Best Wishes To You Who Are the UAW

INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

UAW SOLIDARITY

Season's Greetings

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Why Chrysler's Closed: Company Won't Make 'Standards' Humane

DODGE STRIKERS crowd into school auditorium for report on workload problems by Pat Quinn (inset), Local 3 president.

By RAY MARTIN

It was a thunderous decision: Keep bargaining with the Chrysler Corp. while the strike continues.

It was Sunday. Close to 2,500 Dodge Local 3 workers jammed Cass Technical High School's auditorium in near-downtown Detroit to hear a report on negotiations. Tuned in across the country were millions of factory workers who could identify themselves, to a degree, with the Dodge strikers.

Leading UAW negotiators took turns at the microphone.

They looked out over a sea of gray or graying hair, for Dodge workers aren't young.

When the strike began Dec. 2, the Dodge production worker needed 15 years seniority to be on the job—despite the fact that the corporation was steaming into new model production.

The audience was sober, firm, well-educated in their rights. They could interpret handwriting on the wall.

The days passed fruitlessly since that membership rally, with the UAW working at the bargaining table in search of a formula to end

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Win Big LA Shop

LOS ANGELES — UAW's biggest organizing drive on the west coast since 1951 was climaxed with a 625 to 609 victory in an NLRB election at McCulloch Motors here, it was reported by Region 6 Director Charles Bioletti. There were 14 challenged ballots.

The UAW victory capped campaigns stretching over some 10 years, including two unsuccessful earlier bids by the UAW and IAM.

In December 1955 UAW filed charges with the NLRB against McCulloch Motors on grounds it formed, financed and dominated a company union. More than two years later the board upheld the charges and ordered the company to sever connections with its "employee relations committee."

Following the board's decision, the organizing campaign—stalled while the case was

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PRB Report Inside

The UAW public review board's first annual report to the membership is printed in full on Pages 4-7.

'Company Strike' Stalls I-H

CHICAGO — Close to 40,000 International Harvester workers across the country faced the prospect of spending Christmas on strike because of their employer's continued unreasonable demands.

"This is not a strike by the union in the usual sense," says UAW Vice President Pat Greathouse. "This is a company strike. It is not our demands on management which hold up a settlement in time for the holiday; it is management's demands on its workers. The company still wants to take away from us what we have had in previous contracts."

Greathouse, who is director of the union's International Harvester department, said the company began by demanding 76 changes. The union's answer was a strike which began Nov. 13 (Solidarity, Nov. 24). After three weeks on strike, management reduced its demands to 40 issues.

Just a Few?

"Now the company has again reduced its demands to what it calls 'just a few issues'," Greathouse told a rally here last week.

"But let's take a look at this 'Christmas present' — it consists of six basic demands which could do harm to Harvester workers."

He listed these demands:

- The company wants the right to schedule unlimited shortwork weeks.
- It wants to freeze the night shift bonus.
- It wants the right to shut down for vacation periods.
- It wants to change the funding provision of the SUB and pension funds and to freeze the SUB fund at the 60% level, thus saving the company millions of dollars at the expense of laid-off I-H workers.
- It wants loss of over-rate pay eligibility for an over-rate worker after he works at a lower rate job for six months.
- It wants its workers to pay more for hospital insurance premiums by "sharing" payments with the company on a 50-50 basis. This would mean a Harvester worker would be paying almost $80 more for insurance than a Caterpillar worker, Greathouse pointed out.

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Matthews Injured

Vice President Norman Matthews, who only recently recovered from an extended illness, suffered a smashed rib and other injuries last week when a brick crashed through the windshield of his car. The brick was apparently thrown from a pedestrian overpass on the Edsel Ford Expressway, Detroit.

Carter Quits UAW Board To 'Manage' Home Town

Robert Carter, director of UAW Region 1C since 1951, has resigned to become city manager of his home town, Flint, Mich.

Carter combined union and civic activities for some 20 years. He began his career in AC Spark Plug Local 651, holding virtually every office, including president, at one time or another.

Robert Carter

In 1944 he was elected president of the Greater Flint CIO Council, serving three years. Also in the Forties he served his first term on the Michigan CIO Council executive board. He returned to the board in 1956 and was chosen for the AFL-CIO board after merger.

Meanwhile, Carter was elected to the Flint city commission in 1948, retaining that post six years. He was a member of the Hurley Hospital board of managers, and in 1957 became the nation's first union member to head up a Red Feather drive in a major city.

Special Convention Elects Hawks to Head Region 5

ST. LOUIS — The first of three vacancies on UAW's international executive board has been filled by election of Theodore Hawks as board member and Region 5 director.

Hawks, a 43-year-old UAW veteran active in the union since Local 25 was organized at the General Motors plant here, was chosen by a special one-day regional convention to fill the unexpired term of Russell Letner who had resigned for reasons of health (Solidarity, Nov. 24).

Letner Honored

He defeated Roy Evans, president of Local 893, Grand Prairie, Tex., by a vote of 346 to 152. Delegates to the convention here represented 66 locals in the eight-state region which covers Missouri, Texas, Arkansas, Louisiana, Oklahoma, Kansas, Colorado and New Mexico.

The convention also honored Letner at a banquet for his 11 years of service as Re-

Continued on Page 8

Theodore Hawks

At Region 5 Meeting:

We Must Solve Problem Of Joblessness: Mazey

By HOWARD LIPTON

ST. LOUIS—A bold, broad program to fight for greater security and dignity for America's workers and their families was detailed here last week by UAW Secretary-Treasurer Emil Mazey.

Speaking at a dinner honoring Russell Letner who had resigned as Region 5 director for reasons of health, Mazey called for a renewed, intensified battle against unemployment, poor housing, inadequate schools, inadequate hospital and medical care and facilities, and deficient distribution of food.

"These are highly important jobs in the large measure of unfinished business before us, despite the tremendous progress we have made in the past 25 years," he said.

Emphasizing UAW's accomplishments in winning better living conditions and better working conditions since the union was organized, Mazey said such gains "are a fitting tribute to Russ Letner" because they represent what "he and others began trying to achieve" when the fight to win these goals started 25 years ago.

"We have achieved a far greater measure of industrial democracy that affects all of us for the better, in all the communities in which we live," he noted.

"But despite the progress we have made, we still have huge problems to be solved," Mazey continued. "Unemployment is one such problem.

"During the past year, more than 11 million people were unemployed at one time or another. More than 5 million were out of work at the same time, but unemployment itself affected a total of more than 11 million different people. We have to solve this problem that affects so many millions of workers.

"We ought also to be able to get rid of our nation's rat-infested slums," the UAW secretary-treasurer continued. "We have the construction workers to do this and we have the materials. But the job remains undone.

"Moreover, we probably are the only country in the world to have a problem because we produce too much food. Yet we still need a better system of distributing this food to the people, to provide nourishing diets for every citizen.

"Wiping out slums and building decent housing in their place, putting up new, modern schools and repairing schools which badly need modernization, providing adequate hospitals and decent medical care not only would provide jobs to attack the problem of unemployment but would help solve other basic ills as well," Mazey added.

Union Family

ST. LOUIS—Region 5's new director, Ted Hawks, began getting his union education at an early age.

"Right at my mother's knee," he said. "She's always been an active union believer and member."

She still is. Mrs. Irene Hawks is president of her local union—Local 247A of the Amalgamated Clothing Workers in St. Louis.

Vic Reuther

Scores Lack Of Ethics In U.S. Life

ST. LOUIS — Corruption in some segments of the labor movement is a symptom of the general lack of ethical standards in American society, according to Victor Reuther, director of the UAW's Washington office.

Speaking on ethics in labor-management relations, Reuther said it was "naive to assume that morality can be established in one element of society" when other elements in that society condone unethical behavior and sharp practices.

"I am not saying this in an attempt to excuse or defend corruption among labor leaders. The American labor movement, which has roots in all segments of society, has a great stake in keeping its own house—as well as all other houses in our society—as clean as possible," he asserted.

He said labor had become "deeply disturbed" that some people have crept into leadership who are blind to the responsibility which leadership carries.

"But we are dealing with an entire society which has veered rather far from ethical concepts. And if some in the trade union movement have changed, too, don't be surprised," Reuther told a meeting of the YMHA Liberal Forum here (Solidarity, Nov. 24).

He termed the McClellan committee investigation "generally beneficial" since it could use the weapons of publicity and power of subpoena where the labor movement itself could not.

He reminded his listeners, however, that there is a bribe-giver for every bribe-taker, and said it was labor's "greatest regret" that the committee "did not pursue with vigor the exposing of the source of labor corruption — those representatives of management and industry who thought it cheaper to bribe a labor leader than sign an equitable contract."

Speaking of election campaigns, Reuther questioned the morality of existing laws which permit heavy contributions by industrialists but which curtail such contributions from labor.

He called for a broader participation, financially and otherwise, in political campaigns, saying that "from the point of view of democratic processes, there is a vast difference between one wealthy man contributing $5,000 to a campaign fund, and 5,000 men contributing $1 each."

Woodcock Tells TViewers: There's No Pushbutton Vote

ST. LOUIS— Union members aren't push-button voters, UAW Vice President Leonard Woodcock told a television audience this month.

He appeared on "Close Up," a "guest on the griddle" conference program of KMOX-TV, the Columbia Broadcasting System television station here.

Union members aren't automatons," Woodcock emphasized in answering a question on why workers voted as they did in this year's elections.

"They're men and women who have their own minds and their own convictions. No one can make them vote for any candidate they feel is opposed to their best interests.

"No one pushes a button to tell them how to vote. It couldn't be done."

Asked about labor's support of candidates, Woodcock said the union's members and leaders support candidates "we believe come closest to the program which will best benefit people."

"The U.S. Constitution doesn't require that Congress be made up just of insurance salesmen or lawyers," he commented.

Selected by the St. Louis Bar Association, the panel questioning Woodcock was comprised of Dr. William Chambers, Washington University professor of political science; John R. Stockton, attorney for various St. Louis companies in labor matters, and Edmund Greene, director of marketing research for the Monsanto Chemical Co. Moderator was Spencer Allen, KMOX-TV news director.

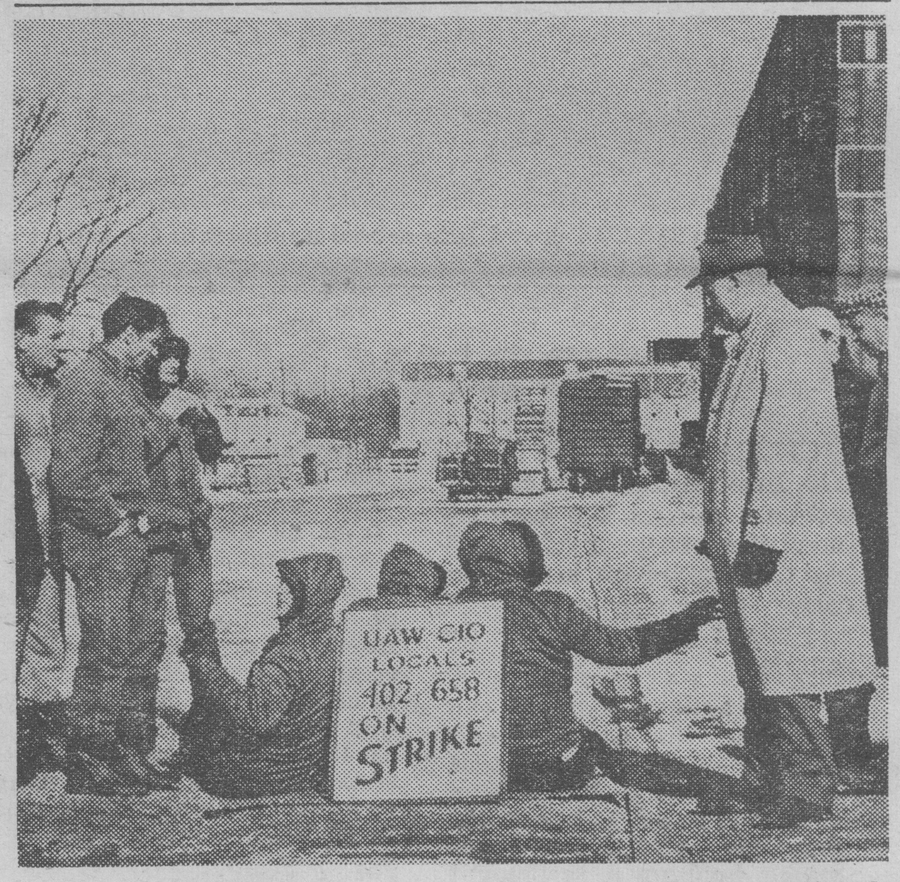
Season's Greetings

to all UAW families from

Region 3 Director Ray Berndt

Region 5 Director Ted Hawks

Region 8 Director "Mike" Michael and their staffs.



DETERMINED not to let Diesel engine pass into International Harvester plant's yard to pick up two carloads of motors (seen in background) are pickets of Locals 402 and 658, Springfield, O. (above). In picture below, pickets win battle as engine withdraws.

Budd Local in Gary Ratifies Agreement

GARY, Ind.—Budd Local 1122 ratified its local and national agreements last week, UAW Vice President Norman Matthews reports. Tentative settlements had been reached earlier this month.

The local settlement includes substantial improvements in insurance coverage at no additional cost to the workers; wage inequity adjustments for hourly-rated employees ranging from 3 to 10c; equalization of overtime and improvements in health and safety provisions.

It also includes improved seniority clauses; improvements in plant practices and contract language, and concessions on the rate of pay for incentive workers.

The national agreement, which also covers Budd plants in Detroit and Philadelphia, and which is the first one to be negotiated with that company, includes the many improvements negotiated previously with the Big Three, plus these additional major achievements:

A 2.5c hourly pool, to be applied against wage inequities and to improve insurance.

An improved pension plan which surpasses the pension plans now in effect at the Big Three plants. (Budd workers build pensions at the rate of $2.72 a month for each year of service and without the old 30-year limit, as against the newly-won $2.50 monthly pensions in effect in the auto plants.)

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The Budd Co. is a key supplier to the nation's auto manufacturers. The Gary plant supplies bodies for American Motors plants in Wisconsin. The Philadelphia plants supply Studebaker-Packard in South Bend, Ind. Ford, General Motors and Chrysler are also Budd customers. (The Detroit plant, for example, makes Ford Thunderbird bodies.)

Budd also makes rail equipment.

"The new agreement meets the economics of patterns established at the Big Three and goes a long way toward meeting problems peculiar to Budd workers who had been divided so many years by separate contracts," Matthews said in announcing the settlements.

The firm currently employs 11,000 workers.

LETTER that sent Caterpillar workers at York, Pa. back to work is signed by B. W. Bothe, assistant Region 8 director. Letter notified management that Local 786 members had ratified new agreement. Getting ready to sign are Dick Lustgarden (left), chairman of the local negotiating committee, and Richard Irvine, local president.

York CAT Local 786 Ratifies Settlement

YORK, Pa. — Members of UAW Local 786 have ratified, by a margin of better than four to one, the local agreement with the Caterpillar Tractor Co. plant here, ending an eight-week strike.

The vote was reported by Richard Irvine, local president, and Dick Lustgarden, shop chairman.

York Caterpillar workers thus join those in Peoria and Decatur, Ill. who have also ratified their agreements. Local talks are still going on at the Aurora, Ill. and Riverdale, Ia. CAT plants.

The York pact includes all new gains and improvements negotiated at the Peoria plant, which was the first to settle.

In addition, Caterpillar workers here obtained improvements which the company had granted Peoria workers in previous negotiations but which had been withheld from the York workers by the local management.

On basic contract terms, York workers have now achieved, for all practical purposes, contract coverage identical to that enjoyed by the Peoria workers, Irvine and Lustgarden said.

The local also negotiated a number of additional gains on a local basis, they said. For example, it obtained a letter from the company guaranteeing hunters additional time off during the deer hunting season. The company said it would rearrange plant operations and scheduling during the first week of December to allow maximum time off for as many people as possible.

Another local gain consisted of improvements in the insurance program which management said would cost the company another 3c an hour. This will make the York insurance plan identical to those in other CAT plants.

Region 8 Director E. T. Michael commended the local's bargaining committee for its "feat of endurance" during the 9-day marathon negotiating session which led to the final settlement. He also expressed his admiration for the solid support given the committee by the Local 786 membership during the lengthy strike.

Major Contract Gains in Region 8 For 2 GM Electro-Motive Locals

BALTIMORE—Major contract gains without the necessity for strike action have been made by members of two General Motors Electro-Motive division locals in Region 8.

The gains are part of a settlement ratified unanimously last week by the memberships of Local 20, Jacksonville, Fla., and Local 141, Halethorpe, Md. Results of the voting were announced here by Regional Director E. T. Michael.

The two locals represent divisional repair shops and, unlike the division's manufacturing plant in La-Grange, Ill., are not covered by the national GM agreement negotiated last October.

The two locals, which had coordinated their bargaining efforts, emerged not only with all of the economic gains contained in the national agreement but with identical local agreements, including the same wage rates for both plants, Michael reported.

The new contracts include:

- An increase in all wage rates in the two plants to the levels paid for the same work in the home plant at La-Grange. This increase is in addition to the basic pay boost.
- Inequity adjustments ranging from 3c to 21c, and averaging 5c on a plant-wide basis. (On several jobs this will result in higher rates than those paid at LaGrange, due to the more flexible nature of operations in these smaller shops). These adjustments are retroactive to Oct. 6.

The negotiators were led by Bill Miller, president, and Neil Ponsell, shop chairman, Local 20, and Leonard Seibert, president, and Charles Kelly, shop chairman, Local 141.

They were aided by B. W. Bothe, assistant regional director, who had been assigned to this task by Michael following a request by the two locals—made last February—for assistance from the regional office to prevent repetition of the whipsaw tactics used by GM in past negotiations.

Michael congratulated both locals for their "intelligent planning, coordination and cooperation, which led to uniform rates and contracts for their respective members."

He also expressed his appreciation for the help the region received from Local 719 at LaGrange and from the union's GM department.

Mrs. Jeffrey Chosen

Mrs. Mildred Jeffrey, UAW community relations staff-member, was named vice chairman of the National Child Labor Committee at its 52d annual meeting.

GM Parts Workers Vote On New National Pact

A tentative settlement has been reached covering about 1,800 General Motors workers in 30 parts warehouses across the country, it has been announced by UAW Vice President Leonard Woodcock, director of the union's GM department.

Ratification votes on this national GM parts agreement are expected to be completed early this week.

The settlement is patterned after the main GM agreement covering production and maintenance workers, negotiated early last October.

For the first time, warehouse workers were represented at the bargaining table by their own rank-and-file negotiating committee, Woodcock pointed out. In the past, parts negotiations had been carried on exclusively by staff members of the GM department because of the small size and the scattered locations of the units involved.

The new committee was made possible in part by the generous action of the GM council, which voted to pay the expenses of the rank-and-file parts negotiators, Woodcock said. The council represents the P&M locals.

The three-man committee, which was assisted by GM department staffers, consisted of Michael C. Moran, Local 322, Oklahoma City; Francis McDonald, Local 422, Framingham, Mass., and Jim Borowy, Local 678, Baltimore.

BALTIMORE — The national GM parts settlement covers facilities in the following Region 8 cities: Richmond, Va., Birmingham, Ala., Memphis, Tenn., Charlotte, N.C., Jacksonville, Fla., and Baltimore.

UAW Bowlers Tourney On!

The UAW has announced the opening of entries for the Eighth Annual UAW International Bowling Tournament to be held in Detroit Feb. 14 through April 26.

A record-breaking number of entrants is expected over last year's tourney in Toledo where more than $20,000 in prize money was distributed among teams representing 160 locals in nine states and Canada.

Olga Madar, UAW recreation department director, announced that the event is open to all UAW members and AFL-CIO members, with entries due before Jan. 17.

The tournament will have three events each for men and women: team, doubles and singles at $5 per person per event, which includes the cost of bowling.

In last year's tournament 700 five-man teams, 1,800 doubles teams and 3,500 singles entries competed.

All bowling will take place on Saturdays and Sundays at the State Fair Recreation, 19600 Woodward avenue.

Full details can be had from local union recreation committees or your regional office.

Pay Was So Low Even Scabs Quit

BALTIMORE — The labor movement here has rallied to the support of employes of the Nu-Dyper Service, who have been on strike since Oct. 24 in protest against wages as low as 28 cents an hour.

The company's first attempt to operate with scabs backfired when the strikebreakers themselves walked out after experiencing first-hand the conditions which led to the walkout. The company then boosted its wages and cut its hours to recruit a second team of strikebreakers.

The Baltimore Council of AFL-CIO Unions denounced conditions at the laundry as "intolerable" and called on affiliates to support — with financial contributions, volunteer pickets and a consumer boycott—the strike by Local 374 of the AFL-CIO Laundry Union.

Decert Try At Case Plant Fails; UAW Wins

CHURUBUSCO, Ind.—An attempt to decertify the UAW as bargaining agent for workers at the J. I. Case farm implement plant here has ended in disaster for those who tried it.

In an election to determine who should represent the workers, held earlier this month, UAW Local 1236 won 335 votes, the "independent" union which made the decertification attempt got 65 votes, the Teamsters—who had intervened—got 64 votes, and 63 voted for no union, reports Region 3 Director Ray Berndt.

Close to 560 workers had been eligible to vote. The plant, which was once known as the American Tractor Co., has been under contract with the UAW for several years.

The UAW also represents Case workers in plants at Racine, Wis., Rockford and Rock Island, Ill., and Burlington and Betendorf, Ia.

Win at Richmond

RICHMOND, Ind.—The UAW has won an election among clerical and technical workers employed in the Wayne Works division of the Divco Corp., Region 3 Director Ray Berndt reports.

Production and maintenance workers at this plant already belong to UAW Local 721.

The vote among plant clerks was UAW 5, no union 1, and 3 challenged. The vote among technicians was UAW 7, no union 2, and 3 challenged.

The UAW also represents workers in the company's Divco Truck division in Detroit.

UNITY OF PURPOSE between UAW and IAM locals representing some 10,000 workers of the Fairchild Engine and Airplane Corp. was demonstrated in a two-day meeting held in Washington, D.C., attended by some 16 representatives of the two organizations. George Smith (circled), president of UAW Local 842, Hagerstown, Md., played a key role in the conference.

The PRB Reports to the UAW Membership

Chairman's Preface

It was with a full awareness of the responsibility they assumed and of the function they were to serve that the seven members of the public review board accepted their appointment to this tribunal. Each of these men is occupied on a full-time basis with the duties imposed by his particular calling. Three of the members are clergymen, one from each of the three major faiths; one is the president of one of America's large universities; two occupy judicial positions; and one is a professor of economics. The members of the public review board saw in their selection an opportunity to render public service and readily accepted the additional burdens which it imposed. Their experience during the year and a half period covered by this report has strengthened their conviction that a body like the public review board has an important task to do and a useful function to serve. The UAW is to be commended for setting up the public review board. It is, we believe, a forward step not only in the development of a mechanism for the better ordering of the affairs of the union which created it, but also for the strengthening of the democratic society, in the context of which alone an association like a labor union can properly fulfill its highest purposes.

The public review board, as an agency zealous of its independence and integrity, provides an effective instrument of self-discipline. There are many other instruments of self-discipline which the UAW has developed in the course of its growth. The entire democratic process by which its leadership, local, regional and international, is selected is a safeguard against the seizure of authority by those who do not reflect the will of the constituency. The constitution under which the UAW operates and the principles of the AFL-CIO of which it is part are similarly restraints upon the usurpation of power and the performance of acts that contravene justice and democracy. These standards are, however, applied and interpreted by the governing bodies of the union—bodies which represent authority, democratically acquired to be sure, but authority which to an individual member of the union uninvested with the influence and status of leadership must seem, in the instance of a complaint or grievance on his part, to represent an unequal and superior force in contrast to his own. One side has the machinery of control, experience and resources while the other is only a single voice. The very existence of the public review board as an impartial tribunal, uninvolved in the mechanisms of union operation and government, is eloquent assurance to the most humble member of the smallest local that when the need should arise, he can have his day in a "court" that is neither influenced by partisan considerations nor related to any group in power.

Our experience in these last 18 months has proved that the UAW is free from corruption and gross perversions of the democratic procedures. It would be unthinkable that there should not occur in a union as large and as ramified as the UAW instances of just grievance or appeals from decisions of the international executive board. None of the cases we dealt with and to which we gave our serious attention and study reflect evils in the basic structure of the union or the conduct of its affairs.

We were impressed too by the spirit and discipline that this union has developed. Our decisions were consistently respected. We had occasion to set aside decisions of the international executive board. In every instance the decision of the public review board was accepted graciously as final and authoritative. The several hearings we held, in which issues and differences were aired which were not uncharged with high emotional intensity, were always marked by decorum and cooperation. In dealing with both local and international bodies, the public review board was always treated with respect and courtesy.

I believe that I am voicing the conviction of my colleagues when I say that the creation of the public review board reveals the high degree of stability, responsibility and moral health which American labor possesses and indicates that it has the capacity for self-discipline to enable it increasingly to remove the deficiencies and inequities from which no large organization is entirely free.

THE PUBLIC REVIEW BOARD
International Union
UAW

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Madison, Wisconsin

WALTER E. OBERER
Executive Director

December 10, 1958

Mr. Walter P. Reuther
President, International Union, UAW
8000 East Jefferson Avenue
Detroit 14, Michigan

Dear Mr. Reuther:

I have the honor of submitting through you to the membership of the UAW the enclosed report of the activities of the Public Review Board covering the period of the first eighteen months of its existence. As Chairman, I have taken the liberty of embodying in the preface a number of reflections that have been stimulated by the work of the Board.

My colleagues and I feel that we have been uniquely fortunate in having the services of Mr. Walter E. Oberer as Executive Director. His scholarship, devotion and high mindedness have placed us heavily in his debt. He has rendered a great service to the Public Review Board and to the membership of the UAW. We are glad to pay him this deserved public tribute.

My colleagues and I are grateful for the confidence placed in us by the UAW.

Yours sincerely,

Morris Adler

Rabbi Morris Adler
Chairman

RMA/rmh
enc.

Annual Report

The public review board, international union, UAW, was created by amendment to the international constitution on April 8, 1957, at the 16th constitutional convention. Article 31, which establishes the board, includes a provision directing it to "prepare and submit to the membership (of the union) an annual report of its activities." (Section 7.) The present document is accordingly submitted as the board's first annual report, covering the period from establishment through September of 1958. This timing of the report is occasioned by the fact that the future conventions of the union, at which the then-current reports will be submitted, will be held in October of odd-numbered years, beginning with the next convention in 1959.

Organization

The international constitution directs that "the public review board shall consist of seven (7) members, including the chairman" (Article 31, Section 2), and that the members of the board shall be "impartial persons of good public repute, not working under the jurisdiction of the UAW or employed by the international union or any of its subordinate bodies." (Article 31, Section 1.) The constitution further provides that at each constitutional convention "the international president shall, subject to the approval of the international executive board, propose the names of the chairman and members of the public review board for ratification by . . . (the) convention." (Article 31, Section 2.)

In such manner the names of six members of the public review board were proposed to and ratified by the convention at the time the board was created. These members are: Rabbi Morris Adler, chairman, of Congregation Shaarey Zedek, Detroit; Msgr. George G. Higgins, director of the social action department of the National Catholic Welfare Conference, Washington, D.C.; Dr. Clark Kerr, president of the University of California; Judge Wade H. McCree of the Wayne County Circuit Court, Detroit; Bishop G. Bromley Oxnam of the Methodist Church, Washington, D.C.; and Dr. Edwin E. Witte, professor of economics at the University of Wisconsin.

The constituency of the board was completed in June of 1957 with the appointment of the seventh member, Magistrate J. A. Hanrahan of the Magistrate's Court for the county of Essex, Windsor, Ont. The term of office for all seven members is "the period between international constitutional conventions." (Article 31, Section 2.)

Effective Aug. 1, 1957, Walter E. Oberer, professor of law at the University of Texas, was appointed by the public review board as executive director. In the same month board headquarters were opened at 1408 David Stott Building in Detroit.

Two meetings of the board were held in 1957, both in Detroit. The first, on May 29, was in the nature of an orientation, five of the board members meeting with President Walter Reuther and members of the international staff for a preliminary appraisal of the job to be done. The second, on Nov. 7, attended by six members, constituted both an organizational meeting of the board and the occasion of its consideration of the first 10 cases presented to it.

One of the organizational steps at the November meeting was the appointment of an executive committee to carry out certain functions of the board between board meetings. This committee, composed of Rabbi Adler, Magistrate Hanrahan and Judge McCree, has since met regularly with the executive director, establishing an effective pattern for the consideration and disposition of procedural and developmental problems.

Cases

In considering the cases that have thus far come before the public review board, it may be of value at the outset to indicate the possible paths by which the board's power under the international constitution can be set in motion. There are four of these, as the board has thus far interpreted the constitutional provisions creating and empowering it.

1. Under Article 32, Section 8, the board is empowered to hear appeals from decisions of the international executive board in cases involving alleged violation of the appellant's rights as a member of the union.

2. Under Article 31, Section 4(a), (b) and (c), the board is empowered to hear appeals from decisions of the international executive board in cases involving alleged violation of AFL-CIO ethical practices codes.

3. Under Article 31, Section 4(a), (b) and (c), the board is further empowered to review on its own motion, in the absence of appeal, any complaint of alleged violation of ethical practices codes which the international executive board has disposed of without adequate action in the review board's judgment.

4. Under Article 31, Section 4(d), the board is empowered to deal with ethical-practice matters submitted to it, in the absence of appeal, by the international executive board.

A total of 24 cases, directly involving some 70 parties, thus reached the public review board during the period covered by this report, 13 of these under the first of the above-described routes, the other 11 under route four. Of these 24 cases, the decisions in 16 have been announced, five others have been dismissed for jurisdictional reasons or abandonment by the appellants, and the remaining three were still pending at the close of the period.

Cases Decided

A summary of the 16 cases decided by the public review board during the period of this report is attached hereto as Appendix A. Moreover, the full texts of these decisions are available upon request to the public review board. The following is a brief survey.

Cases 1 to 11 involved local officers and international staff members who invoked the First and/or Fifth Amendments in refusing to answer questions of a Senate subcommittee concerning alleged communist membership, association and activity. Their eligibility to continue in office under provisions barring communists was thereafter inquired into in union hearings, and they were all determined not to be disqualified. The public review board found no occasion to disturb these decisions.

Case 12 involved the imposition of an administratorship upon a local union and the suspension from office of 10 local officers under Article 12, Section 2(b). These officers were also suspended from union membership for alleged violation of Article 32, Section 12 in seeking a court injunction against the international union, to restrain it from interfering with local affairs, without first having exhausted their rights of appeal within the union. The position of these suspended officers on appeal to the public review board was that the international executive board had infringed upon local autonomy in violation of the international constitution and that therefore the appellants were justified in refusing to abide by certain international directives. They further contended that in the very proceedings which resulted in the imposition of the administratorship and in their suspensions the international executive board had failed to abide by the provisions of the constitution covering such proceedings and had denied the appellants a fair hearing. In the only split decision of the public review board rendered to date, the board panel passing upon the case decided, four to one, to affirm the decision of the international executive board.

Case 13 involved a union member who lost her job by reason of complaints lodged against her with the local union by fellow employees. The local officers had then cooperated with management in effecting her discharge. The public review board affirmed the international executive board's decision directing the local to reimburse her for lost wages on the ground that she had been denied her right to a trial with respect to the aforesaid charges.

Case 14 presented the question of the validity of the suspension of the two appellants from union membership under Article 32, Section 12, prohibiting resort to a civil court until exhaustion of rights of appeal within the union. The appellants had sued another member of their local for libel in a state court. The alleged libel was contained in a handbill circulated during a local election campaign. No action concerning the alleged libel was pending within the union at the time of the resort to the civil court. The public review board reversed the decision of the international executive board and ordered the appellants reinstated to membership. Article 32, Section 12 was held not applicable to such a case.

Case 17 involved an election dispute in a local union. The international executive board had conducted a hearing through an appeal committee acting under Article 32, Section 6, and had invalidated the challenged election because of certain irregularities and ordered a repeat election. The appellants contended that the appeal committee was illegally constituted in that it consisted of only two, instead of three, members of the international executive board, in violation of Article 32, Section 6. The public review board reversed the decision of the international executive board on the ground that the appeal committee was not properly constituted. The review board noted a substantial difference between a three-man hearing tribunal and one composed of only two members.

Case 20 was a companion case to Case 17. The two cases were heard and decided together by the public review board. Case 20 involved an appeal by several of the Case 17 appellants from a later decision of the international executive board upholding the validity of the repeat election in the local. Again, the appeal committee which heard the case for the international executive board was made up of only two, instead of three, members. The

public review board set aside the decision of the international executive board for the same reasons as in Case 17.

Cases Dismissed

In Case 15, the appellant had been charged with six offenses under Article 30, constituting conduct unbecoming a member of the union. The trial committee of his local found him guilty as to three of these charges and innocent as to the other three, assessing his penalty at one year's suspension from membership. On appeal, the international executive board affirmed as to two of the charges upon which the appellant had been convicted but reversed as to the third. It modified the penalty accordingly from a suspension of 12 months to one of eight months. The charges as to which the conviction was affirmed were that the appellant, recording secretary of his local, (1) had released to the press an item damaging to the local union without first clearing it with other local officers, and (2) had utilized the local membership mailing list for his own political purposes within the local. After indicating intention to appeal the decision of the international executive board to the public review board and taking the initial steps essential thereto, the appellant abandoned the appeal. It was accordingly dismissed by the public review board.

Case 16 involved alleged irregularities in a local election. The appellants appealed to the public review board from the decision of the international executive board upholding the election. This appeal was also dismissed by the public review board by reason of abandonment by the appellants.

Cases 18, 21 and 22 all involved appeals from the handling of shop grievances by local union and regional officials. Each of these three cases was dismissed by the public review board, after careful investigation to ascertain the necessary facts, for want of jurisdiction. In order for such cases to come within the jurisdiction of the public review board, the requirements of Article 32, Section 8(b) must be satisfied. That section reads in pertinent part as follows:

". . . where the appeal concerns the action or inaction relative to the processing of a grievance, the jurisdiction of the public review board shall be limited to those instances where the appellant has alleged before the international executive board that the grievance was improperly handled because of fraud, discrimination, or collusion with management."

In none of the three cases noted did the appellant make the necessary allegations "before the international executive board that the grievance was improperly handled because of fraud, discrimination, or collusion with management." The review board was therefore without power to act under the international constitution.

Cases Pending

Three cases were pending before the public review board at the conclusion of the period covered by this report. The gist of each is set forth below to the extent necessary to inform the membership of the character of the matter but not in such detail as to prejudice disposition of the cases.

Case 19 presents the question of whether the president of a local union, who had allegedly resigned from office, or the vice president is entitled to occupy the office of president. The appellants, several members of the local, contend that the vice president succeeded to the presidency under the international constitution and the local bylaws after the aforesaid "resignation." The issue in the case is whether the president had effectively resigned in advance of his attempt to withdraw the resignation upon his return from an absence of several months while holding a governmental office. The international executive board decided the matter in favor of the original president on the ground that his resignation had never been formally accepted by the local membership.

Case 23 involves an election dispute in a unit of an amalgamated local, the appellants contending that there were substantial election irregularities. In appealing from the adverse decision of the international executive board, the appellants further contend that they were denied their rights under the international constitution to a full and fair hearing before the union tribunals which passed upon their matter.

Case 24 presents the question of the validity of the international executive board's determination that the appellants' good standing as members of the union was interrupted by their temporary suspension from local office by reason of an allegedly "technical" misappropriation of union funds. The appellants were paid by their local union for time they lost from their employment while doing union work and then were mistakenly paid by the employer for the same time. The sums involved were about $50 in each case. Upon "restitution" of these sums by the appellants to the local union (the company refused to accept reimbursement because of a 15-day period of limitations on such under the collective bargaining agreement), the suspension of the appellants from local office was lifted. The claim of the appellants is that their good standing as members of the union was not affected by the foregoing and that therefore they have been erroneously precluded from running for re-election to local office by reason of their allegedly not having the one year of "continuous good standing in the local union" required by Article 38, Section 4 for such eligibility.

Complaints

In addition to the cases formally presented to it, the public review board has from time to time received more or less informal complaints, presented by letter, telephone, or personal visit to board headquarters. Forty-six such complaints, directly involving some 53 complainants, were brought to the public review board's attention during the period covered by this report. Of these, five, involving six complainants, had nothing to do with the UAW but were instead directed against other unions having no comparable review board or against companies having no unions. This leaves 41 complaints which actually had to do with the UAW, directly involving 47 complainants, presented during the period.

It would be extremely difficult and space-consuming to indicate the character of each of these complaints. They varied greatly both in nature and consequence. In this connection, every matter that is brought to the public review board's attention is investigated to the extent necessary to ascertain, first, whether the review board has jurisdiction and, second, whether, in any event, the problem is one as to which the review board might informally help the concerned member through directing his attention to pertinent provisions of the international constitution, referring him to the appropriate agency of the international union or granting such other related assistance as may suit the circumstances. This function, carried out by the public review board through its staff, is deemed by the review board to be part of the total service it can render to the membership of the union. Though not within the express grant of authority to the public review board in the international constitution, it relates so closely to its express function as to commend itself as properly within the review board's scope of service. Since some inquiry is necessary in every matter that comes to the board's attention in order to ascertain whether the board has present or potential jurisdiction, and since in the course of such inquiry considerable time is spent in developing an understanding of the particular union member's problem, it would seem a waste not to follow through in informal fashion and to the extent possible by advising with the member as to what his rights may be under the international constitution, what he may do to realize or protect those rights, and what international personnel he might consult concerning such matters.

Familiarizing the appropriate international office with the problem and arranging appointments for the member round out the service rendered. The international officials who are thus brought into contact with the public review board have been most cooperative, not only following through with respect to matters thus initiated but also keeping the review board advised as to action taken.

Financial Report

Attached hereto as Appendix B is a financial statement covering the public review board's operations from April 8, 1957, through Sept. 30, 1958, the period covered by this first report.

By way of summary, the total expenditure of the board for that 18-month period was $32,803.55. This figure includes the sum of $3,151.18 which was disbursed for the initial costs of establishment, purchase of equipment and similar non-operational items. The balance of $29,652.37 covers staff salaries and office expenses, hearing and related travel and other operating expenses.

Members of the public review board received no compensation for their services during the period of this annual report. While Article 31, Section 8 of the international constitution provides that the review board shall submit an annual budget including among other items "reasonable compensation" for its members, no decision has yet been reached regarding compensation for the review board members.

While on the subject of the finances of the public review board, perhaps something should be said about the source of the funds for the board and the method by which funds are made available to it. Article 31, Section 8 provides that the public review board shall prepare and present to the international union its annual budget covering all anticipated items of expenditure. Upon receipt of this budget, the international secretary-treasurer "is instructed and authorized to deposit quarterly in a depository designated by the public review board to the account of the public review board the necessary funds required by the budget submitted by them." During the period covered by the present report, the public review board lacked sufficient experience as to the potential scope of its operations to permit the preparation of such a budget. Accordingly, the procedure followed has been this:

The international union caused to be deposited in the bank designated by the public review board the initial sum of $30,000. The certified public accountant who audits the public review board's books has prepared for it a quarterly financial statement at the end of each calendar quarter, which, in turn, has been presented by the review board to the international union. The international secretary-treasurer has then forwarded a check payable to the public review board in the amount of the difference between $30,000 and what the review board has on hand at the end of the quarter. This treatment of the financial situation has enabled the review board to act with full independence despite the fact that its funds must be provided by the international union.

Comments

The following observations and comments are the product of the public review board's experience thus far in carrying out the responsibilities placed upon it by the international constitution.

Volume and Character Of Cases and Complaints

As previously indicated, the public review board had presented to it during the first 18 months of its existence a total of 24 cases, directly involving some 70 parties, and 41 complaints having to do with the UAW, directly involving some 47 complainants. Even when allowance is made for the fact (1) that some of these cases and complaints were of considerable concern to other less-directly-involved members of the union, and (2) that the volume of matters presented to such a tribunal is apt to be lightest during its initial period of operation while those subject to its jurisdiction are learning of its existence and manner of functioning, an observer cannot help but be impressed by the low number of grievants as compared to the UAW membership of over 1,300,000.

This favorable impression is further enhanced by the fact that in no case presented to the public review board during this initial period were there any findings by the board of corruption.

To the extent that the experience of the public review board to date has revealed any area for attention on the part of the union, it is with respect to the occasional lack of careful regard by local or international officials for the law of the union as formulated by the membership in the international constitution and local bylaws. A democratic organization must, of course, be administered not only **by** law but also **under** law.

One reason for the low volume of appeals to the public review board is revealed in some statistics recently reported by the international union concerning review by the international executive board of local disciplinary cases. During the two-year period immediately preceding the creation of the public review board, 1955-57, 15 appeals from members who had been convicted and penalized under local union trial machinery were heard by the international executive board. Of these 15 cases, the local union decision was affirmed in 10 cases, reversed in three and modified in two. In the year immediately following creation of the public review board, nine such appeals were heard by the international executive board. Of these nine, the local union decision was affirmed in only two cases. The remaining seven appeals resulted in five reversals and two modifications. In other words, the international executive board was three times as likely to affirm local decisions in disciplinary cases presented to it in the two years before creation of the public review board as it was in the first year after. This demonstrates a desirably closer scrutiny of such appeals by the international executive board because of the existence of the public review board, thus reducing considerably the need for further appeal.

The continued exercise of such commendable self-discipline by union tribunals at all levels would render the primary contribution of the public review board to the UAW membership the beneficial impact of its mere existence. This would constitute a signal triumph for union self-government.

Cooperation of International, Locals, Members

Obviously, a tribunal such as the public review board is dependent for effective discharge of its function upon the cooperation of the international officers and staff and of the locals and members who seek its aid or otherwise become involved in the exercise of its jurisdiction. The public review board's experience in this respect has been the best. Those who have been parties to the cases which have been before the board have been gratifyingly cooperative in attempting to follow the procedures developed for the fair and orderly framing of issues and conduct of hearings. Those with whom the board has had only informal contact, in dealing with complaints which have never become full-fledged cases, have been similarly responsive. Particularly critical throughout has been the unstinting cooperation and good faith of the international union.

Public Review Board Procedures

During the formative period covered by this report, the public review board has been developing procedures calculated to make its services available to the membership of the union in a fashion which is orderly, as prompt as justice will permit, and fair to all. The first aim of these procedures is to ascertain as accurately as possible the particular grievance or grievances involved and then to present these to the other parties who are or may be concerned for such response as they choose to make. In this way, the issues in the particular case or complaint are framed. Since these charges and answers to charges are reduced to writing and copies provided to the interested parties, all concerned have, as a result of this process, a better understanding of the issues involved and of the opposing points of view.

In cases where hearings are necessary, the policy of the public review board is to hold a public hearing in a suitable place as near to the location of the appellant as possible, thus saving him expenses of travel. Moreover, none of the expense of conducting the hearing is cast upon the appellant. The cost of transporting the members of the public review board to the hearing, of renting neutral hearing rooms, of providing copies of the pleadings and related papers involved, of having a verbatim record of the proceedings taken and transcribed by an official court reporter, of providing copies of the transcript to the parties, and the other expenses incidental to a hearing are borne by the public review board out of the funds supplied to it by the international pursuant to Article 31, Section 8.

When the case is finally decided, the full text of the decision is forwarded to each party, and is presented shortly thereafter to all news media, including newspapers, wire services, radio and television stations, magazines, in order that the membership and public may be fully informed of the public review board's activities. Again,

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the expense of all this is borne by the review board as part of its budget.

Members of the UAW and others who communicate with the public review board concerning some problem or question are provided, where such is indicated, with a copy of the current international constitution and with related materials which seem pertinent and are available to the review board. Conferences at board headquarters are set up wherever feasible. When the aggrieved member is out of the Detroit area, effort is made by correspondence and telephone to resolve any questions in the matter. On occasions of real necessity, the executive director of the public review board is available for investigations and conferences in other areas.

Conclusion

As the foregoing may indicate, the concern of the public review board is to serve any and all members of the UAW as fully as is consistent with the powers bestowed upon it by the 1957 constitutional convention. For this purpose, the review board's staff and facilities are available to the membership by letter, telephone, or personal visit at board headquarters: 1408 David Stott Building, Detroit 26, Mich. Telephone: WOodward 5-4950.

The public review board welcomes any suggestions as to how it may better fulfill its function.

Dec. 10, 1958.

Respectfully submitted,

The Public Review Board
International Union, UAW

By Rabbi Morris Adler,
Chairman.

Appendix A

Summary of Decisions

(In Order of Issuance)

(Full, official texts of any of the following decisions may be had upon request to the public review board.)

Cases 1-10

Cases 1-10 were referred to the public review board by the international executive board under Article 31, Section 4(d). They concerned union officials called to testify in 1957 before the Senate internal security subcommittee about alleged communist membership, association, and activity. Cases 1-5 involved local union officials, each of whom relied upon the Fifth Amendment in refusing to answer certain questions. Cases 6-10 involved international representatives, none of whom invoked the Fifth Amendment but some of whom refused to answer certain questions concerning alleged past associations in reliance on the First Amendment. All 10 of these officials underwent union inquiries as to their qualifications to continue in union office under Article 10, Section 8 of the international constitution and AFL-CIO Ethical Practice Code III, both of which bar communists, defined with some breadth, from holding such positions. In each instance the officials were held not to be disqualified, by the local unions in Cases 1-5 and by the international in Cases 6-10. The public review board issued its decisions in these 10 cases on Dec. 26, 1957. It found no basis in the records presented to it for disturbing the results reached by the union tribunals.

Case 11

Case 11 was closely related to Cases 1-5. It was, however, presented to the public review board subsequent to the others. The question in it was again that of the qualification of a local official who invoked the First and Fifth Amendments before the same Senate subcommittee to continue in office under the provisions barring communists. Here, as in the other cases, the local union had heard the matter and found no disqualification. The review board's decision, issued on Feb. 14, 1958, was the same as in Cases 1-5.

Case 14

The next decision of the public review board, in Case 14, was issued on April 30, 1958. This case involved the question of the propriety of the indefinite suspension from membership of the two appellants under Article 32, Section 12 for resort to a civil court because of an alleged libel committed against them by another member of the union during the course of an election campaign in Local 897. The libel had been allegedly contained in a handbill circulated in connection with the election. No action concerning the alleged libel was pending within the union at the time of the resort to the civil court. The precise question presented to the public review board was whether Article 32, Section 12 had been properly applied by the international executive board to this case. This section reads:

"In no case shall a member or subordinate body appeal to a civil court for redress until he or it has exhausted his or its rights of appeal under the laws of this international union. Any violation of this section shall be cause for summary suspension or expulsion, or for revocation of charter, by a two-thirds vote of the international executive board."

The public review board reversed the decision of the international executive board and ordered the reinstatement of the appellants to membership. In so ruling, the public review board noted the following:

1. That there were "two rights actually involved in the circumstances of this case on the part of the aggrieved member: (1) his right as a member of society to seek compensation through the civil courts for any wrong committed against him in violation of the laws of society, (2), his right as a member of the union to seek to have another union member punished through union tribunals for violation of union law."

2. That "if the right that every member of our society has to seek redress in the courts for civil wrongs committed against him is to be qualified in the manner contended for by the international in this case (assuming without deciding that such could validly be done), the board is of the opinion that it should be in language sufficiently clear **on its face** to apprise a typical union member or prospective union member reading the constitution of the existence of the qualification." Article 32, Section 12 did not meet this test in the judgment of the review board because of the ambiguity of the word "appeal" appearing therein. Every other time the word "appeal" is used in Article 32 (the words "appeal," "appeals," "appealed," and "appealing" appear a total of 42 times in Sections 1 through 11) it is in the sense of a seeking of appellate review of some action already under way within the union. Defined in this way, Article 32, Section 12 has no application to a situation such as that in Case 14, the review board concluded, because in the latter case there was no union action pending from which to seek an appeal and thus "no right of appeal" to exhaust within the union.

3. That the remedy available to the appellants under the UAW constitution (Article 30) for "conduct unbecoming a member of the union" is very much different from the remedy sought in the civil court. In the union proceeding, the remedy would be a penalty of expulsion, suspension, reprimand or fine placed upon the accused, whereas in the civil proceeding the remedy would be a judgment for money damages in favor of the plaintiff.

Case 13

The next decision of the public review board was that in Case 13, issued on May 23, 1958. This case was before the public review board on the appeal of Local 469 from a decision of the international executive board directing the local to pay one of its members the sum of $800, this being the wages lost by her as a result of her discharge by the company whose employees are represented by Local 469. The basis for the award was a finding that the discharge was prompted in substantial part by the local itself as a result of complaints made against this union member by some of her fellow workers, and that in connection with these complaints she was not afforded the protection of a trial to which she was entitled under Article 48 (now Article 30) of the international constitution.

On appeal, the public review board affirmed the decision of the international executive board on the ground that the member had been denied her right to the full and fair trial to which she was entitled under Article 48, then in effect. The review board stated:

"From the testimony of the officers of the local appearing in the record, it seems amply clear that what was done was not motivated by malice but rather resulted from failure to comprehend the importance of adherence to the trial procedure prescribed in the international constitution. The very purpose of the latter is to protect to the fullest the rights of an individual member against error that might more easily occur in a less formal type of hearing . . ."

Case 12

The decision in Case 12 was issued by the public review board on July 23, 1958. This case was an appeal by 10 ex-officers of Local 974 of their suspension from local office and the imposition of an administratorship under Article 12, Section 2, and of their suspension from union membership for three years under Article 32, Section 12. The administratorship had been imposed and the appellants suspended from local office by reason of their refusal to abide by a mandate from the international executive board, pursuant to a resolution of the 16th constitutional convention, ordering the postponement of local elections until a committee of the international executive board had had an opportunity to investigate claims of irregularities and fraudulent practices in the handling of local elections. The suspension from membership had resulted from their seeking to enjoin in a civil court the allegedly wrongful interference of the international in local affairs.

The claims of election irregularities had grown out of the election of delegates in the local to the 1957 international convention. These election complaints had been made by local members to the credentials committee of the convention, which investigated that election through a subcommittee and concluded that sufficient evidence was present to warrant refusal to seat the elected delegates. As a consequence, a second delegate election was held in the local and those elected were seated. Thereafter, the credentials committee recommended to the convention that

". . . this matter in . . . Local 974 should be investigated more thoroughly following this convention. The committee feels that this should be done in the interest of the democratic process of our union, and we further feel that failure to do so would harm the entire labor movement."

The convention unanimously adopted these recommendations of the credentials committee. Immediately following the convention, the international executive board, by wire and letter, directed the executive board of Local 974 to postpone the local election scheduled for May 7, 1957, until an investigating committee of the international executive board had had an opportunity to conduct hearings concerning election procedures in the local and to prepare recommendations for the proper conducting of future elections. The appellants, all members of the executive board of Local 974, refused to abide by the directive of the international executive board ordering the postponement of the local election, refused to cooperate with the investigating committee assigned by the international executive board to conduct the necessary hearing and sought unsuccessfully in a federal district court to enjoin the interference by the international union with the local election.

As a result of this action by the executive board of Local 974, the international executive board scheduled a hearing under Article 12, Section 2(b) on May 3, 1957. On the basis of this hearing, the international executive board determined that the appellants were in contempt of the international executive board and of the convention in refusing to obey the directive ordering the postponement of the local election. For this, the appellants were suspended from local office and the local placed under an administrator. The international executive board also determined that the appellants had violated Article 32, Section 12 in resorting to the civil court prior to exhausting their rights of appeal within the union. For this, the appellants were suspended from union membership for three years.

On appeal to the public review board, the appellants contended with respect to the action taken under Article 12, Section 2(b) (1) that the international executive board was improperly constituted on the occasion of the May 3 hearing to perform the function undertaken, (2) that the appellants were not given a fair hearing, (3) that the appellants did not receive adequate notice with respect to the proceedings and (4) that on the merits the action of the international in imposing an administratorship and suspending appellants from office was improper. With respect to the action of the international executive board in suspending the appellants from union membership under Article 32, Section 12, the appellants contended that they had been denied a hearing concerning this charge.

The public review board rendered a split decision in Case 12, the only division of the board to date. The decision of the international executive board was affirmed by a four-man majority of the panel of five members of the public review board who decided the case. The fifth member of the panel dissented in a separate opinion.

The majority disposed of the foregoing contentions of the appellants in the following manner. As to the first, the majority pointed out that although Article 12, Section 2(b) requires a "two-thirds (⅔) vote of the entire executive board, after a hearing" to suspend local officers and impose an administratorship, and although only nine of the 25 members of the international executive board were present for the hearing on May 3, Article 10, Section 21(f) provides that "members of the international executive board may cast their votes by proxy." Accordingly, the majority held, since sufficient proxies were possessed by the nine members of the international executive board present for the hearing to make up the necessary two-thirds of the international executive board, the latter was not improperly constituted for the hearing.

As for the contention that the appellants were not given a fair hearing, the majority stated that

". . . a study of the transcript of the proceedings of the show cause hearing held in Peoria by the international executive board on May 3 convinces us that a patient and objective effort was made by its members to review the conduct of the appellants that had given cause for such a hearing, namely, their refusal to obey the directives of the convention and international executive board ordering postponement of the local election."

As for the contention that the appellants did not receive adequate notice of the hearing under Article 12, Section 2(b), the majority pointed out that the five full-time officers of the local had received notice by wire, that all but one of the other appellants had received informal, word-of-mouth notice, that the appellants knew what the purpose of the May 3 hearing was, and that six of the 10 were in actual attendance at that hearing.

As for the further contention of appellants, that on the merits they were not in contempt of the convention because the convention did not expressly direct postponement of the local election, and that they were not in contempt of the international executive board because that board had no power under the international constitution to direct postponement of a local election, the majority held that the international executive board had reasonably interpreted the convention mandate in ordering postponement of the local election. The majority accordingly concluded that

". . . the action of placing this local under an administratorship was well within the power of the international executive board and entirely justified having regard to the rebellious conduct of the executive board of Local 974 in ignoring the mandate of the convention and the authority of the international executive board

in attempting to implement it."

As for appellants' contention that their suspension from membership under Article 32, Section 12 was invalid because they were not afforded a hearing as to which they received any notice that their membership rights were in jeopardy under Article 32, Section 12, the majority accepted the international's contention that "the provision for 'summary suspension' contained in Article 32, Section 12 has never and should not now, be construed as requiring a hearing which would be a contradiction in terms with the explicit use . . . of the word summary . . ." The majority concluded:

"We are persuaded that the phrase 'summary suspension,' particularly as viewed in the context of the customary interpretation given it within the union, is not sufficiently ambiguous to permit us to interpret it as requiring a hearing. So viewed, there is no basis for sustaining the appellants' claim of denial of a hearing under Article 32, Section 12."

The dissent in Case 12, while conceding the justness "in a substantive sense" of the conclusion reached by the majority, was premised on the following grounds:

1. That "even if the international is correct in its contention that a vote under the provisions of Article 12, Section 2(b) might be cast by proxy, it doesn't answer the objection that a quorum as required by Article 12, Section 12 did not exist. . . ." Section 12 provides that 'Two-thirds (2/3) of the number of members comprising the international executive board elected at the preceding convention shall constitute a quorum."

"The usual reason for requiring a quorum to be present before business can legally be conducted is to insure a representative participation in the affairs of the organization. By requiring a minimum attendance the possibility of minority domination is lessened and the interplay of more ideas in the deliberative process is effected. To permit a quorum to be constituted by the use of proxies would frustrate these purposes."

2. That apart from the question of quorum, voting by proxy should not be permitted in a quasi-judicial hearing of the sort contemplated under Article 12, Section 2(b).

". . . It is fundamental that one who decides a case must hear it, and, conversely, that one who does not hear the case should not be permitted to decide it. To allow a proxy vote would permit just this. To approve the procedure urged would permit one international executive board member holding 16 proxies from members not present, and who for that reason could not have participated in the hearing, to outvote eight other members who were present to hear the evidence and arguments. The unfairness of such a result requires no further demonstration.".

3. That the appellants were entitled to a hearing under Article 32, Section 12 with proper notice in advance thereof.

" . . . The international executive board contends that no notice was required because no hearing was necessary for summary suspension. I cannot concur in this position because preliminary even to summary suspension the fact which justifies such suspension must be ascertained . . ."

A closing paragraph in the majority decision indicated the concern of the other four members of the panel over the same considerations that moved the fifth member to dissent. The majority stated:

"In reaching our conclusions, we have appreciated the controversial aspect of the use of proxies in the quasi-judicial proceeding under Article 12, Section 2 (b) and also of suspension without a hearing as provided in Article 32, Section 12. Although we have accepted these procedures, as previously stated, we believe that the desirability of improvement will occur to the international executive board as a result of the present and similar proceedings."

Case 17

The decision in Case 17 was issued by the public review board on Sept. 30, 1958. This case involved an election dispute in Local 153. Group A was elected to office in the original election on June 4, 1957. Group B appealed the decision of the local election committee, sustaining the validity of the election, to the international executive board, alleging certain irregularities and "a grave probability of fraud." The international executive board decided in favor of Group B and set aside the June 4 election, ordering a repeat election. Group A sought to appeal this decision of the international executive board to the public review board in advance of the repeat election but was precluded from doing so by the international by reason of Article 32, Section 1, which requires that

"In all cases . . . the decision of the lower tribunal must be complied with before the right to appeal can be accepted by the next tribunal in authority, and shall remain in effect until reversed or modified."

In accordance with this section, Group A, as a condition precedent to its right of appeal to the public review board, had to await the results of the repeat election. In the repeat election, held on Jan. 7, 1958, Group B won most of the local offices. Immediately thereafter, Group A's appeal was processed by the international executive board to the public review board.

The first of several contentions made by the appellants to the public review board was that the appeal committee which heard the case for the international executive board and whose recommendation was adopted by that board was "illegally constituted" in that it was comprised of only two instead of three members as required by Article 32, Section 6. The latter section provides:

"The international executive board shall appoint a three (3) man committee to hear the appeal and make recommendations. This three (3) man committee shall be composed of members of the international executive board, but shall not include the regional director of the region from which the appeal originates. The three (3) man committee shall hold a hearing as close to the locality from which the appeal originates as is possible in order to minimize expense and inconvenience to the appellant. The appellant and appellee (or their representatives) shall be required to appear before the appeal committee, with such counsel and witnesses as they may choose, and shall answer fully and truthfully all questions put to them by members of the appeal committee. The extent and scope of the hearing shall be such as in the discretion of the committee will bring to light all facts and issues involved. In addition to a personal hearing before the committee, the appellant and/or appellee shall each be entitled to submit any briefs or other written statements of position that either of them may wish."

In meeting the contention of the appellants that the appeal committee was improperly constituted, the international, as noted in the review board's decision, relied upon two points:

". . . first, upon a custom with respect to a quorum of the three-man appeal committees antedating inclusion of the appeal committee system in the constitution; second, upon waiver by the appellants growing out of their having been advised at the outset of the hearing of Carter's unavailability and their having, in the face of this, raised no objection to the constituency of the appeal committee until the adverse decision of the international executive board had been rendered."

The first of these points was developed as follows by the international in its answer to the statement of reasons for appeal:

"Ever since the inception of the system of hearing appeals by three-man appeals teams of the international executive board, it has been the custom and practice that two members of a three-man team constitute a quorum at any hearing. The 16th constitutional convention, held in April 1957, formalized in the constitution for the first time, the three-man appeals committees and at an international executive board meeting immediately subsequent to the convention, held on May 15, 1957, the international executive board adopted certain rules by which the appeals teams would be guided. Those rules establish and finalize the long standing custom and practice that two members of an appeals team would constitute a quorum at any hearing."

The public review board reversed the decision of the international executive board for failure to adhere to the union constitution and ordered that the appellants be restored to local office. In so ruling, the review board stated that Article 32, Section 6 was about as clear as language could make it in specifying that an appeal committee hearing a case for the international executive board was to be comprised of three members of that body. The review board further noted that

". . . A study of the powers given the international executive board in the constitution shows nothing warranting the action taken by its members upon conclusion of the 16th constitutional convention in changing the essential constituency of an appeal committee from three to two members. On the contrary, Article 12, Section 8 specifically provides that the international executive board 'shall pass upon all claims, grievances and appeals from the decisions of subordinate bodies of the international union, **in the manner provided by this constitution.**' " (Emphasis added.)

The review board went on to point out that the three men serving on an appeal committee constitute "a kind of quorum of the international executive board for this specific assignment," and that a tribunal of three is superior in several respects to a two-man tribunal.

". . . Three men, each reacting in terms of his own understanding, may be expected, for example, to ask a greater variety of questions and thus elicit a more comprehensive picture of the true situation. Moreover, the likelihood that one man may overwhelm another by the sheer weight of his prestige, his skill in argument, or the intensity of his feelings . . . is considerably lessened . . . A membership of three on such a committee is the smallest number assuring against impasse while at the same time affording the opportunity of a dissenting opinion or appraisal when the committee submits its recommendations to the international executive board. The existence of a dissent might be presumed to inspire a closer examination of the recommendation of the two who are in the majority than would be the case if only the latter two served on the committee and handed in a unanimous report.

"A system dedicated to the dispensing of justice must obviously develop procedures calculated to advance its goal. Such procedures serve to safeguard the rights of all concerned, accomplishing this, in important part, through promoting the best conditions for those sitting in judgment to reach a wise result. Respect for proper procedures is accordingly indispensable to the seeking of justice. These considerations apply with particular force to the present case since, as we view the record, there is room for a difference of conclusion on some of the essential issues involved. The very difference in the character of the examination and consideration likely to be accorded by a tribunal of three men as compared to two may thus be of critical importance in the decision reached. In any event, we cannot speculate upon this since the appellants were entitled as a matter of right inherent in their very membership in the union to have their case passed upon in the manner they and their fellow members have established in the international constitution . . .

"As for the claim of waiver, we do not think the appellants had the power, by waiver or otherwise, to give to the two-man committee authority and jurisdiction not so granted by the constitution "

Case 20

Case 20, a companion case to Case 17, was heard and the decision issued at the same time as in Case 17. In Case 20, Group A appealed the conduct of the Jan. 7 repeat election (see above) to the international executive board, alleging certain irregularities. Once again, the appeal committee which heard the case for the international executive board consisted of only two members of that body instead of three Objection to this inadequate constituency of the committee was expressly made by the appellants at the time of the hearing but was overruled.

In setting aside the decision of the international executive board, the public review board stated:

"Our decision in Case 17, reversing the international executive board's decision of Dec. 10, 1957, which set aside the original election of June 4 and directed that the new election be held, renders moot any question of deficiency in the repeat election of Jan. 7 or in the decision of the international executive board on the appeal from that election. Apart from this, however, it is obvious that the same jurisdictional defect is present in this decision of the international executive board as in the decision involved in Case 17. Here, as there, Article 32, Section 6, requiring a hearing before a three-man appeal committee, was violated.

"For the foregoing reasons and those set forth in our decision in Case 17, incorporated herein by reference, the decision rendered by the international executive board on April 24, 1958, is set aside."

Appendix B

Statement of cash receipts and disbursements from April 8, 1957 to Sept. 30, 1958

	Detroit Bank and Trust Co. General	Operating	
Cash on Deposit, April 8, 1957	$ Nil		$ Nil
Receipts			
International union, UAW	$56,264.09	$ - -	
Transfer of funds	(31.000.00)	31,000.00	
TOTAL	$25,264.09		$31,000.00
Disbursements			
Salaries—executive director and secretarial	$	$22,066.55	
Social security taxes		291.54	
Rent		1,644.50	
Telephone		453.86	
Electricity		78.37	
Office supplies		820.41	
Postage		315.54	
Insurance—Blue Cross (secretarial)		63.28	
Audit		425.00	
City personal property taxes		71.34	
Subscription to BNA Labor Relations Reporter		158.00	
Executive committee meetings		185.78	
Board and panel meetings		1,603.92	
Hearing examiner proceedings		1,154.84	
Investigation		75.85	
Press conference		40.96	
Labor relations conferences		202.63	
Office furniture, equipment and other initial organizational expense	3,151.18	....	
Total	3,151.18		29,652.37
Cash on Deposit, Sept. 30, 1958	$22,112.91		$ 1,347.63

Auditor's Certificate

In my opinion, the foregoing statement of cash receipts and disbursements presents fairly the financial position of the public review board, international union, UAW, for the period from April 8, 1957, to Sept. 30, 1958, inclusive, in conformity with generally accepted accounting principles. My examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as I considered necessary in the circumstances.
Oct. 15, 1858

Charles D. Koshar
Certified Public Accountant

I-H Strike

Continued from Page 1

"All we're asking of Harvester is the '55 contract plus the improvements negotiated at Deere and Caterpillar," Greathouse said. "All we're asking is what we have already gotten elsewhere— an inequity fund; 8c for related skilled trades; no weakening of our seniority provisions; transfer rights when jobs are moved and a master agreement for the parts depots and transfer houses.

Two More Sign

"And we won't settle for less, Christmas or not."

In other developments in the farm implement and earth moving industry, Caterpillar Locals 786 (York, Pa.) and 751 (Decatur, Ill.) have followed Local 974 (Peoria, Ill.) in ratifying local settlements. Disagreements over local contract language had kept the two locals out longer than expected (Solidarity, Dec. 8).

Contract talks by two other Caterpillar locals were being resumed as this issue of Solidarity went to press. At Aurora, Ill., CAT workers seek a first contract; at Riverdale, Ia., Local 215 seeks to negotiate a new pact to replace the one recently expired.

LA Election

Continued from Page 1

pending — again moved into high gear. Credited with sparking the long drive to its successful conclusion was a 150-member in-plant voluntary organizing committee, "who turned aside every anti-union gimmick the company threw at them," Bioletti said.

The "anti-union gimmicks" used by the company included everything from in-plant TV at captive audience meetings to personal attacks against UAW representatives. The company also distributed large quantities of "dear John" letters, magazine article reprints, and even a comic book in an unsuccessful brainwashing attempt.

The campaign was a "triumph of teamwork," Bioletti said, co-ordinated by representatives from the UAW competitive shop, skilled trades, aircraft and office workers departments and the regional office, all of whom worked closely with the committee.

SPECIAL TRIBUTE to Russell Letner, retiring Region 5 Director—a framed scroll of UAW executive board resolution praising him—is presented by Secretary-Treasurer Emil Mazey, right.

Region 5 Names Hawks

Continued from Page 1

gion 5 director and board member. Presented with the framed scroll of an international executive board resolution paying tribute to him, Letner also was applauded in speeches by UAW Secretary-Treasurer Emil Mazey, Vice President Leonard Woodcock, John W. Livingston, AFL-CIO organization director; Oren Lee Staley, National Farm Organization president, and others.

Hawks, who began working in the GM plant in 1933, became a member of Local 25 when it was bei g organized at the plant about 1936. A member of the local's first executive board, he also served on the first shop committee after UAW won recognition from GM in 1937.

On Staff in '42

He continued serving as a local officer and shop committee member until 1942 when he was appointed to the international union staff. The union's St. Louis area director for about a year starting in 1947, he was made assistant regional director the following year. He held that post until his election as director.

$10 for Strike Xmas

Every striker receiving UAW benefits will get an extra $10 for Christmas week, Secretary-Treasurer Emil Mazey announced last week.

Kohler Hearing Reopens, Quits

SHEBOYGAN, Wis. — After one day of argument on motions, the reopened NLRB hearing on the UAW's case against Kohler Co. adjourned until Jan. 6. At that time the trial examiner, George Downing, will rule on the admissability of new evidence offered by both sides.

The hearing was reopened because the UAW and the company both wanted to include testimony brought out in the McClellan committee's investigation. The union feels that anti-union espionage directed by Lyman Conger, Kohler counsel, for 3½ years further bolsters its charges. Subpenas have been prepared for the full reports of company agents in the event the evidence is admitted.

Downing has already found for the UAW on 11 of its 12 charges. His decision is pending before the full NLRB.

Chrysler 'Studies' Leave Out Men

Continued from Page 1

the Dodge strike immediately —a formula that could apply to other Chrysler plants across the nation, also poised to strike over issues at the heart of the Dodge strike.

Few "outsiders" seemed to understand the reasons for the strike.

Chrysler used full-page advertisements in an effort to show its hands were clean— while the UAW, instead of rocking the corporation with publicity, chose not to be aggressive and ruin any chance for early settlement at the bargaining table.

And besides, who really understands what production standards and time study disputes are all about anyway? So technical!

Only UAW members—and millions of other workers in America's countless thousands of factories — know what production standards are. Or what a time study is. Or what fatigue time is.

Nowhere did Chrysler mention that the dispute can be traced back to last June 3 when the corporation tore up an agreement it had signed the year before, which recognized the metal finishing department as a tough place to work and that workers there deserved a fatigue time allowance.

The UAW realized that most Americans don't know what it is to live by the stopwatch, every move timed in relation to work expected of them. Timed to the split second.

The casual newspaper reader might ask: But if so many managements have their workers time-studied and set a rate of so many items or so many operations in an hour, why are such disputes at Chrysler always in the headlines? And seldom elsewhere?

"A good question," Doug Fraser and Jack Conway, administrative assistants to UAW President Walter P. Reuther, replied in one voice.

Fraser said: "Workers at Chrysler are no different from GM workers or Ford workers or any other auto workers. Chrysler stewards are trained the same way as Ford and GM stewards are trained.

"The contracts are similar— and it's the same international union that bargains with these various managements.

"The only different element in the whole, broad picture is that here, the UAW is dealing with Chrysler management.

"The real reason we haven't been able to reach a respectable solution to production standards disputes at Chrysler is that Chrysler refuses to solve its problems the way most other managements do — by honest bargaining and not by digging a trench and hoisting the time study flag as something sacred and unchallengable."

Conway added: "Production standards are as much a bread-and-butter issue as wages. Rates of production affect manpower and that means layoffs. All this is in the minds of Chrysler workers as well as the fact that Chrysler is demanding that they use their muscles and health to make up for the corporation's inability to produce on a par with the Big Two with techniques and machinery that the Big Two discarded years ago."

Teamed with Fraser and Conway in leading UAW bargainers are Local 3 President C. (Pat) Quinn; Harold Julian, assistant director of the union's Chrysler department; and Region 1 Co-Director George Merrelli.

Cheat of the Year?

MILWAUKEE—The NAM's "Man of the Year" may be something else . . . at least in the eyes of his nephew.

Herbert V. Kohler and his scab-run company are being sued by ex-Gov. Walter J. Kohler Jr. of Wisconsin for damages exceeding $200,000.

Kohler Jr. charged he was induced to sell his stock in the plumbingware firm in 1953 for less than true value because the net worth of the company was understated by $5 million.

It's Cold on the I-H Line . . . and in Harvester's Heart

By JERRY DALE

CHICAGO—It was cold in Chicago . . . the thermometer hovered around eight above. There were several inches of snow on the ground and flurries in the air.

A small group of pickets huddled around the big can with the glowing briquets inside. Behind them stood the huge old McCormick works . . . empty and still and dreary-looking . . . a constant reminder of the Scrooge-like management which runs the giant International Harvester chain, the fourth largest corporation in the United States with which the UAW deals.

From a radio nearby came the strains of "Jingle Bells". The music seemed out of place, as indeed it was.

". . . It's a dirty thing this company is trying to do," Josef Biskowski was saying. "It wants to get rid of the older workers. It's trying to weaken our seniority protection and put the older people out on the street.

"Don't those executives know the world was not made for profit alone?

Guerrero

Gay

Steamfitter Biskowski had a right to ask that question. At 56, he has spent 24 years of his life working for Harvester.

And, he hastens to add, he's been a member of UAW Local 1308 from the very start.

"I think the company is deliberately dragging the negotiations out over Christmas and the cold weather," remarked Clarence Warr, a 62-year-old elevator operator. "They think we're going to panic. They just don't know us very well."

But Warr knows the company better than well. He's worked there for 32 years.

"We know their intentions all right," added Clarence Peeples, a member of the local's bargaining committee. "We've dealt with them before."

Like Biskowski, Peeples saw seniority as the No. 1 issue though, at 41, he is not one of the company's older workers.

"Actually, they're trying to chisel on a lot of things we've had in the old contract," he said. "Seniority is just one of them. They're trying to downgrade classifications; they're trying to cut down on sick benefits; they want more short work weeks."

Overtime — and Layoff

Perennial layoffs were what bothered Joe Serna, Isaiah Williams and John Guerrero the most.

"First they work you overtime for a few months, then they push you out on the street," said Serna, a 50-year-old electric truck driver with 19 years' seniority. The other two, both low-seniority workers, agreed.

Stanley Klepczarek, 49, a hand trucker with 24 years' seniority, and with a sick wife and four kids at home, said simply: "The most important issue for me is more money."

At the nearby tractor works, a group of hammer men, members of UAW Local 1301, were picketing as a snowy darkness fell over the Windy City.

Kulpa

Muldoon

"There's nothing wrong with this company," exclaimed Walter Kulpa, a union member since 1937. His fellow pickets looked at him strangely.

Five Watch 30

"It's just that the people running it are lousy," Kulpa added with a grin. "They want you to produce till you drop dead. In our department production has increased at least 40%, and with less people than we had before. I know, I've been here 22 years."

"We've got a foremen problem, too," added Charles Gay, a forge shop steward. "We have more foremen in our place than any other plant in America, and they justify their existence by riding the workers. Would you believe it, we have five foremen supervising 30 workers. That's where the profits are going."

Gay, at 49, has been with I-H for 24 years and a steward for 12.

"This is the time-study man's paradise," said Pat Muldoon, a 30-year man. "They'll use any excuse to retime a job and to cut the rate. No job is safe."

"And they always time the fastest man," added Hilliard Sanders, who's spent 15 years in the plant.

It was quite dark now. The snow had stopped, but even the warm fire could not halt the cold if you stepped away for a moment. The men were still talking. They've been there — talking and picketing — since Nov. 13. They will probably still be there on Christmas night and perhaps even into the new year. They'll be there . . . at the tractor works . . . at McCormick . . . and at plant gates all over the country.

". . . There's nothing wrong with this company. It's just the people running it . . ."