

Taxpayers to pay for strikers' trial

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STAFF WRITER

Santa Cruz County taxpayers will probably have to pay for the defense of 15 people Watsonville Canning and Frozen Food Co. charges have violated court orders issued to control strike activity.

Santa Cruz County Superior Court Judge Bill Kelsay ruled today that each defendant is entitled to a lawyer because the contempt of court proceeding initiated last November by the company is a "quasi-criminal" action.

In effect, Watsonville Canning has taken the role of prosecutor and will seek to prove beyond a reasonable doubt that 180 specific incidents occurred that violated Kelsay's previous court orders.

Company personnel manager Larry Vawter, in three separate declarations, detailed 180 separate incidents, ranging from verbal threats to rock-throwing and fire-bomb attacks. Vawter based most of his complaints on police reports he has purchased to the tune of about \$300. Some, however, he says he personally witnessed.

Many of the alleged incidents are being prosecuted in criminal courts by the District Attorney's office.

Kelsay today appointed the public defender's office to represent one of the persons named in Watsonville Canning's complaint and set Jan. 24 as the date to appoint lawyers for the others.

Because most of the 15 defendants are indigent, or close to it, the county will have to pick up the cost of the court-appointed lawyers.

Kelsay indicated the last thing he wants is 15 lawyers in his courtroom, but he said the due process rights of the defendants require each to have a lawyer if he or she wants one.

Kelsay also agreed with Randolph C. Roeder, the lawyer leading the frozen-food company's contempt action, that the proceedings should move along as quickly as possible and he said he hopes to streamline the process.

Two other attorneys accompanied Roeder from the San Francisco firm of Littler, Mendelson, Fastiff, and Tichy, which has represented Watsonville Canning since before the strike began.

A lawyer familiar with the firm that specializes in labor law estimated Watsonville Canning has incurred legal bills of at least \$250,000 and perhaps twice that much.

Roeder said the company wants to get started, presenting evidence as soon as possible, and asked that a definite trial date be set. Outside the court-

room he criticized the delays.

Frank Silver, the lawyer representing the Teamsters union, said if the case finally moves to trial it will "undoubtedly be extremely lengthy."

The court file currently takes up nine file folders. Kelsay said he expects it to at least double.

Kelsay, just before noon, quashed subpoenas Watsonville Canning served on the Teamsters union, the Strike Support Committee and the Watsonville chapter of Teamsters for a Democratic Union. He ruled they were overly broad. Kelsay did not give attorney's fees as requested by the groups, who charged the subpoenas for membership lists, records, reports and other documents were "frivolous."

Kelsay earlier threw out two portions of a preliminary injunction he issued three months ago, ruling they were "overly broad" and in one case, probably unconstitutional. The Teamsters union had challenged the entire injunction on a variety of legal grounds.

Kelsay said that a prohibition against verbal threats could be unconstitutional because such threats "could be an exercise of First Amendment rights, believe it or not." He said "using the words is not a criminal act."

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