

EXTRA The Duke Chronicle

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Hospital sit-in leads to arrests

Organizer faces press

Sidney von Luther, organizer for Local 1199d, the National Hospital and Drug Workers Union, said at a press conference last night that "the workers of Duke Hospital are involved in a struggle for human rights, a struggle that will be continued until Duke University is brought kicking and screaming into the twentieth century."

Von Luther said his union is seeking for the workers "the right to collective bargaining and the right to determine what their own lives should be like." He said "the workers are tired of paternalism."

"During the entire time we were waiting in the Nursing Services Office for an apology," Von Luther said, "we never met one single administrator willing to deal with us as people. What happened in the hospital is very much a part of America," he said.

(Continued on Page 3)



Photo by Bob Hewgley

Sidney von Luther, organizer for Local 1199d, and Miss Caroline Ruffin, the allegedly assaulted Hospital worker, at last night's press conference.

Friday hearing set for 18 protestors

The 18 persons charged with disorderly conduct in connection with the five-hour occupation Tuesday night of the hospital's nursing service office will appear in Durham's District Court tomorrow at 10 a.m.

Those arrested were among the over 20 persons who were demanding a response to a complaint of a dietetics worker, Carolyn Ruffin, 18, that she had been struck from behind with a clipboard by a doctor Monday night.

The doctor told the Chronicle Tuesday night that he had made no "physical contact" with Miss Ruffin.

The two students charged in the incident are also workers at the hospital. University officials said yesterday they would consider

prosecuting Lynn Heath, a part-time student from Springfield, Va., and Ken Ross, a senior from Durham after the criminal action is completed.

Leaders arrested

Also among those arrested were Geraldine Lunsford, a hospital worker and local organizer for Local 1199d of the National Hospital and Drug Workers Union, and Sidney Von Luther, a national organizer for the union.

The sit-in began about 8:15 p.m. as over 15 workers went to see Benjamin Crenshaw, an administrative assistant in nursing services about Miss Ruffin's complaint.

When Crenshaw arrived on the scene he refused to comment directly on the charge, telling the workers to lodge their complaint through normal channels.

No satisfaction

The workers said this had been done with no satisfaction, but Crenshaw declined to comment further other than to ask the workers to leave.

At that point, Von Luther, speaking for the workers, pledged to remain in Crenshaw's office until "the workers are satisfied that the issue is resolved."

At midnight, Dr. William G. Anyan, vice president for health affairs, arrived at the office. He told the workers they were "disrupting the health care of over 700 people," and asked them to leave.

Bulletin

There will be a meeting at 10 a.m. in the old chapel (second floor) of East Duke for all students who are interested in forming a student support group for the workers.

the office "peacefully."

Anyan said the office is in one of the "most crucial areas in the hospital" and that the noise was disturbing to the patients. He added that the nursing office is "the nerve center of the hospital."

Enter the police

When the workers refused to leave the area, Barnes Woodhall, chancellor pro tem, called in the Durham police.

They arrived at about 1:10 a.m. and made the arrests without incident.

Woodhall, in an interview yesterday, defended what he called his "disagreeable decision to get them out." He added that the incident had "nothing to do with the unions' recruiting members at the hospital."

However, all those arrested were members of 1199d. Union leaders

With implications for Duke

NLRB sought in college labor cases

Reprinted from The Chronicle of Higher Education

In a move that could have nationwide implications for employer-employee relations at private colleges and universities, three institutions have asked the National Labor Relations Board to assume jurisdiction in cases involving labor relations with their employees.

Cornell, Syracuse and Yale Universities have asked the board to reverse its long-standing policy against taking jurisdiction over the labor relations of private colleges

and universities. The law excludes public institutions from board jurisdiction.

The cases involve the question of representation of non professional employees of the universities.

The Syracuse and Cornell petitions have been combined into a single test case. It is supported by a number of "amicus curiae" briefs filed by northeastern colleges and universities. A brief opposing board jurisdiction was filed by the California Institute of Technology and the Association of Independent California Colleges and Universities,

which represents 50 institutions.

The board has completed its hearings on the case and all briefs have been filed. Board officials could give no estimate of when the case would be decided.

One official said that if the board decided to take jurisdiction in the cases, it would not necessarily mean that it would assume jurisdiction over all private colleges and universities.

He said, however, that it would be difficult for the board to refuse jurisdiction in similar cases.

The colleges apparently feel they

will be better off dealing with the NLRB than with state labor relations boards. In New York, for example, the state law does not bar a closed shop, the refusal of unions to bargain in good faith, or excessive fees and featherbedding, all of which are prohibited by the National Labor Relations Act.

Private institutions of higher education in the state of New York were made subject to the state labor relations act last April.

The NLRB established its present policy in 1951, when it refused to take jurisdiction on a petition from employees of Columbia University. Columbia had opposed board jurisdiction.

Columbia's activities affected interstate commerce enough 'to satisfy the requirements of the law and the standards of the board' for the normal exercise of jurisdiction," the board said. But the board said "it would not effectuate the purposes of the act for the board to assert jurisdiction over a non-profit educational institution where the activities involved are non-commercial in nature and intimately connected with the charitable purposes and educational activities of the institution." (Trustees of Columbia University, 97 NLRB 423, 427).

The board has taken jurisdiction in a number of cases where a college or university was engaged in commercial activities. But the present case does not involve such activities.

Cornell wants one union to (Continued on Page 3)

Duke may invoke protest rule after civil trial is completed

The University is apparently considering bringing disciplinary action against the demonstrators arrested in the hospital sit-in early Wednesday morning, regardless of the outcome of their trial in Durham court tomorrow.

In a statement issued last night, Barnes Woodhall, chancellor pro tem, said that "we are conducting our investigation, but we will await the disposition of the civil action before taking any further step."

William Griffith, dean of student affairs, explained in an interview with the Chronicle that the University did not plan to release any information from its investigation before the court proceedings are completed because

"we don't want to prejudice the trial."

Griffith's office would conduct the investigation into alleged violations of the University's policy on "disruptive demonstrations" on the part of students, faculty and administrators. He said last night that there is nothing in the University's regulations that would preclude a student who was also employed in the hospital and had participated in a "disruptive demonstration" from being arrested, tried in Durham civil court, punished by the University personnel office as an employee, and disciplined by the University as a student.

"It's a kind of triple jeopardy,"

Griffith admitted, "but I think it was generally agreed when the protest policy was adopted that it would be permissible for the University to discipline internally demonstrators who had already been sentenced in civil court."

The "Rules and Regulations on Pickets, Protests, and Demonstrations," issued on August 2, 1968, declare that "disruptive picketing, protesting or demonstrating...is prohibited."

Dr. William G. Anyan, vice president for health affairs, brought the hospital demonstrators under the policy Tuesday night when he warned them of impending arrest.

In a statement issued yesterday, he (Continued on Page 2)

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Dignity for Duke workers

Although the latest incident in the Duke Hospital—the alleged striking of a black dietician by a white doctor—may not at first glance appear to be of great significance, the controversy it has aroused reflects the deep-seated differences that have long separated worker and employer at this University.

An occurrence like Tuesday night's sit-in obviously presents two distinct but inter-related dilemmas. One, of course, is the problem of maintaining high quality care for the sick and injured that come to the hospital for treatment. The other is the University's approach to its employees' grievances, and its recognition that all members of this community are entitled to that most basic element of human dignity, control over their own lives. For no matter how admirable our University's goals, it cannot pretend to achieve those goals by stepping on the people that form the very foundation on which this institution operates.

But as is usual in Duke's relationship to its employees, the people that make the decisions only see one side of this two-horned dilemma, that of maintaining the "normal operation" of the University.

They do not seem to care that the normal operation often exploits and oppresses the human beings that make that operation possible, that it forces people to support families on \$1.66 or (after one year's employment) \$1.80 an hour, and that it causes people to work in an environment of structured racial discrimination. And if the workers' petitions to change these "normal" conditions are turned down, they have no recourse under the present structure but to live with their misery.

This is the crux of the matter of unionization, which is the basic issue behind all of the disputes the hospital has been involved in this year. With a union, when the University says "no," the workers can say "lets sit down and talk about it." With a union, the workers have an equal status with management. With a union, the workers have control over their own lives.

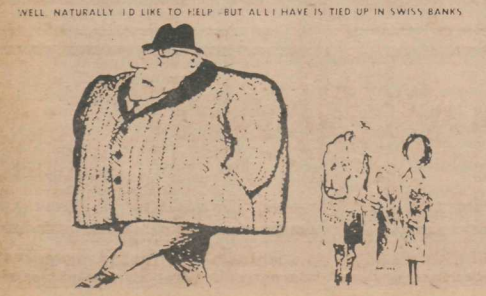
It is exactly this control and equality that the University refuses to grant to its employees.

Duke does not have an admirable history in its dealings with black people and with its mostly black work force. The wards at the hospital were not integrated until such integration was required by federal law. Defacto discrimination abounds in job classifications all over the University, but is especially acute at the hospital, where many jobs are staffed exclusively by blacks and others are exclusively white. Workers' salaries have always been close to the minimum required by law and by the demands of local competition, in spite of the fact that for years North Carolina has had the lowest wage rate in the country. And now "university officials" have refused to grant recognition to Local 1199, saying only that under Federal labor laws, hospitals are not required to recognize unions.

We are disgusted with our University's continuing policy of doing only the minimum that is required when it comes to the issues involving human dignity. Many of the workers at the hospital have decided that they can no longer stand for continued abuse. We support their drive for union recognition and equality.

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Unsigned editorials reflect the opinions of a majority of the council



Doctor accused of assault

By Jerome Katz
Labor Editor

The five-hour Duke Hospital sit-in, which ended early yesterday morning with the arrest of 18 Duke students and non-academic employees, was initiated by an incident Tuesday evening involving a dietetics worker and a doctor.

Carolyn Ruffin, the 18-year-old dietetics worker, claims that the doctor struck her from behind with

his clip-board after she had asked one of his patients for his meal preference. When contacted Tuesday, the doctor denied any physical contact.

According to the doctor, Miss Ruffin interrupted a consultation between him and an unidentified patient. While Miss Ruffin says she was "only doing her job," the doctor said she made a "deliberate violation and intrusion of a conversation between a doctor and his patient."

witness could not be reached for comment.

By 8:15 p.m. Tuesday, approximately 30 to 35 people had occupied the hospital's Nursing Service Office to protest what they considered the administration's failure to respond to the incident once it had been reported.

According to some who took part in the occupation of the nursing service office, the sit-in was also designed to call attention to grievances of several non-academic employees.

The group participating in the sit-in included students, non-academic employees, and individuals not connected with the University.

news briefs

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OWERRI, Nigeria—Foreign reporters who had toured the area said the people of the Nigerian territory that was Biafra have begun to return to their homes and are, beginning to be fed again, though thousands were said to be still starving. The journalists, who were detained by Nigerian military authorities in Port Harcourt, reported no pattern of purposeful starvation by Nigerian forces and no signs of massacre.

MOSCOW—China is devoting all of her energies towards building up a military machine and nuclear arsenal, according to the Soviet defense ministry newspaper, which warned that China's potential military threat not be underrated. In its analysis of China's aims, Krasnaya Zvezda said that the country was on "an expansionist adventurist course towards its neighbors."

VIENTIANE, Laos—Since American pilots held prisoners in North Vietnam are regarded as "criminals" and not prisoners of war, there was no question of a list of the pilots being published, the North Vietnam charge d'affaires in Vientiane, Laos, said. About 430 Americans are known to be held by the North Vietnamese.

National

CHICAGO—The deaths of the two black Panthers slain in a pre-dawn police raid in Chicago last December were ruled "justifiable" by an interracial coroner's jury. A Cook County grand jury is considering bringing attempted murder charges against the seven Panthers that survived the raid.

—protest policy—

(Continued from Page 1)

charged that the demonstrators had "disrupted the change of nursing personnel at 11 p.m."

Students charged under the protest policy are tried by a Hearing Committee appointed by the Academic Council. Non-academic employees are subject to the same regulation, but are disciplined by their superiors, according to William R. Linke, director of personnel. If a non-academic employee is not satisfied with a disciplinary action taken by his superior, Linke said, he can appeal through the University's employee grievance procedure.

Linke added that some of the employees involved in the protest might be charged with leaving duty without permission, rather than with violating the protest policy.

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Student Charge Accounts Welcome

—Should NLRB assert jurisdiction?—

(Continued from Page 1)

represent all of its nonprofessional employees in New York state. The Civil Service Employees Association is seeking to represent all of the employees. Two other employee associations are seeking to represent a limited number of employees. All three unions petitioned the New York State Labor Relations Board for recognition. Cornell subsequently asked the National Labor Relations Board to take jurisdiction.

In the Syracuse case, the building, maintenance and service employees won an election under

—Conference—

(Continued from Page 1)

When asked about specific future plans of the union, Von Luther refused comment. But he did say that "we are going to pursue recognition." But this specific incident, he said however, "transcends all organizations."

Mrs. Geraldine Lunsford, hospital worker and volunteer organizer for 1199d, said "the workers don't want to be second class citizens." Von Luther added that "the time has come when the wretched of Duke University are seeking their place in the sun."

During the press conference Miss Caroline Ruffin, the hospital worker allegedly struck by a doctor, retold the events surrounding the incident. It was noted by Von Luther that "this was not an isolated event."

One hospital worker, "Zeke" Zimmerman, told how he recently lost his job at the hospital for breaking two work area regulations. Zimmerman said he had made a phone call during the morning in an area outside of his work area and at a later time had stopped to ask Mrs. Lunsford at what time she had planned to go to lunch. Because the two excursion twice took him momentarily from his work area, Zimmerman says, he lost his job.

William McDuffy, also a hospital worker, said that while he was circulating a petition to reinstate Zimmerman he was forced by his supervisor to sign a statement saying that he was out of his work area. Von Luther, commenting on McDuffy's treatment, asked if the Fourteenth, Fifteenth and Sixteenth Amendments were known to Duke University.

-Trial set-

(Continued from Page 1)

claimed that they organized the protest.

Recognition requested
1199d Sunday requested University recognition of the Union as collective bargaining agent for the hospital's nonprofessional workers.

Von Luther said that about 500 of the 1000 workers in the hospital have joined 1199d.

University officials Monday denied the union's request for recognition.

Local 77, an unrecognized nonacademic employees union, has also been attempting to recruit hospital workers. Affiliated with the American Federation of State, County and Municipal Employees, Local 77 has not demanded union recognition.

the jurisdiction of the state board. Syracuse said it was not seeking to nullify the election or call for a new election but wanted the national board to assume jurisdiction and certify the election.

The basic question

The basic question in the three cases seems to be whether the board legally could assert jurisdiction. The law does not specifically preclude the board from taking jurisdiction in cases involving private colleges and universities. Both sides in the dispute have turned to the legislative history for support of their positions.

When Congress was considering the Taft-Hartley amendments to the National Labor Relations Act in 1947, the House bill exempted charitable and non-profit organizations from board jurisdiction. The Senate bill provided an exemption for

charitable hospitals only.

The conference report said the kinds of organizations exempted in the House bill were not exempted in the conference agreement, "for only in exceptional circumstances and in connection with purely commercial activities of such organizations have any of the activities of such organizations or their employees been considered within the scope of the National Labor Relations Act."

Californians' argument

The brief of the California institutions argues that only Congress can revise the exemption for charitable and educational organizations. Without congressional action, the brief said, "the existing policy should not be reversed absent a clear showing of an overwhelming need for board jurisdiction."

The Cornell-Syracuse brief

argued that Congress "did not want and did not intend to permanently foreclose the board from asserting jurisdiction over educational institutions in the future." The brief said there was an expectation

in 1947 that the states would enact their own labor-management relations legislation. This has not occurred, the brief said. Only 18 states have some form of legislation, said a board official.

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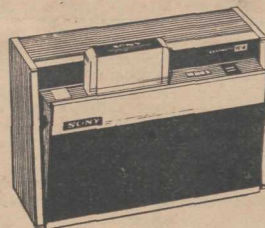
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