No Jobless Pay During 'Lock-Out'

SALEM (AP)—Union members cannot draw unemployment benefits in the face of a lock-out, the Oregon Supreme Court held today.

The Clackamas County conviction of Levi McDonald was upheld and the constitutionality of the inadvertant libel law also was upheld in other decisions.

In the unemployment benefit case, the Teamsters Union had appealed an order by Commissioner David H. Cameron denying benefits.

The union contended that it had negotiated with employers a new contract for a regional area, including Oregon, and agreement also had been reached locally.

The union said that employers refused to resume operations until there was a total agreement although workers were ready and willing to return to work and therefore the workers were entitled to unemployment benefits.

The court opinion, written by Justice George Rossman, said that the word "lock-out" in the law makes it evident that a lock-out is a labor dispute.

He said therefore the appeal is not based on a question of law but on the conclusion of the commission, which he said has the same weight as a jury verdict.

"The findings by the commissioner that the complainants were directly interested in the labor dispute, being supported by substantial evidence, is conclusive upon the reviewing court," Rossman said.

The court, in an opinion by Justice William Perry, upheld the second conviction of Levi McDonald, a stereotyper on strike against the Oregonian. He was convicted on a charge of damaging trucks by explosives.

McDonald first was convicted on a separate charge in Multnomah County, resulting from the dynamiting of trucks used to carry Oregonian newspapers. He later was convicted in Clackamas County as a result of dymamiting of 2 other trucks in that county.

The Supreme Court previously upheld the Multnomah County conviction and 10-year sentence.

The court also overruled McDonald's plea of former jeopardy based upon the Multnomah County conviction.

Card Author Heads Home

WASHINGTON (UPI) — Margery Michelmore, 23, author of the controversial postcard remark about "primitive" living conditions in Nigeria, is coming home "but is still very much in the Peace Corps."

"We still think highly of her," a Corps spokesman said today in disclosing that she would leave Nigeria today.

The teacher from Foxboro, Mass., may soon get another assignment, possibly in Latin America, it was learned on good authority.

The Peace Corps action was taken despite the recommendation of Nigerian Ambassador to the United States Julius M. Udochi that she be retained in Nigeria. He said in an interview today that Nigerian students "would forgive and forget" her remarks.

But it was understood that Joseph Palmer II, U.S. ambassador to Nigeria, recommended that she leave Nigeria on grounds that her presence might continue to stir agitation by Nigerian students who Sunday demanded her expulsion from the country. One official said it was thought "she might be better off somewhere else."

Udochi called her remarks "a thoughtless act on the part of a young woman." But he said "the remorse she feels" was sufficient penalty.

Winery Fumes Kill Workmen

NEW YORK (AP)—Two workmen at a winery died Tuesday of fumes from a fermenting wine vat.

Police tried for 45 minutes to revive the two men, Alfred Ratz, 50, of Brooklyn and Meyer Rosenfeld, 46.

A spokesman for Schapiro Kosher Wine, Inc., said that Ratz and Rosenfeld were building a wooden platform for a grape-crushing machine above a vat containing fermenting grape mash. A plank fell to the surface of the semisolid mash, and Ratz climbed down a ladder to get it.

Police said Ratz collapsed while walking on the surface of the mash and Rosenfeld went to his aid but collapsed also.

Two policemen wearing oxygen masks carried the two men out about half an hour later and tried unsuccessfully to revive them.