

spicuous places at the Humble and Houston plants, including all places where notices to employees are customarily posted. Reasonable steps shall be taken to insure that said notices are not altered, defaced, or covered by other material.

(b) Notify the aforesaid Regional Director, in writing, within 20 days from the receipt of this Decision, what steps Respondent has taken to comply herewith.³⁹

³⁹ If this Recommended Order is adopted by the Board, this provision shall be modified to read: "Notify the Regional Director for Region 23, in writing, within 10 days from the date of this Order, what steps the Respondent has taken to comply herewith."

American Newspaper Guild, AFL-CIO, and Youngstown Newspaper Guild No. 11, American Newspaper Guild, AFL-CIO and Vindicator Printing Company. Case No. 8-CB-854. April 12, 1965

DECISION AND ORDER

On February 8, 1965, Trial Examiner George A. Downing issued his Decision in the above-entitled proceeding, finding that the Respondents had engaged in and were engaging in certain unfair labor practices, and recommending that they cease and desist therefrom and take certain affirmative action, as set forth in the attached Trial Examiner's Decision. Thereafter, Respondents filed exceptions to the Trial Examiner's Decision and a supporting brief.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Members Fanning, Brown, and Jenkins].

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Trial Examiner's Decision, the exceptions and brief, and the entire record in this case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner as modified below.¹

¹ In footnote 2 of his Decision the Trial Examiner stated that he rejected Respondents' contention that employees of Youngstown Art Engraving Company entered the building with the cooperation of Respondents, who removed the picket line to permit passage of these employees. The record shows that Art Engraving leased space in the Vindicator building, and that on August 20 and 21, Respondents utilized mass picketing in order to prevent employees and managerial personnel from entering the building. However, on both of these occasions after a few hours of discussion and upon obtaining a promise from Art Engraving's management that Art Engraving would not perform any services for Vindicator, Respondents made no attempt to bar the passage of Art Engraving personnel into the building. Thereafter, Respondents and the management of Art Engraving made daily agreements until September 8, consistent with that reached on August 20 and 21, and Respondents made no effort by picketing or otherwise to prevent ingress to the Vindicator building by Art Engraving employees or managerial personnel. Therefore, to the extent that footnote 2 of the Trial Examiner's Decision may imply that Respondents totally prevented access to the building by Art Engraving employees, we do not adopt it.

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby adopts as its Order the Order recommended by the Trial Examiner and orders that Respondents, American Newspaper Guild, AFL-CIO, and Youngstown Newspaper Guild No. 11, American Newspaper Guild, AFL-CIO, their officers, agents, and representatives, shall take the action set forth in the Trial Examiner's Recommended Order.

TRIAL EXAMINER'S DECISION

STATEMENT OF THE CASE

This proceeding under Section 10(b) of the National Labor Relations Act was heard before Trial Examiner George A. Downing at Youngstown, Ohio, on November 30 and December 1, 1964, pursuant to due notice. The complaint, dated October 8, 1964, and based on a charge dated September 8, alleged in substance, as amended, that Respondent engaged in unfair labor practices proscribed by Section 8(b)(1)(A) of the Act, by mass picketing, barricades, threats, and a course of other specified conduct from August 19 through November 29, 1964, inclusive, which restrained and coerced employees in the exercise of rights guaranteed in Section 7 of the Act. Respondent answered, denying the allegations of unfair labor practices.

Upon the entire record in the case, and from my observation of the witnesses, I make the following:

FINDINGS OF FACT

I. JURISDICTIONAL FINDINGS

Vindicator Printing Company (herein called Vindicator), an Ohio corporation, is engaged at Youngstown, Ohio, in the publication of a newspaper known as The Youngstown Vindicator. During the year 1963, Vindicator, in the course and conduct of its publishing operations, held membership in and/or subscribed to various news services, including but not limited to the Associated Press and United Press International; published various national syndicated features such as Herblock, Drew Pearson, David Lawrence, and Walter Lippmann; and derived gross revenues in excess of \$200,000 from its publishing operations. Vindicator is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

II. THE LABOR ORGANIZATIONS INVOLVED

Respondents (herein called Guilds) are labor organizations within the meaning of Section 2(5) of the Act.

III. THE UNFAIR LABOR PRACTICES

A *Introduction; the strike; the issues*

The Vindicator employs approximately 325 full-time employees in various categories, most of which are represented by Respondent Guilds, by ITU, and by other unions. Some 30 employees in the business office, however, are unorganized, and they were essentially those who came to work or attempted to come to work during the strike which began on the evening of August 18 during the course of bargaining negotiations between Vindicator and the Guilds as representative of a unit of some 42 employees in the outside circulation department in which the Guilds had won an election.

Respondents were represented in the negotiations by Fred Kearney, president of the Local Guild, and by Robert Bruner of the International Guild, who presented themselves in the first meeting on June 11 as part of the committee which had authority to reach a binding contract, subject to approval by the International and ratification of the Local's membership. During the course of the August 18 meeting Bruner informed Vindicator's representatives that a picket line had been established and that Respondents' committee would be willing to bargain all night to reach an agreement but would make every effort to keep the plant shut down. On the following day

Kearney informed an employee whose efforts to enter the building were repulsed by the pickets that he could not go in and that no one could get through, and Bruner informed the same employee that until Brown (Vindicator's vice president) agreed not to publish the newspaper, no one was going through the line.

The unlawful conduct charged herein began on August 19 and continued through the very eve of the hearing. During the course of the picketing officials of both Respondents (President Kearney and Vice President Richard Riley of the Local, and Representatives Bruner and William Miller of the International) frequently visited the picket line and talked with the pickets, and they were also present during and participated in some of the picket line incidents. Furthermore, Kearney took some part in the scheduling of pickets for picket duty until some time in late September.

Respondents attempted no refutation of the General Counsel's evidence, much of which was cumulative, and the only issues are whether responsibility was established on Respondents' part for certain types of conduct, chiefly the course of nighttime harassment throughout the strike and the paper snatching and assaults on customers on September 5 and 13. Conceding that the real issue is not whether they have committed acts violative of Section 8(b)(1)(A), Respondents also contend that the evidence falls short of demonstrating a consistent and far-reaching pattern of unlawful conduct and does not warrant a broad cease-and-desist order.

B. *The unlawful conduct*

The evidence herein may appropriately be considered as falling into two separate categories, one being that in which responsibility was clearly established on Respondents' part by the findings made in the preceding section and the other being that in which responsibility was somewhat questionable. As to the former, the evidence, being cumulative and unrefuted, requires no detailed review and in the interest of brevity the findings on it will be stated in conclusory terms as follows:

1. From August 19 through 24, inclusive, Respondents engaged in mass picketing at all entrances to the Vindicator building with the intent and object of preventing ingress to and egress from the building by nonstriking employees and supervisors of the Vindicator, by members of the general public, and by employees of other employers attempting to do business with the Vindicator.¹

2. On August 19 Respondents resisted with force and with threats of force and violence attempts of employees and of supervisory personnel to enter the building, during the course of which minor physical injuries were inflicted on employees June M. Reinhart, Earl P. Laughlin, and Harold Ohl.

3. At various times from August 19 to November 20, inclusive, Respondents barricaded by various means and blockading objects the entrances to the Vindicator premises with the object and intent of blocking ingress to and egress from the premises by nonstriking employees and supervisors, members of the general public, and employees of other employers seeking to do business with Vindicator.

4. On September 1 Respondents physically resisted the attempt of William Mittler, a supervisor, to enter the Vindicator building, and threatened him, both verbally and by conduct, with physical injury and property damage (to his car) should he persist in his efforts to enter the building.

5. On September 2 and 3 Respondents resisted the efforts of Forrest Stewart, circulation manager, to gain entrance to the building.

6. On August 24 Elmer Brown, president of International Typographical Union (ITU), notified the Vindicator that he had instructed the members of his union to honor their contract with Vindicator and to return to work. On August 31 as the printers and mailers attempted to enter the building, Respondents by mass picketing and by force physically resisted the attempts to enter.

7. Youngstown Art Engraving Company occupies a portion of the third floor of the Vindicator building as a tenant of Vindicator, which is also one of the customers for whom it performs services. On August 20 and 21 Respondents physically resisted with mass picketing and with force attempts made by employees and by managerial personnel to enter the building.²

¹ As a result of a State court injunction action brought by Vindicator organized mass picketing ended as such on August 24 upon an informal agreement between the parties, noted by the court, under which limitations were placed on the number of pickets at various locations and to some extent upon the manner of picketing. No further steps were taken in that proceeding.

² Credited and undenied testimony of President Edwin C. Olson, of Engraving, and of Vice President Brown, of Vindicator, requires rejection of Respondents' contention that Engraving's employees entered the building with the cooperation of Respondents, who ordered removal of the picket line.

All of the foregoing conduct occurred in the presence, sight, or hearing of nonstriking employees and/or of strikers.

Turning now to the nighttime conduct, Respondents contest the sufficiency of the evidence to establish their responsibility and to establish that such conduct amounted to restraint and coercion of employees within the meaning of the Act. The evidence showed the following:

Since the beginning of the strike some of Vindicator's employees and supervisors remained in the building both day and night. At least some of the nighttime hours were devoted to work activities, including writing and occasionally the operation of mechanical equipment. The Guilds have similarly maintained a picket line around the clock, with the pickets on night duty sometimes carrying picket signs and sometimes not. Throughout the strike period and through the very eve of the hearing the employees and supervisors within the building were subjected to continual nightly harassment, sometimes virtually all night long, by noisemaking activities which included the following:

Yelling, whistle blowing, bugle blowing, dragging of garbage cans, hitting and rapping on windows, rattling and pounding on windows and gratings, banging of dustpans against the building, hitting and pounding the building (resulting in \$5,000 in damages to the limestone), tossing of lighted firecrackers into the pressroom and onto the loading dock, racing of cars with jackrabbit starts and screeching of tires, and placing transistor radios on window sills tuned at full blast to rock and roll stations.

Though the actual participants in many of the incidents were not identified, the witnesses were able to identify four of the pickets as those who engaged in some of the conduct described above. The four so named were Scott Forbes, William Neif (who was also circulation manager of Respondents' newspaper), Stacey, and Ginn, and the conduct they were seen to engage in included rapping on windows, moving of radios from window to window, striking and pounding on the building with wooden objects and dustpans, striking gratings and dragging metal pipe caps across them, and racing of cars with screeching of tires.³

The question of responsibility for paper snatching and assaults on customers requires a more detailed summary of the evidence.

On August 23 William J. Brown, vice president of Vindicator, called the chief of police⁴ because of a congestion of cars and persons in front of the building. The chief attributed the "taut situation" to a report that Vindicator was bringing in a group of persons to distribute papers, and he suggested the situation might be relieved for the day if Vindicator would limit the number of papers per customer from five to eight. The chief did not state either that he was acting as intermediary or that he had discussed the limitation with Respondent. Brown agreed to the lower figure, five, and there were no further problems that day.

Vindicator voluntarily continued the limitation until September 3, when Brown called the chief and informed him that since Respondents had announced that they would begin publication of their own newspaper, Steel Valley News, on Labor Day, Vindicator would not continue its voluntary limitation of five copies. On Saturday morning Brown repeated that call.

After over-the-counter sales began on September 5, a number of purchasers reported back that the pickets would not permit them to leave with more than five papers, and Vindicator refunded their money for the excess and took back the extra copies. Picketing was going on outside at the time, and some 20 or 25 people associated with the Guild had gathered directly in front of the building and another group of 8 to 12 across the street. Circulation Manager Stewart went to the front door with one of the customers, who pointed out Paul Schell, a picketer and a member of the Guild. Schell screamed at Stewart that he was breaking the agreement by selling more than five papers. When Stewart denied there was an agreement, Schell stated he should tell that to the chief of police. Stewart informed Schell that the chief already knew the facts, but Schell replied, "Well, we are not letting anybody out of here with more than five papers."

³ A single incident of nighttime shooting was traced to Dale Fish, a striking employee, who was not a picket and not a Guild member. As the evidence also showed that Fish was intoxicated at the time, I do not find that this incident was attributable to Respondents.

⁴ The record indicates that the police department maintained an attitude of neutrality throughout the strike and that no arrests were made even when assaults and other serious acts of misconduct occurred in the presence of police officers, as for example during the main mass picketing period from August 19 through 24 and during the incidents on September 13, described below. The absence of police action is therefore not regarded as a circumstance which diminishes in any way the flagrancy of the conduct found herein.

Shortly after that a group of people came up the street from strike headquarters, a block away. Some 15 or 16 of them, editorial employees who were on strike, went to one of the street corners, but some 3 or 4 others joined the pickets at the front door. Kearney, who was in the latter group, told Stewart he was breaking the agreement and that, "Nobody goes out of here with more than five papers." Though Stewart replied that there was no agreement, Kearney instructed the group on the sidewalk, "See that nobody gets out of here with more than five papers."

Two police officers came into the building and requested Brown to reestablish the limitation of five papers. Brown informed them he had notified the chief that the limitation would not be continued. The officers admitted knowledge of the arrangement but stated that the chief was out of town and that because of "anticipated problems" they were requesting Brown to reinstate the limitation over the holiday weekend. Brown agreed to do so until Tuesday after Labor Day.

On Sunday, September 13, Vindicator opened its doors at 10:30 for the purpose of selling Sunday newspapers to the public. During the course of the next hour and 15 minutes numerous incidents occurred outside the front entrance when papers were forcibly grabbed from the purchasers, torn up, and strewn over the street and the sidewalk. In some instances, the purchasers were shoved, shouldered, jostled, roughed up, struck, threatened, and chased. During the same time pickets and other persons were engaged in sellings copies of Respondents' newspaper, Steel Valley News.

Though most of the activity was engaged in by strangers unknown to the witnesses, strikers were participants in some of the activity. Thus some of the pickets were among those who accosted and jostled the purchasers as they left the front entrance. Brown also saw a striker chasing a purchaser across the parking lot and saw another striker, Robert Curry (treasurer of the Local Guild), putting into the trunk of a car papers or torn papers which had been taken from purchasers. Managing Editor Mansell saw another striker, Lloyd Jones, cooperating with Weinstock, an official of Steelworkers, by blocking successfully a purchaser whom Weinstock was chasing. Thereupon Weinstock grabbed the papers from the purchaser's arm.

Chauncey A. Cochran let out of the rear entrance two boys who had bought newspapers and who reported they could not safely get out of the building. Richard Riley, vice president of the Local Guild, signaled to a group of Guildsmen at the corner of Boardman and Chestnut Streets and shouted "get those boys." Kearney also called something to the boys and signaled or swept his hand toward them. Two men began running from the group after the boys, who also ran. Though Cochran did not see any actual grabbing of newspapers, he did see immediately afterward a large scattering of papers over the sidewalk with the two men picking them up.

William Hackett, an employee in advertising sales, took his two daughters with him to the building to buy Sunday papers, but decided not to leave at once because of the confusion outside. They left by the back door to go to the parking lot south of the building and were accosted by Mark Booker, a striker, and later by William Miller, a Guild representative, and by other striking employees. Miller did most of the talking and accused Hackett of profiteering by selling the papers. Hackett chided Booker, whom he had broken in as an employee, but Miller bellowed at Hackett to "shut up" and directed Booker to go back to the picket line.

Ernest Augustine, a striking employee, was one of the persons who swept and cleaned up the mass of torn newspapers on the street and who threw them, or helped to throw them, into the back of a station wagon.

Mansell took pictures from the roof of the activity below at various times between 10 and 11:45. At one time, when both Miller and Kearney were below, one of the men on the street threw rocks at Mansell and the employees who were with him on the roof. Mansell also recognized among the persons who were grabbing papers one of the striking employees whose name he did not know, and he also saw Bruner and Kearney in the street. Miller was also present from time to time for an hour at least and during times when people were taking papers from purchasers. At one time Miller shouted up at Mansell, "Come on down here and I will take care of you."

George B. Snyder, II, vice president of Youngstown Art Engraving Company, approached the front entrance on September 15 at a time when three or four pickets were present in the area with a picket sign displayed. One of the pickets spoke to a boy who was leaving with a bunch of papers, asking what he was doing with the papers. The boy replied that he was taking them out to sell. The picket replied, "Don't you know that there is a strike on? You little Fink, if I catch you back here again, I'll break your arm."

The testimony was in general agreement that most of the actual grabbing of papers on September 13 was done by Al Shipka and by Weinstock, both of whom were officials of the Steelworkers Union, and by strangers who were not identifiable as striking employees of Vindicator. The evidence otherwise showed the following

concerning Shipka's activities: He was present on the first 2 days of the strike and on August 31, and he was seen at various times in and around the picket line. On September 13 he and some of the other strangers were selling or attempting to sell copies of Respondents' newspaper, Steel Valley News. On August 20 an employee who had been repulsed at the picket line appealed to Shipka, who was nearby, for help in getting through. Shipka replied he did not think it was a good idea (to go in) and that she might as well go home.

Fred Kearney, called adversely by the General Counsel, testified that he spoke with Shipka early in the morning on the 13th, asking what he was doing downtown so early on Sunday morning and that Shipka replied he had come down to help sell the Steel Valley News. Sometime before 10 a.m. Kearney supplied Shipka with copies of the paper for sale, and Shipka, set about selling them, as did also some of the Guild strikers.

Kearney also testified that he was questioned by policemen about what was going on on the 13th and that he told them he knew nothing about it other than seeing what was going on. They asked him if he could do something about it, but he told them the men who were doing it were not members of his union and he did not even know most of them. He agreed, however, to see what he could do, and he spoke to a couple of the men, who told him to mind his own business.

Finally there was testimony by June M. Reinhart and Harry Reinhart concerning an incident on Sunday, November 29, when a bundle of newspapers were taken from a boy a block from the building and also concerning the following of the Reinhart car from the vicinity of the building to their home. There was no identification of any of the participants in those incidents or of any of the occupants of the car, and the General Counsel was unable, despite attempts to do so, to trace the ownership of the cars involved. Testimony by Stewart (taken as an offer of proof) added nothing of probative weight to the paper-snatching incident for it was based solely on hearsay and was deficient as well in suggesting the identities of the persons or of the car involved.

C. Concluding Findings

I conclude and find on the basis of the evidence summarized in section A, *supra*, that both Respondents are responsible for the conduct found in paragraphs 1 through 7, *supra*, and that by said conduct Respondents restrained and coerced employees in the exercise of their rights guaranteed in Section 7 of the Act. Citation of authority is unnecessary because both Board and court decisions have uniformly held such conduct to be unlawful and have held both local and international unions to be responsible under circumstances such as those found herein.

There is to be noted, however, Respondents' argument concerning the conduct found in paragraph 7, *supra*, that the Engraving Company was not a neutral employer. That defense, though of relevancy in a secondary boycott action,⁵ is wide of the mark under Section 8(b)(1)(A), under which the issue is restraint and coercion of employees in the exercise of rights guaranteed by Section 7, regardless of the nature of their employer's connection with the primary employer or with the dispute as such.

As for the nighttime conduct it was plain from all the evidence that not only did the great bulk of it emanate from the picket line but that the pickets themselves were actually seen to engage in a representative cross sampling of the nighttime activities. Despite the failure of identification in other cases, it was plain and I find that the nighttime activities described above formed part and parcel of a campaign conducted through and by the picket line to harass and intimidate the nonstriking employees and supervisors.

Respondent argues that the nighttime noisemaking, to the extent that it was attributable to pickets, "was designed to annoy rather than to intimidate or coerce" and that "The rattling of cans, the reverberations of metal upon metal, the playing of radios, at most would have an effect upon those desiring to sleep." I reject that argument for I find that Respondents resorted to a studied campaign of harassment and intimidation of employees during both their sleeping and their working hours.

Special note is to be made of the damaging of Vindicator's building through the persistent course of pounding upon it. In *Local 3, International Brotherhood of Electrical Workers (New Power Wire and Electric Corp., et al.)*, 144 NLRB 1089, 1092, the Board held that the damaging and sabotaging of company property had a coercive effect on employees who observed it. That holding was specifically upheld by the court of appeals in *New Power Wire and Electric Corp., et al. v. N.L.R.B.*, 340 F.

⁵ Such an action is presently pending, on charges filed by the Engraving Company under Case No 8-CC-223, before Trial Examiner Stanley N Ohlbaum, whose decision issued February 5, 1965 [153 NLRB No. 731].

2d 71 (C.A. 2), with the statement, "Destruction of the employer's property restrains the employees in the exercise of their rights under Section 7 by threatening their jobs and by creating a general atmosphere of fear and violence."

In the present case the pounding of the building occurred within sight and hearing of the employees and was part of a studied campaign of harassment which was plainly calculated to create an atmosphere of fear surrounding the building itself and around those who chose to exercise their protected right to refrain from joining in the strike.

I therefore conclude and find that by engaging in the nighttime conduct described above, Respondents restrained and coerced employees within the meaning of Section 8(b)(1)(A).

The events of September 5 and 13 had their origin in, and were directly connected with, Respondents' efforts to impose or to enforce, by force, a limitation of five papers on each purchaser of Vindicator's newspaper. Reports by customers to that effect on September 5 were explicitly confirmed by Schell and Kearney, who directed the pickets to prevent egress from the building of any customers who had purchased more than five papers.

The events of September 13 were but part and continuation of Respondents' efforts. Though the more overt and more objectionable actions were by Shipka and Weinstock and by other unknown allies, it occurred in the presence of Respondents' representatives, who made no efforts to stop the activity and who conveniently supplied to those allies (and to their own pickets) for concurrent distribution copies of Respondents' own newspapers. Furthermore, other known pickets and strikers, as well as Respondents' officers Kearney, Miller, Riley, and Curry, actively participated in some of the incidents and cooperated with Steelworkers' representatives in others. The threatening of a young boy by pickets on September 15 furnished further evidence that the campaign to intimidate purchasers was Respondents' own.

Respondents must therefore bear responsibility for the actions of the persons of whom they made allies in their campaign as well as for the concurrent acts and conduct of their own officers, representatives, and pickets.

I therefore conclude and find that by Respondents' conduct on September 5, 13, and 15 in resisting with force and violence and with threats of force and violence the ingress and egress of members of the public to the Vindicator building, by pursuing and assaulting purchasers who emerged from the building, and by destroying the newspapers which they had purchased, Respondents restrained and coerced employees within the meaning of Section 8(b)(1)(A).

IV. THE REMEDY

Having found that Respondents engaged in certain unfair labor practices, I shall recommend that they cease and desist therefrom and that they take certain affirmative action which is conventionally ordered in such cases as provided in the Recommended Order below and which I find necessary to remedy and to remove the effects of the unfair labor practices and to effectuate the policies of the Act. Because of the broad scope and continuing nature of the unlawful conduct and the likelihood of its repetition in the future, I shall recommend that Respondents cease and desist from infringing in any manner upon the rights of employees guaranteed in Section 7 of the Act.

Upon the basis of the foregoing findings of fact, and upon the entire record in the case, I make the following:

CONCLUSIONS OF LAW

1. By restraining and coercing employees in the exercise of their rights guaranteed in Section 7 of the Act Respondents engaged in unfair labor practices proscribed by Section 8(b)(1)(A).

2. The aforesaid unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

RECOMMENDED ORDER

Upon the foregoing findings of fact and conclusions of law and the entire record and pursuant to Section 10(c) of the Act, it is hereby ordered that the Respondents, American Newspaper Guild, AFL-CIO, and Youngstown Newspaper Guild No. 11, American Newspaper Guild, AFL-CIO, their officers, agents, and representatives, shall:

1. Cease and desist from:

(a) Engaging in mass picketing and entrances to the Vindicator building and premises for the purpose of blocking ingress and egress by employees and supervisors of Vindicator and of other employers.

(b) Barricading entrances to the premises of Vindicator for the purpose of blocking ingress and egress of employees and supervisors of Vindicator and of other employers.

(c) Resisting with force and with threats of force and violence attempts by employees and supervisors to enter the building.

(d) Inflicting and threatening to inflict physical injuries and property damage on employees and supervisors who attempt to enter the building.

(e) Resisting with force and violence and with threats of force and violence the ingress and egress of members of the public to the Vindicator building, pursuing and assaulting purchasers of newspapers who emerge from the building, and destroying the newspapers which they have purchased.

(f) Engaging in nighttime harassment of employees and supervisors within the Vindicator building by conduct which is calculated to create an atmosphere of fear and coercion in the vicinity of said building.

(g) In any other manner restraining or coercing employees in the exercise of the rights guaranteed them in Section 7 of the Act.

2. Take the following affirmative action:

(a) Post at its meeting hall or halls and strike headquarters at Youngstown, Ohio, copies of the attached notice marked "Appendix."⁶ Copies of said notice, to be furnished by the Regional Director for Region 8, shall, after being duly signed by an authorized representative of each Respondent, be posted by them immediately upon receipt thereof and be maintained by them for a period of 60 consecutive days thereafter, in conspicuous places, including all places where notices to their members are customarily posted. Reasonable steps shall be taken by Respondents to ensure that said notices are not altered, defaced, or covered by any other material.

(b) Sign and mail sufficient copies of said notice to the Regional Director for Region 8 for posting, Vindicator willing, at all locations where notices to its employees are customarily posted.

(c) Notify the Regional Director for Region 8, in writing, within 20 days from the date of this Decision and Recommended Order, what steps Respondent have taken to comply herewith.⁷

⁶ If this Recommended Order is adopted by the Board, the words "a Decision and Order" shall be substituted for the words "the Recommended Order of a Trial Examiner" in the notice. If the Board's Order is enforced by a decree of a United States Court of Appeals, the words "a Decree of the United States Court of Appeals, Enforcing an Order" shall be substituted for the words "a Decision and Order."

⁷ If this Recommended Order is adopted by the Board, this provision shall be modified to read: "Notify the Regional Director for Region 8, in writing, within 10 days from the date of this Order, what steps the Respondents have taken to comply herewith."

APPENDIX

NOTICE TO ALL MEMBERS OF AMERICAN NEWSPAPER GUILD, AFL-CIO AND OF YOUNGSTOWN NEWSPAPER GUILD No. 11, AMERICAN NEWSPAPER GUILD, AFL-CIO

Pursuant to the Recommended Order of a Trial Examiner of the National Labor Relations Board and in order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify you that:

WE WILL NOT engage in mass picketing of entrances to the building of Vindicator Printing Company for the purpose of blocking ingress or egress to or from said building by employees and supervisors of Vindicator or of other employers.

WE WILL NOT barricade entrances to the premises of Vindicator Printing Company for the purpose of blocking ingress and egress of employees and supervisors of Vindicator or of other employers.

WE WILL NOT resist with force or with threats of force or violence attempts by employees and supervisors to enter the Vindicator building.

WE WILL NOT inflict or threaten to inflict physical injuries or property damage on employees and supervisors who attempt to enter the Vindicator building.

WE WILL NOT resist with force or violence or with threats of force or violence the ingress and egress of members of the public to the Vindicator building, pursue or assault purchasers of newspapers who emerge from the building, or destroy the newspapers which have been purchased therein.

WE WILL NOT engage in nighttime harassment of employees and supervisors within the Vindicator building by conduct which is calculated to create an atmosphere of fear and coercion in the vicinity of said building.

WE WILL NOT in any other manner restrain or coerce employees in the exercise of rights guaranteed them in Section 7 of the National Labor Relations Act, as amended.

AMERICAN NEWSPAPER GUILD, AFL-CIO,
Labor Organization.

Dated----- By-----
(Representative) (Title)

YOUNGSTOWN NEWSPAPER GUILD No. 11,
AMERICAN NEWSPAPER GUILD, AFL-CIO,
Labor Organization.

Dated----- By-----
(Representative) (Title)

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material.

Employees may communicate directly with the Board's Regional Office, 720 Bulkley Building, 1501 Euclid Avenue, Cleveland, Ohio, Telephone No. Main 1-4465, if they have any questions concerning this notice or compliance with its provisions.

Kugler's Restaurant, Inc. and Philadelphia Local Joint Executive Board, Hotel & Restaurant Employees & Bartenders International Union, AFL-CIO and Kugler's Employees Union (Independent), Party to the Contract. *Case No. 4-CA-3282.*
April 13, 1965

DECISION AND ORDER

On January 12, 1965, Trial Examiner Louis Libbin issued his Decision in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the attached Trial Examiner's Decision. The Trial Examiner further found that the Respondent had not engaged in certain other unfair labor practices alleged in the complaint and recommended that the complaint be dismissed with respect to these allegations. Thereafter, the General Counsel and the Charging Union filed exceptions to the Trial Examiner's Decision, and supporting briefs.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Chairman McCulloch and Members Fanning and Brown].

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Trial Examiner's Decision, the exceptions and briefs, and the entire record in this case, and hereby adopts the Trial Examiner's findings, conclusions, and recommendations with the following modifications.