23 Otto?

24 A Eleven years.

25

1 Q All right, go ahead.

2 A There was about six or seven
3 people crowded around him real close. I went over
4 and when I got there no one was doing anything.
5 I told them to move away and give him some air. I
6 thought he had had a heart attack at first, and I
7 knelt down on the ground and loosened his belt. He
8 was breathing real heavily and his shirt was straining.
9 Otto is a pretty fat guy so I loosened his collar
10 and his shirt and again told the people to move away.
11 There were two people -- his hands had fallen to the
12 side and they were standing pretty close to his hands.

13 Q All right. Why did you think
14 he had had a heart attack?

15 A Well --

16 Q At that time?

17 A Well, before the strike he
18 had gone out for an operation. I didn't know at
19 the time what it was. I know he had had surgery
20 and he'd been out on sick leave, drawing supplemental
21 sick funds from the union, and then I had heard about
22 the day before when he had called the union, asked
23 for help, I knew he'd gone to the doctor then.
24 Plus, you know, his obesity.

25

1 Q All right. Now, sir, what,
2 if anything, did you ever say to Joan, a lady by
3 name of Joan and another lady by the name of
4 Jackie? First of all, how long have you known
5 Joan and Jackie?

6 A I've known Jackie for eleven
7 years, and Joan for about six or seven. Since she
8 came to our department.

9 Q This is Joan Johnston and
10 Jackie Ponton?

11 A That's right.

12 Q Did you and Mr. Brennan
13 have any discussion with them when they went back
14 to work?

15 A Joan, I did.

16 Q If so, just say exactly what
17 transpired.

18 A Okay. Joan came in, she was
19 walking up Sunset Avenue and Jim saw her and went to
20 talk to her and he had taken his sign off to talk to
21 her. I still had my sign on and he went about
22 halfway down the block and met her. Started talking
23 to her and I overheard him asking her not to go in,
24 to stay out, help support the strike, and that one
25

1 point she did not raise her umbrella toward him.

2 Q What about the other lady?

3 A I overheard him asking her
4 not to go in. He told her that we'd been out for
5 a certain period of time walking, and we needed
6 her out there to help support the strike.

7 Q What, if anything, did you
8 all say in the way of threats to these two ladies.

9 A Nothing.

10 Q Now, what, if anything, did
11 you say to a Schmitz or a Rodney Dick or anyone
12 else with reference to whether or not he should
13 go in and that sort of thing?

14 A I didn't say anything direct-
15 ly to Rodney Dick. I told him -- I was talking to
16 George Schmitz, occasionally he'd come by. We'd
17 stop and talk. I told him -- this is the day after
18 Otto had gotten hit. I told him I thought it was a
19 pretty rotten thing that had happened to him.

20 Q To whom?

21 A To Otto, and none of us
22 wanted to see anything happen to the rest of the people
23 in there, to Rodney or the girls.

24 Q Then did you say that to him

25

1 in a threatening manner or what? How did you
2 mean that?

3 A It was just in a, I guess,
4 concern. I knew Otto had been hit the day before.
5 I thought he had had a heart attack and then I
6 found out that he had been hit and I was concerned for
7 the image we were trying to promote.

8
9 MR. NEALE: All right.

10 Answer this gentleman's questions
11 or the Court's questions, please.

12
13 CROSS EXAMINATION

14 BY MR. BEALE:

15 Q Mr. Spivey, let me see if I
16 understand what you're saying. Are you telling the
17 Court on the day of the Kraemer incident you were
18 drunk?

19 A Yes.

20 Q Are you further telling the
21 Court that you went down in a drunken state and
22 took over as the primary first aid assistant?

23 A Yes.

24 Q And you thought you were the
25

1 most capable in that situation of taking care of
2 Mr. Kraemer and you were there to assist him, is
3 that what you are telling this Court?

4 A I don't know I was most
5 capable but I was the only one doing anything.

6 Q You deny a woman had placed
7 something under his head at the time you arrived
8 there?

9
10 MR. NEALE: I don't believe
11 that's in the evidence. I believe
12 another witness said he placed a coat
13 under him. This witness placed a
14 coat under him.

15 THE COURT: He's on cross-
16 examination.

17
18 A After I loosened his belt
19 there was another woman there. She was taking his
20 pulse.

21 BY MR. BEALE:

22 Q Do you deny at the time you
23 got there someone had placed something under his
24 head?

25

1 A Yes.

2 Q Did you rub sand on him?

3 A No.

4 Q Did you rub any dirt on him?

5 A No.

6 Q Did you say to the people
7 in the area that no one had attacked Mr. Kramer,
8 he fell over a garbage can?

9 A I might have.

10 Q Why would you say that Mr.
11 Spivey?

12 A Well, for a long time after
13 this previous hearing, we've been trying to promote
14 a, you know, good front, and all I could see right
15 then was, you know, it just going up in smoke
16 and I was pretty concerned. Otto told me he'd
17 been hit. I didn't believe it until he told me
18 himself.

19 Q You didn't see Champion hit
20 him?

21 A No, I did not.

22 Q Where were you when that
23 occurred?

24 A I was in the Corner House.

25

1 Q You saw the young sai or
2 named Newman that testified here, did you not?

3 A Yes.

4 Q Did you hear him say that
5 you had tried to tell him that he hadn't seen
6 anything?

7 A Yes.

8 Q And you did tell him that?

9 A Yes.

10 Q And you also told another
11 woman who came over to help Mr. Kraemer that
12 she hadn't seen anything, did you not?

13 A I don't remember that.

14 Q Do you deny it?

15 A I can't deny it if I don't
16 remember it.

17 Q Do you remember a woman telling
18 that when you tried to convince her that nothing had
19 happened. That you didn't know what you were talking
20 about?

21 A Yes.

22 Q Mr. Spivey, you were on
23 picket duty on the day of the Otto Kraemer attack?
24 Were you not?

25

1 A Yes.

2 Q And that day was after the
3 last hearing that the Court conducted, was it
4 not?

5 A That's right.

6 Q So that you have been
7 picketing since the last hearing?

8 A That's right. But I was not
9 picketing the vehicle gates, just the pedestrian
10 gates.

11
12 MR. BEALE: I think that's all
13 your Honor.

14
15 REDIRECT EXAMINATION

16 BY MR. NEALE:

17 Q Mr. Spivey, you have heard
18 Mr. Kraemer allege that you put sand or something
19 on him that he thought you did as he was coming.
20 Do you have any idea what that was all
21 about, or how that --

22 A Yes.

23 Q How that could have been
24 thought to have occurred? Explain that if you will

25

1 please.

2 A There is sand beside the
3 concrete where he fell and where he fell his shirt,
4 the bottom part of it was partially open. When I
5 stooped down beside him I got sand on my hands.
6 When I went to open his collar and shirt front the
7 sand came off and I brushed it off. That was it.
8 He said he was hurting, so I stopped.

9 MR. NEALE: I have no other
10 questions.

11
12 MR. BEALE: No questions.

13 THE COURT: Thank you, you may
14 stand down.

15
16 (Witness stood aside.)
17
18
19

20 EDWARD HALLIGAN, after being
21 first duly sworn, testified in behalf of
22 Defendants as follows:

23 DIRECT EXAMINATION

24 BY MR. STROPP:

25 Q State your name and address.

1 A Name is Ed Halligan, I live
2 at 436 Beaumont Street, Hampton.

3 Q By whom are you employed?

4 A Newport News Shipbuilding
5 and Dry Dock Company.

6 Q Are you currently on
7 strike?

8 A Yes.

9 Q What was your job at--

10 A I work E-32, which is
11 electronics.

12 Q Do you know Otto Kraemer?

13 A Yes, I do. I've been
14 working on and off with him for the last ten
15 years.

16 Q You work with Mr. Kraemer?

17 A Yes, I work with Mr. Kraemer.

18 Q Let me direct your attention
19 to June 6, that is a Monday morning, did you have
20 occassion to see Mr. Kraemer?

21 A Yes. On June 6, I did picket
22 duty up there at the main gate on 37th Street and
23 while I was walking up there I noticed Otto over
24 there by the fence. This is the first time that I've seen

25

1 him down on the picket line because he's been
2 sick all this time.

3 Q Are you at all familiar with
4 any sickness Mr. Kraemer has had?

5 A Well, right before we went
6 on strike, he went on sick leave; I think it was
7 either four or six weeks sick leave that he was out
8 for and during the period when we were on strike
9 I asked somebody because Otto has been a good union
10 man. He went to a lot of union meetings. He went
11 to union seminars and all, and he really impressed
12 me as being a good union man. I asked how come I
13 didn't see him down on the line casually. Somebody
14 said he was still sick and couldn't come up there on
15 the line. His arm was still hurting him, everything.
16 So when I seen him on this day --

17 Q Excuse me, do you know what
18 his sickness was when he was out on sick leave
19 during this period of time before the strike?

20 A I think it was his wrist but
21 he also had a hypertension problem also so I
22 really don't know which one it is.

23 Q Okay. When you saw him on
24 Monday morning, June 6, did you have occassion to
25

1 talk to him?

2 A Yes. I thought it was kind
3 of odd because I hadn't seen him during the whole
4 strike. I've been walking picket duty every other
5 day down there. I walked over to him. I said,
6 "Hey, Toot."

7 Q What is "Toot"?

8 A Well, there's a couple of us
9 that we have a nickname for him. It's a friendly
10 nickname. We call him "Toot". That's Otto spelled
11 inside out.

12 Q Does everyone call him
13 "Toot"?

14 A I think his friends, people
15 who work with him. I think they have some other
16 names for him, but --

17 Q What happened then?

18 A I think I said something like
19 "Hey, Toot, what are you doing here. You're not thinking
20 about going in are you?" He said he might.
21 I said, "You don't think it would be bad for your
22 health?" The reason that I said this, he'd been
23 sick four to six weeks before the strike started
24 and he hasn't been able to walk picket duty because
25

1 of his wrist and his hypertension. This hypertension
2 problem.

3 Q All right. Did you in any
4 way or any manner mean that to be a threat to
5 Mr. Kraemer?

6 A No. We were still on
7 friendly terms. At this point, he never crossed the pic-
8 ket line. I was just asking him what he was doing here.

9 Q And your testimony relating
10 to an inquiry about Mr. Kraemer's health, again, tell
11 His Honor what the testimony is.

12
13 MR. BEALE: We object to it,
14 again. We don't need to hear it twice.

15 THE COURT: I heard it the
16 first time.

17
18 BY MR. STROPP:

19 Q Okay. Did you have occasion
20 to see Mr. Kraemer at all the rest of that day?

21 A Yes. Later on in the after-
22 noon. I seen him down there on Mercury Boulevard. How I
23 seen him there, there was a union meeting that
24 afternoon around 2:00.

1 Q This is Monday afternoon?

2 A Monday, same day.

3 Q Okay.

4 A Instead of going home,
5 coming back to the union meeting, I decided to
6 stay over, walk an extra hour, hour and a half on
7 the picket line.

8 Q You walked picket line until
9 when?

10 A I walked 37th Street Gate
11 until 12:30. Then I went to 33rd Street Gate.
12 That's where I know everybody.

13 Q That's where you entered
14 where you work?

15 A Right. So I stayed down there.
16 I walked until about 1:30, twenty minutes to 2:00.
17 Some of the guys were taking off to go to the union
18 meeting and I went up, got on my bike. I was going
19 to go to the union meeting, but I was a little
20 hungry. I decided to go to Sambo's.

21 Q Where was the union meeting?

22 A At the Plumbers' Hall down
23 on Warwick Boulevard. Okay. I went up 34th Street.
24
25

1 BY THE COURT:

2 Q What day was this, sir?

3 A This is the 6th, I think,
4 Monday.

5 Q All right.

6 A And I went up 34th
7 Street to Warwick Boulevard. I turned on Warwick
8 Boulevard.

9 BY MR. STROPP:

10 Q Excuse me. Let me
11 interrupt you. Had you seen Mr. Kraemer at this
12 time?

13 A No, sir. I hadn't.

14 Q Go ahead.

15 A And I started going down
16 Warwick Boulevard. I was going to go to Sambo's
17 and I didn't notice Otto Kraemer until I turned onto
18 Mercury Boulevard down where the circle is between
19 Mercury and Jefferson, and Otto and his wife turned
20 around, looked at me.

21 Q Did you threaten them or shake
22 a fist?

23 A No, sir. At this time, I knew
24 he was a scab and I didn't want to associate with
25

1 him no more, even though we were friends in the
2 past.

3 Q What happened after that?

4 A I continued on down to
5 Sambo's and he was in front of me and he turned --

6 Q Let me ask you this. He was
7 in front of you, so you were physically following
8 him?

9 A Yes.

10 Q Where were you then?

11 A I was heading toward Sambo's.

12 Q Now, were you following him
13 in any way to threaten or intimidate Mr. Kraemer?

14 A No, sir. I tried to ignore
15 him. I wouldn't give any sign of recognition.

16 Q What happened after that?

17 A Well, after, we did pull into
18 the same street there and I stopped at Sambo's.
19 At the time, I stopped on the street. Since I've
20 been on strike, I don't know how much money I have,
21 so before I go in I got to count my money, see what
22 I can buy.

23 Q You're talking about buying
24 where?
25

1 A At Sambo's. So I pulled into
2 the parking lot at Sambo's, I went in, ate something,
3 then I went to the union meeting. Sambo's is
4 about half a mile from the union hall.

5 Q You went to the union hall,
6 you continued on down Warwick, Jefferson?

7 A No. I went back -- after I
8 ate at Sambo's, I went across the street on Jefferson
9 and then went back to Mercury, made a right on
10 Mercury, then went back to Warwick, made a right
11 and the union hall is right there.

12 Q Did you see Mr. Kraemer
13 during this period of time?

14 A No, sir. I didn't see him
15 after I went in Sambo's.

16 BY THE COURT:

17 Q May I inquire as to the time?
18 What was the time?

19 A Well, I think I left the --

20 Q When you got to Sambo's.

21 A I think about ten minutes to
22 2:00, five minutes to 2:00. I was there about
23 five or ten minutes, probably ten minutes..

24 Q You ate in ten minutes?
25

1 A I eat in a hurry. The
2 union meeting started at 2:00, so I just went in,
3 got a hamburger and iced tea.

4 BY MR. STROPP:

5 Q All right, sir. Now, did
6 you have any occasion that day or thereafter to
7 be questioned or interrogated about this incident
8 you have just related?

9 A Yes.

10 Q Excuse me, sir. Concerning
11 Mr. Kraemer?

12 A Yes. Later on that night,
13 Dave McDonald called me up.

14 Q Who is Dave McDonald?

15 A He's the gate captain.

16 Q Go ahead.

17 A And he wanted to know if
18 I was following him. I said, "Not deliberately.
19 I did get by his car for a while, but I was going to
20 Sambo's," and I explained what happened.

21 Q When you were behind Mr.
22 Kraemer, were you following closely or how far
23 behind him were you?

24 A I, well, I thought it was
25

1 normal distance. Going down the street, maybe two
2 car lengths. When you stop at a light, about two
3 yards away from him at the back of his car.

4 Q At that point, did you make
5 any moves to communicate, when you were at a stop
6 light? Did you make any moves to communicate with
7 Mr. Kraemer at all?

8 A No, sir. I sure didn't.

9
10 MR. STROPP: Your questions,
11 counsel.

12
13 CROSS EXAMINATION

14 BY MR. BEALE:

15 Q Mr. Halligan, on the morning
16 of June 6, as I understand you, with the history
17 and knowledge that you had of Mr. Kraemer's
18 medical condition and upon seeing him going in to
19 work, you were really concerned about whether or
20 not that was good for his health; is that what
21 you're saying?

22 A No, sir. This is before he
23 went to work. I said this was the first time I seen
24 him down here, so I went down, talked to him.
25

1 Q At any rate, when you called
2 him over, asked him was he going to work, your
3 concern was because of your knowledge about his
4 medical background, your concern was about his
5 health; is that right?

6 A Well, yes. I hadn't seen
7 him in a long time. We were pretty good friends and
8 he is a good union man or was.

9 Q And when you said to him,
10 "You better think, it could be dangerous to your
11 health" --

12 A No. I said, "Don't you think
13 it would be bad for your health?"

14 Q Whatever, "It could be
15 dangerous to your health" --
16

17 MR. NEALE: If the Court
18 please, it's not "whatever." Counsel
19 has to ask, even on cross, questions,
20 sir, that are based on what was said
21 and not assume something that was said.

22 MR. BEALE: I think counsel
23 ought to let this man handle himself
24 on cross examination.
25

1 THE COURT: All right. Let's
2 go ahead.

3
4 BY MR. BEALE:

5 Q Because of your concern, you
6 made that statement to him; is that correct?

7 A Well, yes, I guess you could
8 say that.

9 Q And then it was the same day
10 that at 2:00 o'clock in the afternoon, that he
11 was a scab and you didn't want to associate with
12 him?

13 A That's affirmative.

14 Q Same man you were concerned
15 about his health in the morning and not really
16 concerned about him going back to work, but
17 concerned about his health, same man?

18 A Same man.

19 Q And do I understand you
20 correctly that you got onto your -- what was it?
21 A motorcycle?

22 A Yes, sir.

23 Q And you went all the way up
24 to Sambo's, right across the street from Dr. Givens'

25

1 office, and then looked in your pocket to find out
2 if you had any money to buy food?

3 A To see how much I can buy.

4 Q Now, isn't the entrance to
5 Sambo's on the opposite end of the building
6 from Dr. Givens' office?

7 A Yes, it is.

8 Q Why did you park on that end?

9 A Well, I don't know, but I
10 get embarrassed, I feel funny if I have to count
11 my money before I go into a place. I really didn't
12 want to stand out in the open, let people see how
13 broke I am.

14 Q It's all glass, isn't it?

15 A No, not in the back there.

16 BY THE COURT:

17 Q I didn't understand. What
18 was embarrassing to you?

19 A That I had to count my money.
20 I would hate to count it in front of the place
21 before I go in, to see how much I can buy.

22 Q Why didn't you count it before
23 you started?

24 A Your Honor, it didn't occur to
25

1 me.

2
3 MR. BEALE: That's all I care
4 to ask him, if the Court please.

5 MR. STROPP: No questions.

6 THE COURT: All right.

7
8 (Witness excused)

9
10
11
12 ROY E. PRICE, after being
13 first duly sworn, testified in behalf of the Defendants,
14 as follows:

15 DIRECT EXAMINATION

16 BY MR. NEALE:

17 Q State your name and address,
18 please.

19 A Roy E. Price; 107 Ivy Home Road,
20 Hampton.

21 Q And you are a member of the
22 Local Steelworkers, Designers' Union?

23 A Yes, sir.

24 Q And how old are you?
25

1 A Sixty.

2 Q Sir, directing your attention
3 to the earlier testimony which you heard in this
4 court from Mrs. Capstaff, could you tell the Court
5 whether or not you ever phoned and threatened Mrs.
6 Capstaff?

7 A No, sir.

8 Q Directing your attention, sir,
9 to testimony which you heard earlier in this
10 courtroom concerning a Mr. MacDonald, tell the
11 Court whether you ever threatened Mr. MacDonald.

12 A Since he crossed the picket
13 line, I have not mentioned his name.

14 Q And have you threatened him,
15 sir?

16 A No, sir. I've called him
17 a "scab."
18

19 MR. NEALE: All right, sir.

20 Answer this gentleman's questions and
21 the Court's, please.
22
23
24
25

CROSS EXAMINATION

BY MR. BEALE:

Q Are you a leader of the strikers, Mr. Price?

A No. I'm a sergeant-at-arms, local.

Q Sir?

A I'm sergeant-at-arms of the Local.

Q Did you conduct a television interview with reference to the strike?

A Yeah, a man did ask me about that.

Q Now, in that interview, Mr. Price, did you make the statement that some of the scabs had gone back to work, but their troubles were just beginning?

A That's right.

Q You made that statement?

A Yes, sir.

MR. BEALE: Thank you.

REDIRECT EXAMINATION

BY MR. NEALE:

Q Well, Mr. Price, tell the Court what you meant by that, what that was all about.

A Well, these people went back to work after having been on strike with us for a number of weeks. They went back to the same thing for which they struck, which was nothing, and when they crossed that picket line, they stuck a knife in our back and each day when they go back, they give it another twist. Now, what I meant by that is, they've got that to live with for the rest of their lives. Each week when they go back and pick up their little thirty pieces of silver, they've got to remember that. And I don't wish but one thing for the pickets -- for the scabs. There's only one thing I want to see happen to them and that is that they'll come back on the picket line where they belong.

Q Will you have any respect for them afterwards, after you go back to work?

MR. BEALE: I think that's

1 immaterial, if the Court please, whether
2 they have respect for them or not.

3 THE COURT: Well, let's hear
4 whether they're going to respect them
5 or not respect them.
6

7 A You mean if they don't come
8 back to the picket line?

9 BY MR. NEALE:

10 Q Yes, sir.

11 A I'll have to consider them
12 as being dead.

13 Q Now, sir, what, if anything,
14 did you mean -- or let me ask you this way. What
15 is your position, personally, and the union's
16 position with reference to whether or not you want
17 any of these people hurt or injured or threatened to
18 be hurt or injured physically in any way?

19 A I don't intend any physical
20 injury. I don't think the union intends any, because
21 they're constantly telling us not to bother anybody.
22 But I would like to see those people come back so we
23 can forgive them and --

24 THE COURT: Just answer his
25

1 questions, sir. We don't want any
2 commercials.
3

4 BY MR. NEALE:

5 Q All right, sir. When you
6 made that statement on television, did you in any
7 way intend to imply physical threat or physical
8 harm to these people?
9

10 A No.

11 Q And have you ever physically
12 threatened or physically harmed any of these
13 people?
14

15 A No, sir.

16 MR. NEALE: I have no other
17 questions. This gentleman may have
18 additional questions for you.
19

20 RECROSS EXAMINATION

21 BY MR. BEALE:

22 Q Mr. Price, what did you say
23 your position is or office is?

24 A Sergeant-at-arms.

25 Q Is that the man that keeps

1 order?

2 A That's correct.

3 Q Did you realize, Mr. Price, as
4 a leader of this union, that your statement on that
5 television broadcast for all of the members of your
6 union to see would engender in them the idea that
7 something ought to be done to the people that were
8 crossing that picket line?

9
10 MR. STROPP: I'll object to
11 that question, sir.

12 THE COURT: Just a minute.
13 Let him finish his question. Now, I'll
14 hear your objection.

15 MR. STROPP: I object to that
16 question. It calls for a conclusion as
17 to people hearing something on television.
18 Mr. Price would have no knowledge --

19 THE COURT: No, sir. That
20 was not the purport of the question.

21
22 (The pending question was
23 read by the court reporter.)
24
25

1 A No, I don't think it's
2 any hint of threat.

3 BY MR. BEALE:

4 Q Question is whether or not
5 you realize, Mr. Price, that that kind of statement
6 would cause the union members to do something with
7 your approval.

8 A Do I realize it would cause
9 them to do something?

10 Q Yes, sir.

11 A No, I don't see why it would
12 cause them to do anything.

13 Q And the statement was that,
14 "Their troubles are just beginning"?

15 A Their troubles are just
16 beginning, as I just explained to you.

17
18
19 MR. BEALE: Yes, I understand,
20 Mr. Price. Thank you.

21
22 REDIRECT EXAMINATION

23 BY MR. NEALE:

24 Q Why don't you think it would
25 cause them to do anything?

1 A Because we've been told too
2 many times not to. It's not our idea to cause
3 physical harm to anybody.

4 Q All right. When you said
5 something a moment ago, you considered them dead,
6 what did you mean by that? I hope you didn't
7 mean physically.

8 A Sir?

9 Q What did you mean by that?

10 A Well, it stirred me pretty
11 deeply. I'm a friendly person at heart. I have
12 a lot of friends and I just hate to lose that many
13 friends at one time.

14
15 MR. NEALE: All right. Thank
16 you.

17 MR. BEALE: No further
18 questions.

19 THE COURT: Thank you. You
20 are excused.

21
22 (Witness excused)

23
24 THE COURT: Gentlemen, we're
25

*

SECOND DAY

July 20, 1977

AFTERNOON SESSION

* * *

(Court was reconvened,
pursuant to adjournment for luncheon
recess, at 1:15 o'clock p.m., July
20, 1977.)

Appearances: As hereinbefore noted.

CHARLES CRUTE, after being
first duly sworn, testified in behalf of the
Defendants, as follows:

DIRECT EXAMINATION

BY MR. STROPP:

Q Mr. Crute, have you been
sworn?

A Yes, sir.

Q State your name and address.

A Charlie Crute; 549 Kings Court,
Newport News.

1 Q Are you employed by the
2 Shipyard?

3 A Yes.

4 Q Have you been on strike since
5 April 1st?

6 A Yes.

7 Q What was your job?

8 A Electronics Test and ESTD.

9 Q Do you know Otto Kraemer?

10 A Yes, I do.

11 Q Is he a co-worker of yours?

12 A Yes. We've worked on many
13 jobs together.

14 Q How long have you known Mr.
15 Kraemer?

16 A As many years as he's been in
17 the yard. I'd say ten, twelve, fourteen years.

18 Q Have you been friendly with
19 Mr. Kraemer or have any altercations with Mr.
20 Kraemer?

21 A No.

22 Q Let me direct your attention
23 to June 7, 1977. Did you have occasion to see
24 Mr. Kraemer on that day?
25

1 A Yes, I did.

2 Q What time was that, sir?

3 A Approximately 6:30 in the
4 morning.

5 Q Did you have any conversation
6 with Mr. Kraemer?

7 A I did speak to Mr. Kraemer.
8 I said, "Otto" -- he passed through the gate that
9 I was on picket duty.

10 Q Were you on picket duty at
11 that time?

12 A Yes, I was.

13 Q Tell us what, if anything,
14 you said to Mr. Kraemer.

15 A I said, "Otto, I wish you
16 would not do this."

17 Q Is that all you said?

18 A That's all I can recall
19 saying, unless I nodded to him or said "Hi" prior
20 to this.

21 Q What were you referring to when
22 you made that statement?

23 A I was referring to, "I wish
24 you would not cross that picket line."
25

1 Q Did you say, "Otto, I wouldn't
2 go in there"?

3 A No, sir. The words that
4 I stated was, I remember, exactly the words I
5 said.

6 Q Did you make that statement
7 in any threatening manner?

8 A No, I did not.

9 Q Did you have any other
10 occasion to talk to Mr. Kraemer?

11 A No, none that I can recall,
12 unless maybe I saw him somewhere, and I can't
13 recall ever seeing him after that time other than
14 just here at the court.

15
16 MR. STROPP: Answer counsel's
17 questions.

18 MR. BEALE: No questions.

19 THE COURT: Thank you, sir.

20
21 (Witness excused)
22
23
24
25

1 ERNEST SURLES, after being
2 first duly sworn, testified in behalf of the
3 Defendants, as follows:

4 DIRECT EXAMINATION

5 BY MR. NEALE:

6 Q Sir, state your name and
7 address, please.

8 A Ernest Surles; 277 Batson
9 Drive, Newport News.

10 Q And are you a member of the
11 union?

12 A Yes, sir.

13 Q And how long have you been
14 a member, sir?

15 A Since we've had the Steelworkers,
16 and before that, the Designers' Association.

17 Q All right, sir. And what is
18 your function in the current strike?

19 A I'm sort of a senior gate
20 captain.

21 Q All right. And what does
22 that job involve? What do you do?

23 A I do a little bit of everything,
24 maintain the liaisons with the strike line, the other
25

1 gate captains and with Mr. Johnson, a liaison with
2 the police department, Mr. Spanos and his security
3 force if necessary.

4 Q What, if anything, have you
5 done or has the union done, to your knowledge, with
6 reference to ensuring compliance with this Court's
7 order?

8 A On quite a few occasions, Mr.
9 Johnson has called myself and other gate captains
10 into his office and stressed the point that we should
11 reiterate to the people to please maintain an
12 orderly strike, not to engage in any harassment or
13 any threats to anyone. I, personally, ride a motor-
14 bike all day long on the picket line and I've asked
15 picketers many a time, at every gate I've come to,
16 to please, you know, maintain an orderly strike.

17 Q All right, sir. Do you
18 know anything with reference to any memoranda or
19 letters, etc.?

20 A Yes. I have received
21 approximately three or four from Mr. Johnson at
22 home, reiterating the same statement.

23 Q And what, if anything, have
24 you heard regarding this at the union general
25

1 membership meetings?

2 A Mr. Johnson, Mr. Mundsinger,
3 Don Walters --

4 Q Who are Mr. Mundsinger and
5 Mr. Walters?

6 A They are Steelworker officers
7 of the Technical Division. I think they're called
8 representatives, who have been assigned to our
9 particular Local to assist us. They're generally,
10 one or two of them are at our meeting along with
11 Mr. Johnson and they all stress the fact we're under
12 a court order, injunction, and to please maintain
13 an orderly strike and not to harass any individuals.

14 Q All right, sir. Directing
15 your attention to, I believe it was June 6, or
16 June 7, did you receive a telephone call from a
17 Mr. Kraemer; and, if so, describe what occurred
18 and what he said in the call and what occurred
19 thereafter.

20 A I came into the union office
21 off the street and Barbara had just answered -- I
22 think it was either Barbara or Joan. We have two
23 secretaries. One of them said something about a
24 Mr. Otto Kraemer was on the telephone. It was a
25

1 little after 2:00 o'clock, if I remember. All the
2 union officers, President and Vice President and
3 everyone else, Mr. Mundsinger from Pittsburgh,
4 they had left to go to our afternoon union meeting.
5 I took the call in Mr. Johnson's office. Mr.
6 Kraemer was decidedly upset. He stated to me
7 that he was being followed. He wanted to know if
8 the union would do something about its people
9 as far as bothering him, and I asked what he was
10 specifically talking about. He said someone had
11 followed him on a motorcycle. I asked him where
12 he was at and what the problem consisted of. He
13 said he was at his doctor's, that he had left work
14 about, I think he said 1:45, that this man had
15 followed him to the doctor's office and was
16 harassing him, as he felt.

17 Q What did you do?

18 A I asked him if he wanted
19 myself or someone else to come there, possibly if
20 there was any of our people there, that we could
21 try to persuade them to leave. He said, "Yes," he
22 would like for me to come. So as I left Lee Johnson's
23 office I bumped into Tom Gorman with a fellow gate
24 captain, Dave McDonald, and McDonald being the gate
25

1 captain for the Electronics Test Department, I felt
2 that he would know anybody that was from that
3 particular department or that gate, so I asked them
4 if they'd go with me to the doctor's office to assist
5 Mr. Kraemer.

6 Q What happened when you got
7 there?

8 A When we arrived there, there
9 was no one in the area except Mrs. Kraemer was at the
10 doctor's office door. She came away from the office
11 and talked with me for approximately five minutes
12 in the parking lot. We just had a general conversa-
13 tion about the fact they were upset, there was a
14 motorcyclist who had followed them. I told her we
15 did not see any motorcyclists in the area when we
16 arrived and I went on and stressed the fact that,
17 well, we would try to, you know, stress the point
18 with our people not to bother Otto, that we didn't
19 want any physical harm to come to her or Mr.
20 Kraemer and that we would do everything in our
21 power to discourage anyone from bothering him, but
22 we could not get up, run around town every time
23 somebody calls. Fortunately, that day several of
24 the gate captains were in the office and we were
25

1 willing to do so.

2 Q Why did you say that to her?
3 Because a man wasn't there?

4 A Excuse me? I don't
5 understand.

6 Q Why did you say that
7 to her? Because you didn't see anybody following
8 her?

9 A Right. When we arrived,
10 as we arrived in the area, there were three of us
11 and we were all looking to see if we saw anybody
12 of the description he had given me on the phone.
13 It was a motorcyclist, I believe he said on a
14 green motorcycle, with a white hat -- helmet --
15 excuse me -- and we saw no motorcycles in the area
16 and, as a matter of fact, the doctor's office
17 area was vacant except for the cars parked in the
18 parking lot.

19 Q All right. Mr. Surles,
20 have you had occasion to observe whether the
21 Shipyard has been taking pictures?

22 A Yes, sir.

23 Q And of whom have they been
24 taking pictures?
25

1 A Well, of myself, the rest of
2 the strikers. Ever since the day one of the
3 strike, just about, they've had the guard force
4 repeatedly jump out of their little guard houses
5 and take pictures. I believe I counted one day
6 I was photographed fifteen times one day going from
7 gate to gate on my motorbike.

8 Q I show you three pictures
9 and ask you, do these fairly and accurately
10 represent that which you have seen and I ask you
11 to identify those if you can.

12
13 MR. BEALE: This witness,
14 of course, could not testify with
15 reference to the pictures. He didn't
16 take them. I don't object to him just
17 showing you the pictures, but this is
18 sort of a farce. I don't think he has
19 anything to do with the pictures. I
20 don't object to you seeing the pictures.

21
22 MR. NEALE: I asked if they
23 fairly depict what he observed.

24 MR. BEALE: He can describe
25 what he observed.

1 THE COURT: What he observed
2 when?

3 MR. NEALE: During the time
4 he was just testifying about, when
5 people were taking pictures of him.

6 THE COURT: You're asking
7 if they fairly describe the
8 circumstances he viewed? When did
9 he take these pictures?

10 THE WITNESS: I directed them.

11 THE COURT: Oh. I thought
12 these were some pictures the Shipyard
13 took.

14 MR. NEALE: No, sir.

15 THE COURT: Excuse me.
16

17 A We have a photographer who's
18 sort of a semi-professional and on various occasions
19 I've had him with me and this particular day, he was
20 in the vicinity of the employment office, which was
21 the first day of the return back to work movement, and
22 this was the Shipyard photographer. I don't know
23 the man's name, but I see him quite often. He was
24 taking pictures of the strikers, front of the
25

1 personnel office, on the first day of the return to
2 work.

3 BY MR. NEALE:

4 Q And he was sitting on top of
5 what building?

6 A Personnel office.

7
8 MR. NEALE: I move to admit
9 these as Respondents' exhibits.

10 THE COURT: Staple them
11 together.

12 MR. BEALE: No objection.

13 THE COURT: Do you object to
14 these?

15 MR. BEALE: No, sir.

16
17 BY MR. NEALE:

18 Q Now, sir --

19
20 THE COURT: Just a minute.
21 I've marked them 3.

22
23 (The photographs were
24 received in evidence as Defendants'
25

Exhibit No. 3.)

BY MR. NEALE:

Q Now, sir, with reference to your taking pictures, did any company employees say anything to you about it; if so, what did they say?

A This particular day or other days?

Q Or any day, sir?

A On quite -- well, on Monday, the 13th of June, there's a detective named Mr. Greene of the guard force, who was walking towards the 37th Street drive-in gate. I took his picture. As he approached the gate -- he was carrying a load of radios or something over his shoulder. He told me, quote, as he approached, "Someday I'll see that you eat that god-damn camera."

Q What else was said and by whom and what other times?

A You want all of them?

Q Yes, sir.

A Mr. Savas, who is the Personnel Director, became a little angry because I photographed

1 him walking with some of our --

2 Q Is he the Personnel Director
3 now? Is he a supervisor or --

4 A He's Vice President in charge
5 of Personnel.

6 Q What did Vice President Savas
7 say?

8 A In front of Building 86, he
9 stopped on several occasions, talked to picketers.
10 So I photograph anything like this that occurs,
11 and he told me one day, "You son-of-a-bitch, you know
12 somebody's going to cram that --"

13 Q No, I don't know. Say
14 exactly what he said.

15 A Well, he walked to me and
16 said, "God-damn son-of-a-bitch," and, you know,
17 I was always taking his picture, along with a few
18 other general comments about pictures. And I
19 answered him, just some general statements about,
20 "We photograph everything out here just like the
21 guard force," and his people, like Personnel
22 people, and he said, "Well, someday somebody is
23 going to cram that camera up your ass."

24 Q Did anyone else threaten you
25

1 with reference to your camera?

2 A Yes, sir. Mr. Nunemaker,
3 about four days later, came across from the Personnel --

4 Q And who is Mr. Nunemaker,
5 first?

6 A He's a supervisor of Personnel,
7 I understand, Building 86. He was coming from
8 the supervisors' parking lot across from Building 86
9 on Washington Avenue and there was one other person
10 with him, who I suspicioned to be a scab, and when
11 I took my camera off the bicycle, I was sitting on the
12 bicycle at the curb, he approached and addressed me
13 on the fact that, "We've told you you're going to
14 eat that damn camera someday," or something to this
15 effect, and stood over me -- I was on the bike, looking
16 up -- with a very belligerent look on his face. I
17 said, "Well, any time you want," something to this
18 effect, and just stared at him a few minutes and he
19 finally turned, went in Building 86.

20 Q All right. Did you have any
21 other difficulty with this Mr. Nunemaker at the
22 parking lot; if so, explain, describe what happened.

23 A I think it was Thursday,
24 sixth month, 16th day -- he has a reputation himself
25

1 for taking pictures. He has also photographed me
2 on numerous occasions. He came out of Building 86
3 about 4:10, carrying a satchel which is basically
4 described as a camera case. He was on foot and he
5 walked a block and a half or I guess a good solid
6 block to the personnel office. While he was
7 engaged in it I got on my little motorbike, which is
8 a twenty mile an hour motobecane, I think they're
9 called. The traffic was kind of congested and when
10 I arrived up at 38th Street, which is a street
11 running one way from Washington to Huntington, he
12 was about five, six car lengths from me as I
13 turned the corner and I saw him look at me through
14 his big truck mirror. He was driving his red and
15 white pickup truck and I thought that he was
16 probably on his way to 600 with his camera to do
17 his afternoon's chore of taking pictures, which he
18 quite often has done with the pickets over there.
19 He pulled into the All Right Parking Lot, which is
20 a public parking lot behind the personnel office,
21 which is between 38th and 39th. He went from one
22 exit over towards 39th, which would have given him
23 access to 39th Street bridge to go to the Marshall
24 Avenue engineering building. Instead of exiting the
25

1 parking lot he stopped, waited approximately three,
2 four minutes, started his truck up, he went back up
3 towards the personnel office, which is the
4 opposite direction, towards Washington Avenue.

5 Q Let me stop you. How far
6 away from him were you when he changed course and
7 turned around?

8 A I would say was probably a
9 good hundred foot or more. I stopped the motobecane
10 in the middle of the parking lot when he stopped
11 and I was down on the far end of the parking lot
12 towards Huntington Avenue and he drove the truck
13 back up towards the personnel office, towards
14 Washington Avenue and swung the truck around, and
15 as he came around he lined it up with where I was
16 at and floorboarded the truck in direct path of
17 where I was at.

18 Q What did you do?

19 A I pushed the motobecane
20 in front of a car's bumper that happened to be
21 left in the parking lot. It was approximately 4:15
22 at that time and most of the cars were out of the
23 parking lot due to the 4:00 o'clock exit of the
24 personnel.
25

1 Q How close did he come to
2 you?

3 A I would say a foot and a
4 half, at an excessive rate of speed.

5 Q You're one of the people
6 named in the bill of particulars that can sit in here,
7 and I direct your attention back to the ladies who
8 said that their car tires were slashed in the
9 parking lot between 43rd and 44th Street. Are you
10 familiar with that parking lot?

11 A Yes, sir.

12 Q What parking lot is that?

13 A It's one of the Shipyard's
14 parking lots for people who drive their own cars,
15 who don't have group riders or anything like that.

16 Q What building is that next to
17 or adjacent to?

18 A It's directly behind the PSA
19 building.

20 Q All right. You heard a
21 gentleman by the name of Mr. Russell say that you
22 at least appeared to him to be threatening. Would
23 you describe to the Court what occurred there?

24 A On that particular Friday
25

1 that the preceding Monday everyone returned to
2 work -- let's see -- would have been the 10th,
3 June 10th, Mr. Russell came across Washington
4 Avenue towards the 86 main entrance to the lobby,
5 which is the building in which he works and I
6 have worked for a number of years --

7 Q How long have you known Mr.
8 Russell?

9 A I would say approximately
10 eight years.

11 Q How did you, yourself, feel
12 toward him?

13 A Mr. Russell and I have had
14 a very close relationship over the years. We've
15 talked about family problems, etc., over the
16 years. I felt very close to him, yes. When he
17 came across the street, I was somewhat shocked
18 because I knew he'd been working pretty steady.
19 He's a good carpenter, good bricklayer. He had
20 had plenty of work and I really couldn't understand
21 why he was returning to work. I guess it was the
22 biggest shock I had had during the strike, as far
23 as being on the street all day, of anyone returning.
24 It wasn't the fact he does design work. He doesn't.

1 He's a technical clerk in our chronolog vault for
2 the 688 project, which I work in, and we engaged
3 in conversation, but he was with his brother and his
4 brother left. His brother is a management personnel
5 within the Shipyard. His brother came out several
6 times in the twenty, twenty-five minutes we talked
7 and asked him if he wanted to go in. He made no
8 effort whatsoever to go with him. I did not hold
9 him or try to. We talked about everything from my
10 family to his family to his problems. He said he
11 was having some financial problems.

12 Q Did you threaten him?

13 A No. I primarily did tell
14 him that it was going to hurt me very much to have
15 to take his name back to the union hall and turn it
16 in, that it would go up on the scab list, which,
17 everyone's name goes up there we positively identify
18 as a scab. I told him it would hurt me more than
19 probably anything I had done since the strike
20 started.

21 Q Why did you say that if you
22 weren't threatening him? What did you mean by that
23 when you said it?

24 A I meant it was going to hurt my
25

1 feelings to have to turn in a friend. I would hate
2 to see a friend become a scab. I think it was a
3 great deal of personal emotions involved at that
4 particular time. He told me of some of his financial
5 plight. I asked him if he would give Mr. Johnson
6 just five minutes of his time before he returned.
7 He would not. He said he had to pay the big
8 insurance premiums. I told him the union would be
9 glad to assist him in any way possible, help him
10 find employment, etc. I think he knows that I have
11 a severely handicapped child in school in Georgia,
12 takes approximately \$10,000 a year to keep her
13 there. I've told anyone that has financial problems
14 to come talk to me.

15 Q All right. You heard Mr.
16 Craddock say, imply you had threatened him in some
17 way. What, if anything, did you say or do to Mr.
18 Craddock?

19 A On a particular evening, I
20 recall it as a Wednesday -- it was one day Mr.
21 Craddock returned to work. He came out of Building
22 86 couple minutes after 6:00 o'clock with Richard
23 Reeves, a vault supervisor in the Shipyard and
24 friend of mine, Faye Mull, another, I'll say scab,
25

1 who had returned to work the day before, who I have
2 known approximately eleven years. I have known Ike,
3 I would say about five years. I did ride along
4 beside on Washington Avenue, trying to talk to
5 Ike at first, wanting to know why he had returned
6 to work. Ike didn't have anything to say to me, so
7 I didn't say too much to him. On the same occasion,
8 Mrs. Mull took great offense to establish her position
9 of going in there and we did have general conversa-
10 tion on the fact that, you know, why they went in.
11 She told me some of her personal views, why she
12 went in. I did say some things to both of them,
13 nothing threatening, mostly personal statements.

14 Q Do you mean personal, personal
15 statements in the sense of impoliteness?
16

17 A No. Personal problems they
18 were having, personal problems I was having, why
19 couldn't we all stay out until the thing was over.
20

21 MR. NEALE: Answer this
22 gentleman's questions and the Court's,
23 please.
24
25

CROSS EXAMINATION

1
2 BY MR. BEALE:

3 Q Mr. Surles, you took photographs
4 of Mr. Reeves, Mr. Craddock and Mrs. Mull; is that
5 correct?

6 A I took an exposure, yes.

7 Q And you have taken photographs
8 of many, many people going in and out of the
9 Shipyard?

10 A Yes, sir.

11 Q And your purpose in doing
12 that was what?

13 A We identify all personnel
14 that are entering the yard, leaving the yard, who
15 are union eligible.

16 Q For what?

17 A We prefer to have a picture
18 of them.

19 Q Why?

20 A To classify them as a scab.

21 Q For what purpose?

22 A To put them on the scab board.

23 Q What for?

24 A What for?
25

1 Q What for? Yes, sir.

2 A Same reasons Mr. Johnson has
3 stated. How can we know how many people are going
4 in in a particular department who could hurt the
5 union if we don't know who they are specifically
6 and what classification they were?

7 Q You have been there how long?

8 A Shipyard, twelve years; Design
9 Department I'm in now, eight and a half.

10 Q So you know all the people?

11 A I know all the people in my
12 department, basically, yes, but not in other
13 departments.

14 Q Have you taken pictures of
15 people in your department?

16 A Primarily people in other
17 departments.

18 Q Did you take pictures of
19 people in your department?

20 A Yes, sir.

21 Q For what?

22 A If I take a picture of
23 them coming out of the Shipyard, it's not just my
24 word.
25

1 Q You have some reason to
2 believe Mr. Johnson and the other people are going
3 to disbelieve what you tell them?

4 A I'm still one person. If
5 I had someone I didn't particularly like, say, I
6 would believe somebody else that said he was a scab.
7 It's going to follow them the rest of their life.

8 Q All the people you actually
9 know, you could have counted them and written
10 their names down without photographing them,
11 couldn't you?

12 A I wouldn't think so, not of
13 the ones I've taken pictures.

14 Q That would not be easier
15 than taking a picture of them?

16 A I don't know how I could just
17 count and write them down.

18 Q You don't know how you could
19 do that?

20 A Building 36, there are
21 hundreds and hundreds of people going in that
22 building every day. There are a lot of badges pass
23 by. If it's suspicioned there's somebody going into
24 another building, our gate, I take their picture.
25

1 If I think it's a scab, even if I don't know --

2 Q I'm talking about the people
3 you know.

4 A I've only taken pictures of
5 several people out of my department. I did not
6 take Mr. Russell's picture.

7 Q Why didn't you just report
8 their names?

9 A That's only my word.

10 Q And that is your reason for
11 not just reporting their names?

12 A As senior gate captain, I
13 don't allow anybody to put anybody's name up there
14 unless it's verified by more than one person.

15 Q Including yourself?

16 A Including myself.

17 Q And that is your reason for
18 taking the pictures of people that you knew their
19 identity?

20 A I have taken several people's
21 pictures I knew their identity, yes.

22 Q Were you going to put Mr.
23 Savas' picture on the scab board?

24 A I don't know why I would put
25

1 it on the scab board.

2 Q Why did you take his picture?

3 A Why not? He takes mine all
4 the time.

5 Q Why did you take it? I'll
6 ask the questions. Why did you take his picture?

7 A I document anything that
8 happens on the street with pictures.

9 Q Why would you want a picture of
10 the Vice President of Personnel for the Shipyard?

11 A Repeat that.

12
13 (The pending question
14 was read by the court reporter.)

15
16 A The first I've taken his
17 picture, he had been engaged in some activity with
18 the pickets and I document anything that takes
19 place on the street and involves my pickets, yes.

20 BY MR. BEALE:

21 Q What activity was involved?

22 A Various times he's been out
23 there, joking, at times kidding, at times not kidding
24 with the picket line.
25

1	Q	How many pictures have you
2		taken of Mr. Savas?
3	A	Directly, just personally,
4		probably about two dozen.
5	Q	And you were going to use
6		those for what?
7	A	I just turn them in to
8		the union hall.
9	Q	For what?
10	A	They can do anything they
11		want to with them.
12	Q	What did you take them to
13		use for?
14	A	I just told you.
15	Q	Were you instructed to take
16		pictures?
17	A	I have been instructed by
18		the union to document anything goes on in the street,
19		with the camera.
20	Q	Do you take pictures of all
21		the PSA people that come in?
22	A	I have taken pictures of many
23		PSA people, yes.
24	Q	What for?
25		

1 A Because they were at our
2 gates at the time the strike occurred. There were
3 more PSA delegates at the gate than the strikers.

4 Q What did you want Mr.
5 Nunemaker's picture for?

6 A Mr. Nunemaker takes my
7 picture quite often.

8 Q You have taken it, though, many
9 times, have you not?

10 A On a couple of occasions, yes.

11 Q What for?

12 A Because he was taking mine
13 on one.

14 Q So you took his picture
15 because he took yours?

16 A It's as good a counter action
17 as I know of.

18 Q All right. What about the
19 other times you took his picture?

20 A I took his picture while he
21 was walking with a scab and he directly walked in
22 front of the camera and blocked her from having
23 her picture taken, yes.

24 Q What did you want a picture
25

1 of Mr. Greene of the investigative staff for?

2 A Well, he's quite often around
3 the gates. I've often said to people in the union
4 there are investigative staff people in the
5 Shipyard. A lot of them have said, "No, there's no
6 such thing. There's a guard force and there's Mr.
7 Spanos."

8 Q So you took Mr. Greene's
9 picture to prove to your union members that an
10 investigative person was in the area?

11 A That would be precisely so.
12 He did have much electronic gear strapped on his
13 shoulder and in a harness, like.

14 Q He is an investigator, isn't
15 he?

16 A I know him to be an
17 investigator, yes.

18 Q Now, when Mr. Nunemaker came
19 out and walked, as you described, I believe -- I
20 don't know you mentioned the day -- he walked
21 toward the personnel building, he got into his
22 truck. Why did you follow him?

23 A I assumed he was going to
24 Building 600. If he was going to Building 600, I
25

1 was going with him.

2 Q Why?

3 A Because he has a unique knack
4 of going out every afternoon and most mornings,
5 going out with his flash camera and harassing the
6 picket line.

7 Q Harassing them how?

8 A There's one particular picket
9 out there I spent an hour with one day, trying to
10 calm down. Mr. Nunemaker kept running out there,
11 taking a picture of him sitting in a lawn
12 chair. As I came over one day, he told me if Mr.
13 Nunemaker didn't quit coming over there, taking
14 his picture, he was going to have a little row
15 with him or a personal feud and I tried to quell
16 that.

17 Q So after he got in his
18 vehicle, you continued to follow him?

19 A He, after trying to run
20 me over in the parking lot, went on to Huntington
21 Avenue, which was very congested, and I confronted
22 three motorcycle cops, or policemen -- excuse me --
23 not cops -- who were about two car lengths in front
24 of him in congested traffic, but in another lane.
25

1 Q Did you have some trouble
2 understanding my question?

3 A No, sir.

4 Q My question was whether or
5 not you continued to follow him.

6 A At that particular day he
7 tried to run over me?

8 Q Yes, sir.

9 A I did follow him onto
10 Huntington Avenue after I got my motorbike started,
11 yes.

12 Q Your reason was what?

13 A I wanted to see where he was
14 going then. He had changed directions. He was
15 now on Huntington Avenue, going north.

16 Q When you went over to the
17 policeman, you went over, told him a man had tried
18 to run you down?

19 A Yes, sir.

20 Q And the police officer
21 laughed at you?

22 A Police officers said if I
23 wanted them to arrest him, then they would be glad
24 to.
25

1 Q Police officers didn't make
2 a move from where you went over to them, did
3 they?

4 A No, sir, not true.

5 Q Where did they go to?

6 A Police officer, one of them,
7 went over, took his license number off his vehicle.

8 Q Went over to where Mr.
9 Nunemaker was?

10 A Yes, sir.

11 Q You deny that the policemen
12 laughed at you?

13 A Yes, sir. I do.

14 Q Now, are you telling the
15 Court that the taking of pictures by persons
16 like Mr. Nunemaker of the Shipyard staff harasses
17 the pickets, but the pictures you take do not
18 harass anybody?

19 A I don't quite understand
20 the question.

21 Q You understand, don't you?

22 A You've asked two questions
23 at one time. Which one --

24 Q If you understand them both,
25

1 you can separate them.

2
3 THE COURT: He says he doesn't
4 understand. Ask the question again.
5

6 BY MR. BEALE:

7 Q Mr. Surles, question is this:
8 Is it your position that your pickets and the members
9 of the union are harassed by management taking
10 their pictures, but that your taking pictures of
11 the persons crossing the picket line does not
12 harass them?

13 A When the same man comes out
14 to the same place day after day and takes the
15 same man's picture repeatedly, I would say he's
16 trying to excessively take his picture.
17

18 THE COURT: Answer his
19 question, sir.

20 THE WITNESS: That's what
21 I'm trying to do.
22

23 A (Continuing) When I take
24 one scab's picture one time, one sits on record. I
25

1 don't worry about taking it again.

2
3 THE COURT: Sir, your answer
4 is not responsive to the question. Do
5 you understand the question?

6 THE WITNESS: Yes, sir. I
7 thought.

8 MR. NEALE: If the Court
9 please, I proffer, for the record, his
10 answer was not only responsive, but
11 explained, and I understand the Court's
12 differing from me, but I think it's
13 incumbent upon me to say I believe he
14 explained precisely what he means.

15 THE COURT: He hasn't
16 explained it to me. I don't understand
17 his answer.

18 MR. NEALE: I think he kind
19 of gave you explanation before the
20 answer.

21 THE COURT: Of course, Mr.
22 Neale, he's not explaining it for
23 your benefit. He's explaining it for
24 mine and I would like to have an answer
25

1 to the question.

2 MR. NEALE: Yes, sir.

3 THE WITNESS: Can I try
4 again?

5 THE COURT: I don't want you to
6 try, sir. I want you to answer the
7 question. Mr. Beale, ask this question
8 one more time.

9
10 BY MR. BEALE:

11 Q Question, Mr. Surles, is
12 whether or not it is your position that for
13 management to take pictures of your pickets and of
14 you harasses you and the members of the union, but
15 for you to take pictures of the persons crossing
16 your picket line does not amount to harassment?

17 A We're talking specifically,
18 I think --

19 BY THE COURT:

20 Q Can you answer that "yes" or
21 "no"?

22 A I can't answer that "yes" or
23 "no." I can say that Mr. Nunemaker taking the
24 same picture, same person's picture day after day,
25 several times a day, would be possibly by that person

1 considered harassment. You're asking for me
2 to presume what somebody else feels is harassment.
3 If I take the picture one time or twice, trying to
4 get a decent picture of a scab crossing the picket
5 line, I don't know if they can construe, if I never
6 take it again, that it's harassment or not.

7 BY MR. BEALE:

8 Q You remember in the hearing
9 of this Court previously, when photographs were
10 being made of the truck drivers, that this Court
11 chastised the union for that?

12 A I wasn't in the hearing
13 in the last hearing, but I do know the Judge asked
14 us not to use the cameras on picket lines any
15 longer to take the truck drivers' pictures and
16 we have not taken truck drivers' pictures since
17 then.

18 Q What are the binoculars for
19 that are being used by your men at the gates?

20 A There are several people who
21 have used a set of binoculars at Building 600, which,
22 all the doors at Building 600 are a long ways away
23 from the gate, to try to identify scabs entering
24 the building, yes.
25

1 Q You say binoculars are not
2 used anywhere except Building 600?

3 A That's the only place I
4 have seen them used with any regularity.

5 Q You have seen them used at
6 all of the gates, haven't you, Mr. Surles?

7 A No, sir.

8 Q How many of the gates have
9 you seen them used?

10 A I've seen them used at
11 38th Receiving Gate.

12 Q Where else?

13 A Building 600.

14 Q Where else?

15 A I'm afraid that's it.

16 Q And you're in charge of
17 the gates, you're senior gate captain?

18 A I go from gate to gate on a
19 motorbike in a day's time, but the shift changes
20 every four to eight hours, sometimes six.

21 Q Did you have men at the time --
22 I believe this was in the area of Building 600,
23 although it may not have been -- on top of a trailer,
24 with a tripod, with a camera and binoculars?
25

1 A There was such a vehicle
2 there.

3 Q What was it there for?

4 A I believe there was a
5 cameraman on it with a telephoto lens.

6 Q What for?

7 A To try to spot any scabs
8 crossing the picket lines.

9 Q Can you also see the
10 parking lots from the top of the trailer with
11 binoculars and who's parking whose car where,
12 can't you?

13 A I'm sure you could.

14 Q You concede that you followed
15 Mrs. Mull, Mr. Craddock, Mr. Reeves for a distance
16 of two blocks on a motorbike, circling them,
17 talking about they ought not to have gone back to
18 work?

19 A I concede I followed them --
20 I don't think I made a continuous circle around
21 them -- for about a block and a half. They were
22 on the sidewalk and I was on Washington Avenue and
23 I probably made a circle on Washington Avenue once
24 in a while to keep the bike balanced. It doesn't
25

1 operate very well at a low speed. There's a
2 tendency to lose your balance on a bicycle. It's
3 not a motorcycle.

4 Q Did you understand this
5 Court had previously ordered an injunction that
6 you or anyone else in this union were not to inter-
7 fere with anyone who desired to work?

8 A Yes, sir.

9 Q You understood that?

10 A I think that's the same
11 injunction we've been talking about here, that
12 we've been having letters about, that I've been
13 telling strikers to obey, yes, sir.

14 Q And you spent twenty-five
15 minutes with Mr. Russell at a gate?

16 A He's a friend of mine. Yes,
17 sir.

18 Q And went two blocks, talking
19 to Mrs. Mull and Mr. Craddock?

20 A I've worked with both of
21 them for many years.

22 Q I'm asking you whether you
23 went two blocks, not whether you worked with
24 them, sir.
25

1 A Yes, sir.

2 Q Do you ever display pictures
3 of management on the scab board?

4 A Not on the scab board.

5 Q Where do you display the
6 pictures of management?

7 A We have one picture of Mr.
8 Suvas in the command room of the picket
9 headquarters and one in one other location, in the
10 general vicinity of the general membership hall.

11 Q Where?

12 A At the community service
13 center.

14 Q No, sir. In what room?

15 A In the major room, the
16 assembly room.

17 Q Who else do you have pictures
18 of?

19 A They are all the displayed
20 pictures that I know of in that particular area.

21
22 MR. BEALE: I think that's
23 all, Your Honor.
24

25

0441

REDIRECT EXAMINATION

BY MR. NEALE:

Q Mr. Surles, you were asked about taking pictures and scab list. Was there a meeting that occurred, called by the management on June 6, I believe?

A On June 6 was the day management had opened the yard up to people that, anyone desiring to come back to work. From what I understand, the meeting took place in the employment office, yes, sir.

Q And do you know whether people went in?

A Yes, sir. There was a few dozen that went into the building that morning, yes, sir.

Q And did you know at that time whether or not, just because they went in, they were actually going to return to work the following day?

A There were people who went into the building who told the people as they came out that they were not going in to work, that they were returning home, yes, sir.

1 Q Do you know anything about
2 marks or check marks being put on the scab board?

3 A I saw such a thing.

4 Q And do you know why they
5 were put on there?

6 A There were various types of
7 marks scattered all over the board at one time, and
8 I believe the next day when I came in, they were
9 all blocked over. I don't go in the union hall
10 that -- you know, I'm in and out. I don't stay in
11 there.

12
13 MR. NEALE: I have no other
14 questions. Mr. Beale may have some
15 additional questions.

16 MR. BEALE: No further questions.

17
18 (Witness stood aside)

19
20 HOWARD P. JOYCE, after being
21 first duly sworn, testified in behalf of the
22 Defendants, as follows:

23 DIRECT EXAMINATION

24 BY MR. NEALE:

25 Q Mr. Joyce, would you state

1 your name and address, please?

2 A Howard Paul Joyce; 13
3 Briarpatch Place, Newport News.

4 Q And you are a named party in
5 bill of particulars, who has been sitting in here,
6 I believe?

7 A I beg your pardon?

8 Q You have been in this
9 hearing, you have been sitting here these two days
10 and listened, have you not?

11 A Yes, except for about an
12 hour.

13 Q Directing your attention to
14 a Mr. MacDonald, who said you threatened him, did
15 you ever threaten him in any way?

16 A What MacDonald?

17 Q Or did you ever threaten a
18 man by the name of MacDonald?

19 A No.

20 Q Did you ever call or threaten
21 a woman by the name of Capstaff?

22 A No, sir.

23 Q What about a person by the
24 name of Hoadley?
25

1 A No, sir.

2 Q What about a person by the
3 name of Meyer?

4 A No, sir.

5 Q Did you threaten anybody
6 else?

7 A No, sir.

8 Q What happened to you with
9 reference to a Mr. Weikle?

10 A On July 7, I went on picket
11 duty at the entrance to the rear of Building 600
12 on Madison Avenue with another man. Several cars
13 passed through, went past us and --

14 Q Did you impede their progress
15 in any way, stand in front of them, anything like
16 that?

17 A No, sir.

18 Q Go ahead. Continue your
19 narration.

20 A We were standing close to the
21 end of the fence on the exit side. When Mr. Weikle's
22 car approached the intersection entering the
23 Shipyard, he was well to the left, where he should be.
24 When he approached the gate, as he approached he
25

1 accelerated and turned his wheel in our direction.
2 I was standing within a foot and a half of the
3 end of the gate on the exit side and the other
4 gentleman was on my right and to the front of me.
5 He warned me that, "He's going to hit us." I
6 didn't have a chance to move. I had the sign in
7 front of me, about like that, picket sign. He
8 hit my left hand and knocked the picket sign out
9 of my left hand and I held it still with my right
10 hand and he proceeded on in without stopping at
11 all.

12 Q What was the name of the
13 man who was with you? Was it Russell?

14 A Mr. Russell. Right.

15
16 MR. NEALE: Answer this
17 gentleman's questions, please.

18
19 CROSS EXAMINATION

20 BY MR. BEALE:

21 Q Mr. Joyce, prior to the time
22 that Mr. Weikle came in, do you recall a gentleman
23 named Hoadley coming in?

24 A Yes, sir. I do.
25

1 Q You heard him testify, did
2 you not?

3 A Yes, sir.

4 Q And you heard Mrs. Capstaff
5 testify?

6 A I didn't listen to her
7 testimony, sir.

8 Q And you heard Mr. MacDonald,
9 I believe it was, who was with Mr. -- I mean Alexander,
10 who was with Mr. Weikle?

11 A Yes, sir. I believe I did.

12 Q And did you hear those persons
13 describe your actions as you having waited and
14 intentionally, as you saw the cars come across, to
15 move out into the center of the gate to impede
16 them?

17 A I heard someone make that
18 statement, yes.

19 Q All right. Now, what kind
20 of sign was it that you had? What did you have
21 handwritten on that sign?

22 A Let me see. "Scabs" on the
23 back of it.

24 Q What else?

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25

A "We'll remember Scabs."

That's what it was.

Q "We'll remember scabs"?

A Right.

Q And rather than using a normal printed picket sign, you were holding that in your hand, exposing it to the traffic coming in?

A I don't know which side was to the traffic.

Q You were doing, though, what I just asked you whether you were doing, were you not, during the course of that morning?

A I think it's possible that I did. The sign would get twisted at times from the wind or something like that.

Q It was being held in your hands?

A Yes, sir.

Q Was it covered with plastic to protect it from the weather?

A That's right, sir.

Q Did you hear Mr. Hoadley say you crouched down in front of his automobile and

1 displayed it?

2 A Yes, I did.

3 Q You don't deny that, do you?

4 A Yes, I do, sir.

5 Q You did not crouch down?

6 A No, sir.

7 Q Well, how did you display it to
8 Mr. Hoadley?

9 A I don't know.

10 Q You don't know?

11 A I don't remember which
12 side was to him.

13 Q You remember Mrs. Capstaff
14 coming through?

15 A Yes. She came through with
16 her husband.

17 Q That, also, was prior to Mr.
18 Weikle coming through?

19 A That morning, yes, it was.

20 Q And you did the same thing with
21 the sign when Mrs. Capstaff came through; is that
22 correct?

23 A I don't remember, sir. I
24 had a picket sign, but I don't remember whether it
25

1 was to her side.

2 Q You do remember sticking it out
3 as Mr. Weikle came through, do you not?

4 A No. I had it to my left,
5 right like that.

6 Q And you were facing the truck
7 coming in?

8 A It wasn't a truck, sir.

9 Q It was not a truck?

10 A No, sir.

11 Q What was it?

12 A White vehicle.

13 Q What kind?

14 A Chevrolet, I believe.

15 Q Car, automobile?

16 A Yes, sir.

17 Q Mr. Joyce, why didn't
18 you put a picket sign on if you had picket duty, and
19 wear it like other pickets do and picket the gate in
20 a normal manner instead of making your own sign and
21 holding it up to a vehicle?

22 A My daughter put that on the
23 back.

24 Q No, sir. I wasn't asking you
25

1 about who prepared it. I was asking you why
2 you didn't use the normal picket sign instead of a
3 hand held sign out to the car.

4 A I had that sign in the
5 automobile. That was the one I had in the trunk
6 of the automobile.

7 Q Didn't I understand you to
8 indicate to the Court it was a regular picket sign
9 with printing on the back of it?

10 A Repeat your question, sir.

11 Q Was it a regular picket
12 sign that printing had been placed on the rear of?

13 A Yes, I believe it is.

14 Q My question is, really, why
15 didn't you use the printed sign side of the picket
16 sign in the normal manner?

17 A I was using it.

18 Q Why were you using the other
19 side?

20 A At that time, I didn't know
21 that the sign was turned out.

22 Q In other words, the printing?

23 A If it was.

24 Q The printing on the back was
25

1 placed there by your daughter?

2 A Right.

3 Q And the notation with reference
4 to "scab," whenever it was displayed to vehicles
5 by you was accidental because the sign had turned
6 around?

7 A It wasn't accidental. It just
8 happened the sign turned in my hands during the time
9 I was standing there.

10 Q You mean it turned without
11 you turning it?

12 A I had it hanging from my
13 neck and the wind would blow these picket signs at
14 times.

15
16 MR. BEALE: All right, sir.

17 No further questions.

18 MR. NEALE: I have no other
19 questions.

20
21 (Witness stood aside)
22
23
24
25

JAMES N. RUSSELL, after being

BY MR. NEALE:

A James N. Russell; 913

Q Did you have occasion to
with a Mr. Joyce during the time of an
dent with Mr. Weikle?

Q Describe what happened,

A Well, it was on the morning

1 hit the man's sign.

2
3 MR. NEALE: All right. Thank
4 you. Answer this gentleman's questions
5 or the Court's questions.
6

7 CROSS EXAMINATION

8 BY MR. BEALE:

9 Q Was he holding the sign in
10 his hand like this?

11 A Yes, sir.

12 Q It wasn't hanging around his
13 neck?

14 A No, sir.

15 Q Did it have anything on it
16 for it to be hung around his neck?

17 A Did he have anything on
18 it?

19 Q Did the sign have any para-
20 phernalia that could be hung around his neck?

21 A He was holding the sign in
22 his hands.

23 Q Hand held sign?

24 A If he had a string around
25 his neck, I do not know.

1 Q Oh. He was holding it
2 out in his hands?

3 A He was holding the sign in
4 his hands, yes.

5 Q And the sign was hand printed?

6 A I don't remember whether it
7 was hand printed or not. I don't know whether we
8 have any signs hand printed. I know what they
9 have. We have "Strikers, USWA Local 714" or
10 something, 847, something like that.

11 Q Do you have any plastic
12 over yours to keep the weather out?

13 A No, sir. I do not.

14 Q Did Mr. Joyce have plastic
15 on his?

16 A I do not know. I didn't
17 pay any attention what he had other than he had
18 a sign in his hand with the strikers' number.

19 Q You don't know why he
20 didn't have it hanging around his neck like the
21 other pickets, do you?

22 A No. I see other pickets do
23 it. I don't know.

24 Q Was the sign hand printed with
25

1 reference to "scabs" that he was displaying to
2 vehicles coming in?

3 A The part of the sign I saw,
4 as well as I remember, had the Local on it.

5 Q Did you see Mr. Hoadley come
6 in that same morning?

7 A Yes, sir. I did see Mr.
8 Hoadley.

9 Q Did you see Mr. Joyce leave
10 the area where you were and walk out into the
11 center just as Mr. Hoadley started to come across?

12 A No, sir. Mr. Joyce was on
13 the -- well, I had taken a break and Mr. Joyce had
14 kept walking. He was on the opposite side. He
15 was on the exit side, talking to Mr. Hoadley,
16 and I was on this side of the car when he was
17 talking to Mr. Hoadley.

18 Q So he was on the driver's
19 side of Mr. Hoadley's vehicle?

20 A He was on the driver's side.

21 Q You were over by the pole to
22 the gate?

23 A No. I was on the passenger's
24 side of the car.
25

1 Q And prior to the time that
2 Mr. Hoadley crossed the street, Mr. Joyce was over
3 there beside you, talking to you; is that correct?

4 A No. Mr. Joyce was walking
5 back and forward. Whether he said something to me at
6 that time, I don't remember.

7 Q But just before Mr. Hoadley
8 came across, he was over there with you and then
9 started across when Mr. Hoadley started; is that
10 correct?

11 A I don't know, sir, because
12 I believe -- what I said, I don't know, I mean
13 I don't pay attention to everyone that comes in,
14 but I saw Mr. Hoadley stop to talk to him.

15 Q Were you on the passenger
16 side at the time Weikle came through?

17 A Was I on the passenger side?
18 No, sir. I was on the same side he was. I was
19 standing within six inches of him.

20 Q Within six inches of whom?

21 A Of Mr. Joyce.

22 Q And you can't tell this
23 Court whether or not he had a handwritten sign that
24 said "scab"?
25

1 A I didn't pay any attention
2 to his sign, sir, other than what I told you was
3 printed on all of the signs.

4 Q And you were six inches from
5 him?

6 A Six inches from him, yes, sir,
7 and I was approximately a foot inside the concrete
8 edge of the driveway on the exit side of the gate.

9 Q Did you see Mr. Joyce, as
10 the vehicles of Mrs. Capstaff, Mr. Hoadley, Mr.
11 Weikle started across, hold his sign out to these
12 vehicles to be read?

13 A Mr. Joyce did not ever hold
14 his sign out. He held his sign in front of him, to
15 my knowledge, the whole time I was walking. He
16 held his sign in front of him, not what you mean,
17 reaching out. I didn't see him do that, no, sir.

18 Q As you were walking that
19 morning, was he walking toward you and you were
20 crossing to the other side of the gate?

21 A No, sir. As a rule, we
22 were walking together. But you asked me just now
23 where I was at when Mr. Hoadley was in there. He
24 was on the opposite side of me at that time because
25

1 I had taken a break.

2 Q And could you see Mr. Joyce
3 at that time even though he was on the other
4 side of the car?

5 A Yes, sir. I could see Mr.
6 Joyce.

7 Q And you didn't see his sign?

8 A No, sir. I did not.
9 Sign was down below the car. I couldn't see
10 over top of the car.

11
12 MR. BEALE: All right, Mr.
13 Russell. Thank you.

14 MR. NEALE: Thank you, Mr.
15 Russell.

16 THE COURT: Thank you, sir.

17 MR. BEALE: Just this one last
18 point, if I might, Your Honor.

19 THE COURT: You want to ask
20 Mr. Russell? Have a seat.

21
22 BY MR. BEALE:

23 Q If I understood you correctly,
24 you indicated it was your impression that the Weikle
25

1 vehicle hit the sign that was being held?

2 A Yes, sir. He run into the
3 sign.

4
5 MR. BEALE: All right.

6 Thank you.

7
8 (Witness stood aside)

9
10
11
12 SANDRA WORNOM, after being
13 first duly sworn, testified in behalf of the
14 Defendants, as follows:

15 DIRECT EXAMINATION

16 BY MR. NEALE:

17 Q Ma'am, will you state your
18 name and address?

19 A Sandra Wornom; 5120 Goldsboro
20 Drive, Apartment 6, Hampton, Virginia.

21 Q Ms. Wornom, have you made any
22 threatening telephone calls to anyone involved in
23 any way with the strike since the strike began?

24 A No, sir.
25

1 Q Did you hear Mrs. Lillian
2 Holmes testify?

3 A Yes, sir.

4 Q Did you ask her to destroy
5 any papers or hide any papers or anything such as
6 that?

7 A No, sir.

8 Q How long have you been aware
9 that Lillian Holmes is the wife of the Personnel
10 Manager or Assistant Personnel Manager, Woody Holmes?

11 A Ever since I worked in the
12 vault, ever since I've been, well, yeah, in the
13 vault.

14 Q How long has that been,
15 ma'am?

16 A Oh, let's see. Approximately
17 five and a half years in the vault.

18 Q Have you made any harassing
19 phone calls and hung up?
20

21 A No, sir.

22
23 MR. NEALE: Answer this
24 gentleman's questions, please.
25

CROSS EXAMINATION

BY MR. BEALE:

Q You have some problem between
Lillian Holmes and you?

A Not to my knowledge.

Q So that you don't know of
any reason that she would come in here and say
anything false?

A No.

MR. BEALE: All right.

Thank you.

MR. NEALE: Thank you,

ma'am.

(Witness stood aside)

THOMAS GORMAN, after being
first duly sworn, testified in behalf of the
Defendants, as follows:

DIRECT EXAMINATION

BY MR. NEALE:

Q State your name and address.

1 A Thomas Gorman; 13 Sir
2 Francis Wyatt Place, Newport News.

3 Q Are you a member of the
4 union, sir?

5 A Yes, sir.

6 Q Sir, do you have any official
7 role in this strike?

8 A I'm a gate captain at
9 Building 600.

10 Q What, if anything, have you
11 done yourself or been told by others to do with
12 reference to enforcement of this Court's order?

13 A Well, continually tell people
14 not to bother anybody going in and I tell them it's
15 very foolish to mess up property. If one of the
16 scabs wants his house painted, all he's got to do
17 is throw a quart of paint on it. I understand the
18 Shipyard will have his house painted. It's not
19 helping us to do anything like that. I stress that
20 all the time.

21 Q Have you attended any
22 meetings in which the injunction has been stressed?

23 A Yes.

24 Q What's been said there?
25

1 A To keep telling the people
2 to keep down any violations of the injunction,
3 it would only work against us.

4 Q All right, sir. You have
5 been sitting here and heard testimony with reference
6 to your making telephone calls. One lady, I believe
7 said that someone called and said, "Hello," and she
8 thought it was you. Have you made any threatening
9 telephone calls to anyone?

10 A No. I've received a few
11 calls. I haven't made any.

12 Q All right. We'll get to the
13 ones you received in just a minute. Have you
14 made any harassing telephone calls in which you
15 would call and hang up?

16 A No.

17 Q What do you mean when
18 you said you have received telephone calls?

19 A Well, there were two nights.
20 One was a Monday night, I think July 4, our phone
21 would ring, pick it up, no one was there. We
22 went to bed about 11:30 to 12:00 o'clock and the
23 phone kept ringing like this until about 2:30,
24 3:00 o'clock in the morning. We couldn't take it
25

1 off the hook because our son was out. He was off
2 at work or something. We couldn't take the phone
3 off the hook. My wife or I would get up, answer
4 the thing and no one would be on it. That was
5 Monday, July 4. Then the following night, we got
6 a few more like that. They didn't run too late,
7 though.

8 Q What happened to your car
9 window, Mr. Gorman?

10 A About five or six weeks
11 ago, my son, his car was broken down. He took it
12 to work. He works at a restaurant, works at night.

13 Q What kind of sticker, if any,
14 is on your car?

15 A Well, I have a United
16 Steelworkers bumper sticker.

17 Q Go ahead, say what
18 happened to your car.

19 A He took the car to work.
20 Some nights he has to work until 2:30, 3:00, 4:00
21 o'clock in the restaurant and when he came outside,
22 the right side window was broken out of it.

23 Q Have you ever had your car
24 windows broken prior to this incident?
25

1 A I've never had a broken car
2 window.

3 Q Mr. Gorman, you probably
4 heard a security guard testify that, miraculously,
5 roofing nails appeared after several hundred, I
6 believe he said, people walked out of the gate,
7 and you and another gentleman, Mr. Haynie, had
8 been picketing. Did you or did you see anyone
9 else throw any nails down?

10 A No, sir.

11 Q That day, was Mr. Haynie
12 with you during that --

13 A He was there part of the
14 time, yes, sir.

15 Q Could you observe him and
16 say whether or not he threw any nails down?

17 A No, he did not throw any nails
18 down. He came over there just to look, see if
19 somebody had reported or gone in to work and we
20 walked down to the other gate and there were two
21 people down there. He asked them to look out for
22 this person. I don't know who it was. We came
23 back to the gate and stayed until about 4:35.

24 MR. NEALE: Answer Mr. Beale's
25

1 questions and the Court's questions,
2 please.

3
4 CROSS EXAMINATION

5 BY MR. BEALE:

6 Q Mr. Gorman, you saw the roofing
7 tacks there, 420 of them?

8 A No, sir.

9 Q You did not ever see them
10 there?

11 A No, sir.

12 Q You didn't see the guard
13 come over and clean them up?

14 A No, sir.

15 Q So that for the whole period
16 of time that you were there, you saw no roofing
17 tacks at all?

18 A I did not see roofing
19 tacks.

20 Q Did you see anyone else that
21 was a pedestrian in the area besides you and the
22 other gentleman that was with you -- I've forgotten
23 what his name was -- and the guards?

24 A I don't recall anybody. I
25

1 don't pay attention to everybody that walks up the
2 street. I don't recall anyone.

3
4 REDIRECT EXAMINATION

5 BY MR. NEALE:

6 Q Was that a car gate as
7 well as a pedestrian gate?

8 A It's a vehicle gate if it's
9 the one I'm thinking about. I'm not sure. Haynie
10 and I picketed one day together. That's all I can
11 say. I don't know even what day it was.

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

15
16 (Witness stood aside)

17
18 MR. NEALE: Your Honor,
19 we're nearing the conclusion
20 of our witness list. I wonder if I
21 might ask the Court for a short recess?
22 If I might have that, maybe we can
23 shorten things even more.

24
25 THE COURT: All right, sir.

(Brief recess)

DENNIS O'BRIAN, after being
first duly sworn, testified in behalf of the
Defendants, as follows:

DIRECT EXAMINATION

BY MR. NEALE:

Q Sir, state your name and
address.

A My name is Dennis O'Brian.
I live in Gloucester, Virginia.

Q Do you know Ernie Surles?

A Yes, I do.

Q Do you know Mr. Nunemaker?

A Not personally, but I know
who he is.

Q Do you recall at any time
hearing Mr. Nunemaker making comments to Mr. Surles
with reference to his camera; if so, describe to
the Court what you heard.

A The day that you're talking
about, we were out picketing in front of Building 86

1 when Mr. Nunemaker and a scab come up to go in
2 the building. Ernie took his camera out to take
3 the picture to see who the scab was, later identify
4 her, and he brought the camera up, he walked
5 over in a very, very belligerent manner, told Ernie that
6 one of these days he was going to take that camera
7 away from him, make him eat it.

8 Q By "he," who do you mean?

9 A Mr. Nunemaker.

10
11 MR. NEALE: Thank you.

12 Answer this gentleman's questions or
13 the Court.

14 MR. BEALE: No questions.

15 THE COURT: Thank you, sir.

16
17 (Witness stood aside)

18
19
20 LLOYD LEE JOHNSON, after being
21 first duly sworn, testified in behalf of the
22 Defendants, as follows:

23 DIRECT EXAMINATION

24 BY MR. NEALE:

25 Q Sir, for the record, state

1 your name and address.

2 A Lloyd Lee Johnson; 1 Acorn
3 Avenue, Hampton.

4 Q And you are the President of
5 the union; is that correct?

6 A Yes, I am.

7 Q I show you two cards and
8 a copy of one of these and ask you if you can
9 identify it?

10 A Yes, I can. The orange card
11 is the Designers' Association card signed by Mr.
12 Robert B. MacDonald. The blue card is the blue
13 Steelworkers' membership card signed by Mr. R. B.
14 MacDonald.

15 Q Are there any other current
16 membership cards on that individual? First of all,
17 are you familiar with the records and the files of
18 the union?

19 A Yes, I am.

20 Q And do you maintain them?

21 A Yes, I do.

22 Q Are there any other current
23 cards of Mr. MacDonald? Was it R. B. MacDonald?

24 A R. B. MacDonald, yes.
25

1 Q In the files other than those?

2 A No. These are the only
3 current cards we have at all.

4 Q And I ask you to examine
5 those and see if his phone number is on any of
6 those cards.

7 A No, his phone number does
8 not appear on the cards.

9
10 MR. NEALE: If the Court
11 please, I would like --

12
13 BY MR. NEALE:

14 Q Well, I ask you to look at
15 that photostatic copy and ask you if that is the
16 same thing or a copy of this?

17 A Yes, it is.

18
19 MR. NEALE: Your Honor, I'll
20 tender these original cards into
21 evidence. Because they are official
22 records, I would rather, if I may, have
23 the photostatic copy put into evidence.
24 We brought the original cards so there
25

1 would be no question.

2 MR. BEALE: It's all right
3 with me.

4 THE COURT: All right, sir.
5 Receive those and mark them.
6

7 (The photostatic copy of
8 Designers' Association card and
9 Steelworkers' membership card of Mr.
10 R. B. MacDonald were received in
11 evidence as Defendants' Exhibit
12 No. 4.)
13

14 BY MR. NEALE:

15 Q Mr. Johnson, I ask you if you
16 recognize this and tell the Court how you came to
17 recognize it, if you do.
18

19 A Yes. I recognize it very
20 well. March 31, the night that the vote was taken
21 to go on strike, when I returned to the union hall
22 and unlocked the door, that was laying in the middle
23 of the hall where it had been heaved through the
24 window. It shattered the window and the wooden
25 shutter on the inside of the window.

1 MR. NEALE: All right. I'd
2 introduce it. Do you want to see it?

3 MR. BEALE: I don't think
4 you need to introduce it. Show it to
5 him.

6 MR. NEALE: I think it might
7 cumber up the file. If the Court will
8 take note of it, I won't introduce it.

9 THE COURT: I'm not going to
10 allow it to come into evidence. I
11 could look at it.

12 MR. NEALE: Yes, sir. I think
13 it would be a little hard to file.

14
15 (The above conversation
16 related to a chunk of broken concrete.)
17

18 MR. NEALE: I take it the
19 cards were entered into evidence, as
20 union's exhibit what? Five?

21 THE COURT: Yes, sir. Marked
22 them 4.

23 BY MR. NEALE:

24 Q Mr. Johnson, other than the
25

1 affidavits and bill of particulars filed in
2 reference to this matter, that is, in this court
3 proceeding, have you received any reports from
4 any -- and other than that of Mr. Kraemer, have
5 you received complaints from any union members or
6 union eligibles or company officials with regard
7 to any harassment, violation of this Court's
8 order?

9 A Well, as I stated earlier,
10 I did talk to Tom Savas about it.

11 Q Other than that? You need
12 not repeat that.

13 A I received a call at home one
14 night. The man did not give me his name. He said
15 that he was in Department E-33, proceeded to tell me
16 that if anything happened to him, he would see to
17 it that something happened to me. I said that, well,
18 certainly I was doing everything I could to prevent
19 anything from happening to anyone, that the last
20 thing in the world I wanted was for anyone to be
21 hurt on this.

22 Q All right. Has the union
23 hall, do you know, ever received any threatening
24 phone calls; if so, describe same.
25

1 A Yes. I received a call
2 late one night, stated from a Mr. Hicks, I believe,
3 who was on the picket committee at that time, that
4 was in charge, saying that they had just received
5 a threatening phone call saying that any pickets
6 who were on the 37th Street gate the next day were
7 in danger of injury and threatening both Fred
8 Williams and myself as individuals.

9 Q All right. And directing
10 your attention to shortly after the strike began,
11 what, if anything, did the Shipyard do in reference
12 to allowing those to work who were in the bargaining
13 unit, who perhaps did want to work, didn't want to
14 go on strike?

15 A We voted to strike March
16 31, which was on Friday. The 1st of April, about ten
17 people did report to go in to work, Shipyard allowed
18 them to work that one day, but then they locked
19 everyone out for a period of over two months
20 until the 6th of June.

21 Q And then on the 6th of June,
22 what did the Shipyard do?

23 A I received calls the previous
24 weekend from many of the members of my union, saying
25

1 that they were receiving telephone calls from the
2 Shipyard and being asked to report to the personnel
3 office.

4 Q What time was that?

5 A 7:00 o'clock, the 6th of
6 June.

7 Q How many different gates did
8 they tell them to report to?

9 A One.

10 Q How long have you worked
11 at the yard?

12 A I've been in the yard
13 fourteen years in September.

14 Q And from your experience,
15 how many gates do designers normally report to
16 if they've been working? Just one gate or --

17 A Oh, at least a dozen or more.

18 Q Mr. Johnson, with reference
19 to the scab board, which has been referred to
20 numerous times throughout this hearing, how did
21 this originate? How did you come to create it in
22 the first instance?

23 A Well, on June 6, when we began
24 to receive reports of people going in, there was
25

1 discussion in the union hall generally as to how
2 we should keep track of this. I have never been
3 involved in a strike before, so I thought that the
4 best idea was to try to get some idea as to just
5 how it was handled by other unions in the same
6 position. I called a couple of the local unions.
7 They informed me there always was a scab list
8 which was posted. We have rather close ties with
9 the Marine Draftsmen that represent the designers
10 at Electric Boat. I called Roy Coville, their
11 president, and he informed me they always kept a
12 scab list and that they periodically published it
13 in the newspaper so that the community would be
14 aware of just who the scabs were. On this advice
15 and after talking to several other union officials
16 in different internationals, I thought the best
17 idea was to go ahead, make up a scab list, which
18 we would keep posted on the wall for the benefit
19 of the membership.

20 BY THE COURT:

21 Q Let me ask you a question.

22 I have been hearing this term "scab" used now for two
23 days. What about a person who doesn't, who is a
24 designer but doesn't belong to your union and goes
25

1 back to work. Is he a scab?

2 A Yes, Your Honor, I think we
3 would define him as a scab, too. He derives all
4 the benefits that we negotiate for them, even
5 though he's not paying dues for them.

6 Q Well, why would you want a
7 non-member's name on your scab list? What could
8 you do about that? He's a non-member. What could
9 the union do about that if he did go to work? You
10 couldn't discipline him, could you?

11 A No.

12 Q Well, why would you put
13 his name up on the bulletin board?

14 A Well, it all goes back to
15 the idea of the importance of the list is not really
16 the numbers on it, it's the position that the
17 individuals hold.

18 Q Could you not have kept that
19 right on your desk so the names, etc., would not
20 have been up for everybody to see on a scab list,
21 a man who doesn't even belong to your union?

22 A Well, after June 6, we were
23 getting repeated calls from our members, asking what
24 individuals in their departments were going in to
25

1 work.

2 Q Couldn't you have given
3 whomever was answering the telephone a list?
4 What I don't understand is why you put a non-union
5 man's name up on your board.

6 A Because he's part of the
7 bargaining unit and he was going across the picket
8 line, we were equally concerned about the job
9 he would be performing.

10 Q What I mean is, he didn't
11 vote to strike. He had nothing to do with the
12 strike, did he? He was locked out by the
13 Shipyard?

14 A This is correct.

15 Q And so he had nothing to do
16 with the strike. You all struck yourselves. Is
17 that not right? You voted the strike?

18 A The membership, yes.

19 Q And the non-union members
20 didn't vote on that one way or the other?

21 A No.

22 Q I don't understand yet why
23 you put his name up on the bulletin board. He's
24 got nothing to do with this strike.
25

1 A Well, he has the choice of
2 whether he wants to be a member of the union or
3 not, of course, and he also has a choice of whether
4 or not he wants to go in to work. Whether he goes
5 in to work is of critical concern to us because
6 if the work is done in the Shipyard, then it puts
7 us in the position that we're in a much weaker
8 position to bargain.

9 Q Suppose the Shipyard had not
10 locked the non-union members out; would they still
11 have been scabs, put up on your bulletin board?

12 A A scab is defined, as I
13 understand it, as anyone who crosses the picket line,
14 who is a member of the bargaining unit and goes to
15 work.

16 Q How can he be a member of
17 the bargaining unit if he doesn't belong to the
18 union? I don't understand it.

19 A Your Honor, I never thought
20 it made a whole lot of sense. I feel like we have
21 to bargain for these people even though they're not
22 dues paying members of the union. They receive any
23 benefits that we negotiate for ourselves and as such
24 they are defined as a member of the bargaining unit.
25

1 I've never thought it made a whole lot of sense
2 myself, but that is the position that we're in
3 on it.

4
5 MR. STROPP: If it please
6 the Court, Your Honor, just to clear it
7 up, the bargaining unit would be --

8 THE COURT: No, sir. I
9 didn't ask you.

10 MR. STROPP: Yes, sir. I
11 apologize. I thought you were just
12 curious.

13 THE COURT: No, sir. I
14 wanted the answer of the witness.
15 Go ahead.

16
17 BY MR. NEALE:

18 Q Mr. Johnson, is there
19 anything else you would like to tell the Court
20 with reference to this Court's order or any other
21 matter?

22
23 MR. BEALE: I don't think
24 that's a proper question, if the Court
25

1 please.

2 THE COURT: I think that's
3 pretty broad, Mr. Neale.

4 MR. NEALE: Well, I'll
5 narrow it down.

6
7 BY MR. NEALE:

8 Q Mr. Johnson, what has it
9 been you all's policy to do since this whole
10 thing began before you took any union action or
11 any union step or made any different union policy,
12 etc.?

13 A Well, to get legal advice
14 on it, to contact you, Bob Stropp, one. I have, as
15 you know very well, I have repeatedly made phone
16 calls to you to ask questions whether any particular
17 action that we were considering might be deemed a
18 violation of the injunction.

19 Q And how frequently do you
20 ask yourselves or other people around you questions
21 of whether or not this will or that will violate the
22 injunction?

23 A I would say it's quite
24 literally on a daily basis.

25 MR. NEALE: I have no other

EXCERPTS OF TRANSCRIPT OF TESTIMONY HEARD JULY 21, 1977

1 questions. I'm sure Mr. Beale has
2 questions for you.
3

4 CROSS EXAMINATION

5 BY MR. BEALE:

6 Q Mr. Johnson, you heard Mr.
7 Surles, I believe, refer to all of the photographs
8 that were being taken and that they were placed
9 on the scab board. Where are the photographs
10 that were up there with the board?

11 A The photographs are not
12 placed on the scab board. The photographs are
13 placed in a filing cabinet drawer in the office.

14 Q Mr. Surles was wrong about
15 that?

16 A Yes, sir.
17

18 MR. NEALE: If the Court
19 please, Mr. Surles did not so
20 testify. I'm sorry to be interrupting.

21 MR. BEALE: I don't think he
22 ought to be assisting this witness.

23 THE COURT: Just have a seat.
24 Go ahead.
25

1 MR. NEALE: May I state my
2 objection?

3 THE COURT: Yes, sir.

4 MR. NEALE: It's simply the
5 question assumes a fact which was not
6 testified to and I don't think it's
7 fair to the witness.

8 THE COURT: I don't like to
9 be in a position of ruling on the
10 evidence at this time, Mr. Neale, but
11 I think that you're in error on that.
12 I think he did say that. I'm going to
13 allow him to answer the question.
14

15 BY MR. BEALE:

16 Q Now, Mr. Johnson, as I
17 understood you yesterday, your reasoning for the
18 scab board was, one, that you needed to keep tabs
19 on the numbers and particular departments. Do I
20 understand that you have changed your reasoning
21 today and the reason is that other unions do it?

22 A No, I haven't changed my
23 reasoning today at all. I was asked --

24 Q Have you added to it?
25

1 A I was asked how the idea of
2 the scab board originated. That was my response to
3 that question.

4 Q So that your idea of your use
5 of the scab board, then, originated because other
6 unions do it, and as a subsidiary matter you are
7 able to determine the figures?

8 A No. Again, that is not
9 accurate.

10 Q Which is it or is it both?

11
12 THE COURT: That isn't what
13 he said, Mr. Beale. You asked your
14 question again about it, but he didn't
15 answer it that way.

16
17 A What I said yesterday and
18 what I say again today is that we had to be able to
19 keep track of the people going into the yard by
20 departments. I was concerned about which individuals
21 were going in because of the different functions the
22 different individuals perform. My answer today was
23 in relation to the fact we were considering making
24 up a list of some kind and posting it and I wanted to
25

1 see what kind of practice, if this was in line with
2 what other unions did.

3 BY MR. BEALE:

4 Q In other words, you're offering
5 that as a justification for what you did; is that
6 correct?

7 A No, I'm not offering it as
8 a justification. I'm simply making a statement that
9 this is what other unions do as well as ours.

10 Q When these incidents began to
11 occur, Mr. Johnson, did the thought occur to you
12 that the exposure of those names was of assistance
13 in these type incidents and that board ought to be
14 removed?

15 A Not really, because I think
16 by that point, it was common knowledge who the
17 individuals going in were.

18 Q So you just left it there?

19 A The board has been updated
20 as additional people went in or some of them
21 changed their mind and came out.

22 Q The board was still there the
23 day before this hearing began; is that correct?

24 A That's correct.
25

1 Q And as a matter of fact, on
2 yesterday, did you not make a request to be
3 allowed to take it back and hang it back up again?

4 A Yes, I did.

5 Q And what was the reason for
6 that, Mr. Johnson?

7 A Well, quite simply, Mr. Beale,
8 because I really don't see anything wrong with the
9 scab board. It's a list of the people who are
10 going in across the picket line. It's a list that
11 I feel we've got to maintain and I feel we'll just
12 have to make another list.

13 Q But what, Mr. Johnson, in
14 your mind, as President of this union, is the
15 justification and the reasoning for exposing it to
16 the union membership rather than you having those
17 figures?

18 A Well, I think the people
19 in the union need to know who's going in. They need
20 to know who most of these people are, who are or
21 not union members. Most of them know the particular
22 individuals in their particular department and I
23 don't want them to think their fellow union members
24 are doing this. If they don't have the names, they
25

1 can draw any conclusions they choose. I much prefer
2 they knew who the individuals involved were.

3 Q Despite the chance that
4 violence will occur as a result thereof?

5 A I don't feel this is
6 contributing to any violence that's occurring, Mr.
7 Beale.

8
9 MR. BEALE: All right, sir.
10 I don't think I have any further
11 questions for him, if the Court please.

12 MR. NEALE: Does the Court
13 have further questions?

14 THE COURT: I have no further
15 questions.

16 MR. NEALE: Thank you.

17
18 (Witness stood aside)

19
20 MR. NEALE: That is the
21 Respondents' case, Your Honor.

22 THE COURT: Respondent rests.

23 MR. BEALE: We have no rebuttal,
24 Your Honor.
25

1 THE COURT: Do you want to
2 argue this case today or argue it
3 tomorrow?
4

5 MR. BEALE: Whatever you
6 want to do is satisfactory with me.
7

8 THE COURT: Well, I was giving
9 you all a choice, whatever you all
10 want to do.
11

12 MR. NEALE: I've got my
13 "druthers," but the Court's "druthers"
14 are more important than mine.
15

16 THE COURT: I asked you for
17 your "druthers."
18

19 MR. NEALE: My "druthers"
20 are to argue it tomorrow. It might
21 help to shorten it a little bit.
22

23 THE COURT: All right. I'll
24 do either way. I'll listen to you
25 today or listen to you tomorrow.

MR. BEALE: I have no real
preference, if the Court please. I'm
prepared to argue it right now or
I'll argue it tomorrow, whatever you
want.

1 THE COURT: Now, I have listened for
2 two days to the evidence in this matter and we have
3 listened to it before, as a matter of fact, for two
4 days, maybe three. I've forgotten how many. I
5 assume that I have missed some of the evidence. I
6 have not, I am sure, absorbed it all and maybe I've
7 missed some names.

8 I couldn't help but think as this
9 evidence unfolded, on the night of the Fourth of
10 July, when we're supposed to be celebrating
11 independence from tyranny, some of the people in
12 our own community were the recipients of threatening
13 phone calls, whichever side they came from,
14 threatening them and their families, threatening
15 their property and, as a matter of fact, received
16 cowardly destruction of their property on that
17 night. I was wondering, as that evidence unfolded,
18 just what sort of independence we in this country
19 are celebrating on the Fourth of July and it's
20 frightening to believe that not only were there
21 those in our community being the recipients of these
22 cowardly calls and threats, but there were others
23 who were giving them on that great day in this
24 country's history.
25

1 Now, I'm not going to undertake to
2 sum up all the evidence. The attorneys have done
3 that very ably on both sides. I want to reiterate,
4 as I did at the first hearing, as I did, I believe,
5 upon the hearing for the original injunction, and
6 as I did when this proceeding started, that this
7 Court has no intention of undertaking, nor do I
8 think I have the authority, although some other
9 Courts assume that authority, nor do I have the
10 authority to undertake to supervise any strike.
11 I declined to limit the number of pickets, as it
12 was indicated to me I should do on the second hearing
13 in this matter. I made it very clear that under the
14 law of Virginia, people have a right to join a
15 union, they have a right to strike, and they have a
16 right to picket. Nothing this Court has done or
17 said or will do or say is in any wise to be under-
18 stood that I don't recognize or the law of Virginia
19 doesn't recognize those rights. But equally
20 important in our system of government, here in the
21 Old Dominion, at any rate, is the right of persons
22 who can obtain employment to work to support themselves
23 and their families and that is an inherent right in
24 Virginia. People may not agree with that, but that,
25

1 so far, is an inherent right. It hasn't yet been
2 chopped down by any tyrannical edicts or decrees.
3 So that remains the law of this Commonwealth whether
4 we agree with it or don't agree with it. That's it.
5 And this Court intends to enforce that to the very
6 best of its ability. Now, in that connection, this
7 injunction was applied for and granted and all this
8 Court did in granting this injunction was to say to
9 those people who are on strike, we recognize your
10 right to strike, recognize your right to picket,
11 we recognize your right to free speech, we do not
12 recognize nor will we tolerate any interference with
13 anyone's right to work.

14 Now, we came on for a hearing on
15 contempt. That the union and some of its pickets
16 were in contempt of this Court's order or at least
17 had failed to abide by this Court's injunction was
18 beyond question and I so stated. I stated in my
19 opinion -- maybe not in these words -- that the
20 officers in the union individually had not done all
21 they could and were, in fact, in violation of the
22 injunction, and that certain members, whom we did
23 not name, were in violation of that injunction, and
24 I found the union and its officers in contempt of
25

1 this Court. I recognized, and so stated, that for
2 the most part the rank and file of this union were
3 amateurs when it came to striking and I recognized
4 that and still really recognize it. Many members
5 of this union are personal friends of mine that
6 I know do not favor violence of any kind nor do
7 they participate in any violence of any kind nor
8 do they condone violence of any kind. I feel
9 the rank and file of this union is made up of such
10 people and I so stated at the last hearing. The
11 rank and file of the union, whether they're in
12 favor of the strike or not in favor of the strike,
13 are in favor of a peaceable solution to your
14 problems and I firmly believe this, and I recognize
15 that compared to other areas, perhaps, this
16 strike has been relatively peaceful. I recognize
17 that. But to say it has been peaceful in its
18 entirety is really stretching things because we know
19 from the evidence we've heard here that it has not
20 been peaceful.
21

22 I'm not going to undertake to comment
23 on each incident or why I have ruled one way
24 regarding some people and another way regarding
25 others. The record speaks for itself. There are

1 some against whom allegations were made in this
2 proceeding where, although their actions may have
3 left something to be desired, perhaps, fell short,
4 in the opinion of this Court, of condemning them as
5 being in contempt of this Court. I need not name
6 those because I'm going to read the list of who, in
7 my opinion, are guilty of contempt of court and
8 anyone who's not included in that list, I think you
9 will understand that I felt that the evidence against
10 that particular person was insufficient.

11 Now, I put this union in a position
12 at the last hearing where they could conduct their
13 strike in a peaceful manner and all would be
14 forgotten about what had happened before, recognizing,
15 as I say, for the most part they were new at this.
16 They didn't take that hint and now things are getting
17 out of hand. Now, anyone can damage anyone's property,
18 hide behind a bush and accost them, make threatening
19 phone calls, even hurt the person or a member of his
20 family. Doesn't take any courage to do that. Courage,
21 I think is exhibited more by standing for your rights
22 in a lawful and legal manner.

23 The following people I find in
24 contempt of this Court: Ed Halligan, James Brennan,
25

1 Ernie Surles, Ed Haynie, Paul Joyce, Roy Price,
2 Jerry Champion, Granville Diehl, Lloyd Lee Johnson,
3 and the union local. Without going into all of the
4 offenses, I have fixed their penalties as follows,
5 graded, as I see it, upon the magnitude of their
6 offense and the quality, if I might use that word,
7 of their contempt. Two of these people on whom I
8 have levied fines, I was tempted to incarcerate,
9 as a matter of fact, wrote it down. One of those
10 was Paul Joyce and the other was Roy Price. I
11 struck them out.

12 Ed Halligan, I fine \$150.00. James
13 Brennan, I fine \$300.00. Ernie Surles, I fine
14 \$250.00. Ed Haynie, I fine \$150.00. Paul Joyce, I
15 fine \$250.00. Roy Price, I fine \$500.00. Lloyd Lee
16 Johnson is President of this union. I find him in
17 contempt of court because he failed to exercise
18 those safeguards which I outlined to him in the last
19 hearing. I don't think anyone could sit and listen
20 to this evidence without believing that the taking
21 of the pictures of the scabs, as you call them,
22 whatever term you use, was not done for the purposes
23 of intimidating these people who were about to
24 cross the picket line. I don't think you could sit
25

1 and listen in a fair-minded way and not draw that
2 conclusion, and that that was condoned by Mr.
3 Johnson is reflected from the evidence in his own
4 words. The scab board, I understand, is something
5 that unions hang up on the wall and if that's standing
6 alone, I would say nothing about a scab board and
7 I'm not really holding anybody in contempt for putting
8 up a scab board. But it's pretty hard for me to
9 believe, I tell you, or anyone else who listens to
10 this evidence in a dispassionate manner, that the
11 scab board which was displayed in that union hall
12 was solely for record keeping purposes. I don't
13 believe that for a minute and I believe it was put
14 up so that people who are not on strike and who
15 have either gone in or thinking about going back to
16 work know that their name is placed on that bulletin
17 board in the union headquarters, not by way of
18 threat, perhaps, but certainly by way of telling
19 these people in a roundabout way so that they will
20 think it's a threat, that the union knows who you
21 are. That coupled with the statement by Roy Price,
22 the sergeant-at-arms of this union, on the television
23 to the effect that the scabs, the trouble was just
24 beginning, I think we all understand about that scab
25

1 board. Mr. Johnson speaks of peace and quietude,
2 but they're hollow words, Mr. Johnson, when all the
3 time you're sowing seeds of unrest by your actions
4 and your inactions and, therefore, I find you in
5 contempt of this Court. Mr. Johnson, I'm not going
6 to set your penalty at this time, because I recognize
7 that you're in a delicate position, that you are, I
8 assume, the chief negotiating officer for this
9 union. I don't want to do anything at this stage
10 of proceedings which is going to impair your
11 ability in that regard and so I'm going to take
12 yours, at least I'm going to withhold it. I was
13 about to say "under advisement," but I'm going to
14 withhold fixing any penalty for you until you have
15 completed your work in the strike, assuming, of
16 course, that you don't find yourself in any further
17 acts of contempt of this Court, because if you do,
18 then, of course, I'll take a different view of that.
19 Now, this is twice I have undertaken to give you an
20 opportunity to do right and I certainly hope you're
21 going to take advantage of that.

22 Now, as to Jerry Champion and Granville
23 Diehl, who beset themselves upon a -- I hate to say
24 elderly man, because he's younger than I -- who beset
25

1 themselves upon a man who was in no condition to
2 defend himself, and assaulted him to such an extent
3 that he was rendered unconscious, the bones of his
4 body fractured, that would be reprehensible in and
5 of itself whether any such injunction as we have
6 discussed in this case had been entered or not.

7 Now, Mr. Neale, you can argue, sir, and I don't
8 blame you, that this was just a fight like a brawl in
9 a tavern. It wasn't any such thing. They had accosted
10 this man on that morning, concerned about his health,
11 they said, and you and I know that's not true. They
12 were concerned about his crossing the picket line
13 and I understand that. And then on that day, these
14 men, in the company of a gate captain, take themselves
15 to a local pub nearby and proceed to get themselves
16 intoxicated or near intoxicated and then they go out
17 on the street. Now, they don't pick a fight with
18 anyone in front of the pub and they don't go over on
19 Washington Avenue to pick a fight or down the block
20 and pick a fight. They go to where these people are
21 coming off work.

22 MR. NEALE: Your Honor, that's where
23 the pub was, right there.

24 THE COURT: Right. That's where it was,
25

1 and this man, who was coming off work, they assaulted
2 him and they break his ribs and then the word goes
3 out, "You see what happened to him? That will teach
4 you to go to work and cross our picket lines."

5 That's what it was all about. And Jerry Champion
6 and Granville Diehl, I sentence each of you to
7 thirty days in jail and I fine you \$500.00 each.

8 As to the union, well, I'm going to take
9 in consideration, as I say, that the rank and file
10 of this union, in my opinion, are peace loving.
11 But the union would be hard pressed, in my opinion,
12 to say, "We didn't know anything about what occurred,"
13 because that isn't true. They did know it and if
14 they didn't know it, they should have known it
15 because they had gate captains and people on motor-
16 bikes going from gate to gate all the time to check
17 and see what was going on. And they're responsible
18 for Mr. Price, who is an officer of this union,
19 going on TV and making a blanket threat to everyone
20 who might cross the picket line, and violating this
21 injunction. The union is responsible for that.
22 And the union is responsible for Champion and Diehl
23 beating this man up. Now, it's argued that the
24 union has nothing to do with whether these people drink
25

1 off duty. I agree with that. They certainly don't
2 have anything to do with that and, as a lover of
3 individual freedom, I'd be the first to say that they
4 don't have any right to tell a member not to drink or
5 they can drink. But if they can bring them to the
6 area under union rules, they can clear them out and
7 they didn't do that and McDonald was a gate captain,
8 right there with them, drinking. That precipitated
9 this whole problem, perhaps, and the union is
10 responsible for that. And the union is responsible
11 for Mr. Joyce's act. They're bound to have known
12 what he was doing down there. And the union is
13 certainly responsible for the taking of the pictures,
14 under the condonation of its President, and many other
15 acts not cited that the union is responsible for.
16 Therefore, I am going to fine the union \$5,000.00.

17 All right, sir? Now I'll hear from
18 you gentlemen.

19 MR. NEALE: Your Honor, I would move
20 to suspend imposition of the thirty days with
21 reference to Mr. Champion and Mr. Diehl. I would
22 move that the Court grant them -- we're not in a
23 criminal proceeding, but what one would call in a
24 criminal proceeding "probation" hearing. If not at
25

1 this time, I would move the Court suspend imposition
2 until at least at such time the Court could set a
3 hearing, when the Court could inquire as to the
4 personal situations of both of them, not on the
5 matters, of course, before the Court, but the same
6 sort of thing the Court would normally afford someone
7 who's convicted in a criminal matter and I would make
8 this request at this time as to those two individuals.

9 THE COURT: Mr. Beale, I'll hear from
10 you.

11 MR. BEALE: We'll leave that, if Your
12 Honor please, to your good judgment.

13 THE COURT: Do you have anything further
14 to say, Mr. Neale?

15 MR. NEALE: Will the Court allow me
16 just a moment?

17 THE COURT: Yes.

18 MR. NEALE: Your Honor, for the record,
19 I would move to set aside the verdict as being
20 contrary to the law and evidence and I respectfully
21 note my exception to the Court's ruling.

22 THE COURT: I figured you wanted to do
23 that. That's why I asked you.

24 MR. NEALE: With reference to the
25

1 imposition of the fines, may I inquire of the Court
2 as to what the -- we would, of course, like to review
3 the record. May I inquire of the Court as to what
4 the Court's procedure would be as to time that the
5 fines would be paid if the matter were not appealed?

6 THE COURT: If the matter is not
7 appealed, I would want the fines paid forthwith.

8 MR. NEALE: What I'm asking for is
9 about a week suspension of imposition of the fines
10 to allow us to confer, at which time we can notify
11 the Court as to our intentions with reference to
12 appeal, and that's the reason for my question.

13 THE COURT: Well, I want to afford you
14 ample time, Mr. Neale, to confer with counsel and
15 with anyone else whom you wish to consult about
16 your future procedure in this matter. I have no
17 objection to suspending the imposition of this, of
18 all of these sentences for, say, a period of two
19 weeks.

20 MR. NEALE: All right, sir. With
21 reference to Champion and Diehl, may we have a
22 hearing before the Court, which would be in the same
23 nature as a probation hearing when the Court, for
24 example, convicts someone for a crime, that after the
25

1 hearing on the merits, he then, in that sort of
2 situation, there's a time later in which one may
3 come --

4 THE COURT: Yes. I've already said
5 I'd let you do that. You want to set a time now?

6 MR. NEALE: Yes, sir. We could.
7 I don't know what the Court's schedule is like.

8 MR. BEALE: I don't have a calendar
9 with me.

10 THE COURT: Well, we've got telephones.
11 We also have priority.

12 All right, sir. Two weeks is up August
13 4. I can hear you on that day.

14 MR. BEALE: May I make a call, Your
15 Honor?

16 THE COURT: Yes, sir.

17 MR. NEALE: Mr. Beale and I could
18 confer and I could call back Ms. Jones and set it up.
19 Maybe that would be --

20 THE COURT: I would prefer to set it
21 right now if we can set it.

22 Mr. Spivey, I meant to say, sir, that
23 I accept your statement concerning your part in
24 that incident.
25

1 MR. NEALE: Your Honor, I have a
2 conflict on August 4. Is August 5 agreeable with
3 the Court?

4 THE COURT: August 5? Ask Mr. Beale
5 to check that date.

6 Mr. Neale, in my summation, I overlooked
7 something, too. As soon as Mr. Beale comes back --
8

9 (Brief recess)
10

11 MR. BEALE: August 5 is all right, Your
12 Honor.

13 THE COURT: August 5, 10:00 o'clock.

14 MR. NEALE: If between now and then, if
15 the Court please, we reach a decision to appeal, we
16 would notify the Court and then, assumedly, could
17 cancel this hearing so it wouldn't take the
18 unnecessary time?

19 THE COURT: Well, I don't think that
20 would ipso facto. Counsel is --
21

22 MR. NEALE: No, sir. That's what I'm
23 asking you.

24 THE COURT: Oh. I thought you said it
25 would. We'll meet, the Good Lord willing, on the 5th

1 day of August.

2 Now, the other thing I meant to say
3 was, except for the two officers that I have named,
4 I find nothing in this evidence of this proceeding
5 which would in any wise indicate, in my opinion,
6 that any other officer who was before the Court
7 last time and held to be in contempt has in
8 any wise further violated this injunction. I want
9 that understood. Now, the next thing I want under-
10 stood and placed in the order is that, so that it
11 remains crystal clear, that the injunction heretofore
12 entered remains in full force and effect. All right.
13 Now, are you going to draw the order, Mr. Beale?

14 MR. BEALE: Yes, Your Honor.

15 THE COURT: I would like to have that
16 as expeditiously as feasible.

17 MR. NEALE: Your Honor, may I ask, so
18 I won't have any misunderstanding later, for appeal
19 purposes, does the Court intend the appeal time to --

20 THE COURT: I've already said I suspend
21 any imposition until, now, August 5th, at which
22 time the judgment of the Court becomes final. Then
23 your time starts running.

24 MR. NEALE: Thank you, sir.
25

1 THE COURT: That's why I did that.

2 MR. BEALE: You want that in the order?

3 THE COURT: I want that in the order.

4 All right, gentlemen.

5
6
7 * * *

O R D E R

This matter came on to be heard on the 19th, 20th and 21st of July, 1977, on the pleadings of the parties previously filed and Orders previously entered by the Court and to be heard on the Order of this Court entered on June 20, 1977, requiring that the Defendants Show Cause why they, and each of them, should not be held in contempt of this Court for violating the Injunction granted on April 4, 1977, and to Show Cause why this Court should not forthwith impose sanctions against said Defendants for failure to purge themselves of the Contempt finding of this Court, nunc pro tunc, May 20, 1977; the Intervenor and the Defendants appearing in person and by counsel; evidence was presented ore tenus and by the de bene esse deposition filed herein; all such evidence having been considered by the Court together with all exhibits admitted into evidence; and the matter was argued by counsel.

It appearing to the Court proper so to do, it is ADJUDGED, ORDERED and DECREED that the following should be and they, and each of them, are Hereby Found to be in Contempt of this Court for the willful and deliberate violation of this Court's Injunction granted on April 4, 1977, and that they, and each of them, shall be penalized as shown by the respective names listed:

<u>Name</u>	<u>Penalty</u>
United Steelworkers of America, Local #8417	Fine of \$5,000.00
L. L. Johnson	Imposition of penalty withheld until the pending strike is concluded, unless otherwise ordered by this Court.
Edward J. Halligan	Fine of \$150.00
James R. Brennan	Fine of \$300.00
Ernest G. Surles	Fine of \$250.00
Edward L. Haney, Jr.	Fine of \$150.00
Howard P. Joyce	Fine of \$250.00
Roy E. Price	Fine of \$500.00
J. D. Champion	Fine of \$500.00 and 30 days in jail.
Granville Diehl, Jr.	Fine of \$500.00 and 30 days in jail.

It is further ADJUDGED, ORDERED and DECREED that the execution of the judgment of the Court shall be and become effective on August 5, 1977, unless otherwise ordered by this Court.

And it is further ADJUDGED, ORDERED and DECREED that the temporary Injunction heretofore entered shall remain in full force and effect for the duration of the pending strike.

Enter this 21st day of July, 1977.


Henry D. Barnett, Circuit Court Judge

We ask for this:

JACOBS, NACHMAN, MURCHISON & BEALE

By: Robert O Beale

Of Counsel for Intervenor

Have seen and objected to in all regards including that Hallgren, Henry, Surles, Henry, Jaga, Price did not have proper notice.

By: CT Meale

Of Counsel for Defendants

EXCERPTS OF TRANSCRIPT OF TESTIMONY HEARD AUGUST 5, 1977

1 (The court reporter was
2 sworn.)

3
4 THE COURT: Mr. Neale, I'll
5 take your matters first.

6 MR. NEALE: Yes, sir. Your
7 Honor, we're here on a motion.

8 THE COURT: All right, sir?

9 MR. NEALE: Sir, we're here
10 on a motion to suspend the respective
11 thirty day sentences for Mr. Diehl and
12 Mr. Champion. We would like to put on
13 a few brief character witnesses in that
14 regard. We would like to put on
15 briefly Mr. Diehl and Mr. Champion in
16 that regard, not to testify as to
17 events which occurred, but as to personal
18 matters.

19 THE COURT: All right, sir.

20 MR. NEALE: Call Mr. C. M.
21 Knapper, please.
22
23
24
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1
2 CHARLES M. KNAPPER, after
3 being first duly sworn, testified in behalf of the
4 Defendants, as follows:

5 DIRECT EXAMINATION

6 BY MR. NEALE:

7 Q State your name and address,
8 please.

9 A Charles M. Knapper; 115
10 Lancaster Terrace, Hampton.

11 Q How long have you known
12 Red Diehl?

13 A Approximately two years.

14 Q In that time period, have
15 you ever -- what, if anything, have you ever seen
16 him do of a violent nature?

17 A Nothing.

18 Q I meant to ask you, what is
19 your occupation?

20 A I'm an Assistant Principal.

21
22 MR. NEALE: Answer Mr. Beale's
23 questions.

24 MR. BEALE: No questions.

25 THE COURT: Thank you.

1 * a job from the time that the strike began until
2 you got this temporary job?

3 A Until the 27th of June.

4
5 MR. NEALE: All right. I have
6 no other questions. Answer this
7 gentleman's questions.

8 MR. BEALE: No questions.

9
10 (Witness stood aside)

11
12 MR. NEALE: Your Honor, this
13 concludes our evidence with reference Mr.
14 Champion and Mr. Diehl. We are requesting
15 that the Court suspend the execution of
16 the thirty day sentence in each of their
17 cases. They have not addressed the
18 specific events, as I informed the
19 Court earlier. I advised them not to
20 and I have not attempted to relitigate
21 any of that before the Court, but I
22 want the Court to understand why they
23 did not address the specific events here
24 on the stand. I submit that what
25

1 occurred, occurred in very strained and
2 difficult circumstances. Neither of
3 these men has a nature or history of
4 doing something such as this before.
5 The events occurred after these men
6 had not worked for some time. I ask
7 the Court to try to understand the type
8 of anxieties that can be in a person's
9 mind and a person's feelings in those
10 circumstances and what types of things
11 can be triggered when the circumstances
12 unfold as they did, and this was the
13 day after the call back to work. I
14 don't ask the Court, of course, to
15 condone in any way what it has found has
16 happened and I think the Court knows
17 I'm not making that argument to the
18 Court. I am asking the Court to give these
19 men the same chance and same break that
20 this Court and other courts have given
21 to people who have been convicted of
22 committing even criminal offenses when
23 they have no record and no tendency toward
24 violence. Incidentally, Your Honor, I
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that effect, I'm usually whistling in the wind because the Court has taken better notes than I. I checked the transcript and I have the transcript of Mr. Kraemer's testimony typed and other surrounding transcript read, and I respectfully submit to the Court there was no testimony either of these people, that morning or the day before, threatened Mr. Kraemer. The closest thing to it, Mr. Kraemer did say that Mr. Champion, I believe it was, the day before, asked him to come and talk to him, but that was it, nothing more, and that there was no testimony of a threat. If the Court please, I did check the record to make sure about that because the Court said in its findings that it recalled they had threatened that morning or the day before, and I respectfully submit, sir, there is no evidence that they did. Therefore, I would submit that if the Court feels that it was premeditated in

1 that sort of manner, that perhaps the
2 Court could reconsider when the Court
3 is considering suspending the thirty
4 days' penalties, if the Court please,
5 and I hope I'm not out of line. If I am,
6 the Court is certainly going to tell me
7 so. I have seen the Court even in a
8 homicide case -- I believe it was
9 voluntary or perhaps second degree --
10 suspend imposition of a sentence when
11 it was a first time, and I know because
12 I recall one of them in which I was
13 involved. I ask the Court to give these
14 men the same break on this, and other
15 Courts do other people when they have no
16 past record and no past history of this
17 sort of thing.

18 THE COURT: Mr. Beale?

19 MR. BEALE: If it please the
20 Court, I want to just make these
21 observations. I know Your Honor is
22 going to do what you think is the right
23 thing to do irrespective of what I have
24 to say. But at the same time, I want to
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to serve some jail time.

MR. NEALE: Your Honor, arguing inuendo the act caused later events, I submit to the Court this should not be held against these two people in terms of punishment, and I would also respectfully remind the Court of the testimony to the effect these people were immediately removed from all picket duty and all of this activity, which meant they lost picket pay and that sort of thing. So I submit that should not, whatever other people may have done later with reference to the act before the Court, I submit that that should not be something that would worsen their punishment. I respectfully ask the Court to suspend execution of sentence.

THE COURT: First of all, Mr. Neale, I recall at the last hearing that one of your objections to the action of the Court relative to Mr. Champion and Mr. Diehl was that they

1 had received improper notice or insufficient
2 notice, I believe was the way you had said
3 it.

4 MR. NEALE: No, sir.

5 THE COURT: Will you check the
6 record on that? I think --

7 MR. NEALE: As to the other
8 people, Your Honor, not Mr. Champion
9 and Mr. Diehl.

10 THE COURT: Maybe I misunder-
11 stood you. I just wanted the record
12 to show they were present and, as a
13 matter of fact, sitting inside the rail
14 during the entire proceeding. So I
15 misunderstood you. I thought that
16 remark was directed to include Mr.
17 Champion and Mr. Diehl.

18 Well, I'm not going to
19 undertake to reiterate what I said
20 before from the Bench relative to the
21 law of the Commonwealth and the general
22 remarks I made concerning the liabilities,
23 the rights and the responsibilities of
24 those persons on strike and those persons
25

1 *

2 do with that. I'm not going to suspend

3 the sentence.

4 MR. NEALE: If the Court

5 please, there are a few other brief

6 matters. We are at the point of trying

7 to determine whether or not this is a,

8 the contempt procedure has been in the

9 nature of civil or criminal contempt.

10 It appears as though it has been in the

11 nature of criminal contempt although

12 nothing up to this point has been said

13 in that regard. Has the Court

14 contemplated that the fines that the

15 Court has levied be paid to the Court

16 or to the shipyard?

17 THE COURT: I want them paid

18 to the Court.

19 MR. NEALE: All right, sir.

20 THE COURT: Well, let me just

21 make it clear. I want it paid to the

22 Commonwealth of Virginia, not to the

23 Court.

24 MR. NEALE: I think we under-

25 stood that.

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bond of \$500; on Mr. Price, I set a bond of \$1,000; and on Mr. Champion, I set a bond of \$2,000; on Mr. Granville Diehl, I set a bond of \$2,000.

MR. NEALE: And these are the appellate bonds, as I understand it?

THE COURT: Yes, sir. Then the Supreme Court can issue whatever it wants to.

MR. NEALE: All right, sir. Thank you, Your Honor.

THE COURT: Go ahead.

MR. BEALE: If Your Honor please, just for the record, we sort of slipped by and I would like to point out, with reference to the objections as to the notice, that this Court required substantial interrogatories that named all of these individuals and, as a matter of fact, you will recall when this Court called up the witnesses at the outset of the case, the Court allowed each of those individuals who were named as specific instigators or

1 violators of this Court's injunction to
2 remain in the courtroom rather than
3 separating the witnesses at the request
4 of counsel. I mention that only as to
5 his allegation that they didn't know
6 they were being proceeded against, for
7 the record.

8 MR. NEALE: If the Court
9 please, we don't contest that. If
10 they were in the room, they were named
11 in the bill of particulars, but that's
12 different from giving them notice
13 that, "We're going to try to have you
14 held in contempt." For example, if
15 they received this, I don't know, but
16 they may have wanted to seek individual
17 counsel or they may have wanted to not
18 testify or to testify as a person who's
19 a respondent rather than a witness and
20 I think that makes a lot of difference,
21 sir.

22 THE COURT: All right. How
23 long is it going to take you to attend
24 to this supersedeas business?
25

O R D E R

This matter came on to be heard on August 5, 1977, on the Motion of J. D. Champion and Granville Diehl, Jr., to suspend the jail term imposed upon them by the Court by Order of July 21, 1977, the said J. D. Champion and Granville Diehl, Jr. appearing in person and by counsel, and the Intervenor appearing by counsel; evidence was heard and the matter was argued by counsel.

It appearing to the Court proper so to do, it is ADJUDGED, ORDERED and DECREED that the Motion to suspend the jail term heretofore imposed upon J. D. Champion and Granville Diehl, Jr. be and the same is hereby denied.

It is ORDERED that the Order signed on July 21, 1975 becomes final and is entered this date of August 5, 1977.


Counsel for the Defendants having today noted appeal from the judgment of the Court as to all Defendants herein except L. L. Johnson, it is further ADJUDGED, ORDERED and DECREED that the following shall post bond in the amount shown by the respective names on or before August 8, 1977, as follows:

<u>Name</u>	<u>Bond</u>
United Steelworkers of America, Local #8417	\$10,000.00
Edward J. Halligan	\$500.00
James R. Brennan	\$500.00
Ernest G. Surles	\$500.00
Edward L. Haney, Jr.	\$500.00
Howard P. Joyce	\$500.00
Roy E. Price	\$1,000.00
J. D. Champion	\$2,000.00
Granville Diehl, Jr.	\$2,000.00

It is further ADJUDGED, ORDERED and DECREED that the appealing parties shall on or before the 2nd day of September, 1977, apply to the Supreme Court of Virginia for a Supersedeas Bond.

And it is further ADJUDGED, ORDERED and DECREED that the Temporary Injunction heretofore entered shall remain in full force and effect for the duration of the pending strike.

Enter this 5th day of August, 1977.


Henry D. Garnett, Circuit Court Judge

We ask for, this:

JACOBS, NACHMAN, MURCHISON & BEALE

By: 

Of Counsel for Intervenor

Have seen and objected to:

By: 

C. T. Neale, Counsel for Defendants

A COPY, TESTE: GEORGE D. DeSHAZOR, Clerk

BY  D C.

I. ASSIGNMENTS OF ERROR

A. The petitioners were tried and adjudicated by the Court below for criminal contempt of court, and it was error to conduct their trial within the framework of a civil proceeding and to not give petitioners notice that criminal sanctions could be imposed.

B. The petitioners were denied the safeguards of a criminal proceeding as a result of being tried by the Court sitting in equity.

C. The evidence adduced below was insufficient to support a finding of contempt against the petitioner Union and individuals.

D. It was error for the Court to find the individual petitioners in contempt where the evidence failed to show that they had actual notice of the terms of the injunction at the times allegedly prohibited acts were committed for which they were held in contempt.

E. The Court committed error in that it held petitioners in contempt for violating an injunction which was void.

F. If the proceeding was not criminal in nature, the Company was guilty of "unclean hands", and if so, it was error for the Court to impose any sanctions against the petitioners predicated on this doctrine.

G. The Court based the convictions of petitioners Champion and Diehl upon an assumed event which did not occur, thus the conviction is void.