

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF NEW JERSEY

Civil Action, File Number

BUILDING CONTRACTORS ASSOCIATION OF )  
NEW JERSEY, )

Plaintiff, )

AFFIDAVIT

VS. )

RUTGERS, THE STATE UNIVERSITY OF )  
NEW JERSEY, ET ALS, )

Defendants. )

STATE OF NEW JERSEY )  
 ) SS:  
COUNTY OF ESSEX )

PAUL J. BRIENZA, of full age, being duly sworn according to law, on his oath says:

1. I reside at Picatinny Road, Morristown, New Jersey and am employed as Managing Director of the Building Contractors Association of New Jersey, with principal offices at 1180 Raymond Boulevard, Newark, New Jersey.

2. The Building Contractors Association of New Jersey consists of in excess of 400 members who are engaged in the building construction industry throughout the State of New Jersey and annually perform millions of dollars worth of construction in the State of New Jersey.

3. As appears from the Verified Complaint herein, Plaintiff and its members are in great doubt as to the legality of the threatened enforcement action of the Division on Civil Rights of the State of New Jersey in the hearings currently scheduled to take place on November 30, 1965.

4. By Federal Law, the contractor in the construction industry is required to bargain with union representatives regarding wages and conditions of employment. One such condition of employment is the hiring ~~law~~<sup>hall</sup> which construction unions are permitted to bargain for and which may establish

preferential criteria for the referral of men. The transient nature of the construction industry and the short term of each job makes the hiring hall a practical necessity. Employers, therefore, are in a difficult position to operate their businesses without the establishment of such hiring halls which are proper and lawful under Federal Statutes.

5. Time and time again the Building Contractors Association of New Jersey and its members have pledged to abide by and uphold Presidential Executive orders and governmental agency directives which have been issued against discrimination. It has always been our judgment that a course set up by government based upon a proper consideration of the peculiar facts of the construction industry is the only way to meet improper employment practices, should they be found to exist.

6. Many contractor members of the Building Contractors Association of New Jersey and many others active in the industry have been advised to obey the law against discrimination and urged to take affirmative action to prevent discrimination.

7. To be absolutely realistic in approaching this problem, the contractors' difficulty arises from the inconsistencies in both Federal and State statutes and/or directives and actions of Federal and State agencies.

8. What course is an individual contractor to follow? On one hand, under Federal Agency rules and directives, Presidential Executive orders and decisions of the National Labor Relations Board, certain things are required and on the other hand under State laws, State administrative agency directives, other things are required. If the contractors follow one course in disregard of the other, their contracts are in jeopardy and they may face contract cancellations or be removed from bidding lists for either Federal or State work. Herein lies their dilemma. What is the law of the land?


9. The members of the Building Contractors Association of New Jersey, owners and the various government agencies with whom these members contract must know what rules of the game are to be followed. Should they follow the Federal Statute, Agency directives and Presidential orders with an assurance that this will be adequate to suffice the needs of the laws against discrimination or can they be called upon to follow some other standards

set forth by the State. Which law or directives prevail?

10. Because both Federal and State legislators have not integrated labor law with the Civil Rights Law, many of these problems exist and the Federal Court must give us direction at this time lest we unknowingly and without intention violate one of these multiple laws or directives.

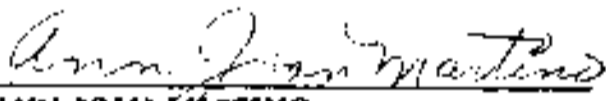
11. Unless a decision is rendered by this Court, substantial irreparable harm and injury will result to Plaintiff and its members and they cannot conduct their businesses in an orderly fashion and take the necessary legal affirmative action required by the various governmental agencies to comply with the laws against discrimination.

The foregoing is true to the best of my knowledge and belief.

  
\_\_\_\_\_  
PAUL J. BRIENZA

Sworn and Subscribed to before

me this 22 day of November, 1965.

  
\_\_\_\_\_  
ANN JOAN MARTINO  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 2-4-67.