Editorial

Two veto-worthy bills

THERE ARE TWO dubious bills heading toward Gov. Gray Davis' desk that are disguised as labor fairness measures. While they do concern labor issues, they are anything but fair. One could result in more violence, and the other is likely to reduce job-training opportunities for young people seeking a career in the building trades. Both bills do a disservice to workers, businesses and the public and deserve to be vetoed.

The worst of the two is Assembly Bill 1268 by Sheila James Kuehl, D-Santa Monica. It could actually promote violence in times of labor unrest. Current law provides that all persons have the right to be free from any violence or intimidation by threat of violence. However, no one can be held liable for statements concerning position in a labor dispute that are made during otherwise lawful labor picketing.

The only time a union can be held liable for damages caused by its members is when the union planned, aided or participated in unlawful acts. Like most other civil actions, the standard of proof for one side to prevail is based on a "preponderance of the evidence." This state standard, which has been in effect for decades, has served everyone's interests well. It allows wide latitude for freedom of speech in heated labor disputes and protects unions from being held liable for unauthorized actions by their members.

What AB1268 would do is change the evidentiary standard to "clear proof," which is far more difficult to establish in court. It lies somewhere between the current "preponderance of the evidence" and "beyond a reasonable doubt," the evidentiary standard in criminal cases. The danger of raising the standard of evidence to "clear proof" is that unions will be less likely to do all they can to prevent their members from committing acts of violence. That is hardly the kind of message California should be sending to anyone.