

FINAL REPORT
OF THE
SELECT COMMITTEE ON
IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD
UNITED STATES SENATE

PURSUANT TO

S. Res. 44 and 249

86th Congress



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MARCH 15, 1960.—Ordered to be printed

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in the Labor or Management Field

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**SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR
MANAGEMENT FIELD**

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CONTENTS

	Page
Introductory statement.....	139
Reports and findings approved by Senators McClellan, Kennedy, Ervin, and Church.....	141
The Kohler strike.....	141
Findings—the Kohler strike.....	271
Statement and separate views of Senators McClellan and Ervin.....	279
Separate views of Senators Church and Kennedy.....	283
The Perfect Circle strike.....	285
Findings—the Perfect Circle strike.....	301
Richard T. Gosser and local No. 12, United Automobile Workers, Toledo, Ohio.....	305
Findings—Richard T. Gosser and local No. 12, United Automobile Workers, Toledo, Ohio.....	317
Separate statement of Senator McClellan on the UAW-Gosser inves- tigation.....	319
Reports, findings, and separate views submitted by Senators Mundt, Goldwater, Curtis, and Capehart.....	320

FINAL REPORT

MARCH 15, 1960.—Ordered to be printed

Mr. McCLELLAN, from the Select Committee on Improper Activities in the Labor or Management Field, submitted the following

REPORT

[Pursuant to S. Res. 44 and 249, 86th Cong.]

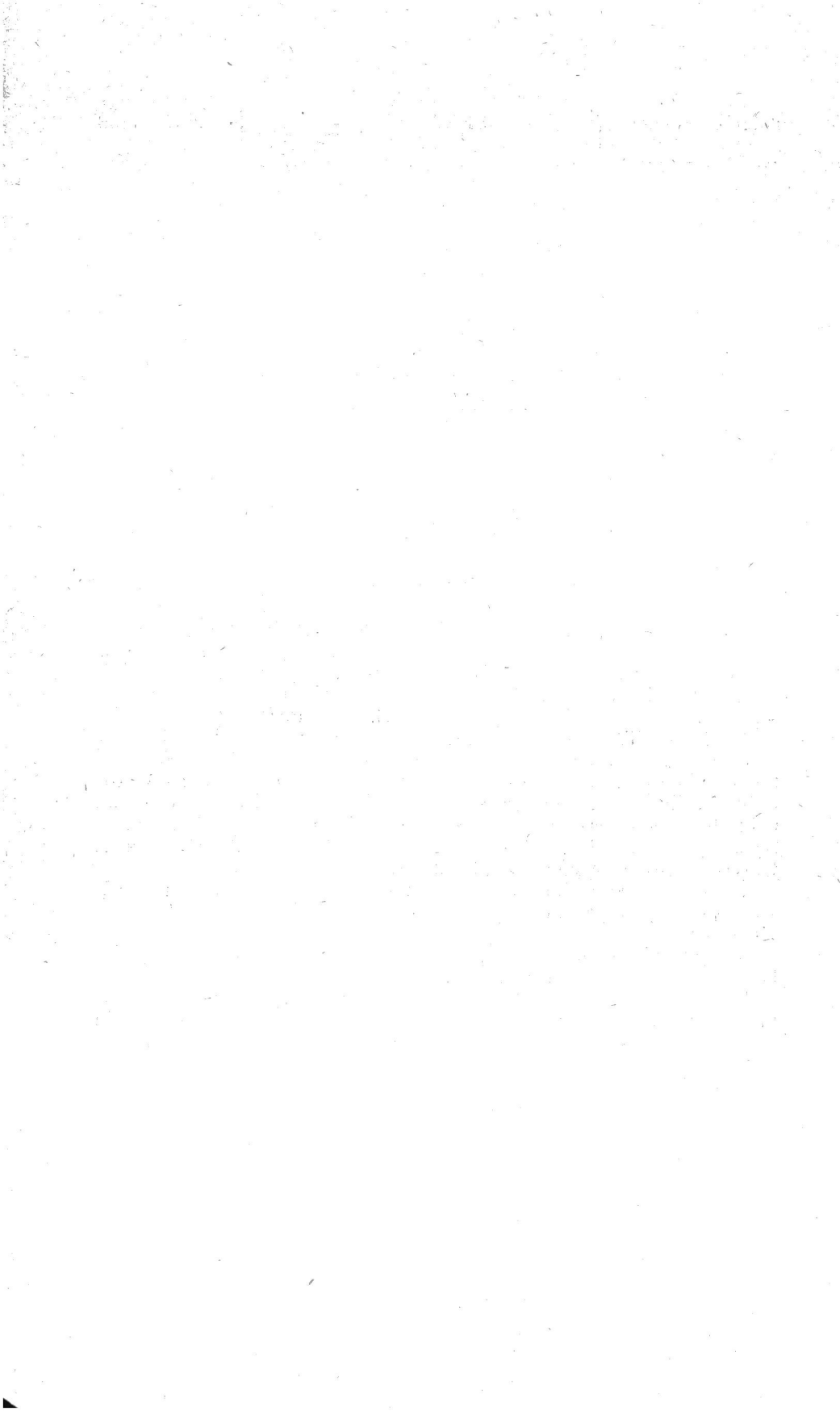
INTRODUCTORY STATEMENT

The members of the Senate Select Committee on Improper Activities in the Labor or Management Field are submitting separate reports and findings on the Kohler strike, the Perfect Circle strike, and Richard T. Gosser and local 12, United Automobile Workers, Toledo, Ohio. One set of reports and findings has been approved by Senator John L. McClellan, the chairman of the committee; Senator John F. Kennedy; Senator Sam J. Ervin, Jr.; and Senator Frank Church. The other set of reports and findings is being submitted by Senator Karl E. Mundt, Senator Barry Goldwater, Senator Carl T. Curtis, and Senator Homer E. Capehart.

A statement and separate views on the Kohler and Perfect Circle strikes have been prepared by Senators John L. McClellan and Sam J. Ervin, Jr.

Separate views on the Kohler and Perfect Circle strikes have also been prepared by Senators Frank Church and John F. Kennedy.

A separate statement has been made by Senator McClellan, as chairman of the committee, regarding the UAW-Gosser investigation, in which statement Senators Kennedy, Ervin, and Church have concurred.



REPORTS AND FINDINGS APPROVED BY SENATORS McCLELLAN, KENNEDY, ERVIN, AND CHURCH

THE KOHLER STRIKE

Atop the dome of the State capitol at Madison, Wis., a bronze statue, set to face the rising sun, stands as a proud symbol of the State's official motto, "Forward." For the people of Wisconsin this word has been no empty boast. Longer than the citizens of any other corner of the Nation, they have enjoyed the benefits of enlightened social and industrial legislation, pioneered by their State government when the century was young.

It is therefore peculiarly ironic that Wisconsin should provide the backdrop for the most protracted labor-management stalemate in U.S. history, a strike now almost a half decade old and, when the committee looked into it early in 1958, seemingly nowhere near solution.

In this embattled situation the protagonists are the 87-year-old family-owned Kohler Co., of Kohler, whose chief products are plumbing fixtures and fittings, and the United Automobile, Aircraft, and Agricultural Implement Workers Union of America, AFL-CIO, whose approximately 1,500,000 members in more than 1,200 locals make it the second largest union in the country.

The hearings held on the UAW-Kohler dispute were hearings quite different from others that have been held by the committee. True, there were charges and countercharges of violence and intimidation as well as other bitter criminations by both the UAW and Kohler Co. Beyond that, however, unlike other committee hearings, there were no charges of personal corruption or evidence presented of racketeering within the union. There was no testimony of misappropriation of union funds as we have had during the hearings involving the Teamsters, Bakers, the Butchers Union in New York City, etc. In fact, Mr. Carmine S. Bellino, the chief accountant of the committee who was responsible for the investigative work on Beck, Hoffa, and others, stated that the books and records of the UAW that he reviewed were well kept and that a review of Mr. Walter Reuther's personal finances showed that he had all of his records intact for a period of over 15 years; and that he discovered no evidence of misuse or misappropriation of union funds in any of the records that he reviewed.

So deep has been the cleavage between Kohler and the UAW that after 5 intensive weeks of hearings in February and March of last year, in which fourscore witnesses testified, the committee was able to discern accord only on such unarguable items as the date of a particular event in the strike chronology. On just one other score was there any semblance of unanimity: The struggle has left indelible scars on the once-placid community of Sheboygan, main fount of the Kohler working force.

On virtually all other points, major and minor, the divergence between company and union appeared complete. Agreement was nil on the vital questions of what caused the strike, who and what were responsible for developments before and after the formal start of hostilities, whether certain practices engaged in were proper or legal, and what issues would have to be resolved before the strike could be settled.

Added to these clashes of fact was an equally sharp dissonance of viewpoint. Each side impugned the motives and good faith of the other. The company painted the UAW as a "powerful and ruthless union oligarchy" (p. 9482) which held itself "above the law and entitled to use any methods, legal or illegal, to achieve their ends" (p. 9485). The union depicted Kohler as the practitioner of "a kind of modern industrial feudalism" (p. 9993) with labor policies "far to the right of the opinions and philosophy of Louis XIV" (p. 8910).

In the light of these portraits of each other, it is not unduly surprising that the basic concepts of labor-management relations expressed by Kohler and the UAW should also have been poles apart. Strongly antagonistic beliefs were voiced on such bedrock questions as: Should an employer continue to operate his plant in the face of a work stoppage? Has an employee a moral right to continue to work when fellow employees strike? To what extent does a striking union's use of mass picketing and the boycott to publicize its cause constitute "freedom of speech," and to what extent is it an infringement on the economic rights of others? Is an employer justified in buying weapons and hiring detectives to protect himself against what he deems a "powerful and ruthless" union?

Whether or not the average Sheboygan citizen had ever wrestled with these fundamentals, it was plain to the committee that he had been profoundly affected by their translation into everyday terms. A procession of witnesses reported that the onset of the Kohler-UAW war had touched strikers, nonstrikers, and bystanders alike. Beyond its effect on the pocketbook was its impact on human passions. Fear, hatred, and suspicion had spread. The tension had produced "several individual emotional cave-ins" (p. 9597); not only fellow workers, but neighbors, friends, even brothers had been rent asunder, to a point where "a man doesn't talk to his own family except at a funeral" (p. 10051).

Because even minor incidents have a way of telling a major story, singular insight into Sheboygan's state of mind was provided by the testimony of an obscure Kohler employee named Peter Breu. The city's population is predominantly German; once *Gemütlichkeit* had reigned, and nowhere more than in the city's 100-odd taverns. After a day's work, a man used to like to drop in for a beer or two and a bit of chaff with his cronies. But the strike had changed all that, according to Breu's experience.

A Kohler worker for 30 years, employed in the pottery division, Breu had joined neither the union nor the strike. Then, one Sunday, he stopped by a tavern for a glass of beer:

The bartender said, "He is a scab, and I don't serve no drinks to scabs." And I was with a friend of mine who does not work for Kohler, and he said, "This is a public place, we should get a drink."

So finally he did give us a drink and I paid for it and it was 20 cents, there was another fellow in there, and he said, "I know him, he is a scab," he says, and he said I should come outside with him, but that is all what happened there. I paid for two beers and then we walked out.

And the same night around midnight, the owner from the place came up to my house, and he woke my wife up, I was sleeping and I could not hear anything and he said he wanted to see me, and he told my wife and so my wife woke me up, and so I went to the porch. And he said, "You were in my place at noon, and you spent 20 cents." And I said, "Yes." Then he said, "Here is your 20 cents."

So I took the money and he said he does not take no scab money (p. 8782).

The deep-rooted bitterness evinced in this encounter between random players in the Kohler drama has, in time, shown fewer surface manifestations. By the start of the committee's inquiry, nearly 4 years after the strike began on April 5, 1954, a measure of quiet had descended on Sheboygan. Only a handful of pickets, as compared to some 2,000 in the strike's early days, patrolled the Kohler plant. The company, which before the strike had had about 3,300 employees on its rolls, was in operation with a labor force it numbered at 2,296 as of January 15, 1958, 1,380 of them people employed prior to the strike. As to how many nonstrikers and ex-strikers this latter figure represented, a clue was provided by the union's estimate that around 700 of the 2,700 who had originally struck had gone back. The rest of the strikers, according to the union, had taken temporary jobs elsewhere "because after 4 years you just can't live on strike assistance" (p. 8356).

Also by the time of the committee inquiry, the case of Kohler versus the UAW, having failed of direct negotiation between the principals, of mediation and conciliation, and of a number of arbitration efforts suggested by the union, was awaiting decision by the full National Labor Relations Board following 2 years of hearings by an NLRB trial examiner. (Subsequent to the committee's inquiry, in November of last year the NLRB voted to reopen hearings to permit the introduction of evidence "unavailable" earlier.)

The main plant of the Kohler Co., and when the 1954 hostilities broke out its only one (it has since acquired another in Spartanburg, S.C.), is set amid the tidy homes and neatly manicured landscape of Kohler Village, 4 miles west of Sheboygan and 60 miles north of Milwaukee. Incorporated under State law, the village has a population of some 1,700, and, among other special features, a "nature theater" and the Waelderhaus, a replica of an Austrian forest house. The company pays an estimated 75 percent of the village taxes, and about 90 percent of the people who live there work at the Kohler plant.

In UAW eyes Kohler Village is no more than a company town, rigidly controlled, with residence granted only to "select personnel" (p. 8918) in houses which ultimately revert to the company. To Kohler the village, which has won national recognition for its architectural harmony, is the very model of a planned community.

Other benefits available to Kohler workers were cited by Lyman C. Conger, attorney for the company and chairman of its management committee:

Kohler Co. was a pioneer in many industrial relations innovations which have now become common practice.

It has had group life insurance for its employees since 1917, group health and accident insurance since 1917, and an informal pension plan for so long that I have been unable to find out when it first began.

In 1949, before there were any pension plans in major companies represented by the UAW-CIO, the pension plan was formalized, funded, and insured. This pension plan is unique in that it is fully paid for.

Annuities have been bought from a large insurance company covering every dollar of pension which employees have earned for service, past or present, and have been fully paid for. Pension for all past service was fully paid for by Kohler Co.; future pensions are on a contributory basis similar to social security except that the company pays two-thirds of the cost.

Kohler Co. had a voluntary workmen's compensation plan in effect at its own cost 2 years before a workmen's compensation law was enacted by the State of Wisconsin, in 1911. Wisconsin was the second State in the United States to pass a workmen's compensation law.

Over 1,100 people of the Kohler Co. organization have become members of the 25-year club, with nearly 600 still actively working (p. 9486).

Edmund J. Biever, Kohler's plant manager, added these details of the company's comprehensive concern for its workers:

Kohler Co. conducts an extensive recreation program, including bowling, basketball, baseball, band and chorus, card playing, photography, archery, horseshoe pitching, and many similar activities.

Since at least 1917 this recreation program has included rifle and pistol shooting, both large bore and small bore, and on outdoor and indoor ranges. * * *

In 1952 we began the Range Club, a trapshooting organization, as a part of our recreation program (p. 9456).

That Kohler employees were not of one mind with management on the subject of life at the company became apparent when, in late August 1933, a group of them obtained charter No. 18545 from the AFL and tried, through collective bargaining, to win agreement from Kohler on wages, hours, and conditions of employment. Within a few weeks after this union was chartered, another group, the Kohler Workers Association, was formed within the plant—"suddenly," according to a finding a year later by the old National Labor Relations Board set up under the NRA. In the ensuing contest between the AFL union and the KWA, the KWA was to prevail and to last for 19 years, until the UAW supplanted it as the employees' bargaining representative. In its own latter days the KWA itself was to contribute to the sharpening of labor-management relations at the plant,

but the nature of its early role was hotly disputed by company and union witnesses. Kohler executives described the KWA as independent; union officials described it as company dominated, indeed, company founded and fostered, and independent only in that it was unaffiliated with any international union.

A third-party view was rendered by the NLRB in September 1934 in ordering an election to determine whether the AFL or the KWA represented a majority of the workers. Not only had the company participated in forming and promoting the KWA, the NLRB found, but "stood ready to finance its existence" (p. 9586).

Senator MUNDT. You would agree, would you not, with the part of the finding that says that a union in a company which is financed by the company could not be a free bargaining agency and give the laborers an unfettered right to bargain at arm's length with their employers?

Mr. CONGER. We didn't agree at that time, Senator. But we certainly would have to agree today. Ever since the Wagner Act we would have to agree with it (p. 9587).

Conger pointed out, however, that the NLRB election had gone to the KWA by approximately a 2-to-1 vote, and that subsequently no charge was ever filed that the union was company dominated, which would have been a violation of the National Labor Relations Act.

The KWA's election victory was achieved in the wake of an episode which, even by the time of the committee hearings almost a quarter of a century later, stirred unrestrained acrimony. In its battle for recognition, the AFL union called a strike on July 16, 1934. The climax, 12 days later, was a nocturnal outbreak of violence in which two people were killed and dozens shot, a number of them in the back.

Exactly how many were shot, and how many of these were shot in the back, was still being argued by Kohler and the UAW in 1958. The company contended that 35 people had been shot, only a "few" in the back; the union put the total number at 47, with "most" shot in the back. The number who were strikers, as opposed to those who were simply "strike sympathizers," was also disputed. On one important point, however, there was agreement: None of the shooting victims were Kohler Village deputies.

The memory of that midsummer's night had burned so deep, both union and law-enforcement witnesses testified, that it directly affected the conduct and course of the 1954 strike.

Inevitably, company and union versions collided on what and who had provoked the tragic culmination of July 27, 1934. Kohler claimed that picket-line demeanor and mob threats against the plant had roused it to self-protective measures. The union asserted that it was Kohler's overt flexing of its muscles which had inspired mass fear and anger.

At the time the strike shut down the plant, Kohler Village had two regular police officers, one the "chief" and the other a night patrolman. With the strike, some 80 to 100 village residents were deputized, wearing blue shirts, armbands, and deputy marshal's stars. In charge of these recruits was Biever, then a self-styled "lowly mechanical engineer" who had been given a leave of absence at the time of the strike

and made assistant chief of police of the village. Biever was queried about the augmenting of the police force:

Mr. KENNEDY. Why was it felt that it was necessary to get these extra police?

Mr. BIEVER. The police were required, in my estimation, because of the violence on the picket line.

Mr. KENNEDY. The violence had already been exhibited on the picket line?

Mr. BIEVER. From the very first day.

Mr. KENNEDY. What sort of violence was it?

Mr. BIEVER. Well, they had a closed picket line and carried a long rope, three or four hundred feet long, and about an inch or an inch and a quarter in diameter, that they paraded forth and back.

They would march in one direction in front, closing off both of our gates, our main gates.

Mr. KENNEDY. Was this the UAW? Or was this another union?

Mr. BIEVER. This was the Federal Union 18545.

Mr. KENNEDY. But they were doing the same tactic of mass picketing?

Mr. BIEVER. It was mass picketing, and I think was riotous from the very first day.

Mr. KENNEDY. It was riotous because it is mass picketing?

Mr. BIEVER. Yes; and because of the tremendous shouting and yelling that they were doing. Every time that they reversed direction in carrying their rope in front of their plant, they would scream and yell "Yah." It would be heard all over the village, and people in the village, women and children, just couldn't get rest (p. 9460).

As to the training of the deputies, Biever had this to say:

Well, we had very little chance for training. The only training that we were able to give them was lectures, and that was done by Ernest Schuelke, who was a captain in the National Guard and a deputy sheriff.

Mr. KENNEDY. Did you distribute the guns to them?

Mr. BIEVER. No, sir.

Mr. KENNEDY. Who distributed the guns to them?

Mr. BIEVER. The only guns that the deputies had were their own shotguns that they brought in from home.

Mr. KENNEDY. Were they instructed to bring the shotguns?

Mr. BIEVER. They were not instructed to. They did.

Mr. KENNEDY. But you approved of their having the shotguns during this period?

Mr. BIEVER. Yes, sir (p. 9461).

Lyman Conger, who explained that at the time of the 1934 strike he had no direct connection with the company's labor relations, but rather an indirect connection as an attorney, and who himself had been sworn in as a deputy, gave this account of the events leading up to the July 27 riot:

For 12 days our plant was kept completely closed by a mass picket line which blockaded all the entrances and even kept the office employees out.

The only one who was allowed to enter and leave at will was Walter Kohler, Sr., then president of the plant. After the 12th day of the strike, the pickets turned back a coal car which they had agreed to allow to come in to provide necessary power for the powerhouse.

They had made that agreement through Father Maguire, a Federal conciliator. The village deputies went out, after they had turned the coal car back, went out and got it in. They went along the picket line and told them that they could picket in the future legally, that they would not be restricted with their picketing, but they had to permit free egress and ingress to the plant.

They also disarmed the picket line of several barrels full of clubs, slingshots, stones, rocks, and so forth. * * *

This occurred in the morning. Throughout that day, the tension was very high. There were yells from the picket line, "Wait until tonight. We are coming in and get you yellow rats tonight. Wait until it gets dark. We will get you" (p. 9196).

The union's version of this phase of the affair was presented by Leo Brierather, now one of local 833's chief stewards, whose employment at Kohler began in November 1934, when he was 19, in the north foundry—a job his father, a company supervisor, helped him get. Although he had not personally been on the scene the previous July, Brierather declared that "just plain curiosity" had since impelled him to gather a number of eyewitness accounts, not merely from strikers but from bystanders and deputies inside and outside the plant on the fatal day.

He thus reported the results of his research:

There was very little show of force on the part of anything until July 26 when the Kohler Co. obtained armored trucks, which I understand were delivered from Janesville. Company F of the National Guard returned from camp and had its equipment stored within the plant.

* * * * *

Biever, questioned about the trucks, described them as "platform trucks with stakes on the side," each about a ton or a ton and a half. He could not recall specifically when or for what purpose the four such vehicles purchased by the village were bought but conceded it "could have been" in connection with the strike, and that—

the day of the riot, and it was riotous from early morning until the following morning; in the afternoon the trucks were used by the police to patrol the streets. They drove up and down. I recall very well that Mr. Schuelke, who was in charge of that group, read the village proclamation by the village president, and also read sections of the Wisconsin Statutes on riots and mob (p. 9463).

By 8 o'clock that evening the village was jammed with an estimated 5,000 to 10,000 people, and tension reached its peak. A rock was thrown at the plant; Leo Brierather's information was that the culprit

was a child, one of many there that night, and that the grownups in the crowd followed suit:

At that time, they had streetcar tracks going by one side, and the people in that area started to dig up stones, which were used as ballast and the bricks from that place, and that is where most of the ammunition that they got, I understand, came from (p. 9612).

Brierather offered an affidavit to bolster his contention that the company may not have been taken entirely by surprise by this development. The affidavit was sworn by John J. Stieber, now local 833's financial secretary, then temporary chairman of the KWA, and Brierather testified as to its substance:

Mr. Stieber was in the company of Mr. Walter J. Kohler, Sr., the president of the Kohler Co., just prior to the stone throwing at the Kohler Co. plant. He had walked from the south foundry lunchroom to an area in the immediate vicinity where the stone throwing began. It seemed to Mr. Stieber as though Mr. Kohler was expecting what was about to happen. Quoting from the affidavit, Mr. Stieber says that in his opinion, "Mr. Kohler was waiting expectantly for something to happen in that area, because when the first windows were broken, Mr. Kohler stated 'Now, here it comes.'"

The CHAIRMAN. It seems to me from that affidavit, from that statement, you are clearly confirming the company's position that they had every reason to be afraid that mob violence was going to take place.

Mr. BRIERATHER. With that amount of people, I imagine that you are right. But I mentioned before that law-enforcement officials were notably absent during the time that the mob was collecting, sir (p. 9614).

Lyman Conger, who testified that he was among a number of Kohler people stationed inside the plant at the time, described the attack as it appeared from that vantage point:

At about 8 o'clock that night simultaneously on two different ends of the plant, the north end and the south end, at as near as we can determine the exact moment, a riot began with the smashing of windows.

* * * * *

Everything that was valuable was smashed; everything that could be smashed was smashed with rocks and stones. They proceeded to move, the two groups, together toward the center of the plant, and finally arrived at the office, smashing everything on the way. * * * After they had smashed everything that was smashable in the office, they were yelling, "We will go in; we will tear the place down. We will get those rats out."

* * * There arose shouts from the crowd, "Let's get the village. Let's tear the village down. Let's burn the village down" (p. 9199).

Directly opposite the Kohler office, which abuts on the street, is the American Club, a residence for single men on the company rolls.

In the rear of the club stood Biever and a group of deputies he estimated at 50 to 60 in number.

Mr. KENNEDY. What were they doing in the rear of the American Club?

Mr. BIEVER. They were just held in reserve in case of any further use (p. 9461).

The use to which they were put, Biever went on, was to work a divisive strategy on the foe, introducing a new weapon, tear gas, which, he opined, "is the most humane way of stopping riots" (p. 9470). That there was a goodly supply was indicated in an exhibit of excerpts from the report and hearings of the Senate Civil Liberties Committee (the LaFollette committee) in 1939, showing that of \$6,885.58 worth of "tear and sickening gas and gas equipment" bought by Kohler Village in late June, July, and early August 1934, a single shipment, valued at \$1,069.60, was received the day after the strike was called.

Although a second affidavit by John J. Stieber attested that tear gas was also hurled into the crowd from inside the plant, Biever's account took in only the strategy as he directed it from the lawn of the American Club. The firing of the shells, he testified, was ordered by the village president and the chief of police only after they had heard the shouted threats against the plant and the village. The first barrage, he added, came from himself, Police Chief John Case, and other deputies—a statement disputed by the union, which charged that Biever alone fired the first shell, an act for which he is commemorated as "Butcher Boy" in the Sheboygan union annals.

Lyman Conger, who told the committee that although he himself had not observed this part of the proceedings he understood that Biever had indeed fired the first projectile, described the initial success and subsequent failure of the tear gas volley into the milling and screaming throng. When the deputies launched their attack, said Conger,

They sought to, and they did, divide the crowd into two parts and drove part of it to the south and out of the village and part of it out of the north and out of the village.

At that time, I left the office and followed along the inside of the fence up to the north end to see what was happening there.

* * * * *

Then when they got up to that point, very unfortunately, the wind changed and a strong northern wind came up and they were unable to use gas any more.

The gas was driven back into the village. In fact, I got a little sample of it myself that night. At that point, the mob re-formed and started yelling, "Let's go back into the village." They came back into the village and completely destroyed the company's showrooms, fixtures.

There was a shoestore on the corner where a man was living and running a little shoestore, a shoe-repair shop. They smashed the windows on that; bullets were fired on that (p. 9199).

With the eruption of gunfire, the night of July 27, 1934, took its final grim turn. By now it was around 9:15, and dark; the street lights and lamps had been broken. Conger recalled:

We could see these flashes of fire coming from the mob. The deputies who were up at that end, and they included both sheriff's deputies and village deputies, returned some of that fire and approximately, exactly, 35 people were shot.

No one knows to this day, and the coroner's jury was unable to find out, whether they were shot by shots from the mob or from the deputies. I think, myself, there were some of each. After this riot was over we finally discovered that there had been shooting long before they got to that point, shooting from the mob, I mean.

We discovered bullet holes in the windows of the power-house. We discovered several bullet marks in the tower of the office, and we also found one bullet hole in a residence in the village, which apparently was fired. Some of these deputies were fired directly upon.

Mr. KENNEDY. How many of the deputies were shot?

Mr. CONGER. None of the deputies were shot, but about 18 of them were injured that night with clubs, rocks, bricks, injured severely enough to require medical attention (p. 9200).

Biever, who also asserted that the shooting was not a one-way matter, was asked:

Mr. KENNEDY. Mr. Biever, does it appear to you at all peculiar that the shooting was in retaliation of this mob, as you called them, shooting at you people; that you were behind barricades; that they were throwing rocks, and that you were shooting back, but shooting from what you say, into the pavement, and yet all the people that were shot and killed were all strikers? Does that strike you as peculiar at all?

Mr. BIEVER. No, sir; it does not (p. 9465).

Both men disagreed with Father J. W. Maguire, conciliator in the 1934 strike, calling his testimony hearsay.

I have been in many strikes, but I never saw such needless and ruthless killing by supporters of the law * * *. The ruthlessness is evident. You do not have to shoot people in the back when they are running away. I examined a score of wounded and all except two were shot in the back.

As a member of the Chicago Regional Labor Board, I am not going behind fences to say what I have to say. There are human rights and property rights, but human lives are more sacred than property rights (p. 9200).

Commenting on the last sentence, Conger declared:

* * * I do not disagree with that, but I thought the brick that was directed to my head was directed to a human being. I want to tell you that there were human beings endangered that night. This is not just a question of property rights. We are human beings, too (p. 9201).

A more aggressive role than they attributed to themselves was ascribed to Conger and Bieber by John Deis, one of the shooting victims. First in an affidavit presented to the committee by Leo Brier rather and then in a personal appearance, Deis, an elderly common laborer who is not a union member, but who had been on the 1934 picket line, asserted that he had been shot twice, once in the back of the head and once in the legs, by a group of four deputies including Conger and Bieber. Deis' affidavit deposed that as the riot began he and several other pickets decided to leave, when—

On the sidewalk in front of the American Club he saw a group of four deputies carrying guns; that he recognized them as Ed Bieber, Lyman Conger, William Runge, and John Raml; that these four shouted over for the pickets to get out, and followed along on the sidewalk as the pickets headed north across the street; that as they passed the Brass Road, Deis heard a single shot and a woman scream something about "They shot Engelmann"; that he thinks the shot came from the direction of the group of four deputies that Bieber was in; that it was dark and he could not make them out clearly in the confusion; that he had first seen the Bieber group near the water bubbler in front of the American Club; that when he was out on High Street, near Badura's shoestore, he was once again confronted by the same four deputies; that he says one of the four shouted at them "What for you want to murder somebody"; that there was an exchange of words, and then he states that he pulled off his coat, rolled up his sleeves, and shouted at them "You guys, when you want to fight, come out and fight with your bare hands"; that one of the four deputies, he does not know which one, shouted back, "You wait" [unprintable] "We'll show you something"; that he went down to pick up his coat and received shotgun blasts in his head and leg; that some 45 to 50 pellets were later dug out of his head and legs; that his work cap was shot to pieces and that he was taken to the clinic; that he says he is positive that he was shot by the four deputies, Bieber, Conger, Runge, and Raml, and that he caught sight of them shooting him as he bent over for his coat, but could not say which ones, or whether all four were shooting at him, except that they did shoot him (p. 9615).

Prior to the submission of the Deis affidavit, Conger had testified that he had been within the plant until "after this thing sort of quieted down," saying, "* * * as soon as the mob got chased out of the village, I went home and brought over my two shotguns that night, because it wasn't a very healthy place to be, and I wanted a little protection" (p. 9206).

Subsequent to the Deis affidavit, Conger denounced the charge against him as a "complete and utter fabrication," saying "I was not outside of the limits of the plant that night" (p. 9620).

Also prior to the Deis affidavit, Bieber testified that he had neither handled nor fired a shotgun that night, and that no one had fired any guns in his presence except one deputy whom he had ordered to fire

into the railway embankment, "because a group of the rioters were running north toward the Kohler fence, trying to get behind the deputies. That shot into the bank hurt no one, because I saw the shot fired" (p. 9465).

Asked why he had not named Conger and Biever when questioned about his shooting in 1935 by the Sheboygan County court commissioner, Deis, who was plainly not at home in the English language, explained:

I say to my wife, and I told her all about what is going on there, and she told me don't say nothing to nobody * * *.

You know, the Kohler Co. runs the whole Sheboygan County. Then you have to shut your mouth * * *.

I work for the city of Sheboygan this time, and you know when I squawk out on this one, on Mr. Conger or Mr. Biever, you know, then I lose my job maybe (p. 9880).

Deis told the committee that after 25 years of service with Kohler, he is now receiving a pension of \$12 a month from it.

Walter Reuther commented:

What a disgrace. What a disgrace.

The company claims to be interested in their workers. I mean, there isn't a company in the whole country that thinks that \$12 a month pension with the cost of living up in the atmosphere is adequate (p. 9998).

In the aftermath of the 1934 strike, the coroner's inquest into the two deaths in the riot resulted in this finding:

It clearly appears from the evidence that the decedents came to their death in a general gun fight between rioters and deputies in the village of Kohler on the night of July 27. The deputies, both county and village, were acting in the line of official duty in the suppression of a riot, as required by the Wisconsin statutes. The persons who fired the fatal shots, and whether they were deputies or members of the mob, remain unknown (p. 9458).

Also in the strike's wake the Kohler Co. sued Sheboygan County, under a State statute making municipalities liable for riot damage, and recovered some \$3,400. A suit by 28 of the people injured in the riot against, among others, the company, several members of the Kohler family, and Biever, was dropped.

Senator MUNDT. * * * It does not seem to make very good sense to me. You sue somebody to collect some damages and then you drop the suit. What reason did they give? * * *

Mr. CONGER. * * * that they could not get a fair trial in Sheboygan County where this thing happened.

Senator MUNDT. In other words, they said that the judge would not give them a fair trial—or the jury?

Mr. CONGER. Well, judge or jury or both, that they could not get a fair trial in Sheboygan County or in any adjoining county (p. 9203).

Leo Brierather declared that "while the Kohler Co. may have been cleared in the courts of that day, it was not cleared in the court of public opinion" (p. 9618).

Asked why Deis had not tried to have Conger and Biever prosecuted, he explained:

Well, ordinarily, sir, working people are not apt to process lawsuits. They would much sooner have decent working conditions and live a peaceful life, sir.

The CHAIRMAN. But I think he should prosecute. I think if he was shot out there, and he knows who shot him, who is responsible for it, it is a violation of law to shoot people, I think the law should be enforced. I don't know whether the statute of limitations has run or not, but if it hasn't, certainly there is still some responsibility upon him. * * * Of course, there are always some extenuating circumstances that would have to be taken into account, but on the face of it you would think he should appeal to the law-enforcement officers whose duty it was to prosecute people for such offenses.

Mr. BRIERATHER. Sir, the law enforcement, if I may point out, were the very people who did the shooting. They were the law-enforcement officers at that time. Conger and Biever were the deputies, so it is a little hard to appeal to them. I don't say he should or shouldn't have taken any action, but it is a little hard to appeal to these men (p. 9616).

In characterizing the interim period at Kohler between the strikes of 1934 and 1954, union witnesses bitingly referred to it as "the 20 years of labor peace," so-called. The authorship of the phrase, since become part of the UAW lexicon, was credited by them to Lyman Conger in a comment on what the 1934 strike had brought the company. Conger called it a distortion of what he had actually said.

That there was peace at Kohler, in the sense of nonviolence and of even-tenored relations between the company and the Kohler Workers Association, seems incontrovertible. Whether, as Leo Brierather asserted, it was a peace based on fear rather than on friendship, the fact is that a dozen years after the smoke of 1934 had cleared a majority of the employees reaffirmed their support of the KWA in an election held by the Wisconsin Employment Relations Board in the face of a new AFL challenge, and again reaffirmed it in an NLRB-supervised vote in 1951 when the UAW made its first formal try for recognition.

Nevertheless, union witnesses testified, during these latter years a change began to come over the KWA and the climate at Kohler began to worsen.

Senator MUNDT. How did a company-dominated union become an undominated?

Mr. BRIERATHER. This was a very gradual process, sir. Probably it was most noticeable after the war, when people returned from other places. You got younger people into the plant. There were not so apt to be—

Senator MUNDT. How many years did it take to make the transition from a company-dominated union to an independent union which was not dominated?

Mr. BRIERATHER. Well, sir, it would be hard to pinpoint a particular date, but, I would say 1948, 1949, or 1950, somewhere around that period (p. 9688).

The turning point for the KWA was an election in which its old officers were beaten by a new slate, including, as vice president, Allan Graskamp, who is now president of UAW Local 833. Graskamp, who went to work at Kohler in 1939 unloading clay boats, later transferring to the pottery division, had joined the KWA immediately upon his employment; he recalled that a foreman had handed him a checkoff card with the remark that "it would be well" if he signed. The impetus to oust the old KWA leadership, he testified, came—

when the workers around the country were getting 18½ cents an hour and our officers of our independent union sold us down the river for a nickel an hour and overtime. That is what started the move, really (p. 8371).

The effect on the membership of the shift in KWA regimes was, however, more psychological than material, according to Brierather. The old representatives, he testified—

would shy away from any complaints on the part of the men. The workers in turn then felt it was simply no use to file any kind of a grievance, and certainly, it seemed to them and it seemed to me that the union leaders were just merely company stooges and that you could not get them to consider your problem (p. 9630).

As for the new incumbents:

They could not get anywhere either but these people in turn were not afraid to come back to the workers and tell them how they were making out * * *.

As a result, the workers themselves had to decide once and for all whether they were going to act as individuals and betray each other and to inform on one another, in order so that they could better their own position. They found out that this didn't work and they decided once and for all that they had to stick together (p. 9632).

The effect of this stiffened stance was twofold. Some time during 1950, according to Harvey Kitzman, UAW regional director,

several Kohler workers came to me and asked whether the UAW could not somehow and in some way help them improve the conditions in their plant, conditions that they were forced to work under (p. 8543).

The other result was heightened activity by the KWA itself. Negotiating for its 1950 contract, Graskamp testified, the KWA "had not been able to get anywhere." Its leaders prepared to recommend taking a strike vote; in addition, they filed an unfair labor practice charge against the company because, said Graskamp, "they even refused to discuss with us who the insurance carrier was going to be, since they were going to take over the hospital and medical insurance" (p. 8372).

The vote went unrecommended and the charge was withdrawn when, in December 1950, the company offered concessions which, Graskamp testified, "seemed to be enough" (p. 8371). A contract was signed which was to be the KWA's last with Kohler.

Initial organizing efforts by the UAW, at that time the UAW-CIO, culminated in an NLRB election in March 1951. The UAW lost to the KWA. Brierly thus explained this outcome and subsequent developments:

* * * the workers in the plant felt that they ought to get one more try and try to reorganize their organization and see if something could be done. But it certainly was proven otherwise. The union was still unable to function. The company made it harder for them to function. Where before the union representatives were afforded space in the offices, drawer space, to keep their records, the space was taken away from them. Even the financial resources of the independent union were in the form of candy and coke machines within the plant.

The company took that away from them in order to weaken it. This represented a real challenge to the people, too. They were wondering just what was going on. Here we were for the first time trying to get something that we felt we were entitled to, and the Kohler Co. was turning around and instead of bargaining and granting some of them, they were turning around to punish them (p. 9633).

Graskamp estimated that the KWA had had a \$15,000 a year income from its vending machine concession.

A little more than a year after the UAW-CIO lost its first round at Kohler, the KWA, by secret ballot on April 29-30, 1952, voted approximately 2,274 to 1,100 to affiliate with it. Permission to hold the balloting in the plant was granted by the company, a gesture interpreted by UAW President Walter Reuther as somewhat less than generous. The Kohler management "evidently" thought it could block the affiliation, Reuther testified, "if they had a quick vote and if they held it in the plant, because they obviously were in a more favored position" (p. 10028).

Union and company views differed on what accounted for the UAW's transformation from vanquished to victor within a 13-month span. Graskamp pointed out that although the KWA had prevailed in the NLRB election in March 1951 it had been unable to secure from the company another contract beyond that signed in December 1950; as a result, he recalled, "* * * we started to look around and felt we had to be in a position and we wanted to see where our membership decided they wanted to go" (p. 8372).

The alternatives put to a KWA membership meeting by its officials, he added, both revolved around a vote, either to strike or to affiliate, and the assemblage was told that the KWA was in no financial position to support a strike.

Lyman Conger credited the UAW-CIO's victory to a change of tactics in which it attempted, and succeeded, in taking over the KWA leadership. Asserting that the KWA's general committee had already secretly voted to affiliate before calling together the membership, Conger pointed out that contrary to KWA practice and its

constitution the minutes of this general committee meeting were neither published in the KWA's official newspaper nor posted on its bulletin boards. Further, he said, the committee's vote to affiliate was later removed from the minutes. He quoted testimony at the subsequent NLRB trial examiner's hearings by Ray Majerus, now a UAW international representative, in 1952 a KWA representative:

We expunged these from the record because we wanted to be sure the affiliation went through a lot of people who were still sympathetic with the KWA and the company, and we wanted to be sure the vote went through so we expunged this from the record so it wouldn't go into the paper * * * (p. 9487).

Majerus, Conger noted, further testified before the NLRB examiner that he was a UAW-CIO member while "purporting to act as a KWA representative." Conger also pinned the responsibility on Majerus for a tension-producing event which took place between the time of the KWA general committee's secret vote to affiliate and the membership meeting which followed suit:

On April 21 and 22 illegal work stoppages occurred in the enamel shop. In a dispute over a grievance, notice had been given to the company that the men would not complete their shift if they felt sick unless their grievance was satisfactorily adjusted. On April 21 and 22, in accordance with the scheduled notice, many of the enamelers claimed illness and discontinued work. Strangely enough, all these men became "sick" at exactly the same time and in accordance with the scheduled notice to the company.

They were examined by doctors and those found not to be sick were ordered back to work. Twelve who refused to return to work were discharged (p. 9487).

Although the KWA brought charges that the firing of the 12 enamelers violated the Taft-Hartley Act, Conger pointed out that the NLRB and the circuit court of appeals sustained the company's action.

Graskamp put a drastically different construction on the enamel shop incident. Because of the intense heat and other factors involved in the enameling of bathtubs and other ware, he explained, employees in that sector of the plant had worked a 6-hour day as compared to 8 hours in other departments. At the same time they had been the most fertile recruiting ground of the movement to affiliate with the UAW-CIO.

As a result, Graskamp declared, the company had a "grudge" against the people in the enamel shop, and expressed it by replacing the 6-hour with the 8-hour day.

* * * On top of that, they always had big fans to blow the heat away from the man. The fan was in back of the man and this blew toward the furnace, and when they took the tub out and the man was here, the heat blew the other way. Then they turned the fans off, and that is what led to the discharge of the 12 enamelers in 1952. With the fans off, the people, from the heat, got dizzy, and some got sick. It so happens that some of them that went to the medical department got sent home, got cards to go home, but the most active

UAW guys didn't get cards to go home, but were told to go back to the jobs, and they were the ones that were fired in 1952 (p. 8366).

Conger explained the turning off of the fans as follows:

We have what is called a barrel fan, sort of a colloquial expression. It is a large fan which simply circulates air, the same as a desk fan does, only it is much bigger. Some of these furnaces were equipped with those. At the time we had the 12 enamelers' case, some of these were turned off as an experiment. It was suspected that they were kicking up a lot of dirt that was getting into the enamelware (p. 9526).

Although the company's discharge of the 12 enamelers was upheld by both the NLRB and the courts, the men were granted unemployment compensation by the State, which they could only receive if they were improperly discharged.

Leo Brierather testified as to the impact on other Kohler workers of the enamel shop incident:

* * * people out there were convinced that the 12 guys fired by the company were not fired for insubordination and it was because they were active in the union activity and this was merely an excuse on the part of the company for firing them (p. 9632).

Brierather readily credited the incident with "contributing greatly" toward the affiliation with the UAW-CIO, as well as toward the 1954 strike itself.

With its victory in the plant balloting of April 29-30, the UAW-CIO was not yet ensconced at Kohler. The KWA leaders, Conger asserted, had "rushed through" the vote before the membership had a "chance to consider" or before opposition could voice itself; further, he said, the KWA constitution, which provided that it should be an "independent, self-supporting union," was not amended. The management refused to recognize an affiliation procured "in such haste and by such methods," Conger testified, and declared that it would recognize no union unless an NLRB election proved its majority status.

When this election took place in June 1952, three contenders were on the ballot: the UAW-CIO; the Independent Union of Kohler Workers Association, a new group which, according to Conger, "desired to keep the KWA as an independent"; and the UAW-AFL, which, he recalled, "intervened and secured a place on the ballot" about 3 weeks before the election.

Of the period between the plant balloting and the NLRB election, Graskamp recalled:

* * * the company began running full-page ads saying we were boring from within, that we led the Kohler workers astray, and accusing the officers of the independent union of selling out to the UAW-CIO, and bought radio broadcasts and they called us "sellout artists" (p. 8373).

The IUKWA, he asserted, was a group the company "attempted to give birth to," whose members ran the same type of campaign ads as those put out by Kohler, and also put on radio programs which they rehearsed in the company office.

The third group on the ballot, the UAW-AFL, had a special feature of its own in the form of prominent hoodlum direction. Graskamp testified:

* * * shortly before the election, the UAW-AFL got on the ballot, too, and this was a consent election.

Mr. KENNEDY. Is that the UAW-AFL No. 6, Anthony Doria?

Mr. GRASKAMP. That is right.

Mr. KENNEDY. That is the one that Johnny Dio was in, also, is that correct?

Mr. GRASKAMP. That is correct. They got on the ballot. I will say that during the course of this time, I think the friendship between the UAW-AFL and the Kohler Co. was good (p. 8373).

Another busy sector prior to the NLRB election was presided over by the chief of police of Kohler Village, Waldemer G. Capelle, who testified that just after the plant vote to affiliate with the UAW he had started building up and training a contingent of about 45 special police. Capelle, who had four regular police, was questioned as to why he had taken this step at this particular time:

Mr. KENNEDY. You just felt that the fact that the Kohler workers had voted to affiliate and become members of the UAW-CIO, that that was sufficient to get 45 new deputies? Is that correct?

Mr. CAPELLE. Well, that is part of it; yes.

Mr. KENNEDY. Was there any other reason?

Mr. CAPELLE. Well, if any other union would have been in. It didn't make any difference what union got in, but I know if there would be any trouble, I felt I should be prepared for it. It made no difference to me whether it was the CIO, AFL, or what.

Mr. KENNEDY. If the union comes into a community, that is a signal to you to get ready for trouble and difficulties?

Mr. CAPELLE. Not necessarily; no.

Mr. KENNEDY. But you felt in this case you should increase your force by 1,000 percent because of the fact that the UAW was coming in?

Mr. CAPELLE. The way people felt, and the way there was tension there, I felt that something may happen, and I wanted to be prepared (p. 8504).

Capelle testified that he has held his job for 11 years, and that he takes his instructions from the Kohler Village Board and a three-man police committee of the board, of whom two, at the time, were a "laborer" and a "foreman or superintendent" at the Kohler Co., and the third was a schoolteacher. When he began training his new deputies in 1952, he declared, he did so on his own:

The CHAIRMAN. * * * you were not put up to do it, and there was no agitation or effort on the part of the Kohler people to get you to make some special preparation?

Mr. CAPELLE. No, sir (p. 8505).

The training of the initial 45 special police, he said, consisted of "regular, basic police training," including the fundamentals of vil-

lage ordinances, State statutes, operation of the squad-car radio, and foot-patrol techniques. In addition, Capelle testified, there was training and target practice in the use of the "guns that we have, which include revolver, shotgun, submachinegun, and gas guns" (p. 8507).

Ultimately, Capelle noted, there was "quite a bit of ado" about the machineguns and tear gas, and at the advice of the village attorney a humane society was formed, "for the prevention of cruelty to animals," of which Capelle was made chief, a State office appointed by the Governor. This move afforded "added protection," he explained, to insure the legal right of the village police to possess the weapons.

The society, however, was not set up until 1955, a year after the current strike began, and in the interim the training of the special police in the use of the guns went forward. The Kohler Co., Capelle said, allowed them to use its rifle-club range, where they practiced on bull's-eye targets and also the regular FBI E-target, a silhouette of a man.

When the NLRB election was held in June 1952, no runoff was necessary despite the presence of three contenders on the ballot. The UAW-CIO garnered 1,831 votes, or 52.6 percent of those cast; the IUKWA, 850; and the UAW-AFL, 710.

The NLRB certified the UAW-CIO as exclusive bargaining agent for Kohler production and maintenance workers, and negotiations for a new contract began in August 1952. In this first face-to-face encounter across the bargaining table between Kohler and the UAW, the shape of battles to come was all too apparent.

A preliminary skirmish was described by Donald Rand, now administrative assistant to Emil Mazey, UAW international secretary-treasurer. At the time an international representative assigned to the union's skilled trades department, Rand recollected his very first meeting with Conger:

When I was introduced to him as a skilled trades representative, he advised me that there were no skilled workers in the Kohler plant. I asked him whether or not that included him. I thought we ought to start with him. He agreed that he was a skilled trades worker. That was the way we got started, unfortunately. * * * (p. 9211).

Sweetness and light were likewise absent from the bargaining table itself. Negotiations for a contract went on for 7 months, with the outcome in doubt until almost the end. On February 14, 1953, only a week before the contract was signed, a strike vote was taken, and, according to Conger, "extensive strike preparations" were made, including "setting up a strike headquarters and strike kitchen at a tavern and dance hall just outside the village—the same place used as a strike headquarters and a strike kitchen during the current strike" (p. 9488).

That the rank-and-file were irate over the negotiations was confirmed both by Graskamp, who testified that they had wanted to take a strike vote "a lot sooner," and by Emil Mazey, the top UAW officer at the bargaining sessions, who recalled:

At the time we reached a decision that we had come to an agreement, I spent about 2 hours arguing with the rank-and-file committee of the Kohler Local 833, to try to convince them that the contract ought to be accepted.

There was so much bitterness and hate against the company, particularly for its actions in smashing the strike by the American Federation of Labor in 1934, in which 2 people were killed, and 47 shot in the back, that it was difficult to reason with this committee * * * (p. 8911).

A restive state of mind was not confined to the employees, according to records furnished by the company to Carmine S. Bellino, the committee's accountant-consultant. Bellino testified that these records, including the years 1952, 1953, and 1954 and beyond, were supplied in response to his request for data on purchases of material "in connection with the preparation for a strike." From February 7 to 14, 1953, alone—the week preceding the strike vote—the company bought 375 gas shells, 25 speed-heater gas shells, 50 short-range tear-gas shells, eight 12-gage shotguns, 6 revolvers, 6 binoculars, 300 sleeping bags, and several gas stoves, including a restaurant-type model.

Senator MUNDT. * * * maybe sleeping cots and stoves could have been bought on the assumption that a working-man gets in and he couldn't get out.

The CHAIRMAN. They may have anticipated some kind of a siege and were making preparations (p. 8530).

The purpose of Kohler's purchases of guns, ammunition, and other equipment, and what proportions of these went for plant protection, the training of company guards, the regular rifle club recreational program, and the personal use of company officials, were discussed more fully in the context of the 1954 strike, and this report will, therefore, revert to the subject. At this point, however, the following exchange may be noted:

Senator GOLDWATER. Well, Mr. Conger, briefly, why did you think the company should prepare for violence in 1952 or 1953, or whenever it was?

Mr. CONGER. Because we knew of the past record of the UAW in the strikes that they had conducted, and we had very little confidence in receiving protection from the sheriff of Sheboygan County (p. 8529).

However close to an open clash Kohler and the UAW may have come, a plunge over the brink was averted by the signing of a contract on February 23, 1953. UAW Regional Director Kitzman described how union negotiators won over the dubious rank and file:

We told Kohler workers that it took time and experience for a company such as Kohler to learn how modern labor relations worked. Kohler management had never dealt with a responsible and legitimate labor union and we knew it would take time to build mutual trust and confidence, so we asked the Kohler workers to give management time to make the adjustment.

Beyond this, we told Kohler workers that they had so far to go, that their wages and working conditions were so far inferior to workers at Kohler competitors, that it would take time for them to achieve equity (p. 8545).

A distinctly more exuberant note was sounded in the union paper, the Kohlerian, Lyman Conger pointed out to the committee. Three days after the signing of the contract, under the headline "We Won a Good Contract," the union, whose original demands had included a 26-cent-an-hour wage increase and the union shop, listed among its

contract gains a 12-cent-an-hour wage increase, 6 cents an hour more in fringe benefits, full arbitration, standard seniority system, checkoff of union dues, revision of wages and hours in enamel shop, 3 weeks' vacation after 15 years of service, equal pay for women, joint study on skilled trades problems, and provision for the reopening of the wage question every 3 months—a contract feature which was shortly to prove crucial.

Conger read from the Kohlerian an extract of a statement by Emil Mazej:

The general provisions of the contract were greatly improved. I think it was Chris Zittel who this morning stated that we have made more progress in this single set of negotiations in improving the contract than you had made previously in 17 years of activity on the part of the old union (p. 9552).

Commenting on this and other items of approbation in the Kohlerian, Conger observed:

Just in case there is any question, this is the same union that now charges that the company never accepted the union or was willing to bargain with them in good faith (p. 9488).

The union acknowledged the optimistic tone it had taken. Conceding a statement at the time by Kitzman that "these are the greatest gains we ever made in a new contract," Graskamp declared:

* * * you have to recognize how far the Kohler workers were behind, and how much room there was to make gains. Therefore, it is true they made gains, and maybe these were some of the largest gains that they made under a new contract. But this does not mean that the workers were satisfied, or that the workers had anywhere near what they were entitled to (p. 8375).

Any spark of new warmth in labor-management relations at Kohler as a result of the signing of the contract was soon extinguished. Brierather explained why:

* * * from the very beginning, the grievances started to pile up. We found that the Kohler Co.'s interpretation of that contract was very much different than the way we had interpreted it, and, as a result, we couldn't settle any grievances * * *.

The piled-up grievances certainly had their effect within the Kohler plant. We still had to find out some way to figure out how to take care of the problems presented by the workers (p. 9634).

Just what these problems were, how grave, and how primary a cause of the Kohler-UAW war which erupted just a year after the 1953 contract had been hailed as the harbinger of a new area, was lengthily discussed and debated before the committee. Management witnesses questioned their importance; Company President Herbert V. Kohler maintained that "all" working conditions in the plant were "excellent" (p. 9948), and that quite another matter had inspired the hostilities:

The issue which more than any other, in my opinion, precipitated the strike was compulsory unionism. We do not believe that people should be compelled to become or remain members of a union (p. 9934).

Lyman Conger affirmed this view, saying:

* * * In my opinion, we could have settled all of the difficulties quite readily had we been willing to concede a union shop (p. 9532).

Refuting this latter assertion, UAW International Secretary-Treasurer Mazey pointed out that while local 833 had originally sought a union shop, it had later reduced its demand to "maintenance of membership" and subsequently had even "expressed its willingness to do without any affirmative union security provision." As to what they thought had caused the strike, union witnesses laid heavy stress on plant problems. UAW President Reuther labeled Kohler working conditions as "inhuman," "unsafe," and coupled with a "repressive system" (p. 9992), saying:

The Kohler strike is about people * * *. The men and women of local 833 have served notice on the Kohler Co. that it is not living in the Middle Ages, in some remote corner of the world far from the mainstream of life (p. 9964).

On the union's list of persistent problems were the danger of silicosis, special work difficulties in the enamel shop, safety hazards in other departments, substandard wage rates, the company attitude on seniority and maternity and, more broadly, its policies on grievance procedures and arbitration. Of these problems en masse, Brierly observed:

Now, we have been accused of many things, of fomenting or trying to get people excited in that plant, that we were responsible for the strike, that we were a bunch of liars and agitators and so forth. And I would like to point out that the problems within the plant had more to do with that than we did and, in fact, the Kohler Co. was the best organizer that you would want in those terms. We could not equal that if we wanted to (p. 9631).

Kitzman elaborated on this viewpoint:

* * * you cannot organize a plant, and I have a number of them in my union, you cannot organize any plant, no matter how many organizers you have on it, where there is real reasonableness on the parts of managements. You cannot organize a plant in the Garden of Eden. It is conditions that organize unions.

No union ever went on strike. It is conditions inside of a plant that go on strike (p. 8562).

The silicosis problem was thus detailed by Graskamp:

Silicosis is a lung disease that is caused from breathing dust with silica dust in it. In the pottery itself, there is a department where there is a high percentage of silica dust. In some of the mixtures, the silica dust in some of the mixtures goes as high as 80 or 90 percent.

Now this stuff is floating around there in the air all day long and we many times asked for ways to clean this up. We have always been refused. They always say it was impossible and it can't be done, and other companies have done it.

The workers would breathe this dust in and they would have X-rays, and when I first started, you got X-rays once a year, and they took X-rays every 6 months. But people were never told when they started to show spots on their lungs.

It got to be too late. During the course of the negotiations, this was brought out. We knew this and we said, "Look, why not give the employee a copy of his X-ray when you take it, the negative, and he can take it down to his own doctor and have it examined and he can get the facts on what his lungs are."

The company said, "We cannot tell these people the minute they get a spot on their lung, because if we do they will all worry themselves to death and they will become hypochondriacs if we do" (p. 8360).

Kohler workers who contracted silicosis went to a nearby sanitarium called Rocky Knoll, "or, as we call it, the Kohler Pavilion," Graskamp told the committee. He could not, however, supply any statistics showing that the plant conditions produced a high rate of lung disease:

Senator KENNEDY. You made the charge, and what is it that you use to support the charge that silicosis existed to a degree which was dangerous to the workers in that section of the company?

Mr. GRASKAMP. I turned over to the company a file on silicosis, which contains cases from the Kohler Co. This we know is only a portion because I know that there are many people working at that plant today, that are working in that plant today that have contracted some of this disease in their lungs.

We cannot reach those people today. Those people are scared to tell us the facts. We cannot talk to them (p. 8360).

Testimony disputing Graskamp's sizeup of the silicosis situation was offered by two Kohler workers familiar with the pottery department at the plant. One was Robert Hensel, a UAW member at the start of the 1954 strike, who had gone back to work after 4 months, regarding that as a "sufficient time" to reach a settlement. Hensel, testifying that he has worked in pottery casting for almost 18 years, and "can do anything else a man my age can do," had this to say about conditions in his sector of the plant:

There is dust in the place. We don't deny that. We do have respirators that a person can use. I also think if a person takes care of himself and watches himself, as far as when the periods of dust might be heavier, and also things of operation that you do, if you will put the respirator on, you can protect yourself to a great extent. Although some people might be more susceptible than others, like in TB. But in my case, I have had X-rays taken at the Kohler Co. and at my own doctor, and I have found no damage whatsoever (p. 8755).

Another pottery casting veteran, Harold Jacobs, testified that after a decade in that department he developed "some sort of nervous muscular condition," and was transferred to the enamel shop because

it was thought the heat would be good for him. When his back condition became worse, however, he left for hospital treatments, later returning to his old pottery post, which he still held, and did not find irksome:

* * * we are provided with respirators, and they have made provisions that during the dusting time—you are only supposed to dust your molds with the silica dust at the close of your shift, and they even give you 15 minutes of time. They start dusting at a quarter to 4, and we work until 4. As soon as you are through dusting your molds, you are requested to get out of the area where this dust is in.

* * * * *

Senator ERVIN. * * * you have never experienced any discomfort from inhaling silica dust?

Mr. JACOBS. No, sir; not a bit. And I have just had a thorough checkup a year ago at Madison, where I was not known, and my place of employment was not known.

* * * * *

Senator ERVIN. Does the company make any provision for examinations for anyone that works in that department that desires to be examined?

Mr. JACOBS. Yes, sir. They force you to have an X-ray twice a year.

Senator ERVIN. Do you know of any occasions when the employees in that department have been removed from that department to other work on account of having contracted silicosis?

Mr. JACOBS. Yes; I do. There are some that have been told that they have it, but because of the wages being at the level they are in the pottery, they stay on. It might be a good idea if they forced them to get out, but, after all, every man has a right to say what he wants to do with his own body, I imagine (p. 8406).

Jacobs, the most articulate witness of the Kohler employees below the management level, paid broad tribute to the company as an employer. A former UAW member who quit it before the 1954 strike because he felt its demands on the company were "too high," Jacobs declared that while no company was perfect and "every man has his natural little gripes," his treatment at Kohler's hands had been "very good."

Under questioning, Mr. Jacobs asserted that he had not received any special treatment from the company, although agreeing that he had acquired a home in Kohler Village, a long-sought goal.

He summed up his working credo as follows:

I have nothing to offer but my labor. I sell that to them and they pay me for it, and I think the agreement is fair (p. 8398).

A second major plant problem, from the union standpoint, centered in the enamel shop, site of the crisis at the time of the 1952 affiliation with the UAW. By its very nature this part of the company's operation is a rugged one; here, among other Kohler products which require enameling, bathtubs are brought to be finished after they have been poured, cooled, smoothed off, and given a ground coat.

After preliminary inspection, the tubs are put in a preheater, then into a furnace; when they are removed, redhot, workmen using long-handled sieves shake powder over them. The enameled tubs are then again stove-heated, removed, inspected, placed on small trucks, wheeled away and set to cool off. The process is continuous; having disposed of one tub, the workman turns to the inspection, heating, and enameling of the next one.

Such is the heat around the tubs that the men must use face shields and asbestos aprons; in the summer, Graskamp testified, they wear winter underwear to keep the heat of their bodies.

Senator KENNEDY. What was the temperature in the enamel shop?

Mr. GRASKAMP. Next to the tubs, it has been established that the temperature went up as high as 180°.

Senator KENNEDY. Would you have to get next to the tubs during the day's work?

Mr. GRASKAMP. These fellows stood right next to them (p. 8363).

Lyman Conger refuted Graskamp's estimate as well as that of the Wisconsin unemployment compensation examiner, in the 1952 case of the 12 men fired, to the effect that temperatures ranged from 100° to as high as 250° F.:

* * * The main part of the enamel shop is probably not above the temperature of this room. Right near the furnaces, where you have a little spill of heat from the furnaces, and where you have the enameling operations going on when the piece is out, there is a little higher temperature. It will run 80° to 90° and sometimes it will run as high as 100° in the summertime.

Mr. KENNEDY. Do you say that the temperature in the enamel shop doesn't get above 100°?

Mr. CONGER. I would say very rarely.

Mr. KENNEDY. Mr. Conger, I was present in the enamel shop even when there wasn't work going on and it was very, very hot.

Mr. CONGER. Well, you didn't have a thermometer (p. 9524).

As the union viewed the enamel-shop problem, it twined around two points: the fact that the company had taken away from the enamelers the 6-hour day once deemed equivalent to 8 hours in any other part of the plant, and that, in putting the enamelers on an 8-hour basis, it had failed to compensate them for the special conditions under which they worked. Notable among these conditions was the need to eat lunch in between taking one tub out of the furnace and putting the next one in.

Conger was queried on this point:

Mr. KENNEDY. You say that the men can put the equipment in the oven, then they can step back and eat their lunch during that period of time. How much time is there then before they have to do some more work?

Mr. CONGER. From 2 to 5 minutes, depending on the piece.

Mr. KENNEDY. So you feel they can step back from the oven and take off their mask and have their lunch in 2 to 5 minutes?

Mr. CONGER. Mr. Kennedy, they have been doing it for 36 years, to my knowledge. I am sure they can do it.

Mr. KENNEDY. Did you work in the enamel shop?

Mr. CONGER. Yes, sir. That was my first job.

Mr. KENNEDY. And you feel as long as they were doing it 35 and 36 years ago, they should still be able to do that?

Mr. CONGER. I was not an enameler, but I worked in the enamel shop, and I know the conditions.

Mr. KENNEDY. Do you feel that because they were doing it 35 and 36 years ago, that they still should be able to do it?

Mr. CONGER. Not necessarily, but they are doing it. I don't think anybody can come along and say it is impossible to do what a man is doing (p. 9525).

UAW President Reuther, paraphrasing this policy as "snatch a sandwich in between bathtubs," commented:

Is that where we are, when we know how to split atoms and put the third satellite in orbit? Workers in America have got to work 8 hours without a lunch period? I think not, Mr. Chairman. I think that is a part of yesterday (p. 9993).

Comparing enamel-shop conditions at Kohler and at two of its principal competitors, American Radiator & Standard Sanitary Corp., in Baltimore, and Universal Rundle Corp., in Milwaukee, Emil Mazey told the committee that while there was no lunch period at either of the latter two, the men only worked 6 hours; he pointed out that it was industry practice, in the case of a 6-hour day, not to provide lunch periods. He also cited the use of electric tub lifts in the enamel-shop operations of both competitors as opposed to manual-operated tub lifts at Kohler; air-operated tub-enameling frames as opposed to manual-operated at Kohler; suspended powder sieves as opposed to nonsuspended at Kohler; air-conditioning at American Standard and semi-air-conditioning at Universal Rundle as opposed to none at Kohler. Both Kohler and Universal Rundle had two men per furnace as compared to three at American Standard.

The union's proposed solution for the enamel-shop problem at Kohler was either to restore the 6-hour day or grant, during the 8-hour day, a 20-minute lunch period for which the enamelers would receive 4 percent of their daily earnings; since they were paid piece-work rates, this, the union argued, would permit them to count on an 8-hour instead of a 7-hour-and-40-minute production basis for their earnings.

Management witnesses termed this proposal a thinly disguised bid for a wage increase. Company President Kohler asserted that the men could actually put in their 8 hours' work in about 7 hours and 30 or 35 minutes, and that the time they now had for lunch was "ample."

Conger maintained that although the company was "sure" that the 20-minute lunch period demanded by the union would not be utilized, it had, in negotiations after the start of the 1954 strike, offered the men in the enamel shop two 10-minute recess periods—although unpaid.

Senator CURTIS. How is the operation with other employees outside of this particular shop? Do they have a lunch period?

Mr. CONGER. They have an unpaid lunch period.

Senator CURTIS. An unpaid lunch period.

Mr. CONGER. There are a few, a relatively few employees, less than 4 percent of our employees, who had a paid lunch period, Senator. Over 96 percent of our employees have a lunch period but they do not get paid for it (p. 9522).

If conditions in the enamel shop were unsatisfactory to the union, conditions elsewhere in the plant were also "never ideal," according to Leo Brierather. His own first job at Kohler, in the reheater core department of the north foundry, was supposed to have been "one of the easier ones," he recalled, but while his normal weight at the time was 142 pounds, it soon went down to 128, and during the summer down even further, to 118 by Friday night, a 10-pound loss he would recoup over the weekend. Brierather observed:

Now, I am sure that can tell better than anyway else at what speed we had to work to earn the money * * * (p. 9637).

Complicating the physical exertion was the menace of safety hazards, a third Kohler problem in the union's book. Brierather gave an example from the north foundry:

* * * most lifting mechanisms were suspended off the ceiling and, when the foundry was in operation, it seemed like the entire foundry was moving.

The CHAIRMAN. I wonder where you would suspend it from if it was not suspended from up high?

Mr. BRIERATHER. Well, the idea was that it was not placed up there adequately and the people on the bottom were fearful because, naturally, if you were to work underneath—

Mr. CHAIRMAN. What you mean is that it was not made adequately secure and I think with hoisting machinery you have to have something up high to get it hoisted.

Mr. BRIERATHER. That is correct (p. 9630).

The hazards gave rise to many complaints, Brierather said, but with little effect:

* * * whenever complaints were made the management of Mr. Biever minimized this whole deal and he said, "Well, this is OK. We have approved it and it is all right."

However, a hoist fell off the track, a large hoist, and fortunately nobody was injured; and hand coppers came off the ceiling, and fortunately nobody was injured. However, a wheel came off a hoist and killed a man, Mr. Donald Nickerson, in June of 1951.

In another instance on our floor called sand-handling No. 3, the men complained bitterly about the working conditions, that they did not have enough room to work and they were presenting hazards to each other merely by working and the machinery was crammed so closely together. * * *

One man stuck his foot in between a roller conveyor designed to move heavy flasks down to the casing area and, while doing so, somebody pushed the mechanism which was designed to push it down and he had his leg crushed between the flask and his pushing mechanism.

The supervisor of the night shift, Mr. Theibald, in an attempt to extricate this man, stuck his leg into a similar situation and had the same thing happen to him and it was then that we first received acknowledgment from the company in regard to the problem (p. 9631).

The union complained about the hazards to the Wisconsin Industrial Commission, Brierather asserted, but management refused to allow union representatives to accompany the inspector sent by the State and instead "conducted him on a guided tour through the plant and we rarely ever heard of what happened and how the deal came out. Certainly this did not satisfy the people in the plant. It was one of the determining factors of why they voted for a stronger union and eventually to strike" (p. 9631).

Not all the problems listed by the union as provocative of unrest among Kohler workers pertained to physical conditions at the plant. A number concerned company policy and procedures, some affecting only certain categories of workers, others the broad rank and file.

Among the former, the union objected to what it felt was a callous company attitude toward its veteran workers. Graskamp testified:

* * * in most plants, where there is better jobs, where there is higher-paying jobs, where there is easier jobs, the men with the most seniority get an opportunity to do these jobs. This was not true at Kohler. When I first became active in the independent union there was people working on some of the hardest jobs in the casting shop department that had 25 and 29 years of seniority in that place. They never had an opportunity to get these easier jobs. The worst job in the casting shop, in the pottery at Kohler, is the casting of bowls, and that is where these guys were.

They never got the right, even though they asked for it, to get a job casting lavatories, stoves, or tanks. Today some of those people, even though they are not on our side, and are working in that plant, are there because we were willing to stand up and fight and argue for the right for them to be there (p. 8352).

Another category of worker treated unfairly, in the union's view, was the married woman who became pregnant. The NAW attempted vainly to have management grant maternity leave; a case in point mentioned by Brierather was that of a woman who had worked up to 2 days before giving birth but had been refused her job back with the statement—attributed to Lyman Conger, but denied by him—that the company had not been responsible for her pregnancy.

Company President Kohler pointed out that workers who return after 2 years are granted full seniority, but as to whether they are allowed to return in the first place this exchange occurred:

Mr. KENNEDY. Can the girl always get her job back within 2 years? Is that written in the contract?

Mr. KOHLER. No. We don't guarantee her job. We will try to take her back.

Mr. KENNEDY. But there is no guaranty of that?

Mr. KOHLER. No, sir (p. 9950).

Yet another aggravating problem for the union at Kohler was what Brierather charged was a company "surveillance program on any

kind of union activity." He described his own experience in this regard:

I was informed by my foreman at one time that he had to record if I left the floor, or what I was doing. At one time he even gave me a so-called good conduct pass. He said, "Well, we have been watching you for a long time, and I have orders now that you can go anywhere you please," inasmuch as to say that they would trust me. This was not true with some of the others. The other stewards and representatives of the workers many times would step up to a worker and it didn't take a minute before he was tapped on the shoulder by a foreman or supervisor who said, "Hey, don't interrupt production" (p. 9634).

Beyond these separate sources of union discontent was a grievance machinery it regarded as inadequate. According to Graskamp, a specific grievance, instead of being settled on a lower level, had to run the gamut of foreman, supervisor, superintendent all the way up to the management committee. The arbitration procedure, according to Brierlatter, was rendered virtually useless because of the difference in the company and union interpretations of it.

The issue of arbitration loomed particularly large in the fruitless negotiations preceding the 1954 strike. The company offered an arbitration procedure among its contract proposals, Graskamp testified, but—

As you went through the contract, everything that was arbitrable was taken away by the last sentence which said, "This shall not be subject to arbitration." So when you got through their proposal, you had an arbitration proposal, but by the time you read the rest of the contract, there was nothing left to arbitrate. They said, "All we will agree to is application and interpretation of the contract."

We finally agreed to all of these exclusions. We told the company, "OK, we will agree to these exclusions, but we will not agree that unjust discharge and discipline are not subject to arbitration."

That is where we stand on arbitration today (p. 8367).

The company's stand on this vital matter was expounded by Conger:

We do not oppose all arbitration. The 1953 contract contained an arbitration provision and we were willing to have one in any contract.

We agreed to arbitrate the interpretation and application of any contract we might make—in other words, to give an arbitrator all the authority that a judge of a court of law would have.

But we do not agree to arbitrate the terms of a contract—to let someone who has no knowledge of our business or interest in it write a contract for us to live under. Nor will we agree to turn over to anyone not having any knowledge of the business or interest in its success the authority to make management decisions on matters vital to the conduct of the

business while we remain responsible for the successful operation of the business.

An issue rarely absent in labor-management controversies is the wage issue, and the Kohler-UAW conflict was no exception on this score, although union witnesses insisted that it actually carried less weight than other problems creating the strike climate. As Graskamp put it:

* * * when it came time for the strike, the wages themselves were unimportant. It was the dignity of the guy working there, the right to have a union steward bring up a grievance for him, the right to have it discussed, the right for the guy to come over on the job and discuss it with the employee first, as to whether or not a determination can be made as to whether he has a grievance, and then the right for the guy to go up there and get an honest settlement, if he is entitled to it. That is what the strike is all about (p. 8366).

But whatever its rank among union priorities, the wage question was an unmistakable irritant, with three especially sore points for the UAW: First, the company paid what the union felt were substandard rates; second, it changed its mode of fixing its rates; third, it refused wage data regarded by the union as essential to bargaining.

UAW Regional Director Kitzman testified:

The only way we have ever been able to compare wages in Kohler is the paycheck stubs, and which are not an accurate picture, because the union has never been able to get from the Kohler Co., even to this date, an adequate payroll. They compute everything, overtime, premium pay, and it is all thrown into one category. To my knowledge, at least I, who spent a good many days at that bargaining table, have never actually seen a breakdown of the actual earnings, both piecework—particularly piecework. Daywork is a different problem, because there you have cents per hour, and that is pretty easy. But not on piecework (p. 8544).

Piecework, Graskamp explained, represented "mostly all or 90 percent" of Kohler jobs, and the pay rate for each job required negotiation. He recalled that formerly these matters had been ironed out between union and management at the superintendent level, without "too much trouble." Then, he said, the top management committee ordered the superintendent, in settling a wage rate, not to go more than 10 percent over and above the figure fixed by the time-study department, with all questions of higher rates to be handled by the management committee itself.

Senator KENNEDY. That does not seem to me to be very important. I think a company has a right, if a wage increase goes beyond a certain point, to have it referred to the central management.

Mr. GRASKAMP. But this is a practice that had been in effect for years * * *. They never notified us that they were changing their practice * * * (p. 8362).

Graskamp, while conceding that a few jobs at Kohler paid "decent" money, charged that most workers at the plant earned any-

where from 40 to 65 percent less than workers doing comparable jobs elsewhere. He decried Kohler claims that its average take-home pay exceeded the Wisconsin statewide average and that of certain communities, asserting that the company did not even report its wages to the State bureau of labor statistics whence came these averages. Moreover, he said, company averages took in 5 to 8 hours of overtime a week and shift premiums, while the averages to which they were compared were figured on a 39.4 or 40 hour-a-week basis.

Lyman Conger agreed with the union assertion that wages were never a key factor in the 1954 strike, but proffered a totally different reason. Kohler rates compared favorably enough with those of rival firms, Conger declared, to preclude their being of great moment among UAW demands for improvement:

* * * If our wages were 40 to 50 cents an hour below our competitors, wages would have been a very important issue in this strike and in this bargaining (p. 9530).

Refuting Graskamp, Conger pointed out that Kohler has, since around 1936, reported its wages to the State's industrial commission, which passes them on to its bureau of labor statistics. He added that matching the company's overall wage averages against those of the State, Milwaukee County, Sheboygan, and various Wisconsin communities was, although "not completely satisfactory," the only accurate way of making such a comparison.

As to how Kohler stacked up directly against its competitors, Conger, singling out the enamel shop, reported that at the time of the strike the pay there averaged about \$2.50 an hour; at present, he said, it is \$2.90 to \$2.95 an hour.

Mr. KENNEDY. How does that compare, that approximately \$2.50, how did that compare to Rundle?

Mr. CONGER. * * * On one comparison, it compares very favorably to Rundle. Rundle, on some of the operations, the men make, and they are always on piecework, more money per hour and produce more per hour, and if our people would produce more per hour, as they can, as shown by the fact that they quit half an hour before the end of the shift, their earnings would exceed Rundle.

Mr. KENNEDY. The people in Kohler, are they slack in their work?

Mr. CONGER. I don't say they are being slack, but I say that we have always had a certain amount of controlled production in the enamel shop, particularly when the UAW was very prominent there * * * (p. 9530).

Statistics supplied the committee by Emil Mazey challenged Conger's contention. At Kohler, Mazey declared, an enameler of large ware received \$2.64 per hour, at American Standard, \$3.25, and at Universal Rundle, \$3.60; an enameler of small ware at Kohler, \$2.63, American Standard, \$3, Rundle, \$3.60; an enamelware inspector at Kohler, \$1.78, Rundle, \$2.60, and Briggs Beautyware, a third competitor located in Detroit, \$2.36.

Presenting other job comparisons, Mazey reported the hiring rate at Kohler as \$1.20 an hour, American Standard, \$1.71, Rundle, \$1.70, and Briggs, \$2.01; a tool and diemaker's rate at Kohler, \$2.36, at Briggs,

\$2.98; a trucker at Kohler, \$1.75, at American Standard, \$2.50, at Rundle, \$2.70, and at Briggs, \$2.11; an elevator operator at Kohler, \$1.60, at Briggs, \$2.11; a trucker at Kohler, \$1.75, at American Standard, \$2.50, at Rundle, \$2.70, and at Briggs, \$2.11.

Conger commented:

You can get some of the most fantastic comparisons by comparing job names, when the jobs aren't actually the same. All of our competitors use slightly different methods than we do, and some of them use radically different methods (p. 9531).

Although the wage issue between Kohler and the UAW may ultimately have yielded prominence to other more inflammatory issues, it served as the opening gun in the war of 1954.

The contract signed by Kohler and the UAW on February 23, 1953, had provided that the wage question could be reopened every 3 months. At its first opportunity, the union on May 23 asked for a 14-cent-an-hour increase. Conger testified:

They explained this demand by stating that they had asked for 26 cents on the original negotiations but had accepted 12 cents, so the company still owed them 14 cents (p. 9488).

The company did not see it the union's way, and negotiations dragged on until August, when Kohler's counterproposal of a 3-cent-an-hour boost was accepted—albeit was a reluctance that boded ill. An "overwhelming majority" of local 833 had already voted to strike, Kitzman testified, when he and another envoy from the international union, Jesse Ferrazza, administrative assistant to Emil Mazey, appeared at a membership meeting and recommended acceptance of the company offer even though it "did practically nothing to close the great gap" between Kohler and competitive wages. The reaction was distinctly unfraternal, Kitzman recalled; both he and Ferrazza were booed and charges of a sellout were voiced.

Walter Reuther added:

We had tremendous difficulty in persuading them not to strike. We said, "Look, be patient. We know you are being pushed around. We know this is difficult, we know your patience is being taxed, but please bear with us. Let us nurse this. You cannot make a good situation overnight. You have this long history of bitterness and antagonism; it is going to take some time" (p. 9991).

But time, it seemed, was running out on any such rosy prospect. Little over 3 months had elapsed when, on December 12, 1953, Kohler notified the UAW that the 1953 contract would expire on March 1, 1954. Conger explained:

This was the 60-day notice required by section 8(d)(1) of the National Labor Relations Act to prevent a contract from automatically extending itself and it was given at this time in the hope that negotiations could be begun and a new contract arrived at before the old contract expired (p. 9489).

Although 60 days were presumably ample time for the conclusion of a new concordat, agreement was nowhere in sight by March 1, 1954,

and on that day the 1953 contract went out of existence, leaving Kohler and the UAW more at loggerheads than ever.

How this critical juncture was reached was one of the sharpest of the myriad points of controversy between company and union, with each accusing the other of talking peace but preparing for war. As evidence of the union's real motives, Conger pointed out that the UAW, in following up the company's December 12th notification 2 days later with a similar notice, at the same time informed management that it had advised Federal and State mediation services of the existence of a dispute. This, Conger noted, was even before the union had made any contract proposals or received any from Kohler, adding:

This obviously was to clear the way for a strike. Under section 8(d) (3) of the act this notice was not required until 30 days after the 60-day notice and then only providing no agreement had been reached (p. 9489).

Furthermore, Conger added, although on January 15, 1954, Kohler suggested to the union that negotiations begin so as to avoid "last-minute" parleys under the pressure of the old contract's expiration date, it was not until 10 more days had passed that proposals were exchanged.

When negotiations did finally begin on February 2, Conger said, the union asked for changes in all but 3 of the 18 articles of the old contract and all but 30 of the 78 sections, including demands for "a union shop, a general wage increase of 20 cents per hour plus an additional 10 cents per hour for so-called skilled employees, that the company discontinue its pension plan and substitute the UAW standard plan, increases in group insurance, changes in the seniority provisions of the contract, and a paid lunch period in the enamel shop" (p. 9489).

The company, according to Conger, proposed few changes in the old contract, but offered what he described as "numerous concessions."

The union, on the other hand, viewed these "concessions" as far from numerous, and a snare and delusion to boot. As boiled down by Graskamp, all the company offered in the way of anything new was a 3-cent-an-hour increase and an arbitration procedure—but the latter, he said, was effectively nullified because so many of the proposed contract provisions were made nonarbitrable. The union was given its choice of this proposal or extension of the 1953 contract as is, without even the 3-cent increase.

Leo Brierather observed:

The company must have known that we couldn't sell this at any time to the membership with the type of pressure that they were putting on to the bargaining committee (p. 9637).

Brierather recalled that Kohler had labeled the union's own contract proposals as "over 100 sensational demands." Far from being such, he testified, the union proposals had been formulated only after many meetings with the rank and file and comparison with competitors' contracts, and—

* * * every one of these demands certainly reflected some guy's problem within the shop, and they didn't seem sensational to us at all because we had at no place exceeded the

contract language which we had found in some of the others (p. 9634).

On February 23, a week before the old contract's expiration date, the union asked that it be extended a month while negotiations continued. The company, Conger said:

* * * responded calling attention to its earlier efforts to get negotiations going so that they would not be under the pressure of an imminent expiration date and offering to extend the contract for a year without change (p. 9490).

The result was expiration of the old contract on March 1, as scheduled, with a subsequent crossfire of charges and denials that the company was in effect "canceled" it. Reuther declared:

The company canceled the agreement, not the union. Oh, it is true that they said, "We will extend the agreement." Well, when a company says we will give you the old agreement without changing a comma, that is not collective bargaining. Collective bargaining means a willingness to sit down and review the contract and make changes based upon the give and take of free labor and free management (p. 9994).

The month of March 1954 saw a quickened tempo of events leading to a showdown. On March 3 a Federal conciliator entered the negotiations. On March 14 the UAW membership voted 88.1 percent in favor of a strike, although, Conger declared, the total number voting to strike was not revealed. On March 17, a three-man Federal mediator panel entered the negotiations.

Concurrently with the launching of mediation efforts, however, both sides began busying themselves in other directions. Conger testified:

The union began strike preparations, setting up a strike headquarters and strike kitchen at the same tavern and dance hall that they had engaged after the 1953 strike vote, importing personnel from Detroit and elsewhere, bringing in sound trucks and similar activity.

The company also made strike preparations. It brought food, cots, etc., into the plant to house and feed the supervisory personnel, necessary to protect the plant and to provide for the continuance of necessary functions in the event of a strike.

* * * Everyone has the right to protect his person and property from a criminal attack—and this is particularly so where law-enforcement officers are unable or unwilling to afford such protection.

We had several shotguns and some tear gas for this purpose (p. 9491).

As seen from the union side the company's preparations had a more ominous hue, however. Brierly testified:

The display of putting cots into the plant and erecting shanties on the roof, the establishment of an arsenal—I was personally aware of Kohler Co. supervision holding pistol practice in the south foundry, shooting at silhouettes.

This all didn't have the best effect upon the workers within the plant. This, more than anything else, reminded them of

the 1934 strike. Believe you me, we were afraid of this whole deal. You just don't want to get into a situation like that again.

On the outside of the plant, we were aware of the village making substantial preparations, even as far back as 1952. There were new deputies, gun and tear gas practice, even with machineguns under the guise of civil defense (p. 9638).

Union witnesses saw no merit in the thought that the company might have been equally stirred by the taking of strike votes:

Senator GOLDWATER. If you continued to threaten them with strikes, I think they could assume that there would be a strike, don't you?

Mr. GRASKAMP. There are many, many unions that have taken strike votes and have never had a strike (p. 8355).

Far from being strike-happy, UAW President Reuther pointed out, Kohler workers stayed on the job for 5 weeks after the contract expired in the hope of averting a strike, and the influence exerted by the international officers was "more cautious than the natural instincts of the workers." But, he went on—

Unfortunately, the day came when the Kohler workers just were not willing to take it any more (p. 9995).

The point of no return was reached on the weekend of April 3 and 4, 1954. On April 3, Harvey Kitzman testified, the union and company met for the last time before hostilities broke out:

* * * I was pleading with them, that since there was no chance of settling this, and since there obviously was going to be a strike here, we ought to sit down as men and agree to some rules. * * * And the company management asked me, "What are you talking about, rules of war?" and I said, "Yes, that is what this is, rules of war."

I pointed out to them that even Hitler sat down with his enemies and said they were not going to use gas. I was talking about working out an orderly procedure as we do in hundreds of other places where we have strikes, where the union is interested, and they were interested in this case, to protect this property, and to protect their jobs and see that their jobs would be there when they got back, so that watchmen, and fire protection men, and guards or whatever they needed, would go into that plant unmolested, but that the company does not try to hire strikebreakers. * * *

I was flatly told, "Look, you run your business and we will run ours."

* * * The meeting broke up, and I knew then that there was no hope (pp. 8547-8548).

Plant Manager Bieber, commenting on Kitzman's testimony that the union had offered to supply maintenance men during the strike, pointed out:

* * * He neglected to tell this committee that the union's offer was on condition that the company close the plant and make no attempt to operate it.

Employees who want to work have a right to do so and we have a right to operate our plant if we can whether the union calls a strike or not (p. 9454).

The next afternoon an estimated 2,500 members of local 833 gathered in the local armory. Two votes were taken. In a show of hands, according to Emil Mazey, all but 1 of the 2,500 workers present indicated unwillingness to accept the company's last offer. The second vote, he explained, reaffirmed the March 14 strike vote.

In this second count, a secret ballot in which the voter had first to show his union card to indicate his good standing, 1,105 voted aye, 148 no, and 1 ballot was left blank—in all, 1,254 votes. This total represented about half of the people present at the start of the meeting and approximately 38 percent of the total Kohler employment rolls at the time.

Wholly divergent interpretations were placed on these statistics by company and union witnesses. Conger maintained that they proved the company's contention that a majority of Kohler workers had not wanted to strike; UAW International Representative Robert Burkhardt, who had been assigned to Sheboygan the previous September because, according to Leo Brierather, the local was "no match for Lyman Conger and his legal mind" (p. 9634), argued that the figures on the contrary proved that only one-thirty-third of the workers had voted not to strike.

Commenting on the size of the vote as compared to the initial attendance at the meeting, Reuther testified:

Unfortunately, we experienced what happens when human frailty moves in. Some of the people who voted to reject the company's offer did not hang around long enough because there was delay on the secret ballot and I suppose there is always some pressure, the wife to get home for Sunday dinner, and they went home.

* * * I think the workers who went home early were wrong. I think they were running out on their responsibility. But do we go out of business because people are subject to human frailties; no. The people who stayed made the decision.

Seven months later, more than 1,600 voted in a secret ballot and I think 26 the other way. So there is no question about it, that this strike was a strike authorized by a majority of the Kohler workers by secret decision (p. 9994).

Following the secret ballot, those who remained received some guidance for the morrow, according to John Konec, whom local 833's strike committee appointed its chief picket captain:

We set up a set of rules which consisted that everybody be out on the picket line, that nobody come out there intoxicated, have no intoxicating drinks when you do come out there, that you behave yourself in an orderly manner, and you carry no weapons whatsoever. That is the set of instructions we gave the pickets orally at the mass meeting.

* * * We had nothing prepared, so at that mass meeting at the end, we announced—I don't remember exactly who it was—we told them to picket the gate that they normally entered. Well, there are a few entrances at Kohler Co. that are

locked, but they could be used as entrances. So I selected picket captains, and I had the picket captains stay after the meeting and instructed them to pick 25 or 30 pickets to picket those gates, even though they were locked, but to picket them anyway (p. 8535).

Along with these arrangements the union had already previously secured the "moral support" of other unions in Sheboygan, Graskamp testified, and of vital importance, the UAW international's promise of financial assistance, given by Mazey and Kitzman at meetings both of local 833's executive board and of its membership.

Senator CURTIS. What were these arrangements for financial support and promises of financial support that were furnished by your international officers?

Mr. GRASKAMP. Well, the policy of the international union at that time was that strike assistance was based on need, and there is no definite plan. It depended on the need of the striker.

Senator CURTIS. How much money was made available to support the strike?

Mr. GRASKAMP. They never limited it to any amount (p. 8342).

Looking back on this epic moment for his fellow workers, Leo Brierather recalled:

* * * they certainly did not want a strike. They only took a strike because they were finally forced to strike and, once for all, they had to determine a method of trying to gain what they thought was theirs. Certainly they did not want to be treated like dogs any longer.

It is the same thing. You can whip a dog into submission but you whip him long enough and he is going to turn around and bite and this is similar to what happened out there (p. 9632).

The first shift at Kohler begins at 6 a.m. An hour before that, on the morning of April 5, 1954, the normally tranquil environs of the plant stirred to a scene that would become ever more familiar over the next 2 months. In the chill of late dawn a gathering crowd of about 2,000 took up picketing positions around the company's property. All gates, even those seldom used, were covered. But the bulk of the arrivals massed at the main entrance on High Street, the elm-tree-lined boulevard in front of the plant, and began walking in a circle, one behind the other.

Why so large a group should have assumed a strike function undertaken in most labor-management disputes by relatively few pickets was explained by Mazey and Kitzman on three grounds. First, they said, the Kohler strikers remembered the fateful 1934 strike and felt that there would be "safety in numbers"; second, they wanted to give the lie to management's claim that the strikers did not represent a majority of its employees; third, in Mazey's words—

* * * They were probably out there to try to persuade the people from going in (p. 9057).

A week to the day the strike started, with the plant effectively closed to all but office staff, supervisors and executives, a group of

nonstriking production workers for the first time made a concerted effort to breach the picket line, moving in a body from the opposite sidewalk where they had stood, over the grassy island in the center of the boulevard, to where the pickets patrolled in front of the plant. This attempt, said Conger, was "repulsed," as were four more attempts over the ensuing weeks until mid-May.

The degree of "persuasion" used to defeat these efforts when the two forces met was another sharp point of controversy between union and company, with a third opinion, somewhere in between, rendered by a witness representing local law enforcement.

According to local 833 President Graskamp, the pickets—

* * * talked to them. They met them. They met them after they got across the street and they talked to them.

Senator CURTIS. Was there any violence?

Mr. GRASKAMP. No violence; no (p. 8339).

Graskamp not only insisted that moral suasion was the sole weapon directed against the nonstrikers, but voiced the suspicion that their effort to get into the plant was spurred less by desire than by pressure:

I looked at the top of the employment office and saw the blind go up, and at that point saw the plant manager, Edward Biever, wave to the people, and then the people came across the street. I say the people were goaded to come across the street. I don't think they wanted in there (p. 8351).

Another UAW witness, however, conceded that the pickets may have used more than words. Regional Director Kitzman testified:

There weren't any guns in that picket line. There weren't any clubs or gas there. All these poor fellows had was their hands and elbows to do a little shoving with, which they did (p. 8554).

The union argued that nonstrikers could have gotten into the plant had they timed their efforts differently. Most of the pickets were on hand only for the start of the 6 a.m. shift, the chief picket captain, Konec, asserted, adding that if the nonstrikers—

came around to 7:30 or 8 o'clock, after these fellows were assigned to different shifts, and they were all gone, and maybe only 15 or 25 people at the gates, at 7:30 or 8 o'clock, if they came around with the chief of police or something, I don't think they would have any trouble in getting into the plant. But they seemed to disperse before that time happened. They didn't want to go to work (p. 8587).

Testimony that the pickets' technique was considerably more vigorous than the union described was offered by Lawrence Schmitz, at the time undersheriff of Sheboygan County. On one occasion when he and his officers escorted some nonstrikers up to the picket line, Schmitz recalled, three of his men, two in uniform, were knocked down, and he himself was dropped to one knee by a method he outlined thus:

* * * this pushing, which would start, the depth, at time, I would say, might be 10 or 12 or even 15 men, one behind the other.

The men in front were actually not doing any pushing. The ones that were pushed against us, the ones that were pushed against us the day we were knocked down had no choice in the matter. The weight in numbers behind them were forcing them on top of us (p. 8472).

Schmitz characterized the pickets' behavior in general on the line as "quite orderly, although they were quite determined also" (p. 8467). He testified that to his knowledge there was no damage to the Kohler plant and that the disorders mainly took place when the nonstrikers came across the street.

The most vivid report on the mass picketing was proffered by Lyman Conger:

Whenever any nonstrikers would approach the picket line to enter, the pickets—let by union officials and imported goons—would go out to meet them and block their path while those who remained would lock arms, stop marching, and completely blockade the entrance. Shouts of "Hold that line"; "Nobody gets in"; "We shall not be moved"; "Yellow scab"; and similar epithets would arise from the picket line or be chanted in concert.

Employees attempting to enter the plant were slugged, kneed in the groin, kicked, pushed, and threatened. No one except supervisory or office employees or those having a pass signed by a union official was able to pass through the picket line.

Whenever an attempt was made to enter a gate, cars would drive up with pickets wearing armbands marked "Flying Squadron" to reinforce the pickets at that gate (p. 9493).

Two of the nonstrikers who had tried to buck the picket line also supplied their versions of the tactics employed. Harold Jacobs had this recollection of Jess Ferrazza:

* * * I saw him kick one man in the groin with his knee, and he kicked me in the leg. He was quite handy with his feet, I will say that (p. 8400).

Questioned as to whether he had seen anyone "beaten up," Jacobs cited an incident, not on the picket line itself but across the street. According to Jacobs, a picket who "had been involved in a few other fisticuffs" came over to a nonstriker, "started discussing something rather personal with him about his family" (p. 8406), slugged him and cut his eye open, necessitating a few stitches. Jacobs' assertion that this encounter "came out of the strike" was contested by the UAW international representative, Burkhart, who testified that he had stepped between the two men on several previous occasions, and that "they had had hard feelings with each other for a long time prior to the strike" (p. 8628).

Mrs. Alice M. Tracey, a Kohler employee for 31 years, testified that when she and her colleagues essayed the picket line Jess Ferrazza "tromped on" her feet so that her shoe was torn off on the side, and that she was hit on the arm by an elbow by girl pickets whom he summoned into the line.

Charges to the effect that she had swung on her attacker with a loaded dinner bucket containing a pair of slacks and either an apple,

an orange, or a sandwich were false, Mrs. Tracey declared, because she was not even able to move the hand in which she was carrying the bucket.

Mrs. Tracey, a widow, offered this testimonial to her employer:

I have always been treated very fair, and I raised and educated four children and gave them all better than a high school education, and they all hold good jobs today, and I have no one in the world to thank more than I have the Kohler Co. (p. 8392).

This aspect of Mrs. Tracey's testimony was in curious counterpoint to that of an enamel-shop worker named Conrad Holling, who explained that he had had no instructions as a picketer, but—

I just joined the line by myself. I saw the line and walked in with it.

Mr. KENNEDY. For what reason did you do that?

Mr. HOLLING. For better working conditions in the plant, and I felt in later life, if my children wanted to go there, I felt it was a good way to improve conditions for them when they wanted to go to work, when they were old enough (p. 8775).

How many Kohler workers like Holling had gone on the picket line uninstructed, as a voluntary gesture of protest, was another point of conflict between company and union. Management argued that a majority of Kohler workers did not want to go on strike—else, as Conger put it, the “mass picketing and violence to keep them out would have been unnecessary” (p. 9485).

Strike functionaries, on the other hand, testified that the size of the picket-line turnout had come as a surprise even to them. Konec recalled that when the April 4 armory meeting ended—

I didn't know how the people felt. I don't believe anybody else did. But when we went out there on April 5, and we seen all those people on the picket line, we thought right then and there that we had the majority—we knew we had a majority and a great majority (p. 8607).

Still another point of conflict between union and company—indeed, one of the most savagely debated before the committee—was the number of “outsiders” on the picket line and their role in spearheading its tactics.

UAW witnesses minimized both their number and the extent of their participation, estimating that in all they comprised some 12 to 15 men, representing both the international union and fellow locals, primarily local 212, the UAW unit at one of Kohler's competitors, Briggs, in Detroit. The services they rendered, according to union testimony, were in the nature of morale building and of advice to local 833's leadership on bargaining tactics and such routine strike functions as the maintenance of the strike kitchen.

Robert Burkhart was questioned about the size of the outside contingent:

Mr. KENNEDY. Now, is it the ordinary strike where you have maybe 15 or so individuals from the international or from locals that are sent into an area all to guide and advise the local people?

Is that an unusual situation where you had so many people?
Mr. BURKHART. I would say it is somewhat unusual.

Mr. KENNEDY. Why was it necessary to have all of these people up there in the case of this strike?

Mr. BURKHART. We realize this was a very tense situation, and that the tensions of the last 20 years had been building up into the situation that confronted us, and we were interested in having people there who could exercise some measure of advice in the situation.

Mr. KENNEDY. Were you requested by the local to send these people up?

Mr. BURKHART. The local wanted assistance (p. 8624).

Occasionally, Burkhart testified, sympathetic Sheboygan citizens not employed at Kohler would also appear on the picket line:

* * * Someone would come over from the tannery or the brewery, or one of the other plants, to show their solidarity, but this was a very minute group. The strike itself, the picketing, was that of Kohler workers * * * (p. 8627).

Management testimony, on the other hand, asserted that the outsiders' objective was not advice but dominance, and that their numbers were greater than a mere dozen or so. Of the two company witnesses who had participated in the series of concerted efforts to cross the picket line, Mrs. Tracey, while cautioning that she was "kind of poor" at estimating numbers, declared that in one of the attempts she had seen more than 100 people of whom she "didn't know a soul" (p. 8392) except for one man. Harold Jacobs confirmed this as a "close" estimate.

Leadership of the pickets' strategy against the nonstrikers was pinned by Lyman Conger both to "imported goons" and UAW international officials. Among those "prominent" in blockading efforts at ingress into the plant, he charged, were Burkhart, Ferrazza, Rand, Kitzman, Frank Sahorske, assistant UAW regional director, and William Vinson and John Gunaca, respectively a chief steward and former chief steward of the Briggs local.

Because of the implication of Vinson and Gunaca, shortly after the mass picketing of the plant had ended in acts of violence to be detailed later in this report, both were questioned as to the circumstances of their presence at the Kohler strike.

The testimony of the two men tallied on major points. Neither had received any specific instructions as to what they were to do at Kohler.

Their chief function, as they saw it, was for "morale" purposes, to show the strikers that they were not waging a lonely fight. Both, in addition, had walked the picket line and "helped" at the strike kitchen. Both admitted to knowledge of an experience in a UAW "flying squadron," which, however, they asserted was not in use at Kohler. Both had been paid while at Kohler by local 212.

While Gunaca recalled that his journey to Wisconsin had been initiated at the suggestion of Frank Kaye, a shop committee chairman at Briggs, Vinson's memory was less precise; he couldn't "recall off-hand" who had told him to go. Nor had he made any reports to anyone on his activities during several months on the scene.

Vinson was queried about management charges that a flying squadron was not only on hand at the strike, but moved from plant gate to gate, troubleshooting, and that its members wore a certain type of hat as a mark of identification.

Senator GOLDWATER. * * * you saw no flying squadron activity at all?

Mr. VINSON. I did not.

Senator GOLDWATER. What were those fellows who wore those big floppy hats?

Mr. VINSON. I believe those hats were bought at Milwaukee, and mostly they were bought for a little morale builder, for people on the picket line.

Senator GOLDWATER. Did they designate leaders?

Mr. VINSON. They did not. Different people wore them different days, and different times. It did not make any difference who wore them (p. 8885).

Another view of the flying squadron was provided by UAW International Secretary-Treasurer Mazey:

The flying squadron of local 212 is at present like Chiang Kai-shek's army. They don't take part in too many strike activities any longer. The purpose of a flying squadron is to have a group of active unionists who are available for strike duty in the event a strike takes place.

Senator GOLDWATER. What kind of strike duty?

Mr. MAZEY. The question of picketing, the question of maintaining soup kitchens, and so on.

Senator GOLDWATER. Did you have flying squadrons over at Kohler?

Mr. MAZEY. I am not certain whether they organized a squadron of their own or not in Sheboygan. They may have (p. 8996).

As to the role Mazey himself played in the strike, Conger said that the UAW's No. 2 man "observed the character of the picketing, made speeches to the pickets, and toured the picket lines" (p. 9495).

Mazey thus recalled his own activities at Kohler:

I made a speech on the picket line on April 8 or 9 from a sound truck and, incidentally, I was arrested for violating a newly enacted sound-truck ordinance. I pleaded with the company, and Mr. Conger was looking out of the window of the American Club across the street from where I was speaking. I pleaded with the company not to attempt to operate its plant, but to sit down with the union and try to find a way to work this thing out. The reason we had difficulty here is that this company, unlike most companies when a strike takes place, refused to bargain with us (p. 9063).

An incident away from the picket line but related to the picketing was reported to the committee by a nonstriker named Dale Oostdyk. Thanks to a tip from his brother, a striker, to the effect that the union was "going to pull the plug" (p. 8410), Oostdyk testified, he got into the plant the Sunday evening before the strike started. The next night, he explained, he had a National Guard meeting to attend, and

persuaded four others inside the plant to try to get out through the company's back field.

As they were through the field, however, they encountered some pickets, Oostdyk recalled:

One of them jumped on my back and about that time there were at least three or four more there and some of them kicked me in the back and on the side, and two of them picked me up by the arms. One picket was very small, and he hit me on my left temple while the other two were holding me, and at that time they swore at me and called me names and that I ought to be killed for trying to go to work (p. 8411).

He was then dragged "a good half mile from where I was caught on company property" (p. 8411) to the union's soup kitchen, Oostdyk went on, where he was subjected to a quick cram course in unionization:

* * * Every time I got up to use the phone, they grabbed me and threw me down on the chair. Right after they kept me seated on the chair, they put a card in front of me and told me to put my name and my clock number on the card and where I worked.

Mr. KENNEDY. What did you do?

Mr. OOSTDYK. I gave them my name and clock number.

Mr. KENNEDY. They tried to sign you up with the union?

Mr. OOSTDYK. Yes, sir (p. 8412).

Among the international representatives he listed as present at the soup kitchen, Oostdyk singled out Rand and Ferrazza as particularly attentive. Rand, he said, slung him down to his chair, later saying over the public-address system that "scab hunting was good" and that they should "go out and look for some more scabs" (p. 8412). Ferrazza, said Oostdyk, was "very polite," took him aside and told him that, "it was a good thing I was not in Detroit, because I would have been killed for trying to go to work during a strike" (p. 8412).

When queried as to why he had not subsequently reported this incident to the sheriff's office, Oostdyk replied that it was already in the newspapers and he did not feel that this "was necessary."

Another nonstriker captured that night was Herman Miesfeld, who, Oostdyk recalled, signed up with the union, after which he was served coffee and doughnuts and taken home. Miesfeld himself testified that he had had a choice of "sign up or be beaten up," explaining that it was the number and the "determined looks" of the people around him which had convinced him of this latter intention. Miesfeld, who placed Emil Mazey at the kitchen that night, said that Mazey and Rand "were close enough, and certainly heard what was going on" (p. 8424).

The chairman pointed out the conflict of Miesfeld's testimony with an earlier affidavit he had made in which he had not mentioned any threats at the soup kitchen. Miesfeld noted that "it was not brought up at that time."

Oostdyk was asked:

Senator IVES. I would like to know why you * * * did not file a complaint with the National Labor Relations Board in connection with this alleged unfair labor practice. You have every right to. What happened that you did not do it? (p. 8416).

The witness offered no explanation on this score. He had, he said, consulted with the district attorney in Sheboygan, but was unable to identify the man who had attacked him during the encounter in the Kohler back field.

To support its charges of violence and of nonlocal direction of the mass-picketing strategy, the Kohler Co. exhibited before the committee some motion pictures it had taken from various vantage points, including the medical department on the second floor of the office, during April and May 1954. Lawrence O'Neil, advertising copywriter and personal secretary to President Kohler, narrated the film, which showed, among other scenes, efforts by nonstrikers to enter the plant, "belly-to-back" picketing, the "gantlet the office workers had to run to go into the plant" (p. 8451), a union sound truck, a crowd of law-enforcement officials and pickets from which an unidentified person was being "hauled away," and people running across the street to the scene of some "fisticuffs."

Also featured in the company's film were shots of Vinson, Gunaca, Rand, Burkhart, Ferrazza and Sahorske, standing and talking, and, in one shot, Mazey, Kitzman and Ray Majerus as, in O'Neil's words, "they posed for the cameras."

The CHAIRMAN. * * * Have these pictures been doctored by cutting them or editing them so as to remove any evidence that may be presented that might be unfavorable to the company?

Mr. O'NEIL. No, sir.

The CHAIRMAN. You are stating positively they have not?

Mr. O'NEIL. They have been edited, but I wouldn't say they have been doctored, sir (p. 8447).

UAW International Representative Burkhart, observing that the pictures were taken "in a period of a few minutes" and then "pasted together" to give an impression of "an extremely violent picket line," declared:

* * * I have seen more violence in the New York subway than I saw in the Kohler picket lines (p. 8628).

UAW President Reuther felt that—

* * * the Kohler workers are entitled really to some appreciation for the great restraint they showed. There was no property damage. There were no serious incidents in that picket line even though there were thousands of people in it and it extended over a 50-day period (p. 10021).

Reuther asserted that his union had done "everything in our power" to discourage violence, and that no one disliked it more than he personally:

* * * I have laid on the floor of my own home, in my own blood, and I have had fellows stick a .45 in my stomach, and

the other fellow says, "Pull the trigger and let's get it over with."

* * * violence settles nothing. * * * But it isn't so mechanically easy to see to it that every human being acts as though he has wings in a situation where people are provoked and there are irritations and emotionalism.

This is the problem: How do you get people to keep their feet on the ground in a situation when it is easy to take off emotionally? (p. 10063).

As for the specific situation at Kohler, Reuther claimed that the primary responsibility for it was the company's. He pointed out that violence had occurred there even before the UAW was in existence, both in the 1934 strike and a molders' union strike in 1897.

Senator GOLDWATER. * * * I want to ask you, Mr. Reuther, do you regard a mob of between 1,000 and 2,000 full-grown male adults having nothing but fists and elbows, massed in a solid line, doing a little shoving, in Mr. Kitzman's word, as a form of peaceful picketing?

Mr. REUTHER. I am not prepared to admit that this was a mob. This was a picket line made up of respectable members of that community. They were free American workers who had a legitimate grievance with a company which was in violation of the law and they were exercising their legal rights to be on the picket line to demonstrate the support of their strike.

* * * I don't think you could call it a riot. There was no property damage. There were no serious incidents there. It is true they kept people from going into the plant. * * *

Senator GOLDWATER. Mr. Reuther, I didn't use the word "riot." I used the word "mob." I asked you a question, which I will get back to. Do you consider this a form of peaceful picketing? (p. 10021).

Reuther's reply was:

I think that whenever you do anything that physically prevents a person from getting into a plant, that is wrong. If you want to call that not peaceful picketing, I would not quarrel with that (p. 10022).

Two separate police forces were on hand during the mass picketing, those of Kohler Village proper, directed by Chief of Police Capelle, and those of Sheboygan County, under Sheriff Theodore J. Mosch. Both men admitted that they had been unable to get so much as a single nonstriker through the picket line, in each instance attributing this failure to a lack of sufficient manpower. Capelle, whose forces were larger than the sheriff's, declared:

* * * we did what we could with the number of people that we had there. It would have taken more than we had to open up the lines (p. 8509).

Capelle's manpower, he testified, consisted of his 4 regular police and around 90 special police, the latter all Kohler nonstrikers. Of the 45 he had deputized after the plant vote to affiliate with the UAW in 1952, 8 or 9, he estimated, dropped out at the start of the 1954 strike

and went on the picket line; he added 45 new deputies and the 12 men of the village fire department.

Capelle noted that when the strike began he arranged with the Kohler Co.'s personnel director, Walter J. Ireland, that the special police be given leaves of absence from the company, and that their health and accident insurance and hospitalization be continued, with the men paying into the fund as usual. If the company wanted a member of the special force back for a specific task, or if the man himself wanted to return to work, Capelle said, he would be released.

As for the Sheboygan County forces available for the strike, both Sheriff Mosch and his undersheriff, Lawrence Schmitz, indicated that even without a strike county law enforcement was saddled by a manpower problem. The county, 24 miles long and about 22 miles wide, covers roughly about 500 square miles; its regular police comprised just a dozen men, all concerned with traffic control.

All 12 were put on the Kohler strike, Mosch said, along with some of the turnkeys in the office and the bookkeeper; in addition, he had some 40 special deputies, on hand, however, only occasionally. Many, according to Schmitz, were Kohler Co. officials; a few were strikers.

Mosch thus explained the limited size of the special deputy group:

People that we tried to contact to be deputized, they would not do it because either their brother or their father or their relative or somebody was in the plant. They absolutely did not want no part of being deputized (p. 8499).

Mosch disclosed his own deep disquietude about the strike. In his heart, he explained, the 1934 strike "carries a memory," and when the 1954 strike began he became "rather ill," putting Schmitz in charge for a few days. He also visited Gov. Walter Kohler, a nephew of the company president, at his home, asking for National Guard help. The Governor, Mosch said, told him he could do nothing until the community's own resources had been exhausted, and also cautioned him against the use of firearms.

For his part, Under Sheriff Schmitz testified, he decided to get clarification of his duties at the picket line from the county's head legal official, District Attorney John G. Buchen, who, he said, told him verbally that he was to help nonstrikers get up to the picket line but that "they would have to make their own attempt to go through it" (p. 8643).

Mosch conceded that he had received a written opinion from Buchen 8 days after the strike began in which the district attorney stated that it was the responsibility of the sheriff's office to get nonstrikers "through" the line. He could not, however, recall whether he had been instrumental in the newspaper publication of only a partial text of Buchen's memorandum.

Senator GOLDWATER. Didn't Mr. Buchen get rather mad at you because you did not print the entire context of the contents of that?

Mr. MOSCH. I don't remember that, sir (p. 8497).

Mosch declared that he had found it an "absolutely impossible" feat to get nonstrikers through the pickets.

Senator CURTIS. * * * How did you proceed to get them to open up the picket line?

Mr. MOSCH. I told the fellows, "Come on, let us open up and get these boys through." At times they would go to work and say, "Well, come on, get them through," and they would spread apart and when we would get closer, the line would close up, and we were trapped right in between.

Senator CURTIS. Then what would happen?

Mr. MOSCH. We would be pushed back again, and it would be continuous (p. 8481).

Kohler Chief of Police Capelle, too, testified to his frustration in this direction:

* * * they would yell and say, "Nobody gets in." They certainly made it definite that they made up their mind that nobody gets in, and they would chant it and yell it (p. 8508).

Capelle was asked:

Mr. KENNEDY. Did you take any steps to arrest any of them when they refused to obey your instructions?

Mr. CAPELLE. Well, no, not any individual person (p. 8508).

The chief of police recalled that he had made two arrests during this period, of two pickets who had stopped a nonstriker trying to enter the plant at midnight, but that the cases were dismissed for insufficient evidence. As to Sheboygan County's efforts on this score, Under Sheriff Schmitz estimated that he had arrested 15 to 18 strikers during the mass-picketing period, 11 in one swoop.

These, he said, were the "leadership of the union," and the arrests were made after consultation with the district attorney in an attempt to find a "legal" way to open the picket line without bloodshed. Buchen, Schmitz said, looked up the "wisdom laws" and found one stating that—

* * * any time there were three or more persons gathered together in a manner so as to, I don't know the exact wording, but I believe disturb the peace or cause a commotion, it was a violation * * * (p. 8465).

Because he did not know many of the leaders personally, Schmitz explained, Capelle pointed them out to him. Ultimately the case against the 11 was dismissed.

Although Capelle, Schmitz, and Mosch jointly agreed that breaching the picket line was an impossibility without a lot more manpower, company witnesses detected a distinction between the efforts made by the Kohler police chief and the sheriff, giving Capelle the edge. Harold Jacobs asserted that the sheriff's help to would-be plant entrants was "nowhere near" Capelle's, and Mrs. Tracey recalled that on one occasion, when she telephoned the sheriff's office to ask when they were going to open up the line, the reply was: "What do you want us to do, go out there and get our heads bashed in?" (p. 8391).

Lyman Conger asserted:

The sheriff's deputies fraternized with the pickets, played cards with them, and were served lunch from the union's lunch wagon (p. 9483).

In retrospect Under Sheriff Schmitz stated his belief that "if all of us could do this over again, perhaps we might do things differ-

ently" (p. 8466). Mosch, too, entertained some second thoughts—of a more personal stripe. In September of 1954, after the mass picketing had ceased, local 833 voted to donate \$300 directly to the sheriff's campaign for reelection to a 2-year term, and allotted \$200 more for mailing out literature on his behalf. Mosch conceded that he had accepted the \$300 from local 833 President Graskamp and turned it over to the Mosch for Sheriff Club, of whose total funds this represented fully half.

Testifying that he had never before received any money from the UAW, although he had been endorsed by labor in prior campaigns and had "always been a friend of labor" (p. 8489), Mosch, now operator of a bowling alley, observed of his financial aid from the strikers:

Perhaps at this time, thinking it over, it might have been improper. But I am here to tell the truth and leave the chips fall wherever they may (p. 8486).

While the first round of the Kohler-UAW battle was being fought along the crowded sidewalks at the company's gates, away from the main arena preparations for future rounds went on apace.

On April 15, 1954, 10 days after the strike began, the company filed a complaint with the Wisconsin Employment Relations Board charging local 833 and the international UAW with unfair labor practices under the State Employment Peace Act, including mass picketing which prevented ingress into and egress out of the plant; interfering with the free and uninterrupted use of public highways; preventing people who wanted to work from entering the plant and threatening them with physical injury.

On April 27 the union petitioned the Federal district court to enjoin the WERB proceeding on the ground that the Taft-Hartley Act preempted State laws in the field.

The respective targets of these rival maneuvers questioned the motives behind their timing. As the union saw it, if the company were so convinced of the illegality of the mass picketing it could have filed a complaint with the WERB the very first day of the strike; but, Graskamp declared, it waited "until they had enough evidence on the people that they were in opposition to, to discharge" (p. 8353).

The company, in turn, described the union's petition in Federal district court as solely a delaying tactic.

Whatever the intent, the effect of this legal action was to make the months of May an exceedingly busy one for company and union attorneys.

On May 2 a Federal judge heard arguments on the union's petition and set May 11 as the deadline for filing briefs.

On May 4 the WERB opened its hearings on the company's complaint. The union sought an adjournment, explaining it needed time to prepare the Federal court briefs. The WERB said it would grant the union's request on certain conditions, among them that the UAW would not interfere with ingress and egress to and from the plant and would limit the number of pickets at each gate. It gave the union a day to decide whether it would accept these conditions.

On May 5 the union asked if the company would resume bargaining if the conditions were accepted. The company said it would. The resumption date was set for May 7 and the union opened up the picket lines.

On May 7, a Friday, union, company, and Federal mediators met—in vain. At the close of the day the union suggested that they meet again that evening and all weekend. The company refused. Conger explained:

There had been no previous negotiating meetings on Saturday or Sunday.

We stated that we had to use Saturday and Sunday to prepare briefs in the Federal court action, the same reason that the union had given for asking postponement of the WERB meeting, but that we would be willing to resume negotiations on Monday (p. 9496).

Local 833 President Graskamp recalled the company's attitude differently, testifying that in the close of the Friday negotiations Conger announced that—

The number of people that came into the plant on Monday morning would have some reflection on their attitude that he could take back to the president of that company, and maybe they would then make some concession (p. 8348).

On Sunday afternoon, May 9, a UAW mass meeting was informed of the strike committee's decision to close the picket lines again.

On Monday, May 10, the resumption of mass picketing brought the brief truce to an end.

Between May 12 and May 19 the WERB held 5 days of hearings, interrupted on May 14 by arguments in Federal district court on the union's petition to enjoin the WERB; on that occasion Federal District Judge Tehan called counsel for both sides into chambers and proposed a settlement formula under which the union would again adopt the WERB picketing limitations and reduce its wage demands, while the company would "make some movement" on wages, arbitration, insurance, and seniority issues. Union representatives deemed this acceptable; the company's board of directors did not.

On May 21, the WERB issued an order to the union to cease and desist from hindering or preventing people who wanted to work at Kohler from going to work, by such devices as mass picketing, and threats, intimidation, or coercion of any kind. The order limited the number of pickets per gate and provided for a 30-foot area at each plant entrance over which no picketing would be allowed at all.

The UAW informed its members that the WERB order was not enforceable in view of the union's pending suit for the Federal injunction, and that the mass picketing would go on.

The WERB applied in Sheboygan County circuit court for a judgment enforcing its order, and the court scheduled a hearing for May 28, with Judge F. H. Schlichting presiding. On that day, Judge Schlichting recalled, during a recess—

We adjourned to chambers and that resulted in an agreement whereby the union stated that they would voluntarily comply with the order of the Wisconsin Employment Relations Board (p. 8981).

The company, Schlichting went on, agreed to resume negotiations with the UAW early in June. The court then adjourned the hearing "day to day," on which basis an application by the WERB could

bring continuance of the hearing on 12 hours' telephone notice to the attorneys for both sides.

Thus, after 54 days, ended the UAW's mass picketing of the Kohler plant.

As to its continuance even after the May 21 WERB cease-and-desist order, the union held that the picketing was not illegal per se until the WERB's move for an enforcement judgment. Regional Director Kitzman pointed out that "in many instances, they do not issue the injunction" (p. 8558), and Reuther further ascribed the lag in compliance to the fact that union lawyers regarded as a "doubtful area" the question of the mass picketing's legality, and so decided to wait for further clarification.

Both Federal and Wisconsin State law deal with the subject of coercion of employees who do not go along with union activities. Section (8)(b)(1) of the Taft-Hartley Act makes it an unfair labor practice for a union to restrain or coerce employees in exercising their right to refrain from joining in its activities. The Wisconsin Employment Peace Act makes it unfair practice to prevent the pursuit of any lawful work of employment. Another State law, section 343.683 of the Wisconsin Statutes, makes it an offense punishable by fine or imprisonment to hinder a person from "engaging in or continuing in any lawful work of employment" by the use of "threats, intimidation, force, or coercion of any kind."

The company's complaint to the WERB on April 15 had been based on the Employment Peace Act. Conger, however, decried the union's claim that the legality of the picketing hinged on the WERB's determination of whether this act had been violated. He pointed out that the other State law on the subject had been on the books "for years" before the Peace Act was passed.

Looking back over 4 years, Reuther conceded:

On the question of whether they should have kept people out, we have no argument. I think that was an improper activity. The question is, picket lines are not formed in vacuums. * * * I think if I were sitting here today and you said to me, would you do that again, I would have made a trip to Wisconsin to see that it did not happen (p. 10006).

Explaining that he had personally not been close to the Kohler situation at the outset because the strike was not a "big" one when it started, Reuther recalled that no "council of war" had been held on the matter of the legality of mass picketing, rather that it had "just kind of developed." When the issue was "clearly defined," he pointed out, "we moved as quickly as we could" (p. 10007).

Reuther asserted that this self-corrective measure was in distinct contract to the Kohler Co.'s behavior when found guilty of an illegality. The strike's first illegal action, he charged, was not the mass picketing but the company's grant of a 3-cent wage increase to its workers the day the strike started, because this increase was made not at the bargaining table but "unilaterally in violation of the law" (p. 10001).

May 21, the day when the WERB's cease-and-desist order presaged a tactical defeat for the union, was not, however, a day of wholly unalloyed satisfaction for the company.

On that date County Sheriff Mosch suspended the deputy sheriff authorizations of six Kohler officials, including President Kohler,

Attorney Conger, Plant Manager Biever, and Personnel Director Ireland. Asking for the return "as soon as possible" of their deputy sheriff's cards, Mosch stated his belief that the strike situation made it "unwise to have armed deputies within the plant proper," and declared that he was acting not only "for my own protection" but in "the best interests" of the citizens of Sheboygan County.

Complying with this request on May 24, the six men, in a joint letter, retorted that "your own protection and the best interests of the citizens of Sheboygan County require that you do your duty and enforce the law," noted the WERB's May 21 order, and commented:

We would think that you would be embarrassed by the open praise of your inaction from the very people who have been found by a responsible State agency to be law violators (p. 8738).

Two versions were given, one by Mosch and one by Under Sheriff Schmitz, for Mosch's move. Schmitz testified that it had been made at his recommendation because information they had received of "gas and gas guns in the Kohler plant" had caused him to worry.

I was afraid that if anyone in there would use them on this picket line—I had no reason to believe that they would, but at the same time, had anyone used them, I was afraid it was the temper of that crowd that they would undoubtedly cause an awful commotion out there (p. 8474).

He aired his fears to the district attorney, Schmitz recalled, and was told that the only way to get the tear-gas supply out of the plant would be via a John Doe hearing, preceded, however, by revocation of the deputy sheriff cards, "otherwise, they would have a perfect right, as deputy sheriffs, to have this gas there" (p. 8475).

Mosch himself pinpointed his decision to suspend the deputy-sheriff authorizations to an incident one Sunday night at the main gate of the plant in which Herbert V. Kohler himself and a group of "his men" reportedly exchanged words with some pickets and had "clubs" ready to use against them, during which "fracas" Kohler was quoted as saying, "Never mind, I am the law" (p. 8494). The sheriff admitted that he had heard of this episode thirdhand and had never personally attempted to determine its accuracy.

Lyman Conger disputed the contention that the company's store of tear gas should have generated worry in the county's law-enforcement officers. Not only was there "nothing illegal" about possession of this material, he declared, but none of it was used during the mass picketing, no one was ever threatened with its use, nor was it ever "exhibited to any picket." The tear gas, he said, was for " * * * protection of the plant and the people in it, and would have been used only if necessary for that purpose" (p. 9391).

Conger declared that the tear gas was "at all times" under the control of Plant Manager Biever, who in turn testified that with the loss of his deputy-sheriff status, and after consultation with Conger, he "immediately" turned over the supply to Kohler Police Chief Capelle. The transfer, Capelle recalled, was effected when a Kohler employee named Ray Hanson asked him to keep in his "protective custody" about 12 crates whose contents he described as "tear gas and tear-gas guns" (p. 8515).

Some days later, Capelle added, the crates were removed from the village hall by Sheriff Mosch, who explained that he had done so under telephoned orders from the State's attorney general, and that he had put the material "in storage" at the county jail.

Although Capelle testified that to his knowledge the Kohler Co. had no other arms or ammunition, data on this score were provided by the company itself to committee Accountant-Consultant Bellino. Aside from gas guns and tear-gas shells, Kohler purchases of guns and ammunition, over a period beginning in May 1952 and ending in June 1955, came to the following totals, according to Bellino's study of the company's invoices:

Guns: 20 12-gage Remington riot guns (20-inch barrel), and 22 revolvers. Of these, six revolvers and eight shotguns were purchased in the week prior to the February 14, 1953, strike vote, as mentioned earlier in this report.

Ammunition: 24,000 rounds of .38 special cartridges; 2,000 rounds of .22 long rifle, high speed; 600 rounds of .45 caliber; 12,000 rounds of primers; 6 cans of powder; and 9,200 12-gage shotgun shells.

In addition, Bellino testified, the company purchased 2,400 targets, including 400 for small-bore range work and 2,000 blue rock (clay pigeon).

Conger noted that the company's records included purchases of a "great deal of material" for both the trapshooting club and the training of plant guards, including in the latter instance the .38 caliber cartridges and the powder, which, he said, went to him personally, "*** for hand-loading pistol cartridges which were used for training the guards in the plant" (p. 8528).

Also testifying concerning the training of plant guards, Biever noted that in June 1952 the Kohler Co. had obtained a War Department contract for manufacturing 105-millimeter artillery shells, and he exhibited a copy of a Department of Defense manual on plant protection specifying that plant guards should be armed and trained in the use of their weapons. In line with this, he said, Kohler guards, some 25 at that time, were armed with the .38-caliber revolvers and given instructions and target practice in their use.

According to Biever's breakdown of the company's gun and ammunition purchases, part went for plant guards and their training, part for "resale to individuals," and part, under the company's recreational program, for the range club, of which, he said, he and Conger were among the organizers, and the rifle and pistol club, of which the two men have been "active members *** for over 30 years." Biever further detailed the breakdown as follows:

The purchases of pistols, pistol ammunition, powder, and primers were all for plant guards, plant-guard training, the rifle and pistol club, and for resale to individuals.

All the .22-caliber ammunition purchases were for the rifle and pistol club or for plant-guard training.

All the targets, bullseye or silhouette, were for the same purpose.

All the clay pigeons and the Nos. 6, 7½, and 8 shotgun shells were purchases for the range club and the company was reimbursed for them by those who used them.

None of those purchases were in any way related to strike preparations (p. 9456).

Biever was asked about the purchase of six .38-caliber revolvers and 3,000 rounds of .38-caliber ammunition in May 1952, just after the Kohler workers voted to affiliate with the UAW and a month before the company received its Government shell-making contract. He declared:

All of that ammunition and all of those firearms were not bought for plant protection. Much of that was bought for individuals. I personally purchased three of those. I kept two and resold one. I am sure I bought one for Mr. Conger (p. 9469).

A dozen of the 20 shotguns listed in the company's records were bought in June 1955, a year after the strike had started. Biever explained that this purchase was sparked by a union "publicity campaign" calling the possession of tear gas by Kohler Village illegal and demanding its removal by higher law-enforcement authorities. Conger, Biever continued, told him that the purpose of this campaign was to "disarm" the village so that "an attack on the plant could be conducted without interference" (p. 9455), and the 12 guns, along with a case of buckshot, were bought against such a contingency.

Biever was asked:

Mr. KENNEDY. Are riot guns recreation for the people at the Kohler Co.?

Mr. BIEVER. Riot guns, no sir; but they could be readily converted.

Mr. KENNEDY. To recreation?

Mr. BIEVER. They could be.

Mr. KENNEDY. Have they been used for recreation?

Mr. BIEVER. They have not. Not one has been used.

Mr. KENNEDY. According to the pamphlet that comes with them, they are to be used against mobs and groups of people.

Mr. BIEVER. Not one of them was ever used (p. 9469).

Walter Reuther, commenting on the company's creation of a "small arsenal," pointed out that the WERB, the same State agency which had proved the nemesis of the UAW's mass-picketing strategy, had also stated:

It seems inconceivable that in a forward looking community in a State as progressive as the State of Wisconsin, any employer would feel it necessary to resort to self-help by the means of arms, ammunition, and tear-gas bombs (p. 10002).

The WERB, while it had thus had sharp words for both Kohler and the UAW, also took part in the renewed effort to bring them together.

With the chairman of the WERB sitting in from time to time, and three Federal mediators present, negotiations between the company and the union, as agreed to in Judge Schlichting's court on May 28, 1954, started up again on June 1, continuing throughout the month.

Conger testified that management made concessions on six of the

issues regarded by the UAW as major, including seniority, pensions, insurance, arbitration, wages, and paid lunch time in the enamel shop. On the remaining big issue of union security, he said, the company would not budge, one of its basic tenets being that—

It is the right of every American citizen to determine for himself what organization he shall belong to and how he will bargain for the reward of his efforts. No one, union, management, or both together, has a right to take this decision away from him (p. 9499).

Union recollections of just how amenable the company was during the June bargaining were at variance with each other. Graskamp charged that management, in effect, backed and filled on a number of points which he believed had once been agreed to in theory. Burkhart, on the other hand, declared:

* * * for the first time we thought we had begun to see some movement on the part of the company, and we were very hopeful. At that time we issued some press releases, that we were hopeful that maybe finally we could arrive at settlement of this thing and have the people go back to work again, even though the contract, obviously, would not be what we wanted (p. 8633).

Both Burkhart and Graskamp, via the union's nightly radio program and its daily strike bulletins during this period, reported apparent sincerity on the company's part in the resumed negotiations.

But no peace, permanent or otherwise, was to emerge from these talks. Even as they went on, Conger charged, the union, having been deprived of its mass-picketing weapon, promptly switched to another type of conduct—a campaign of vandalism and violence against non-striking Kohler employees.

When protests were voiced from the management side of the bargaining table, Conger recalled, regional director Kitzman declared:

I hope you will never go the route of hiring new employees because then the trouble really will start (p. 9499).

As June wore on management warned that it would end the talks if the incidents continued, Conger said, and it further announced that it had "reached the limit" on its concessions. On June 29, Conger testified, the company broke off negotiations—the morning after a shotgun blast had been fired into the home of a nonstriker named Harold Curtiss.

Burkhart recalled that on that last morning company negotiators did not even bother to open their briefcases, but announced that they were not negotiating "under such conditions as these" (p. 8633) and walked out. Questioning the accidental nature of the Curtiss incident, he testified that on the previous afternoon, prior to the shotgun blast, he had been telephoned by a man who identified himself as a reporter from the Sheboygan Press, asking if it were true that the company was going to break off negotiations the next morning. His reply at the time, Burkhart said, was—

"Not to my knowledge. It seems to me that we have made more progress in this particular period than we have at any time in the negotiations" (p. 8633).

Further testimony on the Curtiss affair was offered by Ewald Guske, a striker who had worked for Kohler for 18 years, who declared that after word of the shotgunning had gotten abroad, he and a few other pickets drove out to take a look, sometime between 10 and 11 that night, and " * * * there was Mr. Kohler and Mr. Biever standing in a house, looking at the shot, laughing and cheering" (p. 8707).

The diversity of the violence and vandalism around Sheboygan as time went by was thus inventoried by Conger:

* * * dynamiting of seven automobiles, paint bombings, assaults, smearing of automobiles with acid or paint remover, shotgun blasts through windows, slashing of tires and scattering of nails in company driveways and public roads to puncture tires, destroying the contents of a cottage with sulfuric acid, smashing windows of homes and automobiles with rocks, putting sand and sugar in the gasoline tanks of automobiles, smearing human excrement on the upholstery and steering wheels of automobiles, destroying flowers and shrubbery, and similar cowardly attacks under cover of darkness (p. 9499).

Added to the damage to person and property was a whole range of acts of intimidation and harassment, Conger declared, in which various nonstrikers were subjected to demonstrations outside their homes, anonymous telephone calls, "ostentatious noting" of their license numbers and publication of their addresses in union papers when they went to work, and insults and threats of assault when they, their wives and children went to the stores, church, or school.

Conger categorically placed the blame for all this on the union, which just as categorically rejected the charges. Burkhart, pointing out that occasionally strikers themselves had been vandalized, asserted that such incidents had provided a source of "great embarrassment" to union negotiators.

Burkhart theorized that these acts may have been perpetrated by "enemies of the labor movement" and in some cases may have been self-inflicted, especially after the company began indemnifying the victims, paying out a total estimated by Conger at \$21,000. Burkhart observed:

* * * For example, if your house was pretty shabby and needed a coat of paint, what would be easier than to splash it with paint and then say to the Kohler Co., "My house was splashed with paint last night. I need a new paint job now" (p. 8633).

In addition, Burkhart exhibited a clipping from the Sheboygan Press offering a reward for the apprehension of anyone engaging in this type of vandalism.

Joseph L. Rauh, Jr., the UAW's attorney at the hearings, testified that the union knew of "at least three" proved hoaxes and others "which we think were hoaxes, but they are all in the debatable stage" (p. 8749). The one most fully discussed by UAW and Kohler witnesses at the hearing concerned a Kohler employee named Henry Joyce, who had reported to the company that he had shot at someone prowling around an old barn he used as a garage; the union introduced into the hearing a statement his wife made to the district attorney

shortly thereafter, in which she declared that her husband had not even gotten out of bed on the night in question, and that "the three Kohler men told him to shoot his gun against the garage" (p. 8831).

Far from abetting Joyce, the company had uncovered the hoax, according to Gerard A. Desmond, a member of the Kohler legal staff who explained that he had "responsibilities of generally investigating misconduct during the strike" (p. 8840). He and two other investigators had indeed asked Joyce to shoot at his barn, he testified, but the purpose was to check up "on the pattern that would be made by the shotgun at that distance" (p. 8829), and the entire matter was dropped by the company after Joyce had flunked a lie-detector test taken at their instance.

Three distinct sets of statistics were presented to the committee to indicate the scope of the vandalism and violence around Sheboygan beginning with the strike and extending over the next few years. One was the company's own count of such acts, another was Sheboygan Police Chief Steen Heimke's list of the strike-connected complaints on file with his department, and the third, compiled by Assistant Committee Counsel Jerome Adlerman, took in the strike-connected complaints on record both with Heimke's department, covering the city of Sheboygan, and with the county sheriff's office.

The company's figures, extending from April 7, 1954, to January 29, 1957, presented a total of 833 separate acts of violence and vandalism; of these, 280 involved damage to tires, including 19 listed simply as "flat tires." From such relatively uncomplex deeds as these and the painting of the word "scab" on automobiles, the acts recorded on the company's tally sheets ranged to the smashing of picture windows, paint-bombing of homes, dynamiting of cars, and beating of non-strikers, with a degree of inventiveness on the part of the vandals sporadically demonstrated in such entries as "tops cut off seven spruce trees in residential landscaping" (p. 8795) and "employee's wife's dresses slashed when left at dressmaker's for alterations" (p. 8815).

The company's list did not break down how many of the victims on it were actually employed at Kohler; a few incidents were specifically labeled as occurring to nonemployees, such as the slashing of a dairy cow owned by a farmer whose daughter had a friend who was a nonstriking employee, and the hurling of red paint at a store owned by the mayor of Sheboygan Falls. The reason for listing this entry, Desmond explained, was that the mayor's son was a Kohler worker, and the vandals may have been "trying to get at" him via his father.

The statistics provided the committee by Sheboygan Police Chief Heimke comprised the total "strike-connected complaints" received by his department from the day the strike started to the time he was subpoenaed to appear at the hearings. The total came to 930, of which, he said, 572 were from nonstrikers, 58 from strikers, and 300 from "third parties" but involving an altercation of some kind between a Kohler nonstriker and a striker.

As an illustration of this third type of complaint, Heimke cited an incident in which an automobile salesman was trying to make a sale to a Kohler worker at a bar. A striker came along, Heimke reported, warned the salesman off his prospect, punched the latter in the back, and walked out. The worker, said Heimke, would not register a complaint, but the salesman did.

Of the other 630 complaints, 349 were listed as involving acts of vandalism. The rest, a miscellany reflecting more than mere statistics could about the anxiety state of a once peaceable populace, included reports by Kohler workers of threatening telephone calls and of cars "continuously passing their homes"; requests by them to be escorted home or to have their homes watched because they feared something was going to happen; and complaints about the "general disorderly conduct of strikers." Also included by Heimke were 13 cases of name calling, not counting "scab," which, he said the dictionary did not define as a "derogatory term," and the case of one harried worker who "asked us to protect his home while he was getting married."

The CHAIRMAN. I think that is a very important request.

Was he protected?

Mr. HEIMKE. He was (p. 9336).

The committee's third set of statistics, provided by Assistant Committee Counsel Adlerman, was based on the complaints on record with both the Sheboygan police and the county sheriff. These complaints totaled 838, 636 to the city police from 1954 through 1957, and 202 to the sheriff from 1954 through 1956. Of the 838 total, 439 involved actual acts of violence; the balance, Adlerman said, were such items as phone threats, prowlers, suspicious cars, or unwanted merchandise sent to homes.

Although numerically this total of 838 complaints tallied closely with the total of 833 acts listed by the company, Adlerman reported that a name check showed that only 105 of the victims on the company list had complained to the Sheboygan police; how many might have complained to the sheriff could not be ascertained since his complaint records contained no names.

Two conclusions to be drawn from the statistics presented by Adlerman were first, that among the victims of vandalism and violence, the ratio of nonstrikers to strikers was 8 to 1 and, second, that of all such acts committed both in the outlying county and within city limits, two-thirds took place within city limits.

As to the statistics presented by the company, Gerard Desmond testified that in 832 of the 833 acts of violence and vandalism listed, no culprit had been apprehended. In the remaining incident, where the store owned by the mayor of Sheboygan Falls had paint hurled at it, two brothers were found guilty; neither was a Kohler striker nor nonstriker.

Of the 930 strike-connected complaints calculated by Heimke as on file with the Sheboygan city police, 53 arrests had resulted. Of these, 16 had been withdrawn or dismissed and 25 were still pending; of the other 12, 5 had resulted in not guilty and 7 in guilty verdicts.

Of the convictions, two involved acts of vandalism, neither by Kohler strikers. A man named Gilbert Schrader was found guilty of disorderly conduct and destruction of property after he had thrown a beer can against a house, "trying to break a window," Heimke explained, and hit the frame of the house instead. The second conviction was that of William Bonanse, a Kohler worker, who paint-bombed a striker's car because, as Heimke recalled his interrogation, he became "fed up" with being annoyed by the strikers, got drunk, and did the damage.

The victim of the paint job, Conrad Holling, admitted that he had called Bonanse a scab "more than once" but denied that he had provoked Bonanse by derogatory remarks and gestures about him and his recently deceased brother. Further testimony by Holling indicated that although Bonanse may have been spurred by annoyances from strikers, he had the same night also paint-bombed the car of a Sheboygan commercial fisherman who was neither a Kohler striker nor nonstriker.

Sheboygan law enforcement, Heimke asserted, had been up against a stone wall of fear; victims would often not want to file a complaint, or follow through if they did.

Senator CURTIS. Who were they afraid of?

Mr. HEIMKE. They were—I don't know who they were afraid of, but it appeared as though they were afraid of the strikers retaliating against their property and their homes and the members of their family (p. 9329).

The union's answer to the charge that it had been responsible for the violence and vandalism reflected in the statistics was a simple one. Burkhart pointed out:

* * * No one on the union side connected with the situation has ever been found guilty of any of these things (p. 8636).

Burkhart's statement took no note of two cases of violence in which the nearby town of Sheboygan Falls furnished the setting, and which respectively involved William Vinson and John Gunaca, the Briggs local's representatives at the strike scene. Vinson was found guilty; Gunaca, by the time of the hearing, had not yet stood trial. The episodes which enmeshed the two men took place within 3 weeks of each other, the first during the abortive June 1954 negotiations between Kohler and the UAW.

The victim in the Vinson case was a Kohler nonstriker, Willard Van Ouwerkerk of Sheboygan Falls, who had returned to his job after the picket line opened up. Around midnight on June 18, Van Ouwerkerk testified, he and his wife were at Zapetto's, a local tavern, when a woman came up, addressed him by name, identified herself as Mrs. Robert Burkhart, and engaged him in conversation about his nonmembership in the union; after a while his would-be proselytizer said that she was going to call someone else to talk to him, but he told her that would be needless, as he and his wife were leaving. Then, as he got off the bar stool, someone hit him in the back of the head.

Van Ouwerkerk, about 5 feet 6 inches tall, and weighing only 125 pounds, said that he never saw his assailant, being knocked unconscious almost immediately.

X-rays of Van Ouwerkerk revealed three or four broken ribs and a punctured lung, from which he contracted pneumonia. During his 3-week stay in the hospital, Vinson was arrested for the attack. Some months later a Sheboygan County circuit court found him guilty of assault with intent to commit great bodily harm, and he was sentenced to a 1- to 2-year term in Wisconsin State Prison, where he ultimately served 13½ months.

In his own appearance before the committee, Vinson, 6 feet 3 inches, and weighing about 230 pounds, admitted the attack and gave as his reason:

* * * as I came out of the restroom, I heard somebody say "Let's get the hell out of here; there is too many union people here." So I lost my temper and I hit him (p. 8876).

Vinson recalled that he received a "good, stiff bawling out" from Mazey, Burkhart, Rand, Ferrazza, and the officers of his own local—an experience he said he could take because "I got big shoulders" (p. 8894)—but that he continued to take part in strike activities until after his arraignment in early July, when he left Sheboygan for Detroit.

Leo Brierather, local 833's chief steward, testified that no one in the rank and file "really approved" Vinson's deed, but he also questioned Van Ouwerkerk's judgment in going into Zapetto's, noting that it was "like a Democrat going into a Republican convention" (p. 9668).

Despite his "bawling out," Vinson received the union's financial help. From a study of the records of both the international and Vinson's local 212, Committee Accountant Consultant Bellino reported a total outlay to him, or on his behalf, of \$10,079.70. Part covered his Sheboygan expenses prior to his arrest; of the remainder, \$60 went for bail bond payment, \$33.25 for fines for his previous arrests on the picket line for disorderly conduct and disturbing the peace, \$190 for attorney fees, and \$8,796.45 for his wife from November 1954 to January 1956, the period of his incarceration. Mrs. Vinson's payments were made on a \$100-a-week basis, half from the international and half from local 212, representing what her husband would have earned at his factory job.

Questioned as to whether he thought such an expenditure of union funds was proper, Emil Mazey replied affirmatively, saying:

* * * In this particular case Vinson was in Sheboygan as a representative of local 212, which happens to have the Briggs Manufacturing Co. under contract, and which also makes plumbing ware, the local had an interest in the outcome and success of the strike. I feel that Vinson was a victim of Kohlerism. As a result of that, I felt that we were obliged to do everything we could to provide for his wife and family while he was in jail (p. 8955).

Mazey noted that, in fact, the international paid all costs, including bail bonds, fines, and legal fees, incurred in the wake of any arrests of union members during the strike.

While avowing his disapproval of Vinson's performance at Zapetto's, Mazey asserted his emphatic belief that the sentence meted out to him had been a "raw deal," in which he "had the book thrown at him" (p. 9065). Mazey offered a variety of criticisms of the trial proceedings. First, he said, Vinson was tried on the "wrong statute"; for a "common beer garden brawl" the charge should have been

simple assault and battery. Second, the judge on the case, Judge F. H. Schlichting, "didn't present the charges to the jury properly, in the opinion of our legal counsel." Third, Vinson had received "the stiffest sentence passed in the city of Sheboygan on a matter of this type" (p. 8913); he could have been given 6 months, and in the county jail rather than the State penitentiary, Mazey declared, or he could have been placed on probation because of his "having been a veteran, and never having been jailed before" (p. 9061).

Although the State supreme court had later turned down Vinson's appeal, Mazey noted that the severity of a sentence was not appealable in Wisconsin, according to his legal counsel.

Judge Schlichting himself told the committee that the jury's verdict had been unanimous, as required by Wisconsin criminal law, and that the maximum sentence for Vinson's crime, for which he received 1 to 2 years, is 3 years. The judge also disclosed that just prior to the sentencing the defense attorneys had commended him for fair and impartial conduct of the trial.

Mazey's views on the *Vinson* case as expressed at the hearing echoed those he had expressed on the scene in Sheboygan shortly after the trial's end. On November 10, 1954, he had issued a press statement calling the sentence "extremely harsh," and saying that it raised the question of whether Judge Schlichting was "qualified to serve as a judge in this community." At the same time, Mazey gave more tangible form to his feelings. Part of the union's strike-assistance program for local 833 was to supply the strikers with vouchers to be used to obtain food at local grocery stores. Most store owners had consented to this arrangement, accepting the vouchers and turning them in to the union office in Sheboygan, which would repay in cash.

Among the stores dealing in the vouchers were the Schlichting Market and the Piggly Wiggly Markets, in which Judge Schlichting had a financial interest. Mazey ordered that henceforth no vouchers were to go to these stores.

Both Mazey's press statement and ban on the vouchers stirred a flood of condemnatory resolutions, one from all of the Catholic pastors of Sheboygan, Sheboygan Falls, and Kohler Village, another from the Sheboygan County Ministerial Association, and others from the county medical and bar associations; their tenor was that the integrity of the judiciary had been attacked, and that an "economic boycott" was being wielded in an attempt to influence it.

Far from executing a retreat, Mazey repeated his blast at the judge a week later at a meeting of over 1,500 Kohler strikers. Taking note of the resolutions, he denied that the withdrawal of the vouchers was an attempt to coerce or intimidate the judge, simultaneously pointing out, however, that he didn't believe in "subsidizing people who are enemies of Kohler workers."

Mazey expounded this black-and-white credo to his local 833 audience: "It seems to me that in your contact with these people in the community you ought to put the question, and very forcefully, 'Are you for us or against us?'" This, he said, applied to every person in the community, whether or not he had an interest in the outcome of the strike, for "there isn't any middle ground."

Reviewing his role in the Vinson episode, Mazey told the committee:

* * * I think any citizen has a right to challenge the integrity of a judge, whether it be on a circuit bench or the Supreme Court, if his conduct is improper (p. 8913).

As to the condemnatory resolutions, particularly those of the churches, he at first asserted that the clergy of Sheboygan, Sheboygan Falls, and Kohler Village were "controlled" by the Kohler Co. Challenged to name names, he softened his charge by saying that the company "influenced" many of them even as the company "influences everything in Sheboygan County." At length Mazey proffered an apology for calling into question the integrity of the churchmen; he was not attacking their spiritual attitude, he explained, but simply saying that "not even clergymen are infallible on material matters" (p. 8930).

Walter Reuther, asked about his second-in-command's attack on Judge Schlichting, disagreed with his criticism of the judge but agreed with his ban on the use of vouchers at the Schlichting grocery stores.

As to the first, Reuther labeled Vinson's assault on Van Ouwerkerk "reprehensible," saying that he had done the union "a great disservice" and that he was "punished as he should have been punished" (p. 10028). But as to the vouchers, Reuther declared:

* * * When it was a question of where do you buy groceries for strikers with moneys contributed by workers, this seems to me, within our free enterprise economy, our business (p. 10054).

Mazey had issued his instructions about the vouchers after Vinson's sentencing, which precluded the possibility that his move was intended to influence Judge Schlichting in that matter. On the question of whether it might have been taken with some future applicability in mind, Reuther declared:

* * * I have too much respect for the courts of the United States to believe that (p. 10005).

Looking back on the *Vinson* case, Reuther testified that it had at least given the union some food for constructive thought:

I think we need to do more to exercise a greater affirmative leadership and direction when local people come in. Mr. Vinson did not work for the international union. He was not sent by the international union. He was not under our authority. Technically an international representative had no authority over him. I think when people come in under those circumstances, the international union is obligated to see to it that these people do not—to exert more affirmative leadership (p. 10007).

Vinson's fellow emissary from local 212 to the Kohler strike, John Gunaca, got into hot water with Wisconsin's forces of law and order in connection with an attack on two men at a Sheboygan Falls filling station on July 4, 1954. Gunaca was later indicted in absentia for assault with intent to commit great bodily harm, the same charge which felled Vinson.

One of the two victims, William Bersch, Jr., testified that he had returned to his pottery casting job at Kohler only the week before the attack, while continuing to hold down a second job at the filling station. On the Sunday night in question, he recalled, a 1953 Buick with three men in it pulled up to the back of the wash rack while he was at the pumps, serving another customer.

When he finally went over to the Buick, the driver, a man Bersch identified as Nick Vrikovic, a Kohler striker whom he knew, asked to have his brakes checked. Told that it was too late in the evening, Vrikovic commented on Bersch's "scabbing" at Kohler and used other language that Bersch described as "pretty rough." He walked away from Vrikovic and into the office to call the sheriff's department.

As he picked up the receiver of the telephone, a wall type, one of the two strangers with Vrikovic walked in; Bersch was facing away from the door but could see him, he said, out of his left eye. The man broke the telephone wire off "like a knife," then, Bersch testified:

He hit me on the left side of my face and knocked me across the floor about 5 or 6 feet against a steel safe that was in the corner * * * he trampled on me a little bit, and at the same time my father seen that and he came in the office, and then they jumped him (p. 9078).

The elder Bersch, his son explained, had been chatting with him when the Buick drove in, as had a friend, Roland Veenendaal. Bersch, Senior, had come to the rescue with a child's baseball bat he had gotten from one of the cars parked in the station. As Bersch, Junior, came to from his attacker's blows, he recalled, he saw his father in bad straits:

* * * They jumped on him and beat him up while I was down. I don't know what they hit him with. He got hit in the head and broke a vertebra (p. 9078).

From where he lay on the floor the son could not tell whether his father had been attacked by one or two men, and by the time he stood up they had left. His friend, Roland Veenendaal, however, testified that all three men had followed Bersch, Junior, into the office; Veenendaal stayed only long enough to see some "scuffling," got into his car, drove past the police station, and noticed no one there, and went on home.

The souvenirs of this Fourth of July for the Bersch family were grim ones. Bersch, Junior, suffered a black and blue eye, a jaw so sore it required X-rays, a broken wristwatch and glasses smashed beyond repair. His father sustained multiple bruises and a fracture of the bone at the base of the neck.

Despite these injuries, Bersch, Senior, was able to walk across the road to his home and telephone the chief of police of Sheboygan Falls; he had noted the license number of the attacker's car. Vrikovic was arrested and freed on bail; he had not yet stood trial by the time of the hearings. One of the two strangers with him remained unidentified. From photographs shown him by Gerard Desmond of the Kohler legal staff, Bersch, Junior, pointed out Gunaca as the second stranger. Gunaca was indicted on two counts of felonious assault against both Bersch and his father.

Some 15 months after the filling station episode, the elder Bersch died. The interim period had been a difficult one for him, his son recalled; he had been hospitalized for 18 days immediately after the beating, had subsequently returned 7 times because of complications, had undergone a chest operation, and "never was up and around" after the attack, whereas previously he had worked every day.

Whether there was a connection between the assault on Bersch, Senior, in July 1954 and his death in October 1955 came in for detailed consideration by the committee. The union introduced into the hearing the death certificate signed by Dr. Hansen in which he named congestive failure, heart disease, and arteriosclerosis as the causes of death and gave as the date of onset 1953—a year before the filling station affair. UAW Attorney Rauh further pointed out that this position had been accepted by Lyman Conger in his testimony before the NLRB trial examiner:

I have a letter from his doctor who says he is in such a condition—not as a result of this episode—but he is in such a condition that he would not be in a position of being called as a witness without danger to himself (p. 8695).

The company introduced an affidavit obtained during the hearing from Dr. Lloyd M. Simonson of the Sheboygan Clinic, where the elder Bersch had received first-aid treatment the night he was beaten. Dr. Simonson's affidavit included among his findings Bersch, Senior's previous history, hospital records, and X-rays, from which he deposed—

I find the diagnoses of (1) multiple bruises, (2) two bruise lacerations of the scalp, (3) a fracture of the seventh cervical vertebra and arteriosclerotic heart disease (p. 8929).

Senator Ervin noted that the affidavit did not indicate whether Dr. Simonson had ever seen Bersch after July 4, 1954, or seen any hospital records relating to the circumstances surrounding his death.

By the time of hearings 3 years and 7 months after his alleged crime, the warrant for Gunaca's arrest was still outstanding. Gunaca had already checked out of the Grant Hotel in Sheboygan when the warrant was made out, Bersch, Junior, testified; some time afterward, he said, he journeyed to the Michigan State Capitol in Lansing, together with the Sheboygan district attorney, the county undersheriff, and the chief of police to seek Gunaca's extradition. This quest was unsuccessful; Gov. G. Mennen Williams found that there was a "reasonable doubt" that Gunaca would get a fair trial in the "emotionally charged climate" (p. 10052) of Sheboygan and withheld action on the extradition appeal.

As opposed to Lyman Conger's assertion that this withholding of action constituted a "refusal" to extradite, D. Charles Marston, Gunaca's attorney in his appearance before the committee, declared that the extradition had simply been deferred. Marston pointed out that his client was willing to stand trial in any Wisconsin county with an "impartial atmosphere," a criterion he said neither Sheboygan County nor those adjoining could meet.

Marston requested that on the basis of past committee precedents questions pertaining to the indictment not be asked of Gunaca. The Chair sustained this point only with respect to the events at the filling

station itself. Under this ruling, Gunaca, in reply to questioning, testified that he knew Nick Vrikovic, having met him on the picket line and visited him in his home, that he had gone riding with him in a car he knew to be a Buick, and that he had been in Sheboygan Falls "on different occasions" (p. 9126).

Also introduced into the hearings was Gunaca's sworn testimony at an NLRB hearing in Iron Mountain, Mich., a place selected after his refusal to appear before the NLRB trial examiner in Sheboygan had been sustained. In this testimony Gunaca had declared that he had spent the evening of July 4, 1954, in the union-soup kitchen, returning to his hotel room when he left there.

During Gunaca's appearance before the committee Bersch, Junior, identified him once again as his assailant, although he could not say whether Gunaca was also the man who had beaten up his father. Gunaca was silent when asked to comment on Bersch's identification of him, relying on the chairman's ruling that he need not testify on matters pertaining to the indictment.

It may here be noted that in December of last year, some 10 months after the committee's questioning of Gunaca, Governor Williams ordered his extradition to stand trial—in Sheboygan. The Governor's statement, as reported in the State Journal of Lansing, declared that he was "now persuaded that conditions there are as calm as they are likely to be in the foreseeable future."

Of all the variations of climate in Sheboygan over the course of the Kohler-UAW strike, one of the bleakest set in at the start of the second half of 1954. From a high point during the June negotiations, when union officials had expressed open optimism as to the prospects for settlement, attitudes on both sides now began to harden. Signs appeared that the strike might go on considerably longer than the average labor-management conflict, and an indeterminate period of trench warfare loomed in which the antagonists would intensify the use of tried stratagems and resort to new ones.

One of the portents of this new phase was the resumption of plant operations, enabled by a back-to-work movement in turn made possible by the lifting of the mass-picketing blockade. Conger asserted that the return was on a voluntary basis, entirely unsolicited by the company.

The union viewed the resurgence of plant activity with unconcealed distaste. Its official position on the subject, Walter Reuther testified, was that—

We do recognize the right of a worker legally to go to work if he chooses not to strike, although we believe he is in violation of a basic moral responsibility to his fellow men (p. 10098).

That the union was willing to keep trying for a settlement despite the company's walkout at the June negotiations was attested to by UAW Regional Director Kitzman. Late that month, he said, he sought the good offices of a source other than the customary mediation and conciliation channels—Walter J. Kohler, Governor of the State and nephew of the president of the Kohler Co.

The Governor, Kitzman testified, told him that "he did not know how much he could do," having been "booted out" of the firm and no longer having any official connection with it. Kitzman then proposed

a three-man factfinding panel. He sensed some hesitation, he recalled, and thereupon suggested that to ward off the fear that the UAW might ask for a "completely prounion" panel, he would obligate it in advance to accept as panel members, Harold Storey, attorney for the Allis-Chalmers Corp., State Supreme Court Justice Ward Rector, and anyone else Governor Kohler might select.

* * * The Governor said to me, "Well, that is not a group of CIO organizers." And I said, "I agree with you."

The Governor called me a few days later, and he said that he had failed in his mission, and he called me about midnight, and he said he had tried this on for size, on at least two of the gentlemen that I spoke about, and that both of them said if this were a sane situation, they would probably move into it, but the kind of a situation that existed, they did not want to do anything about it (p. 8550).

Kitzman testified that shortly thereafter he again tackled Governor Kohler, who then sent an identical letter on July 8 to both company and union, requesting them to submit the issues between them to a qualified and impartial arbitrator chosen by the WERB, and pointing out that a refusal to do so "would be interpreted by the public as indicative of a lack of desire to see the strike at an end, and a lack of confidence in the merits of its case by the party which declined" (p. 8551).

At a special membership meeting at the Sheboygan Armory, local 833 voted unanimously to accept the proposal. The company refused in a reply which concluded:

You are so far wrong in your suggestions that our refusal to let an arbitrator write a contract for us will embarrass us before the public that we shall see to it that the stand we have expressed in this letter gets the fullest publicity (p. 8564).

The next day a full-page company ad appeared in the Sheboygan Press, reprinting the full text of its letter to the Governor.

Two days later, on July 12, 1954, the union filed charges of unfair labor practices against the company with the NLRB—the start of a marathon wrangle not yet concluded at the time this report was being written.

Company and union differed as to the reasons for the UAW's recourse to the NLRB. Kitman declared that it had been "forced" by management; Conger declared that the unfair practices alleged by the union, including the company's failure to bargain in good faith, "were well known to them before the strike," but that the union had waited until its "illegal tactics" had failed before it went to the NLRB.

The UAW had timed its move, Conger went on, for the same reason it later "stalled and dragged out" the NLRB proceeding, filing a new set of amended charges, five in all, "every time it seemed about to conclude." That reason, he said, lay in the fact that—

The pendency of an NLRB proceeding usually bars an election to determine a majority and after filing their charges the union announced that any election to determine a majority was now barred (p. 9501).

Around the time of its NLRB action, Conger asserted, the union had gotten word, via its "secret agents" in the Kohler plant, that a new independent union was being formed, and it feared that this union would seek an election. Conger declared that he had had nothing to do with the new union. He recalled that just prior to the UAW's filing of charges with the NLRB, buttons saying "Independent Union" or "something like that" had appeared and that someone had sent him one in an envelope which he still had in his desk.

That the members of this group did not actively irk the company was apparent from Conger's statement that "probably" some of them were among the 25 people who were recipients of its legal advice when the strike started. These 25, Conger explained, wanted to go to work and filed an action for an injunction in Sheboygan County Circuit Court. That injunction never came to trial, he recalled; the company—

intervened in it as a party plaintiff, so we could help kind of keep control of it (p. 9575).

Representing the group seeking an injunction was a lawyer named Humke. The same attorney defended "quite a number" of nonstrikers arrested for various offenses, Conger said, including two actions against the plant manager, Biever, which he described thus:

One was for failure to yield the right-of-way to a pedestrian, and a pedestrian in this case being a mass picketer blocking the highway. And the other case was an assault and battery case, when Mr. Biever walked on the picketline, and the picket bumped him and he was arrested for assault and battery. That case was dismissed (p. 9576).

As for the first case and its outcome, the UAW international representative, Donald Rand, clothed it in less legal terms. Biever, he asserted, was "convicted of running over one of the pickets" (p. 9236).

As the UAW had done for its members in legal trouble, the company paid the attorney's fees in these cases where, in Conger's words, "we felt that this was pure harassment by law officials" (p. 9575). He added that the total cost to the company of Humke's services on this score was \$3,000.

On the same day the UAW filed its charges against Kohler with the NLRB, the company took a step similarly calculated not to endear it to the opposition. It hired the services of the Madson Detective Agency, launching a relationship which endured at least until a month before the committee hearings, at a cost to management of \$40,000 in fees and expenses.

Madson was not the first such talent engaged by the company, Conger acknowledged. In early April, around the start of the strike, it had taken on, for a total cost of around \$3,700, the services of Raymond Schindler of New York, operator of what Committee Accountant Consultant Bellino described as a "labor detective agency" (p. 8853). No one had referred him to this agency, Conger testified; Schindler, he explained, had once appeared before the Kohler Women's Club as part of its "distinguished speaker program," and "So I kind of thought of him" (p. 9540). According to Conger, Schindler's services had been enlisted simply to ascertain who had "kidnaped" Dale Oostdyk, and when the quest proved futile the company had turned to the Madson Agency.

Operatives' reports provided to committee staff members by both the Schindler Agency and a Chicago detective firm subcontracted by him indicated that Schindler's endeavors on the company's behalf had extended beyond a hunt for kidnapers. A report by operator No. 371 noted: "After serving on picket duty again today with Smirke, headquarters soup kitchen was visited." Conger, who previously had testified that no representative of either the company or the detective agency had walked the picket line, asserted:

I am not sure now that it would mean to me, when I read it at the time, that he was serving on the picket line (p. 8859).

The Taft-Hartley Act makes it illegal for an employer to spy on an employee—an offense called "surveillance." Conger conceded that there was a "paid informant," a woman, in the union strike kitchen, but pointed out that she reported to the investigative agency. This, in his view, constituted a distinction from working for the company itself.

Conger denied that he had "informants" working anywhere else. When asked if he had had detectives going around to various bars listening to conversations, he explained that they were trying to find out "who was committing these acts of vandalism" (p. 8850).

Company President Kohler testified that he had "agreed to the point of a detective agency" because there was "so much vandalism" and because he and Conger "had an idea that our lines were being tapped" (p. 9946). Asked whether all of the activities of the detectives, including the hiring of paid informants, had met with his approval, he declared that Conger had handled all of the detectives' reports and that he himself "did not cover the details."

SENATOR KENNEDY. I know you have given Mr. Conger wide latitude, but are you not prepared to tell me today "yes" or "no" whether you know whether the detective agency did more than find out whether your wires were being tapped?

MR. KOHLER. The reports were not made to me directly (p. 9946).

Although Conger declared that the initial purpose of hiring detective help was "to get evidence of criminal acts of violence and vandalism" (p. 8849), the detectives' reports filed with the committee did not mention this phase of their task until several months after the Madson Agency was hired; the early reports showed, rather, a concentration on an entirely different matter, the background of the UAW international representative, Robert Burkhart.

Under questioning, Conger conceded that the professional sleuthing had reached into fields other than violence and vandalism. The broad purpose of this aspect of the detectives' work, he said, was "to assist us in getting evidence to defend the union's charges against us before the NLRB" (p. 9494). Conger estimated that during the investigation, which he said covered "quite a bit of the country" over about a 4-year period, the detectives had hired some 12 to 15 informants.

He saw nothing reprehensible in all these activities:

We take the position that we have a right to employ a detective to catch a criminal, particularly when law enforce-

ment officers are tolerating an open reign of terror. And we have a right to use one to obtain evidence needed in the trial of a suit (p. 9494).

Conger was queried as to the success of the first purpose he had cited:

Senator McNAMARA. Did this employment of the private detectives and their surveillance of the union headquarters bring about the discovery of any criminals?

Mr. CONGER. No; I think they came very close a couple of times (p. 9572).

As to the second broad purpose of Kohler's employment of detectives, Walter Reuther categorically stamped this, in line with the LaFollette committee's findings, as "an improper practice, contrary to the spirit of the law that requires good faith collective bargaining" (p. 10002).

Reuther ticked off a lengthy list of Kohler-endorsed exploits under this heading:

* * * they spied on the activities and background of a Government attorney while he was involved in the processing of a case before the National Labor Relations Board involving this company in this dispute. I personally think it is a sad day in America when a company employs spies to shadow Government officials while they are carrying out the provisions and their constitutional obligations under the law. That is precisely what they did. They spied on union activities at our strike kitchens, on our picket lines, and they attempted to improperly get information at the hotel where some of our people were living. They interfered with the U.S. mail, as their reports will indicate. They kept track and invaded the people's privacy by finding out about long-distance telephone calls. They spied on the personal lives of strikers and international representatives and union officials. On one occasion their paid spies posed as a law-enforcing agent in an attempt to secure information, under false pretenses. These are some of the things they did (p. 10003).

Conger gave his own version of some of these activities. The investigation of the NLRB attorney, Albert Gore, arose, he asserted, as a result of the statement Gore made to the effect that "if this dynamite-cache thing was solved or some of these vandalisms were solved, it would wreck his case" (p. 9550). This statement, he said, was made in the presence of Police Chief Walter Wagner and in the presence of the Kohler Co.'s detectives and indicated to Conger a strange attitude on the part of the Government attorney.

The detectives reported this to Conger, he said. Later, he added, the progress of the NLRB case was being hampered by "continual" postponements. These delays were not the ones earlier ascribed by Conger to the union's repeated filing of amended charges, but postponements "on the ground of health of NLRB counsel or relatives" (p. 9550). There were, he said, a "good many of them," and when Gore sought an adjournment on the ground that "one of his relatives" had had an operation, Conger was "frankly a little bit suspicious."

He therefore had Madson look into the matter when he went to Chicago. The report, based on two conversations with Gore's wife, who was contacted, in the words of the reporter, "under a suitable pretext," turned up the fact that the relative in question was Gore's father, who lived with them, and that he had indeed undergone a "minor operation."

Conger declared that he didn't regard a minor operation as an "awfully good excuse to postpone a hearing," but that he had made no point of the matter, adding:

I think that I had a perfect right to investigate whether his reason for asking for a postponement of that case was bona fide or a phony (p. 9551).

As to the Kohler-sponsored inquiries into other individuals, Conger asserted:

Our purpose was to bolster our defense which, by the way, is still in the picture, that the union was not bargaining in good faith because it was being represented by people who were trying to overthrow all industry, not only the Kohler Co., but all industry (p. 9544).

Investigations had been made of Emil Mazey and Robert Burkhart, and a "spot check" had been made of Frank Wallich, the union's publicity man at the strike scene, and Robert Treuer, his successor. Information was primarily sought, Conger said, "about any subversive background or connection that we could use as a defense in our NLRB case" (p. 9547), a defense, he noted, that the company was in fact prohibited from using.

The report on Mazey, Conger testified, was "pretty much negative," as was the one on Treuer. The check on Wallich reported that he was resigning his post to go to work in Washington for the same Democratic Congressman who employed his wife, and, said Conger, "we didn't think that was an offense." At a later date, David Rabinovitz, the UAW attorney in Sheboygan, came under scrutiny when Madson reported that he had information about a David Rabinovitz who had been connected with the Communist Party in Philadelphia. Conger explained that while to the best of his knowledge the Sheboygan attorney had never been in that city or Pennsylvania, he had given Madson permission to check out the matter, which, it developed, concerned an entirely different individual with a somewhat similar name.

In the case of Robert Burkhart, however, Conger felt that he had struck paydirt. The inquiry into the UAW international representative had produced an affidavit, for which the affiant, a woman, received \$350, deposing that Burkhart had been a member of the Socialist Workers Party. This, said Conger " * * * is a splinter Communist group which follows the teaching of Leon Trotsky, and which, I believe, is an even a more revolutionary group than the Russian-Communist type" (p. 9549).

The fact that Burkhart had left the party did not mean that the party had left him, Conger asserted, adding:

* * * I hadn't dealt with that man for more than 2 weeks before I realized the character of the individual that I was dealing with, and what his philosophy was (p. 9548).

Burkhart himself had previously testified before the committee as to his membership in the Socialist Workers Party. He said that he had joined in 1944 and got out in 1947. The party was included in the U.S. Attorney General's list of subversive organizations the same year Burkhart left it.

Burkhart testified that he had quit the group because he "found that the solutions did not lie there" (p. 8617). He had made no public statement concerning his departure, he explained, because he was at the time "in no position to issue public statements on the matter (p. 8619) ; rather, he had let it be known to people in the plant where he worked that he was no longer associated with the party.

Another facet of Burkhart's life was also plumbed, Conger testified, because the company expected Burkhart to be a "very important witness" at the NLRB hearing, and "we were looking for any impeachment material possible" (p. 8857). In this part of the inquiry, Conger said, Burkhart's mail and long-distance calls were checked in a co-operative project between the police and the detectives, one he did not regard as illegal because "I believe that any police officer can check up on what long-distance calls are made by anyone" (p. 9564), and also because, as for the mail cover " * * * That was not tampering with the mails as I know of."

Mr. KENNEDY. Interference or tampering is explained to be any taking of confidential information off a letter or from the contents of a letter. Do you know anything about that?

Mr. CONGER. No, sir, I do not.

Mr. KENNEDY. Did you disapprove of this mail checking?

Mr. CONGER. It was all done before I ever got notice of it (p. 9563).

Conger, who at other points in his testimony had included the Sheboygan city police in his censure of slack law enforcement in the entire county, patently felt that in this regard, at least, they were deserving of credit for a job well done. In response to Committee Counsel Kennedy's comment that if the police, cooperating with the detectives, had turned over confidential information obtained through a mail cover, they had "violated their trust," Conger replied:

* * * it seems to me that there has been a great deal of to-do made about possible breaches of ethics by police officers who were sincerely trying to do their duty and quell this violence and this reign of terror * * * (p. 9565).

The quarry sought via the mail and telephone checks was information concerning, as Conger put it, "Mrs. Burkhart, or the alleged Mrs. Burkhart's status, where she came from and whether she, too, had been a former or present member of a subversive organization" (p. 9564). This, Conger explained, would establish not only her "status and credibility," since she, too, was active in union affairs, but Burkhart's credibility as a witness, as reflected by the fact that a man would "hold out a woman as his wife publicly, who is not his wife" (p. 8857).

Introduced into the hearings was a letter of April 3, 1955, from a Madson detective to Conger from Milwaukee, where Burkhart was then living. The letter reported that Lt. Henry Kuszewski, of the Milwaukee Police Department's morals squad, had been furnished with photographs of the Burkhart couple and information that Burk-

hart had never been divorced from his "true wife," and that Kuszewski had advised that—

If he determined that these people were living together as man and wife at this area, that his men would follow with an arrest if it was desired. He said that this arrest would be made during the middle of the night when it could be positively proven at the time that they were living together as husband and wife (p. 8856).

Subsequently an arrest was made on a charge of disorderly conduct. Senator Kennedy observed:

If that isn't the most despicable business that a company can be involved in. It has nothing to do with the union business; it has nothing to do with subversive activities, but merely an attempt to smear and discredit the leader of the union with nothing that was any of your business, but just his private business. * * * I am not defending Mr. Burkhardt's conduct at all. What I am talking about is your conduct, Mr. Conger, in stimulating a raid on a man's home in order to arrest him and a woman in order to discredit the union.

MR. CONGER. I will say, Senator, that in my opinion any citizen has a right to report a criminal act to the police at any time (p. 8857).

Another project of the detectives employed by the Kohler Co. ranged less far afield than Milwaukee, concentrating, indeed, right in Sheboygan. As Steen Heimke, then captain of police in Sheboygan, recalled it—

two Madson men asked me where the union stayed, and I told them they stayed at the Grand Hotel. They said "Do you know what part of the building?"

I said, "I don't know. What difference does that make?"

They said, "Well, we would like to find out what is going on in there."

That is all I heard (p. 9339).

Under questioning, however, Heimke remembered a bit more of the conversation. The detectives had told him that they wanted to put a tap on the room used by the UAW people as their headquarters; he replied, he said, that he didn't know what room the union was in, what the capacity was for tapping, and that "that was their business, but we weren't going to be involved in that."

Heimke, who asserted that he had "good, clean, law enforcement," and that his police had never tapped a line or bugged a room, was asked why in that case he had seemed so willing to be helpful to the detectives and why they had come to him at all. Heimke replied that Madson and he had been friends for 20 years.

Senator KENNEDY. If bandits came along and asked you the location of the First National Bank and how to get in there, what the guards were, and the conversation took 2 minutes, and the bank was later robbed, do you think you would be a party to that illegal act?

Mr. HEIMKE. There is no comparison.

Senator KENNEDY. Why isn't there?

Mr. HEIMKE. Elmer Madson, a former member of the FBI and with a nationwide detective agency, I have the greatest confidence in his ability, and if he could be of some assistance to us without our department becoming involved, that was—he was hired to do a job.

Senator KENNEDY. Chief, that is the strangest statement of responsibilities of a law officer of Wisconsin or any other State that I have heard. If your sensitivity to illegality is so dull that you did not see that you were a party to an illegal act, it puts in question many of your actions in this whole strike.

Mr. HEIMKE. First of all, the act has to be committed for it to become illegal.

Senator KENNEDY. Do you know whether it was committed?

Mr. HEIMKE. To my knowledge it was not committed.

Senator KENNEDY. Are you ready to say whether it was committed?

Mr. HEIMKE. I do not know for sure. Elmer Madson is the only one that would know (p. 9347).

Walter H. Wagner, who was then Sheboygan chief of police, and who revealed that it was on his recommendation that Conger had hired the Madson agency, testified that he introduced Madson's associate, Al Adams, to the manager of the Grand Hotel, and that Adams "was pointed out where the union officials had their office" (p. 9422). Wagner would not say that the introduction was arranged so that Adams could bug the room, but conceded that it was for at least a "discussion" of bugging. To his best information, he declared, the room was never bugged.

Wagner was reminded that several days prior to his appearance he had told a committee staff investigator that he did not know whether the room had been bugged or not, and was asked how he could now positively assert that it had not been bugged. He replied that he "certainly would have heard about it" (p. 9422) if it had been.

Conger testified that he had had some discussion with the detectives over the possibility of "putting a mike in a room next door" to the union hotel quarters, and that, although he knew of no law that would have made this illegal, he had vetoed the proposal because he was "very sure" that a bug would have secured information on legitimate union activities which he "was not concerned with and didn't want reported" (p. 9560).

When Conger rejected the suggestion that he had in mind just a temporary postponement of the bugging plan, he was read extracts of reports by the Madson people noting that a "check" had been made of the situation regarding room 30, the union quarters at the Grand Hotel, and that—

* * * Upon recontacting Mr. Conger, no further action is being taken at this time regarding this matter, which is not being explained fully here, inasmuch as Mr. Conger is aware of the same and has requested that we hold this line of investigation in abeyance pending the outcome of the NLRB hearing

in Sheboygan during the week of February 7 through February 12.

Mr. CONGER. Yes. That is not very good language in that report. What actually happened was that I was busy with a hearing, and told them not to do it, and that we might discuss the matter fully later. I don't know that we ever did discuss it. At any rate, instructions were always not to place the microphone there, and it never was placed there.

I am very confident of that. At least, I never received any reports from it or any reports that might indicate that they came from any microphone or any source of that type (p. 9561).

The union hall, just around the corner from the Grand Hotel, was also a focal point of interest to the detectives, Conger acknowledged:

* * * I have no doubt that they did watch the comings and goings at the union hall, particularly after dark, and I know they collected some license numbers of some cars around some of the union hangouts, and tried to get whether those same license numbers were going to appear some place in connection with vandalism.

Senator McNAMARA. Don't you think that this is at least verging on the employment of labor spies and is that not an illegal act under the Taft-Hartley Act?

Mr. CONGER. No, I believe it isn't even close to it, Senator. I believe that we have a right to hire private detectives to catch a criminal at any time, whether he be a union member or a nonunion member.

Senator McNAMARA. Then does this imply that all of these people around the union hall were criminals, and therefore it was legal?

Mr. CONGER. No; it implies that they were logical suspects * * * (p. 9572).

While availing itself of professional detective services, the Kohler Co. also utilized the alertness of its own employees. Under the immediate direction of Gerard Desmond of the company's legal staff, some 10 to 15 people built up a so-called strike incident file, which, however, also contained "general information," whether strike related or not, on the strikers, Desmond testified. Eventually the data so compiled—from newspapers, union strike bulletins, affidavits and so on—grew so "cumbersome," as Conger put it, that it was set up in four large record books, a compendium on 742 different strikers in all.

The chief reason for this project, Conger said, was to get evidence to use before the WERB in the company's move to have a stop put to the mass picketing, and later the violence and vandalism. Subsequently, he went on, the records were used "to justify before the NLRB the discharge of the people that were discharged."

Among the black book items read before the committee were these:

Herbert A. Hall, clock No. 7651, July 1, 1954, grabbed in the car window of Edward C. Bunke, as he was leaving the plant, then withdrew and yelled "I'll bash your head in." See Bunke's incoming call, July 8, 1954. Very vile language and

congesting traffic. See William Sullivan's affidavit, August 21.

* * * June 12, 1955, provoked the incident in which Carl Darovich was struck on the right chinbone by Walter V. Meyer at the E & R Grill in Sheboygan. See Carl Darovich's affidavit, June 15, paragraphs 2 to 7 inclusive (p. 8852).

Also among the items read were these, respectively concerning strikers James Seubert, John Melger, Carl Gorr, Jr., and Henry McGray:

February 12, 1955, one of the six pickets dressed as Abe Lincoln in February 12, 1955, photo in the Milwaukee Journal.

June 12, 1954, was with a group who made general nuisance of themselves at Paul Lindekugel's 15th wedding anniversary.

On two occasions his son, about 12 years old, molested Carl Merta's 5-year-old daughter, calling her names and saying her daddy is a scab. The second time he flicked his finger in her eye.

May 2, 1955, playing catch with J. Van Engen, another striker, on the road at northeast gate. Came on company property several times to retrieve the ball (p. 8841).

Conger explained that his instructions to Desmond and his helpers had been not to "try to be labor lawyers" but to include anything they thought would interest him, and that he then would cull the significant from the insignificant. Even from the latter, he asserted, inferences could be drawn, for example, that the "doctrine of hating" was being instilled into "innocent children." The retrieval of the ball from company property was, he pointed out, a "trespass," not one he personally would have taken note of, but "you have a certain number of sea lawyers around any place" (p. 9558).

As for the Milwaukee Journal item about the picket who dressed up as Abraham Lincoln, Conger explained that though the item was of no particular interest to him, his secretary, who had taken over keeping the books, thought it might be; he didn't, however, feel that there was "any great espionage" in noting down an item which had already appeared in the public prints.

Senator Ervin observed:

* * * it would appear that the girl or whoever kept those records was more thorough, I hope, than the recording angel (p. 8842).

It would also appear that the company had no corner on the literary output in Sheboygan during the course of the strike. The while Kohler chroniclers were at work, union scribes, too, were busy, recording tidbits from inside the enemy camp.

Since the start of the strike, the union has published a daily strike bulletin financed by UAW international funds. This mimeographed publication, when plant operations resumed, began featuring such items as these:

The secret agents are handing in reports about the new independent union being formed inside the Kohler fortress (p. 9011).

Secret agent U-2 reports that Herbert V. Kohler has authorized the printing of 75,000 copies of the company's propaganda regarding Gov. W. J. Kohler's suggestion to submit the contract issues to arbitration (p. 9014).

Even as with the company's archivists, the bulletin could occasionally not resist recording notes of a more personal nature. It passed along word that Secret Agent U-2—

Cleared up a mystery when he informed us that Lyman C. Conger's middle initial stands for Columbus (p. 9014).

Information that union strategists would find of considerably more use was purveyed after the strike had turned into a test of economic muscle:

Incoming orders at the Kohler Co. show a steady drop—the only quantity of invoices is for small, petty items; fittings, parts, etc. The other day none other than the bathtub baron was pacing around the office, according to one of our inside reporters, fussing about the lack of orders (p. 9025).

Bathtubs are still being piled three high in the shookshed (one of the two huge, all-steel twin buildings located east of the plant proper). When this gets filled, a reliable source has informed us that the so-called equipment shed located next to and north of the shookshed, will be used next for storing the customerless tubs (p. 9027).

There still is an insatiable demand for vitreous china plumbing fixtures, but Kohler's vitreous products are piling up—even though the total salable vitreous production is only 50 percent of the prestrike figure. Shipments are way off. Strikebreakers haven't been hired for months. The volume of incoming new orders is on a definite decline and cancellation of old orders are coming in daily (p. 9028).

UAW International Secretary-Treasurer Mazey was questioned about the bulletin's avowed reliance for these nuggets about the company, on the people it variously termed "secret agents," "inside sources," and "inside reporters." Mazey dismissed these phrases as a "gimmick of one of our public-relations people who thought it was funny and a joke" (p. 9024). Whoever authored them, he said, had made an "improper choice of language," and had probably been watching "too many TV dramas" and the fact that the items were published showed that they were quite different from Kohler's "secret reports" on individual employees.

Mazey asserted that information about activities inside the plant came from strike sympathizers who had had to go back to work, from their relatives, from hearsay, and from gossip in bars, possibly even from Kohler detectives bent on planting false rumors. All this, he said, applied even to such tangible data as Kohler inventories, shipments, and sales. A precise item that the company had spent \$11,400 mailing out to all known clergy in the United States a speech of its president, he thought, might have come from a Kohler public-relations man talking too freely at a public tavern.

Introduced in evidence before the committee was a newspaper article indicating that union officials had gone beyond the strike bulletin in

vaunting their pipeline into the plant. In a Wall Street Journal roundup of the Kohler strike situation of August 17, 1956, appeared this paragraph:

The UAW claims to have an accurate count of railroad box-cars and trucks which have left the plant since the strike started. It also claims to have many spies in the plant, fellows who are playing both sides of the fence. They are working, but playing ball with the union to be on the safe side if the union should ever win its way back into the plant (p. 9257).

Donald Rand, UAW international representative who had been among those interviewed by the Wall Street Journal, was asked why the article had been reprinted in toto in the union publication, the Kohlerian, if the information about the "spies" was wrong. He replied that there were "many good things" in it, and that it was "not often that we get good articles in newspapers" (p. 9258).

The strike bulletin and the union's nightly WHBL radio broadcast, also financed by the international, provided the UAW with a potent voice in the Sheboygan community, along with such media as newspaper advertising and sound trucks. Whether the union's use of its channels of communication was a force for good or for evil depended upon the beholder. The union maintained that its purpose was to inform and to counsel, and indeed to prevent violence; the company that it was to inflame and, indeed, to incite to violence and vandalism.

A new type of item which began to appear in the strike bulletin in August 1954 provided a case in point. The time was a tense one; the first Kohler-UAW talks since the company's walkout at the end of June and the union's filing of the NLRB charges in mid-July were underway.

The union had requested these renewed negotiations in a letter to Herbert V. Kohler on July 23; Kohler replied that the company would attend a meeting on August 4, but warned that there would be "no point in further long and protracted meetings" if the union's bargaining proposals did not vary substantially from its end-of-June position.

A week after the talks resumed, the union, in the interests of what it called a "speedy and honorable settlement," cut its wage demands by 50 percent: from 20 cents an hour plus 10 cents more for skilled workers, to 10 cents an hour plus 5 cents more for skilled workers. It changed its demand for a union shop to maintenance of membership with a self-renewing checkoff of union dues. It continued to press for a noncontributory pension plan guaranteeing minimum standards equal to UAW-CIO pension benefits; for making the discharge or discipline of workers subject to arbitration; for provision for layoffs according to seniority only; and for a 4 percent lunchtime allowance for enamel-shop workers and pottery dry finishers engaged in continuous three-shift operations.

The company replied on August 13, calling the union's demands "virtually the same" as in June and varying "in terminology rather than in substance" from its prestrike demands. Kohler stood by its earlier offer of a 3-cent-an-hour wage increase; rejected a blanket increase for skilled workers; would not agree to make the pension plan noncontributory; said it would submit to arbitration the contract's interpretation and application but not "vital management decisions"

like the discharge or discipline of workers; rejected layoffs on a seniority basis only, maintenance of membership, and paid lunchtime in the enamel shop; as for the pottery dry finishers, it noted that it planned to discontinue the third shift in this operation.

At a meeting the same day, according to the NLRB trial examiner's report, Harvey Kitzman asked if the company's letter constituted its final offer and Conger said it did. Thereupon—

Kitzman stated that the strike could not be settled on that offer, and commented that it amounted to asking for an unconditional surrender from the union. Conger agreed that that was correct.

Graskamp also inquired if the company had made its final offer and if there was room for any further movement on the company's part. When Conger stated the offer was final, Graskamp replied, "If this is the company's final offer, the hinges on the door are in good working order and you can use them."

The company's representatives got up and walked out. Three days later the union notified management that its members had voted to reject the company offer and to continue the strike.

A note reminiscent of the June negotiations had been struck at the August talks when management had complained of a new eruption in Sheboygan. This was neither vandalism nor violence, the basis of the company's June complaints, but a new development labeled a "home demonstration." As in June, the company had blamed this on the union, warning that its continuance would be cause for breaking off the talks.

Conger recalled that such visitations had begun around August 4 and that their essence was as follows:

Nonstriking workers returning home from work were met by mobs of 200 to 500 shouting epithets and threats and intimidating them and their families (p. 9502).

The talks ended but the demonstrations lingered on, and it was to these that the union strike bulletin was now devoting some of its pithiest prose.

On August 10, prior to stoppage of the negotiations, the bulletin reported:

Jumpy nerves. Math Eberhardy, William Hartenberger, Martin Hasenstein, and Robert Hensel live on Sheboygan's North 21st between Cleveland and Garfield Avenues, half block south of St. Domenick's Church. All of them are scabs. Each night a royal reception awaits them when they arrive home from strikebreaking. The crowd of Kohler strikers and their sympathizers is increasing nightly (p. 8755).

Another item on August 19 read:

Company shutterbugs and legal beagles are always present at the various demonstrations at scab neighborhoods. Could it be that they have noticed that some of their scabs are not showing up for work after they have had a homecoming reception? (p. 9224).

UAW international representative Donald Rand testified that he had attended at least one demonstration, but denied any part in planning such affairs. Asked how he happened to know the demonstration was in prospect, he explained that he had been apprised by telephone that Kohler representatives were going to be at the home in question, with a company photographer, "secreted" inside, and that he had gone out to check up on the matter.

Senator CURTIS. Do you think the company was stirring up these home demonstrations?

Mr. RAND. Senator, it is inconceivable to me to think that the company would be out there before the crowd got there.

Senator CURTIS. You are referring to this photographer?

Mr. RAND. Photographers, yes, plural. I might say that one of the interesting parts about my experience in Sheboygan, and it happened in this particular instance, or one of these, at least, every time I was any place, one of the Kohler Co. photographers would snap my picture. How they got there with their camera at the time I did, I don't know. They were there (p. 9221).

Rand admitted that he offhand could think of no strikers who had been subjected to these mass receptions, but insisted that the union had nothing to do with them nor did he think that the strike bulletins had helped promote and encourage them; it carried many items, just as the local press did, he noted, concerning "anything of interest to the community" (p. 9223). Rand conceded, however, that the bulletin had neither condemned the demonstrations nor done anything to put a damper on them.

Walter Reuther agreed that the union had not provided enough "affirmative leadership" to discourage the demonstrations, even though, he said, he had checked into the matter and "did not think" that the union had organized them. Reuther counted the union's failure to exercise any dissuasion in this regard as another of the lessons gleaned from the strike, adding that he didn't think "you could win industrial disputes in front of people's homes" (p. 10008).

If, as UAW witnesses asserted, the demonstrations were "spontaneous," some achieved a sort of endurance record for spontaneity. One recipient of these attentions testified that he and his nonstriking neighbors had been favored not just once, but over a period of 2 weeks.

The victim was Robert Hensel, one of those for whom a "royal reception" was provided, in the words of the union strike bulletin of August 10, 1954. As Hensell recalled it, his contact with the home demonstrators began shortly after he returned to his job at Kohler toward the end of July. The first day, he said, there were 6 or 7 demonstrators, about 15 the next, about 30 the next, and ultimately 150 to 200 "and possibly more." Five nonstrikers, all told, lived in the same block, Hensel explained, and the treatment meted out was collective.

The visitors covered the whole block, on foot and in cars. A good many, he thought, were spectators, including women and children, but "quite a few" were strikers he knew, although "you didn't stand around to watch to find out actually who they were."

Mr. KENNEDY. What were they doing in front of your house?

Mr. HENSEL. They would stand around and holler, and yelled scab, yellow belly, or coward. Oftentimes you didn't pay too much attention, because there was such a terrific noise, and then tension and strain, and you were glad to get out of there (p. 8752).

Hensel, who, as mentioned earlier in these pages, had worked in the Kohler pottery casting department for 18 years without contracting silicosis or any other ill, and who had commented on that score that he could do anything else a man of his age could do, testified that he had also been equal to the challenge of demonstrators massed outside his home:

Most of the time I had enough room to get through, on most occasions, I mean, they didn't seem to block me out, as much as I could tell, although at times they closed in slightly or made gestures of possible moving toward me, but I was never actually touched. One particular evening, on a Friday evening, I remember, I believe it was the second week that this was going on, I came home from work and my driveway was full of many people * * *.

I kind of expected that probably they figured I was mad enough that I might do something, give somebody a push, but I knew what the score was, and I wiggled my way through and went into my home. I didn't touch nobody (p. 8756).

Lyman Conger, queried about the suspicions aired by Donald Rand as to the company's role in the home demonstrations, replied:

No, we did not sponsor them or promote them, and we had no way of doing so. We had no way of getting a bunch of strikers and strike sympathizers out to harass one of our employees.

* * * Now, we weren't interested in scaring people away from work and we were interested in having them come to work (p. 9591).

On August 19 the company followed through on its interest, Conger testified, by asking the WERB to do what it had set out to do in late May—seek an injunction to enforce its May 21 cease-and-desist order, an action at that time rendered unnecessary when the union agreed to comply voluntarily.

The company, Conger said, now supplied the WERB with evidence showing that the union had violated its pledge to comply.

All through the summer, Conger explained, there had been "technical" violations of the WERB's limitations on picketing, as when there was more than one picket than its order specified, or when, in the face of instructions to allow a 20-foot space in the picket line, with no pickets, and no trespass—

* * * immediately the pickets proceeded to block off all alleyways and all entrances to the plant, with rocks, and stones, and concrete cans, and left only a 20-foot opening, and it was at such an angle that a man had to practically stop his car to drive through (p. 9575).

The technical violations did not concern him too much, Conger testified; rather, it was the home-demonstration phase which prompted

the move for an injunction. The WERB so petitioned the Sheboygan County circuit court; on August 31 the court granted the injunction, and, said Conger, the demonstrations ceased.

Presiding on this matter was not Judge Schlichting, who had heard the original WERB petition for an injunction in May, but Judge Arold F. Murphy, dean of Wisconsin's circuit court judges, then rounding out a quarter of a century on the bench. Judge Schlichting testified that at the time he was a "comparatively new judge," with a "very busy" circuit and considerable work, and that in June he had begun a large calendar in Manitowoc County, the other county in his circuit. His schedule precluded devoting the 2 weeks estimated as needed on the injunction application, he said, and both parties agreed that Judge Murphy be called in.

Within minutes after issuing the injunction Judge Murphy offered his services as a mediator in the Kohler-UAW dispute, thus joining a select company which already included, or would later include, the mayor of Sheboygan, the common council of Sheboygan, the Governor of Wisconsin, Federal judges in Wisconsin, the WERB itself, a subcommittee of the U.S. Senate, and members of the Protestant, Catholic, and Jewish clergy. In all these instances without exception, Walter Reuther declared, the union agreed and the company refused to cooperate.

Judge Murphy told the committee that he had had considerable experience in labor disputes, having been involved in five cases in which injunctions had been sought, in which he had issued two and denied two; besides formal court hearings, he had participated in "at least a dozen" labor dispute matters.

Judge Murphy's story of his role as would-be Kohler-UAW peace-maker provided the committee with its only neutral account, first-hand, of the nature and tenor of negotiations between company and union.

As the judge reconstructed his entry into the arena, it was made in the form of a conference in his chambers with attorneys for the UAW, Kohler, and the WERB. At his proposal that mediation efforts be resumed with himself as one of the mediators, UAW Attorney Max Raskin "quickly acquiesced"; Conger said that he would not refuse to meet but that he thought any further meetings "futile." Judge Murphy recalled:

* * * my reply was that, of course, anybody entering the meetings with the idea that the meetings were futile would make them futile. That conversation was not very long, and it was quite quickly agreed, maybe a matter of 5 minutes, that meetings would be resumed (p. 8970).

The chief Federal conciliator who had presided at previous talks was contacted, and an initial series of two or three meetings took place almost immediately, their locale the county board room of the Sheboygan County Courthouse. The sessions were unproductive and considerable "unfriendly feeling" was evinced by both sides, even to seeing to it that their numbers were evenly matched, Judge Murphy noted, adding:

I never believed that it was coincidence that because there were seven members on the union side, there would be seven members on the company side (p. 8972).

In mid-September talks resumed with a 2-day session. Nothing was put in writing, but, after this second round, the judge was hopeful; he felt that most of the questions had been "quite well resolved," with the union giving much ground, indicating that it would accept, although not entirely satisfactory, a "seniority clause pretty well dictated by Mr. Conger," a provision for insurance benefits which bettered the previous arrangement although not fully to the union's approval, and a pension plan in which the company would "write their own ticket" (p. 8972).

At one point, Judge Murphy testified, he taxed company negotiators with quibbling; this came about in a discussion of the wording of a "discharge clause" which he had suggested as a substitute for the touchy arbitration clause. Conger, he said, would accept neither "good cause" nor "good and sufficient cause" as a basis for discharge, proposing instead a clause containing the words "inefficient, neglect, and misconduct." The judge noted:

Inquiries made were "Misconduct where? At the corner tavern, do you mean at home, on the streets, or do you mean while at work?"

The union strongly objected to the word "misconduct" because of its very connotations (p. 8976).

Generally speaking, however, the judge felt that it was possible to bring company and union together. His confidence, he explained, was generated at a meeting he had alone with Conger at a hotel in Manitowoc, on the way to his own town. Riding home with one of the Federal conciliators, he had had the thought that it would not hurt to meet with Conger alone; his companion agreed, saying that more might be accomplished if both got their "hair down." Judge Murphy stopped off along the road and telephoned Conger; that night they held a 2-hour discussion in a room secured by the judge.

The chief topic was the wage issue. Conger, he said, never gave him a "firm promise" that the company would increase its 3-cent wage offer, but he gained the inference nonetheless:

Mr. Conger's language was this in response to my question at least two times, "You do not mean to tell me that the door is closed on the question of some increase over 3 cents?"

He replied at least twice, "I do not say the door is closed on the increase in wages" (p. 8973).

The judge then went to the union representatives, who indicated readiness to concede on all issues except the question of how many strikers would be rehired; they also wanted something a little better than the company's 3-cent offer, he said, if only as a "face-saving gain" (p. 8973). Kitzman authorized Judge Murphy to tell management that the union would be willing to accept a 7-cent-an-hour increase—a 3-cent drop from its last wage proposal of the month before.

Judge Murphy's next mission was a meeting at the Kohler plant, where he reported the union's willingness to take 7 cents and also, on his own, reported that the union would accept 5 cents; he felt confident, he testified, that if he could get Kohler to make a firm offer of this sum, he could persuade the union committee to accept it. Later, he recalled, he told Harvey Kitzman that he had suggested a 5-cent settlement and that Kitzman had "made no objection to it" (p. 8977).

The proposition he put forth at his meeting with the company, Judge Murphy said, was as follows:

"Assuming that the 20-minutes lunch period for enamel workers is out, assuming that the seniority clause in the contract has been resolved, assume that the insurance question has been resolved, assume that the pension plan will be left entirely with the company, and talking only on the question of an increase over the 3 cents already offered, do you men feel there is ever going to be made an offer of something more than 3 cents?" (p. 8974).

The reaction, the judge recalled, was that—

* * * Mr. Conger, speaking for the group, made the flat, unequivocal statement that there would be no further increase over the 3 cents offered by the company. Mr. Kohler, Herbert Kohler, discussed at the meeting statistics that he had which he claimed, and maybe they did, establish that the wages paid at Kohler Co. were the highest in the area, and that they were high on average hourly and weekly wage in Wisconsin (p. 8974).

Asked whether the company offered any elaboration of its position, Judge Murphy said that none was forthcoming at that particular meeting, although, he added, at one of the earlier courthouse sessions Conger had declared—

* * * that in the past when the company had made an offer of an increase in wages, and the company later maybe increased their first offer, that then it invariably resulted in the union going all out and making a larger demand, and that he was not going to offer any further increase (p. 8974).

The judge declared that it was "perfectly obvious," through all the negotiations—

* * * That the attitude of the Kohler Co. was that the strike had been won, and that they had the union beaten, and that there was no point in their receding from any position that they had taken.

I am not quoting language. You are asking me now about an impression and how I felt. Definitely the attitude of winners (p. 8975).

He also reconstructed some comments by Conger often quoted by the UAW. The statements had not been made to him alone, the judge pointed out, but at a time when "many people" were present. Conger, he said, had declared:

That the strike in 1934 had resulted in 20 years of labor peace, and they expected that this strike would bring about the same result * * * that they were going to teach the union a lesson (p. 8975).

Conger's version of this was as follows:

The statement that I made to Judge Murphy was this: He made a remark which I, correctly or incorrectly, I don't know which, assumed to mean that there must be something

wrong with our labor relations policy because we had had a strike, and I asked him if he could point to many companies in the country that had 20 years of labor peace without a strike, and 20 years without a strike.

That is the reference I made to the 20 years of labor peace.

Mr. KENNEDY. He also said that you were going to make a statement that you were going to teach the union a lesson.

Mr. CONGER. I made a statement to them that they had to learn the lesson that we were not going to reward violence and illegal conduct, and that we were not going to yield to that sort of pressure (p. 9578).

If the wage issue was a problem, the question of the rehiring of strikers was an "almost insurmountable roadblock," as Judge Murphy put it. Conger, he said, told him that "probably 50" would never be rehired, "subject to go up or down depending upon developments," and that this issue would not be subject to arbitration. The company, said the judge, based its adamance against rehiring these men—

* * * upon the claim that they had been troublemakers, and that they had violated the law, and that they were guilty of violence, and that they were guilty of misconduct on the picket line, and for what the company considered good reasons would not be rehired under any circumstances (p. 8975).

The end of September saw the third and final series of the meetings Judge Murphy had brought about. The very last of the sessions was attended by Emil Mazey, his only such appearance, the judge recalled. He said that he offered Mazey and Kitzman, who was also present, a suggestion for solving the rehiring problem, asking:

* * * Whether there wasn't some device whereby the union, maybe, should take care of those men by getting them employment in other places; that was turned down on the proposition that those men had a right to have the services of their union carry on their battle for them, and that those men would have a right to feel that they had been let down (p. 8979).

Later, testifying before the NLRB hearings, Mazey himself recalled of this last meeting in September 1954:

* * * Judge Murphy said that the question of wages, a general wage increase, the question of arbitration and return of the strikers to their jobs were the three main basic issues that were keeping the union and the company from reaching a settlement. * * * I disagreed very sharply with Judge Murphy. I said that the balance of the issues were still in the picture, and that the question of the return of the strikers to the job was not an issue; that the union would insist on every striker being returned to the job without discrimination if a settlement were to be reached with the company (p. 8978).

Read this at the committee hearings, Judge Murphy agreed that that was what Mazey had said, in substance, at the Sheboygan courthouse finale on September 28.

When this meeting ended, the judge said, his feeling was a "disconsolate" one:

* * * I felt that I have voluntarily offered to engage in a useless procedure, and I felt that the meetings amounted to gathering goat feathers (p. 8976).

He was asked:

Mr. KENNEDY. * * * What was your impression as to whether the company was willing to bargain with the union?

Judge MURPHY. If you are inquiring about the question of bargaining in good faith, that very question is now before the National Labor Relations Board for decision and involves, of course, many legal considerations.

I am not going to, and I have no right to, accuse either party to the negotiations proceedings of bargaining in bad faith. But I got the distinct impression after the second series of meetings and after Mr. Conger had told me upon inquiry from me if there were any men who would not be rehired if the strike was settled, and he said there were many men who would never be rehired.

* * * That type of negotiation to get anywhere, to be successful, cannot be a one-way street, and it must result in compromise. And compromise, or implicit in compromise, of course, is the give-and-take attitude. What was in the minds of the bargaining committee or in the minds of the Kohler officials representing the company, of course, is a mental process not susceptible of any direct proof, and you could only take what was said by them to come to a conclusion whether they were bargaining in good faith or not bargaining in good faith (p. 8976).

On the important question of whether the company was bargaining in good faith with the union, Judge Murphy had this to say.

Judge MURPHY. Well, if bargaining means being physically present at a meeting, and willing to discuss and willing to listen, there was bargaining. But if it means anything more than that, I doubt that it could truly be called bargaining, while I was present (p. 8977).

Company president Kohler commented as follows on the efforts by the judge to effect harmony:

We appreciate his good offices, but we felt he was unrealistic, and neither the company nor the union, as far as I know, agreed that he had a proper estimate of the situation (p. 9944).

With the demise of the September sessions, the UAW-Kohler strike moved into its first winter—one that was to provide only cold comfort.

No letup appeared in the destructive zest of the vandals; their handiwork punctuated even the period of Judge Murphy's valiant mediation attempt. During that month rocks were thrown at the home of local 833 president Graskamp, breaking a picture window. This particular form of havoc seemed a seasonal favorite; in the same 4

weeks the Kohler Co. publication, *People*, recorded 6 such instances to nonstrikers, along with 22 other assorted incidents.

Among these victims was Mrs. Arleigh G. Gosse, who had just gone to work in Kohler's brass division; Mrs. Gosse lived a way out and, as she remembered it—

* * * It was harvest time, corn time, and our corn chopper was damaged. They put a good sized bolt in the cornstalk, and when my husband went to chop, it ruined our whole chopper (p. 8763).

Another nonstriking employee, John Elsesser, a Kohler foundry worker since 1950, met with violence in a local tavern. He and a friend found themselves the only nonstrikers at the bar, amid some eight "union boys," he recalled; taunts of "scab" turned to more physical signs of displeasure, and he was kneed and kicked in the groin.

Elsesser appears to have been a particularly recurrent target. Other than his September experience, he testified, an unsuccessful attempt was made to dynamite his car; paint remover was daubed on its hood; four or five windows in his house were smashed in one swoop, and two others broken on other occasions, once by a ball bearing or pellet from a pellet gun, and the second time by a rock; milk bottles were thrown on his front lawn and roofing nails on his driveway; and he was also subjected to telephone harassment.

Elsesser's most expensive misfortune, reimbursed by the insurance company for \$700, took place one night while he and his family were watching TV. Two jars filled with paint were simultaneously hurled into his living room and bedroom, splattering rugs, drapes, walls, ceilings, and front porch. This untidy weapon, popularly referred to as the "paint bomb," reached its peak use in November 1954, even as the smashing of picture windows had been the mode in September.

Gerard Desmond, the company's misconduct authority, described the paint bomb as follows:

* * * A paint bomb was a very large light bulb, the top of which was cut off right below the metal portion that fits into the socket. That part was filled with paint and then friction, generally black friction tape, was taped around the top, which was cut off, and that was thrown into the homes by the windows.

Senator McNAMARA. The term "bomb" doesn't indicate dynamite or powder or anything, but it was just glass with this tape around it to reinforce it, was that the idea?

Mr. DESMOND. There wasn't anything to explode it, except when it went through the window it burst and then exploded all around the home. In addition to that, Senator, there was an additional type of so-called bomb, and that was glass jars, pint jars, with the regular screw top (p. 8819).

Sheboygan Chief of Police Heimke reported that of his file of 930 complaints, 43 concerned acts of paint bombing, 41 against non-strikers' and 2 against strikers' homes, but that he was never able to track down the source of this vandalism.

In the second week of November 1954, the first meeting between the company and union since the collapse of Judge Murphy's efforts took place. The union tried a new approach, Emil Mazey testified:

* * * I said to the Kohler Co. as a spokesman for the union that "We are willing to settle our contract and economic matters involved within the framework of the contract and the wages paid by your competitors."

I then proposed to the company, I said, "We are willing to arbitrate within the framework of the contract and the provisions of your competitors." I happen to know enough about collective bargaining to know that if you insist on demands from a company that puts them at a disadvantage with their competitors, you are not helping the workers you are bargaining for (p. 9065).

A week later Mazey, at the same local 833 meeting at which he made his previously noted remarks on the aftermath of the *Vinson* case, reported the failure of these new negotiations:

Mr. Conger said he wasn't interested in patterns. He didn't care what the American Standard & Sanitary Co. did, what Crane did, or what Briggs did. We were dealing with Kohler.

By a secret-ballot vote of 1,571 to 21, those present agreed to continue the strike.

In December one of the prime irritants underlying strike tensions rose to the surface. With the resumption of its operations, the company had begun taking on replacements for the men who had gone off their jobs. That the number so hired had reached sizable proportions by September was plain from Judge Murphy's account of his talks with management on the subject of rehiring strikers; at the time, according to testimony by the judge, Conger had noted that "several hundreds" of new employees were on the rolls.

Conger himself furnished the committee with no such estimate, but did indicate that the employment of the newcomers had provided his hired detectives with an extra chore, that of checking up on the job applicants "* * *" to see whether they had a police record, what their character was in their home community, and so forth. We made what you might call a trial run of that" (p. 9544).

Conger was asked:

Senator CURTIS. * * * were some of those applicants non-residents of the immediate area?

Mr. CONGER. Yes. I don't think we ever had them investigate, to my knowledge, anybody who was a resident of the area. It was only when they came from some distance away.

I might explain that the union was partially responsible for that one, too, because they published in their "Kohlerian" one time, through some inadvertence, that apparently we hired a fellow who had a criminal record, and they made a great to-do about it, so we started checking criminal records (p. 9545).

In the union's book the unvarnished word for these new workers was "strikebreaker," just as its term for prestrike Kohler employees who

had returned to their jobs was "scab." UAW Regional Director Kitzman was asked:

Senator GOLDWATER. * * * What is your definition of a strikebreaker?

Mr. KITZMAN. My definition of a strikebreaker is someone who will go in and take the job of a man who is out on strike, fighting for a better way of life, for higher wages, and better conditions in the plant that he works (p. 8562).

Emil Mazey had a terser way of putting it. Strikebreakers, he declared were no less than "job thieves."

Conger's own feeling on the semantics of the matter was as follows:

* * * I do not wish to bandy words or definitions as to strikebreakers. I suppose that could be at least in part a legal question (p. 9935).

As to the legal or illegal aspects involved, Kitzman, asserting that "it takes a man of rare patience to stand up, or to stand by, and watch someone steal his job" (p. 8546), declared that the company had poured salt in the strikers' wounds by taking full-page newspaper advertisements to announce that it was going to hire strikebreakers. But he said that so far as he knew there was no law against strikebreaking, although there is a law barring the transport of such persons across State lines—the Burns Act.

Conger, queried about the advertisements, said that although Kohler attorneys had advised that the company would be within its legal rights to solicit new workers and that he, too, deemed it a "perfectly legitimate labor practice" (p. 9587), actually no such solicitation had gone on. What the company did, when help was needed and "qualified applicants" asked for and got jobs, was to give the union "public notice" that "permanent employees" had been hired, he said, adding—

* * * We stated our position, not as a threat, but as our answer to a union threat that these people would later be thrown out into the street to make room for returning strikers (p. 9936).

In December, Conger testified, the union's efforts to keep job applicants away from the Kohler employment office "reached some real heights that we had to take cognizance of" (p. 8855). In this campaign, which he said continued into the first 2 months of the new year,

Persons approaching the employment office had their progress blocked by a solid mass of pickets, were bumped, shoved, kicked, tripped, threatened, vilified, and spit upon with tobacco juice (p. 9503).

Chief picket captain Konec reported the pickets' technique toward prospective jobseekers differently. The men on the line, he said, were told—

* * * if they seen a person approaching the employment office to look for a job, that they should go up and talk to the fellow, find out who he was. If he was reluctant to talk to them, then they should watch where he parked his car, take his license number, and turn it over to me or anyone on the strike committee. We would check the license number, find out who

the person was, find out if anybody on our side knew him, or his minister, where he went to church, or anything like that, so we could talk to him and try to persuade him to stay out of the plant (p. 8592).

Conger commented:

We, by that time, were quite familiar with this old dodge that "We were just talking to him nicely and not using any bad language" (p. 8854).

Such was the company's interest in the language used by the pickets that it took special steps to familiarize itself with it, as well as with the pickets' behavior on the line. Conger recalled:

We took movies of it. We took some microphone recordings which didn't amount to much. We didn't get much results from it, but we, frankly, tried (p. 8854).

Conger was asked:

The CHAIRMAN. * * * Was this employment office on your property, on the company property?

Mr. CONGER. Yes, sir.

The CHAIRMAN. Where the picketing took place, and where you had used your mike, or whatever it was, to pick up the conversations?

Mr. CONGER. Yes. The mike was hung from the eave of the employment-office building, our property. Yes, Senator (p. 8855).

Conger's unembellished account of the company's eavesdropping was amplified by UAW attorney David Rabinovitz. The concealed mike, he said, was "* * * wired to a place over 200 feet away, and after the message was received it was transcribed, picking up any ordinary social conversations that these pickets may have had between themselves on the picket line" (p. 8851).

Conger declared that the purpose of the listening device was to "develop information" which he said was subsequently used to good effect. The injunction secured by the WERB from Judge Murphy, Conger explained, proscribed mass picketing; the company viewed the employment-office picketing as in violation of this ban, and so informed the WERB, which filed a contempt action in Sheboygan County circuit court. The climax of the case, the following May, was that local 833 and 16 of the picketers were found in contempt for violating the injunction, with resulting fines for all and jail for one.

Amid the renewed high tensions stirred by the employment-office picketing, the year 1954 drew to a close in Sheboygan with no peace in sight and good will conspicuously absent. Christmas for many people in the community was their first on a ration of strike assistance; for many, their first in the unaccustomed glare of their former fellow workers' hatred; for all, a time of taut nerves.

To the fires stoked by the strikebreaking issue, fuel was added by the company's notification to eight strikers that as of January 1, 1955, they would have to vacate their rooms at the company-operated American Club, the residential quarters for single Kohler workers located directly across from the main entrance to the plant. Their status as permanent guests could no longer be continued, the com-

pany's letter explained, because of a shortage of rooms which had developed. Of the eight men, whose service with the company ranged from 3 to 30 years, five moved out before the deadline date and the rest were evicted.

At these NLRB hearings, company president Kohler, the sole witness, indicated without naming names that the company would not reinstate strikers who, as Conger put it in his testimony before the committee, were "guilty of illegal conduct in connection with the strike." The union's request for a list of such persons, made on February 18, went unanswered until March 1, the same day the company fired 91 striking employees for "violence and illegal conduct," Conger said, recalling:

It was discovered that one man's name was included in the list by mistake, and his discharge was revoked, leaving 90 discharged.

The list included the officers of the local union and its strike committee who had openly directed and controlled the mass picketing and other unlawful activities.

These men were clearly the most responsible for this illegal conduct for they planned, directed, and controlled it (p. 9504).

The real motive for this "summary and arbitrary" mass discharge was plain, Reuther asserted. The union had successively scaled down its proposals, he said, and the company was "fearful that further compromise on the part of the union might make a settlement unavoidable" (p. 9971). Reuther noted that the 90 men discharged comprised "almost the total leadership" of local 833, including the officers, all of the members of the executive board and of the bargaining committee, all but 1 member of the local strike committee, and 5 of the 6 chief stewards. He declared that the company took this action "knowing that no union with any self-respect, or any sense of moral responsibility to its membership, could settle with all of its leaders discharged" (p. 9988).

Reuther pointed out that president Herbert J. Kohler had refused to sit at the bargaining table.

Here was a situation where he was the head of a company, the strike had gone on for all these months, and he never sat for 1 minute in 4 years of a strike at the bargaining table. That is not true in any other big corporation (p. 10231).

Reuther conceded that Kohler had no "legal obligation" to sit at the bargaining table but argued that in refusing he had not lived up to his "moral obligation."

A second major point of controversy between the company and union was to arise when the NLRB hearings resumed in early June. The company, dropping a bombshell of mammoth proportions, asserted that the union no longer represented the majority of its employees and therefore could not bargain for them. Reuther characterized the company's maneuver as an unabashed attempt to break the union, charging that it had deliberately recruited strikebreakers to that end. The company's contention and the union's challenge of it have become an integral aspect of the still pending NLRB case and will later be adverted to in detail.

The first anniversary of the strike, on April 5, 1955, arrived with nothing settled and bitterness still rife.

That month another episode ruffled Sheboygan's already amply troubled waters. Walter Wagner, then the city's chief of police, testified that at the time he had had reports of the dynamiting or attempted dynamiting of five cars owned by Kohler nonstrikers. Then, he said, the police "received some information" about a cache of dynamite in a wooded ravine area along the river bank about half a mile north of the union-soup kitchen. He, the sheriff, police sergeant Clarence R. Zimmerman, and the newly installed mayor of Sheboygan himself, Rudolph J. Ploetz, went out one Sunday afternoon to investigate, with instantaneous success, finding the dynamite, caps, fuses and all "hid in a clump of underbrush" (p. 9412).

An ensuing strategy discussion, he said, ended in putting a 4-day stakeout on the dynamite made up of both Sheboygan city police and county deputy sheriffs, with results about the fourth day. Early that morning four men came walking along the river bank, Wagner testified, and one went "direct to where this dynamite was" (p. 9413). The four, taken into custody, denied any knowledge of the cache and voluntarily submitted to lie-detector tests.

The tests, Wagner said, showed conclusively that one man was telling the truth, and proved inconclusive on the others. Asked to take another go at the lie-detector, these three declined on the advice of counsel, union attorney Rabinovitz, and a Milwaukee lawyer whose name Wagner did not recall. The district attorney felt that there was insufficient reason for the issuance of warrants, Wagner said, and "that was the end of that."

A report by detective Elmer Madson conveyed another theory as to the motive behind the appearance of the four men at the dynamite site:

It is the thought of Mr. Adams and Mr. Madson, and this thought has been orally relayed to Mr. Conger and Mr. Kohler, that these men were merely sent in as a trip to the plant; that they know the police officers were there, because there was no question in anyone's mind that the union and members were aware of the surveillance (p. 9417).

Attempts to uncover the responsibility for the dynamiting also took another tack, according to the testimony of Sheboygan Police Captain Oakley Franks. Some police interest, he said, centered around a Sheboygan resident named William Silvia, "now a patient in a mental institution in Massachusetts" (p. 9355). Along with Sheriff George LeMieux and District Attorney Eugene McEssey of Fond du Lac County, and Detective Al Adams of the detective agency hired by the Kohler Co., Franks testified, he accompanied Silvia to Madison for a lie-detector test which, he said, "indicated that he might have some possible knowledge of these dynamitings" (p. 9354). The suggestion then was made, Franks recalled, that the "liquid detector" (p. 9341) might be used on Silvia on the way home.

En route the party stopped at the Elks Club or "some fraternal organization of some sort" and had dinner and "a few drinks," Franks recalled.

Mr. KENNEDY. Did he loosen up at all?

Mr. FRANKS. He asked to talk to Sheriff LeMieux alone, and the two of them went off on the side. After a while he

came back, Sheriff LeMieux, and he said to me that he thinks Bill will talk.

I said, "Fine." I said, "What is your plan?"

He said, "Bill wants to stay with me in my jail in Fond du Lac County voluntarily. He would like to sign a statement to that effect. He would like it if Chief Walter Wagner would come over and talk to him and then possibly he could throw some light on this."

Mr. KENNEDY. So the liquid test appeared, at least initially, to help?

Mr. FRANKS. I don't think he had that much to drink, counselor.

Mr. KENNEDY. He had a few drinks?

Mr. FRANKS. He had a few, yes; he did.

Mr. KENNEDY. And it appeared that he was at least more cooperative after he had a few drinks than before?

Mr. FRANKS. Yes (p. 9342).

Franks, declaring that Silvia was approximately 30 years old and "knew very well what we was doing" (p. 9354) at the time of the trip back from Madison, estimated that his charge had had no more than three drinks that night. Franks was thereupon read an excerpt from the Madison Detective Agency's report to the Kohler Co. on the affair:

Upon returning Silvia to Fond du Lac, Wis., stops were made at numerous bars where he was poured double shots of whisky which he drank, and he actually began indicating that James Kurtz was the individual he suspected of being responsible for the dynamitings occurring in the city of Sheboygan (p. 9356).

Asked to comment on the accuracy of this statement, Franks said that he would not argue with the "double shots" but would take exception to the "numerous bars."

The CHAIRMAN. This says "stops were made at numerous bars." I understood you this morning to say it was just at one club where you ate dinner.

Mr. FRANKS. I only mentioned one, Mr. Chairman. I recall that we did make another stop. I believe we did.

The CHAIRMAN. So there would be two instead of several or numerous stops?

Mr. FRANKS. Two that I can say for certain, Senator, yes.

The CHAIRMAN. In other words, there were two and if two were numerous, this report is accurate?

Mr. FRANKS. That would have to be taken at its face value, then (p. 9356).

As to Kurtz, Franks testified, "nothing developed that would tie him in with this at all." Silvia, after 3 days in the Fond du Lac County jail, was returned to Sheboygan and released.

On July 5, 1955, the major physical disturbance of the Kohler-UAW strike took place. This event, at the clay dock in Sheboygan Harbor on Lake Michigan, exacted a toll in tangible damage to person and property, but its main effect was to underscore a basic shift in hostilities to the economic front.

In the manufacture of its vitreous chinaware, the Kohler Co. imports large quantities of clay from England, delivered f.o.b. direct to Sheboygan in ships chartered by brokers. From five to seven cargoes come in every year, Plant Manager Bieber testified, and the unloading process normally takes 2 days, a job usually contracted to a local firm, Buteyn Excavating, which then trucks the clay to the plant. It had been part of his duties since becoming plant manager in 1949, Bieber said, to go down to the harbor and supervise the unloading, inspecting every ship.

The company had had no trouble getting the clay boats in or out during 1954, Bieber noted; the only deviation from the norm was during the mass-picketing period the first 2 months of the strike, when, he said, the clay, instead of being brought into the plant, was stored on a platform erected on the dock.

Bieber's testimony that previous clay-boat arrivals since the strike had come off without incident was confirmed by Robert Treuer, who had been sent in early in 1955 to advise and help local 833 in its publicity. But in the case of this particular shipment, Treuer pointed out, the company had sent Desmond of its legal staff to see the mayor of Sheboygan as far back as early May, to ask for "police protection" for the boat when it arrived.

Why Kohler should have felt precautions necessary in the specific instance of the Norwegian motorship *Fossum* was indicated neither by Desmond nor other management witnesses. Treuer testified that the request was discussed at a session of the city's common council on May 2, and that "angry remarks" were made about why the issue was being raised at that time if previous clay boats had come in without disorder when the strike was at "even a higher pitch" (p. 9159).

Broadcast and press accounts of this session resulted in considerable advance publicity about the new clay boat shipment, Chief Picket Captain Konec testified, recalling that local 833's strike committee had "wondered" who was going to unload the boat since most of the truck-drivers belonged to the Teamsters local in town. The possibility of picketing the dock was considered, he said, but decided against.

UAW International Representative Donald Rand was asked:

Senator GOLDWATER. Did the union have any part in the plans to prevent the unloading of the clay boat?

Mr. RAND. No, other than the fact that we hoped that the Teamsters wouldn't cross our picket line at the Kohler Village (p. 9240).

On the night of July 1, the eve of the *Fossum's* arrival, the union's regular 15-minute program over Sheboygan station WHBL, broadcast by Treuer, carried word of a special plan for the morrow. Treuer explained that this had been so "quiet" a time in the strike that the union was receiving inquiries as to whether it was still on, and that it had therefore felt that a "publicity stunt" about the clay boat might serve as a reminder. The stunt, said Treuer, was " * * * to have six small rowboats, with outboard motors, to go out and meet the clay boat and, if you will, escort it in. These little boats would have people in them carrying signs saying, 'This clay is for the strike-bound Kohler Co.' and things to that effect that 'This strike is still going on'" (p. 9157).

Fore and aft this disclosure of what he christened the "Auto Workers' Navy," Treuer's broadcast included two other references to the impending arrival, noting that "certainly there will be many people on hand" (p. 9157) to watch it.

Among Treuer's listeners that evening was Conger, who testified:

I think that broadcast—and you will not get the full implication of the broadcast from the printed record of it, you had to hear it—when I heard that broadcast, I immediately assumed that the purpose of the broadcast was to start an interference with the unloading of clay * * * (p. 9581).

The unloading of the *Fossum* was not scheduled until Tuesday, July 5, but Conger took prompt action. The morning after the broadcast, he and Desmond drafted a letter to the mayor and the sheriff, with copies to the chief of police and the county board chairman, referring to the broadcast and warning, as Desmond put it—

* * * That we expected that any damage which would be done, would be reimbursed, if any of the mob—if anything that happened down there would cause damage to our property.

Mr. KENNEDY. You said any of the mob.

Mr. DESMOND. Well, anything that might have occurred down there, because we expected in view of that program that there would be a number of people down there at the dock.

Mr. KENNEDY. You expected mob violence down there 3 days before?

Mr. DESMOND. Well, no. We didn't know what to expect, but we felt that we would have to protect our interests by sending that letter under the statute of Wisconsin which requires notice to be sent to the mayor and also to the sheriff (p. 9138).

The company did subsequently sue the city of Sheboygan for damages "caused by its failure to provide protection for the unloading of the clay" (p. 9505), Conger testified, a suit still pending at the time of the committee hearings.

The same day the letter was written, the UAW's flotilla put out to sea from Sheboygan Harbor. Its success was somewhat qualified, Treuer recalled:

* * * Of the six boats, sir, three foundered before they ever got too far away, and one of the fellows got tired of waiting and he went fishing, and only two boats did go out to meet the clay boat when it came in (p. 9157).

Chief picket captain Konec, who was in one of the boats, testified that contact was made about a mile out; his craft circled the *Fossum*, and he held aloft a sign "advertising that the sailors on that boat were carrying clay for a strike plant" (p. 8598). In addition, leaflets expanding on this theme and printed in Norwegian and German, as well as in English, were tossed aboard by the UAW boatmen.

In Treuer's broadcast the next night reporting on the expedition, he declared that no attempt was made to detain or interfere with the boat, pointing out that the foreign sailors were "prevented by law from refusing to handle the cargo" (p. 9157).

The *Fossum's* docking came at a time destined to draw maximum public attention, not only because of the Fourth of July holiday week-

end but because the following week, by custom, most Sheboygan plants, not including the Kohler Co., shut down for their annual vacation.

On the Fourth itself, according to Treuer, the city of Sheboygan had provided its annual fireworks display adjacent to the dock site, and the holiday spirit was still reflected in the crowds, men, women, and children, which turned up at the clay dock the next day, July 5, the time scheduled for the unloading of Kohler's consignment from England.

Mayor Ploetz recollected that—

The people were all, comparatively, in a peaceful, jovial mood. They were milling around; they were talking; they were laughing; they were joking (p. 9443).

How many were spectators there out of curiosity, as opposed to strikers, was a subject of contention.

Donald Rand, saying that just about everyone in town was at the site at one time or other during the day, asserted that neither strikers nor nonstrikers were there "as such"; on the other hand, Heimke, then police captain of the city, noticed that there were "quite a few" union buttons, and that the spectators hung about the "fringes," whereas "immediately in the center, the core of the activity, the majority of them were Kohler strikers" (p. 9316).

The chronology of the day, as compiled from the testimony of more than a dozen eyewitnesses to one or another of its manifold twists and turns, began around 7 a.m. with the arrival at the dock area of the contractor on the unloading job and the vanguard of his equipment, some dump trucks, a crane, and a couple of tractors in all. Peter Buteyn, the head of the firm, was preceded to the scene by his brother Cornelius, otherwise known as "Happy," and arrived to find "Happy" already involved in an argument. Happy recalled that his protagonists were Rand, a fellow international representative, Ray Majerus, and Ed Kalupa, a union steward, that they asked him why he would not "cooperate," and that Rand and Kalupa in particular warned that if he did not they would "* * * pull out all the stops to prevent the loading and unloading of the clay" (p. 9182).

Rand testified that he "didn't believe" he had threatened to "pull out the stops" in his talk with Happy, although he thought Kalupa "may have."

The kind of cooperation he had in mind, he told the committee, was a refusal by the truckdrivers to cross the picket lines "at the Kohler plant." Such a refusal would plainly render unloading of the clay boat futile:

* * * I explained to them that by the unloading of the clay, if they intended to take it into the Kohler plant, there was the possibility, of course, that they would cross our picket lines (p. 9225).

Rand estimated the number of people at the dock site at this early hour at around 12 to 15, but asserted that they were not picketing. Peter Buteyn, on the contrary, remembered not only "a lot" of spectators, but at the dock entrance itself a picket line already assembled, primarily Kohler strikers, he declared.

Rand asked Peter Buteyn, too, why he would not "cooperate," the latter testified, recalling that his answer was that he had financial

obligations as well as an obligation to Kohler, which, over a period of 20 years, "had treated me as fair as any organization could" (p. 9184). Rand, he said, then told him that—

* * * Certainly a loan from the union could be made possible in order to take care of that period if I refused to unload the boat * * * (p. 9185).

Rand was asked:

Mr. KENNEDY. Did you assume the union would put up money for him?

Mr. RAND. I have no right to assume that.

Mr. KENNEDY. What did you have in mind when you said you were going to help him out with his financial obligations?

Mr. RAND. Frankly, I had no specific point of view at that time (p. 9227).

The chat was interrupted, Buteyn testified, when the remainder of his caravan pulled in. Because his drivers were Teamster members, Buteyn explained, only those who had volunteered had been assigned to the clay boat project; those who had objected had been found other work for a few days. When the first man in line got out of his truck and walked through the pickets into the dock area, he said, Rand followed him in; after a minute they came out together. The driver then told Buteyn that Rand had asked him not to try to go through again; Buteyn thereupon instructed all his drivers to stay put in their cabs "until this thing was in more orderly fashion that morning" (p. 9183).

A third principal in the clay-boat affair who also appeared on the scene early, around 7:15 a.m., was Kohler plant manager Biever. The two international representatives, Rand and Majerus, he asserted, would not permit him into the dock area, but he and two company employees with him got a key for another gate from the office of the owner of the dock property. Inside, Biever said, he conferred with the *Fossum's* officers, inspected some of the cargo, and also talked with Happy Buteyn, who "stated, as I remember it, that he thought we were going to have some trouble" (p. 9473). Biever gave Happy his newly acquired gate key and rode out through the main gate after, he recalled, two policemen had opened the way for his car.

This, the first of three trips Biever was to make to the dock area that day, was also to be the least eventful.

Between 8 and 8:30 a.m. the dock area began to magnetize Sheboygan's notables even as later that day it would prove irresistible to several thousand plain citizens. As they respectively recalled it to the committee, around that time the mayor arrived; Police Chief Wagner arrived; Police Sergeant Zimmerman arrived; and union publicity man Treuer arrived—almost simultaneously, he said, with a station wagon bearing Biever, Desmond, and two Kohler time-study men, Paul Jacobi and Joseph Born.

Chief Wagner's visit was stirred by a telephone call from Sergeant Zimmerman reporting that trouble was brewing. Wagner said, he told Zimmerman to get down there with as many men as he could spare and not to dismiss the No. 3, or midnight-to-8 shift, some 15 officers in all. At the scene, the chief said, he found some 200 people

"scattered about" the roadway, 19 pickets blocking the entranceway to the dock, and 12 to 15 pieces of Buteyn equipment lined up on the street outside.

Wagner testified that he checked the first four drivers in the column and was told by each that he would not cross the picket line. There was no doubt that there was such a picket line, he said, and that it was being directed by Donald Rand.

As Robert Treuer interpreted the mood at the dock when he arrived, a semipicnic atmosphere prevailed. Across the street, he said, stood some 100 to 200 people; some were sitting on the armory lawn. At the entrance to the dock some 30 to 40 people, he recalled, were "walking around" trying to get a look inside the dock entrance.

This calm was shattered almost instantaneously, Treuer declared, when the station wagon bearing Bieber and his three companions drove into the open area of the dock. The very appearance of these four men, Treuer indicated, was bound to inflame the onlookers.

First to emerge, he recalled, were time-study men Born and Jacobi:

There was a bit of hooting going on from the people in the open gate, saying "Here come the speed kings. Here come the speed kings" (p. 9165).

Jacobi, Treuer said, walked up "pretty close" to where his unadmiring audience stood at the gate, and started taking pictures, and Desmond, who stepped out of the car next, began "to write down what obviously were the names of people whom he recognized" (p. 9166).

Bieber, the fourth and last occupant of the station wagon, Treuer declared, capped matters:

Then the person who was probably the most hated individual in the whole Kohler strike stepped out of that car, and the people that were there started yelling "Butcher, Butcher Boy" (p. 9166).

Treuer, noting that the crowd's label for Bieber had its roots in his alleged firing of the first shot in the 1934 strike, gave yet another reason for its animosity. This was Bieber's first public appearance, he declared, since he had evaded seven attempts to subpoena him for the NLRB hearings, which had just then gone into recess. Bieber's absence had been noted in the press, Treuer added, and he had not yet been successfully served; as a result, his showing up at the clay dock had an electrifying effect:

* * * I think if you had dropped a bomb in that crowd, you couldn't have done a better job, because the people streamed to the doorway to get a look at Mr. Bieber, and everyone was pushing everyone else for a position of a few inches of space in there to get a good look (p. 9168).

Lyman Conger attributed his colleague's absence from the NLRB hearings to the fact that "he had left on a short vacation trip" (p. 9593). When Bieber heard on the radio that he was being sought, Conger added, he cut short his holiday and came back, by which time the NLRB hearing had recessed. Then "some other things came up," Conger declared, and Bieber did not actually testify before the NLRB until another month or two had passed.

The scene at the clay dock as it appeared from the station wagon was sketched by Bieber and Desmond. On this, his second trip to

the site, Biever said, the picket line had grown "much larger," some 35 to 50 people in a "close, tight" line "impossible" to get through; Desmond recalled that one man had "cursed" at him, threatening him with a "black eye or something like that," if he approached.

As to the special greeting for Biever, it had fallen on oblivious ears:

Senator MUNDT. You didn't hear anybody call you butcher boy down there?

Mr. BIEVER. No, sir.

Senator MUNDT. Any time during the day?

Mr. BIEVER. No, sir. I inquired from these other men that were with me and they all stated that they did not hear any such words (p. 9475).

Inside the dock area Biever, Desmond, and Born conferred with Peter Buteyn, who by now had grown acutely uneasy about his equipment lined up outside on Pennsylvania Avenue, and asked to be relieved of the unloading job. Biever thereupon requested the use of Buteyn's trailer to move the company's own crane down from the plant, and Buteyn agreed.

In removing his equipment, Buteyn testified, he unloaded from the trailer two very small Kohler-owned tractors, generally used in the hatch of the ship, and ran them inside the dock area. Before he could do this, Buteyn said, he had to contend for 15 minutes with the people blocking the entrance, but assistance came to the rescue.

In the conflicting testimony given about the nature of this help, a relatively minor matter, may be seen the extent of the committee's task in ascertaining the facts. Desmond, who testified that he was right at the spot, declared that the helper was a policeman, who had to "forcibly" make the people move. Buteyn himself, on the other hand, remembered that a sympathetic "picket captain" talked to someone on the picket line, came back and said to him, "OK, run it in" (p. 9186).

With his men and equipment now gone, Buteyn left the area. Biever, however, found egress something of a problem.

On the station wagon's way out of the dock area, Desmond recalled, Born was driving, Jacobi was on his right, and he and Biever were in the back seat, Biever in back of the driver. At the gate, he said, the crowd would not move to allow the car's passage; they paid no heed when he got out and asked them to. At that point, Desmond invoked police help, and Sergeant Zimmerman "forced the pickets to move." As the car inched through, he added, people—

* * * were turning on the door that I was next to in an attempt to get it open, and they opened it to some extent, and I pulled the door shut and flipped down the latch so that the door would not open.

* * * they were kicking and spitting on it, and jiggling the car * * * (p. 9145).

As the station wagon turned into Pennsylvania Avenue, passing the curb line, Desmond continued—

* * * a woman came over and draped herself on the hood
* * * We proceeded to go through, and as we were going someone struck the left front window, where Mr. Born was driving and shattered the door glass.

* * * they were yelling at us, and calling us names, and they were shaking the car, and we finally proceeded to go through the area and got out of that immediate vicinity (p. 9145).

Desmond declared that "by and large, most of them or a lot of them" were Kohler strikers, and that Rand and Majerus were also there.

Robert Treuer's account of the incident was as follows:

* * * the people were packed in there like sardines. The police officers came along and opened a path. * * *

* * * The car started to pull through, I think before the path was completely cleared.

* * * the next thing I saw was this woman was upon the hood of the car. I can't tell you how she got there, whether she was struck, which I doubt, or whether she had slipped up on the hood, or just how it happened. I do not know.

But I do know how it must have looked to the majority of the spectators who were across the street. They didn't have side views. They had a frontal view of the car, of the hood of the car, and the woman, and to them it must have looked terrible, because a shout went up.

You could hear the roaring. It was like waves, and the people surged across the street, and there was a shout, "There's Biever, Biever has done it again" (p. 9171).

Police Sergeant Zimmerman recalled:

* * * a big turmoil started that he ran her over, and shouting, "Arrest him" and "Arrest him," and I didn't even have a chance to determine whether she was injured or not.

Immediately they whisked her into the crowd * * * (p. 9361).

Treuer declared that with this incident "the entire atmosphere that morning changed" (p. 9179).

Later, Zimmerman testified, the Sheboygan County district attorney was asked to issue a warrant against the driver of the station wagon and refused. Zimmerman said he did not know whether the woman was a striker, a striker's wife, "or who." But, he declared, she was "quite active" in demonstrations—after the clay boat affair.

Away from the clay dock, in midmorning, word began to spread that the scene of yesterday's Fourth of July gala had taken on a less jovial aspect. The local radio station interrupted its regular programs with frequent bulletins. Sergeant Zimmerman telephoned headquarters to report on the station wagon fracas. At headquarters Chief Wagner filled in Mayor Ploetz. Also at the police station were some 12 to 15 officers of the midnight-to-8 a.m. shift, whom the chief had earlier ordered held in reserve.

Wagner testified that he and Ploetz discussed the company's letter of the previous Saturday, demanding protection against "mob or riot interference," and that the mayor "mentioned that he didn't like the idea of the Kohler Co. making demands on the city of Sheboygan, and not wanting to settle the strike" (p. 9404).

Further, the chief recalled, the mayor ordered him to send home the shift which he had been keeping in reserve, saying that he would

go to the dock and take charge himself. The mayor, in his appearance before the committee, denied this, asserting that Wagner had not even told him of the Kohler Co.'s decision to use its own equipment and personnel to unload the clay boat.

Ploetz, who had taken office just 3 months previously after a campaign in which labor endorsed his candidacy, and who, like Sheriff Mosch, had been an eyewitness to the 1934 strike episode, asserted that "bloodshed" might well have ensued if the clay boat unloading had been attempted—

* * * it takes two to have, shall we say, a fight, and if the attempt would have been made to unload the clay, it would have excited the people that were in sympathy not to have the clay unloaded, and one thing perhaps would have led to another (p. 9446).

One thing did, beyond question, lead to another at the clay dock area in the hour before noon on July 5, 1955. At about 11, Robert Treuer testified, curiosity and interest had already begun to blend into excitement when the honking of horns heralded the arrival of the Kohler Co. crane, pulled up on a big truck driven by company personnel. As it reached the middle of Pennsylvania Avenue and started to turn in to the dock area, Treuer recalled, "the crowd swarmed around it and stopped it" (p. 9173).

By the time he made his way to the immobilized and surrounded equipment the tires had been punctured, Treuer said, and gasoline was on the street—the result of the puncturing of the tank. The fire department arrived to wash down the street, and with that came more people.

From farther away, Peter Buteyn, too, had watched the fate of his truck and trailer. When the equipment was brought into the area, he said some 300 to 400 people were present, and he had the bitter satisfaction of the vindication of his prophecy to Kohler officials that the unloading of the clay boat would be impossible under the prevailing conditions.

Mr. KENNEDY. How did they think they would be able to do it if you were unable to do it?

Mr. PETER BUTEYN. I couldn't answer that, Mr. Kennedy; I don't know (p. 9187.)

Biever, along with Desmond, was also an interested onlooker when the equipment arrived. From a car about a block away from the dock gate, Biever testified—

* * * We could see our truck being attacked. They were milling around, a large crowd—probably at that time 500 or 700—milling around the machine, and we could distinctly see one of the men being dragged out of the truck cab (p. 9474).

There were three Kohler people in the cab, Biever said, and the man who was pulled out was Tom Shields, the company's construction manager. They waited for Shields as he walked up the hill toward their car, Biever recalled, and picked him up:

* * * the man was very badly beaten. He was staggering. He was just completely beaten (p. 9474).

Desmond was less sweeping in his diagnosis of Shields' condition:

* * * I don't know whether he was badly hurt. I think his glasses were broken if I am not mistaken, and probably I think he mentioned a pen was broken, and I am not even sure the glasses were.

He was hit, and I suppose he felt it, but he was not maimed or I don't think he was cut or anything (p. 9146).

Biever and Desmond drove Shields to police headquarters, and Wagner's help was requested for the two Kohler men still in the cab of the truck at the dock site, who Biever noted with some prescience, "were going to be severely beaten, also" (p. 9474).

Wagner assigned them the services of City Detective Stubbler, and in Stubbler's own green car, Biever went on, not a police car as the union later maintained, they returned to the dock area. A barricade had been thrown across Pennsylvania Avenue, Desmond recalled, and the police would not let them through until they recognized Stubbler, who was in plain clothes. Thereupon the car drove up to where the equipment stood. Stubbler got out, Desmond said, and—

* * * Don Rand came over and cursed at him and said, "What is the idea of bringing Biever down here? Do you want to create a riot?"

At that point, he then talked to Sergeant Zimmerman, I think, it was some policeman, and there were people surging around the car. One of them attempted to reach in on the left-hand side, the driver's side, and get at Mr. Biever.

Biever's own recollection of this critical turn of events was as follows:

They surrounded the car. They rocked the car and threatened to tip it over. One man, Rudolph Gunderson, reached into the front seat, where Stubbler had been driving; I sat directly back of that in the back seat. He reached in to turn the window down, but I tried to turn the window back up.

He was punching, when he got the window open, punching and clawing, trying to get me out of there (p. 9474).

Gunderson, a striker, was not Biever's only problem at the time, Desmond testified:

* * * Roger Bliss was also there, and he cursed at us and at Mr. Biever, and he told him to come outside and he was going to do something to him, and the exact words I don't remember (p. 9147).

Rand agreed that he had said something to Stubbler to the effect quoted by Desmond, explaining:

* * * I thought it was very stupid of anybody to bring Mr. Biever of all people into that crowd. They drove right down into the middle of the crowd * * * (p. 9236).

Sergeant Zimmerman, too, felt that Biever's appearance was a mistake, and that it seemed to "excite the crowd" (p. 9359) more than anything else.

Desmond gave added witness to the crowd's reaction:

Mr. KENNEDY. At that point, they really disliked Mr. Biever and the Kohler Co., those people down at the dock. It was fairly obvious to you by this time?

Mr. DESMOND. If that wasn't dislike, I would hate to see what dislike is. I actually was in fear of my life at the moment.

Mr. KENNEDY. They really felt very strongly about it?

Mr. DESMOND. They certainly did (p. 9147).

Having decided, in Biever's words, that there "wasn't anything more that we could do" (p. 9475), he, Desmond, and Stubbler made a move to depart. It was no easy matter, Desmond recalled:

* * * Detective Stubbler got in the car again, and we backed up and they were shaking the car, and pounding on it, and rocking it and finally managed to inch his way through out of the area (p. 9147).

Later, Biever said, he learned that the two Kohler men in the cab of the truck were rescued by police. As for the beleaguered equipment, he disposed of this problem by paying another call on Police Chief Wagner, who quoted Biever as follows:

He said, "We're going to leave that equipment set where it is, and do with it what you want to" (p. 9405).

Wagner's response was to get in touch with his subordinate, Police Captain Steen Heimke, who recalled that he had been working in his backyard when the call to duty came. After a personal survey of the dock area, where, he said, "I was surprised to see what I considered a mob down there out of control" (p. 9313). He so reported first to Wagner and then to Mayor Ploetz:

* * * He said, "What has to be done?" I told him the first thing we have to do is get the equipment out of the middle of the road, because that is the center of attraction and the item that is holding the mob intact. I told him he should get in touch with the Buteyn brothers, who, I thought at that time, had control of the equipment; at which time he did call the Buteyns (p. 9313).

As Peter Buteyn remembered the telephone conversation, he first explained to Heimke that he did not feel responsible for moving the equipment, having "leased" it to the Kohler Co. The mayor then got on, Buteyn said, and demanded that he remove the equipment as a "hazard."

* * * I said, "I have taken all the demands for 1 day that I will take, whether you be mayor or anyone else."

He said, "I will have a few policemen come over there and pick you up and put you in jail."

I said, "It might be safer there than on the streets of Sheboygan" (p. 9188).

At this point, Buteyn recalled, the mayor changed his demand to an appeal, asking Buteyn as a "favor" to call the Kohler Co. and get

its consent to the removal of the equipment he had turned over to it. The company's response, Buteyn said, was as follows:

* * * They said, "Pete, if you want to move that equipment, it is your responsibility. We are not going to tell you to move it. We are not going to tell you not to move it. It is up to you. If you want to volunteer your services to the city of Sheboygan or the mayor, it is up to you entirely" (p. 9188).

With this, Buteyn noted, he called the mayor and said he would volunteer to remove the equipment if he received police protection, which was thereupon promised.

By now, Buteyn testified, he had already been apprised of the extent of the damage to the 27 tons of equipment standing awash on Pennsylvania Avenue. All the truck's air hoses, which controlled the braking mechanism, had been cut; of its 18 tires, about 10 had been punctured and flattened; the gas tank had also been punctured; an inch rod had been pushed through the radiator, distributor wires and lights had been pulled off, and the truck's windows had been shattered. Beyond the damage was the potential peril:

* * * The only thing that held the truck there was the fact of the terrific load on that and the flat tires.

Senator MUNDT. In other words, if it started rolling, it would have created quite a bit of havoc in a crowd like that?

Mr. PETER BUTEYN. Correct (p. 9189).

Buteyn said he called a tire shop to pick up 10 or 12 spare tires and went down to the dock area. By the time the pickup came in, the mayor was also on hand with a loudspeaker truck, "a very fine ice cream sound truck," police Captain Heimke told the committee, which he had suggested bringing in lacking any other instructions from the mayor.

The mayor, Heimke declared, had been busy in other directions, holding a tete-a-tete about a block away from the center of activity with County Sheriff Mosch. Heimke testified that after he himself had taken a look at the "mob area," he wandered back toward where the mayor and sheriff were talking, catching a snatch of their conversation as he approached from the rear—

* * * I heard the mayor say to the sheriff, "How much are you obligated to the union for?" (p. 9313).

In his appearance before the committee, Mayor Ploetz denounced Heimke as a "perjurer," declaring that he had never made such a statement to the sheriff, or anything similar to it, either that day or any other day, and producing a supporting affidavit from Sheriff Mosch, who had testified prior to Heimke and since returned to Wisconsin.

Even as Sheriff Mosch had received financial support from his admirers in the labor movement in his campaign the previous fall, Ploetz acknowledged that he, too, got tangible help in his campaign for mayor in April 1955. Mosch's contribution had come from local 833; Ploetz had received none from the union, he testified, but \$185 from the Sheboygan County Farm-Labor Political League. Members of local 833 had, he said, distributed literature and lent "general

support"; one of his brothers was a member of the local, and a striker.

Ploetz noted:

* * * I think that any candidate running for any office considers himself quite fortunate to get the endorsement from as many groups as he possibly can (p. 9442).

In his handling of the clay dock affair, Ploetz declared, his "prime concern" had been "not to have anybody injured down there or killed down there" (p. 9432). It was for this reason, he said, that when he addressed the crowd around the marooned equipment, using the sound truck, he assured his listeners that the clay would not be unloaded unless "the safety of the people and welfare was not in jeopardy," and that the Kohler Co.'s crane "should go back to the Kohler Co., because, after all, it was Kohler property" (p. 9443).

Police Captain Heimke, meanwhile, had some notions of his own as to how the microphone might be beneficially employed. By this time, he testified, he had gone home to change into uniform and return to find that the "entire area was out of control" (p. 9313); he estimated the size of the crowd at more than 1,500.

Heimke said he spotted local 833 president Graskanip, and asked if he would appeal to the crowd to go home so that the situation could be cleared up. Heimke recalled Graskanip said he had nothing to do with the crowd and was not responsible for these people. Heimke said he made a similar request to Donald Rand and received the same response. Rand disputed him, saying that he had urged people to go home and that at his urging, Emil Schuette, now president of the Sheboygan County Labor Council, made a speech urging the crowd to disperse. Rand's position was bolstered by an affidavit submitted by Schuette.

In the interim Peter Buteyn was having his problems removing the truck and trailer. No sooner would one spare tire be put on, he recalled, than it would be flattened. This happened three or four times, Buteyn said, and three or four times he warned the mayor that he would quit. The mayor, he said, "pleaded with me to stay and try it again" (p. 9190).

Heimke, too, had words for the mayor:

Mr. HEIMKE. Some action is better than no action, and so I suggested to the mayor that we probably would get the fire department down there to clear the area with fire hoses, so that we could get to work on this equipment and move it out of the area.

Mr. KENNEDY. You wanted to use fire hoses on the people?

Mr. HEIMKE. That is right.

Mr. KENNEDY. Is that what you suggested?

Mr. HEIMKE. That was vetoed (p. 9316).

Heimke noted that he personally "took quite a beating" that afternoon, being punched and shoved. Asked if he had made any arrests at all at the scene or subsequently, he replied in the negative, explaining that the matters would have had to be taken to court and a case proved.

As the afternoon deepened, Peter Buteyn started making progress in removing the equipment: the truck's tires, he recalled, began to be

changed "a little faster than what they were being made flat again" (p. 9190). At length, he said, he hit upon the ultimate solution. He telephoned the county highway department and asked for a truck to pull out the equipment. The trucks were hooked on and Buteyn himself drove them off, at around 5:45 p.m., he recalled.

Brother Happy, whom he had asked to come down and drive out the two small Kohler-owned tractors parked inside the dock area in the early morning, had less luck. His way was blocked by people at the dock entrance, and the mayor, who, Happy testified, had originally given his approval of this phase of the operation, ordered him to give up because he was "inciting a riot" (p. 9192). Complying, Happy then walked back to his own truck, en route getting "kicked severely in my legs" and also incurring, he recalled, a string of epithets from Donald Rand.

The total damage to his equipment, Peter Buteyn estimated, was between \$6,000 and \$7,000, including injury to five engines because of the insertion of "some foreign material" (p. 9194). Insurance, he said, covered only part of the cost.

The removal of the Buteyn equipment from Pennsylvania Avenue cleared neither the air nor the crowds at the dock area. It was not until after the union's evening broadcast, Treuer testified, that the police "issued an appeal for strikebreakers or nonstrikers, as you wish, to please not come down there, because they were aggravating the situation" (p. 9175).

In the course of the evening, Police Captain Heimke reported, windows were broken in the two houses across the street from where the crane had been disabled and the only car parked in the block, one owned by a Kohler worker, was overturned.

Two nonstrikers retained personal mementos of the clayboat affair. A man named Grunewald, Heimke testified, was mobbed, his face bloodied and bruised and his eyes blackened. John Elsesser, as noted previously the victim of various earlier acts of vandalism and intimidation, had the windows of his car smashed, the fenders, hood and trunk kicked at, the entire vehicle rendered in need of refinishing. Elsesser testified that he, his wife, his wife's aunt, and his three children had decided to go for a ride around the lake, a "nice ride for the children," and that though he had heard of the crowd down by the dock he "did not think there would be that many people" (p. 8680).

The union in denying responsibility for the events of July 5, 1955, pointed to the NLRB trial examiner's intermediary report which observed that the Kohler Co. had failed to follow through, "either in brief or in oral argument" (p. 9942) on its charge that the union was responsible for the clayboat incident.

Physical manifestations of hostility between opposing factions in the Kohler-UAW strike gradually petered out after the clayboat clash, the only noteworthy exception being in February 1956, at a local establishment known as Root's Bowling Alley. Desmond testified that the company's recreation program included a number of bowling teams banded in a "good fellowship league," and that on the night in question several of them went to Root's to participate in the city's annual 2-day bowling tournament.

Desmond, receiving reports that "a very large number of strikers" had heckled the company teams, went to see for himself the follow-

ing night, and while sitting behind one of the alleys was "hit behind the head by somebody." In the "general melee," he said, Kohler bowlers were kicked and pushed, and a striker told him personally:

If the lights go out, there will be a dead lawyer around here (p. 9152).

Conger recalled that at an earlier tournament in which he himself had bowled he was "* * * harassed for 2 hours by a gang of strikers shouting such epithets as slimy Conger, stinky Conger, egghead, old crow, and many others of similar import" (p. 9503).

Donald Rand testified that he was at Root's on one of the two nights "to make sure that none of our people got into any difficulty," having been informed by telephone that Desmond "was down there taking down names or some such thing" and that a "bunch of policemen" were "secreted in various sections of the street" (p. 9291). He estimated that 8 or 10 strikers were present. One, he said, was Roger Bliss, who got into an altercation with a plainclothesman outside, claiming that the man had jumped him. Rand recalled that he had advised Bliss not to resist arrest, and that charges against him were later dropped.

Reviewing the lengthy period of violence and vandalism through which Sheboygan had passed, Mayor Ploetz declared that he could not have done "any more than I did" to cope with it.

Mr. KENNEDY. You were working with the other law-enforcement officials in the area?

Mr. PLOETZ. Yes, Mr. Kennedy, I did.

Mr. KENNEDY. It seems to me that it is a most unusual law-enforcement program that you have out there.

For instance, in the middle of the strike while these acts of vandalism were going on, and there was this bitter feeling between the strikers and nonstrikers, the sheriff, who is in charge of the whole area, receives a major financial contribution from the union. In the meantime, the chief of police in charge of Kohler Village is working for the village in which Kohler Co. pays 80 percent of the taxes, and 2 out of 3 work for the Kohler Co., and therefore his salary is being paid by the company.

During this same period of time, you are receiving support from the union, and receiving financial support from an organization that is closely associated with the union.

The deputy chief of police in the city of Sheboygan is having conferences with the representatives of the Kohler Co. about putting a tap on the union telephones, and the chief of police is having another conversation about putting a bug in the room of the union headquarters.

It seems to me that you have five people working out there, and it is not the closest and most amicable relationship that I ever heard of.

Mr. PLOETZ. Well, Mr. Kennedy, if you could have lived up in Sheboygan during this time, perhaps you could have a better insight of the story (p. 9449).

The basic complexion of the battle between union and company had begun to change by mid-1955. In this second phase, the UAW's

weapon was economic pressure, via a nationwide campaign against Kohler products.

That this campaign constituted a boycott the union readily acknowledged. What was in dispute between company and union was the nature and extent of the boycott, the manner in which it was conducted, and the original motivation behind it. The union, noting that it turned to this means only after the growing realization that the company did not want to bargain with it at all, asserted that its intent was to compel the company to bargain; the company, on the other hand, charged that the union's purpose was, in Conger's words, to place Kohler "under sentence of economic death" (p. 9506). He conceded, however, that the company had successfully weathered the boycott's economic effects—a conclusion which the union also admitted.

Signs of this major tactical shift to the economic front appeared as early as the autumn of 1954, when at the end of September local 833's weekly publication, the Kohlerian—a name since changed to the Reporter—noted a statement by UAW Regional Director Kitzman and State and county CIO officials calling on not only union members and their families but the public as well to refrain from buying Kohler ware. A convention of the State Industrial Union Council (CIO) at the end of October passed a resolution similar in nature, but with the difference that union workers were asked to refrain also from "installing" Kohler products.

Leo Brierather, who was put in immediate command as local 833's "boycott coordinator," testified that it was not until a membership meeting in March 1955, however, that the local "actually began talking about pursuing a boycott campaign" (p. 9647). The first step, he said, was to set up a "committee" to follow Kohler trucks; according to Lucius P. Chase, the company's general counsel, this technique was in evidence in May.

The union's self-styled overall aim of "taking its case to the public" was initially implemented, Brierather testified, by a "terrific mailing program" on the basis of lists obtained from "all A.F. of L. central labor councils, from all UAW locals, from the steel union locals, and as many as we could possibly reach" (p. 9652). Subsequently, he said, the international UAW decided to have the mailings backed up by "personal contact," and assigned Donald Rand. Rand's function was described by his superior, Emil Mazey, as the handling of day-to-day operations; Mazey said that he himself was the UAW officer ultimately responsible for the boycott program.

The local itself, Brierather estimated, had a boycott staff of 15 to 25, international headquarters about 11 or 12 representatives. Kohler Counsel Chase described the boycott field staff as "professionals, mostly international representatives or regional organizers;" beyond these, he said, "almost any paid employees of any union anywhere is likely to get into the act on occasion" (p. 9752). Conger noted that the UAW had divided the entire country into "boycott districts," whose representatives operated "full time" (p. 9508).

In and around Sheboygan County itself local 833's boycott efforts garnered the active support of unions otherwise affiliated. A strike broadcast on Station WBHL early in the campaign reported—

* * * the recent publicity given the Kohler strike through the clay boat situation has given the entire program a shot in the arm. * * * The willingness of organized labor to lend

a hand has certainly given us a lift in morale and, incidentally, has kept us busier than Edmund J. Biever dodging a National Labor Relations Board subpoena (p. 9584).

Rand described the scope of the boycott campaign as both printed and verbal. The first, he said, included distributing literature "dealing with the issues involved in the strike, the hardships of the people" (p. 9246), and an advertising program "advertising the fact that the Kohler Co. is an unfair company" (p. 9247). The second took the form of a "direct approach to individuals and groups," including, he said, other unions and plumbers' conventions. City councils and State legislatures were also talked to, Mazey testified.

Added to the printed and verbal forms of activity was a third; Rand affirmed that he had personally participated in groups carrying signs to the effect that "Kohler products are made by scabs" but would not agree that these gatherings "were picket lines as such" (p. 9249).

Rand declared that this particular form of endeavor had been engaged in at the start of the boycott but to his knowledge was no longer being done. Lucius Chase testified that there had been "no very recent instance, I mean within the last few months," but added: "We never know when they have stopped something because it may start again" (p. 9790).

The follow-the-truck campaign, Rand explained, had as its goal the ascertaining of where Kohler products went, in order to "try to develop some sort of a boycott program as such." But, he added, this project was the local's brainchild, and he knew of no set procedure the truck-followers were to follow.

Brierather, shedding light on this point, testified that they carried "a few signs," and literature which they distributed if "there was anybody there to take it." In a few instances, he said, they picketed the truck destinations, but so far as he knew they made no effort either to induce the drivers to turn back or to force the trucks off the road; in fact, Brierather noted, his campaigners were specifically instructed "to maintain a different distance" (p. 9649).

A first-hand account of the work of the follow-the-truck committee was provided by Roy Johnsen, one of its "dozen to 15 or 16" members. Johnsen testified that he volunteered for these missions to get "credit for picket duty," since in order to receive strike assistance "we had to put in so many hours a week" (p. 9730). Expenses for the trips were also provided, he said, probably by the international "because I think our local is broke" (p. 9743).

When he and his mates set out, Johnsen went on, they had no idea where they would end up. At the truck's destination they would check in with the union and also "relate the Kohler story" to "whoever would stop and talk to us" (p. 9728). They also picketed the truck's delivery point, he said, but only at the time the truck was there, and not if it was pulled inside but only if they had "clear vision" of it (p. 9729).

They also kept an eye on the unloading, Johnsen said, because the purpose of the boycott was "to find out the truth," and the unions had heard rumors that the trucks were leaving the Kohler premises "half loaded, empty, and everything else" (p. 9745). He did not recall that

he had engaged in any harassment of a truckdriver or that he had ever tried to force a truck off the road—

It would be pretty foolish to try and force a "semi" off the road with a car (p. 9732).

Introduced into the testimony was a written report by Johnsen to the union, a practice which he said he regularly pursued, concerning a truck-following trip to Iowa. Questioned about a notation that the driver was "scared stiff," Johnsen opined: "Probably his conscience was bothering him" (p. 9741).

Neither Rand nor Brierather felt that the follow-the-truck campaign amounted to much; Brierather dubbed it a downright "big flop" (p. 9649) which was discontinued, he reckoned, after about 60 days.

As to the activities in which the follow-the-truck committeemen had engaged outside where the trucks were unloading, Walter Reuther testified that it was his understanding that they were not picketing but "demonstrating for the purpose of advertising" the boycott. He added:

Maybe you start splitting hairs. I am not interested in that, really, because it gets no one anywhere.

The facts are that they were supposed to be advancing a legitimate and legal primary consumer boycott. Sometimes people are overly enthusiastic and they get a little bit out of bounds. But where we found that was the case, we did everything we could to correct it as early as possible (p. 10010).

After the failure of the truck campaign, "another gimmick, so to speak," was hit upon, Brierather said, in the shape of caravans, also called "boycott on wheels." As he described them, they were 1-day companionable affairs in which some 25 carloads of people would travel to Milwaukee, Racine, Kenosha, Appleton, and other communities and drive through the main streets at key shopping hours, displaying large signs exhorting viewers not to buy Kohler products and distributing leaflets and handbills to the same effect.

The strikers themselves supplied the cars and signs, Brierather added, and the local the gasoline. By arrangement, law-enforcement officials in the communities visited would provide "the proper right of way" for the parade, and in the few cases where permission to parade was refused the caravan members were allowed to distribute the literature, which the UAW international furnished.

In its presentation of its side of the boycott story, the company took no note of these excursions, but attached far more weight than the union had to the follow-the-truck campaign, as did a number of truckdrivers who had been trailed. Kohler testimony flatly labeled the campaigners' activity at the unloading points as picketing; further, said Conger, one truck was followed to Sioux Falls, S. Dak., "which is quite a ways for a truck to be followed" (p. 9787), another was "shot at" (p. 9507), and the homes of some truckdrivers were vandalized.

Of about a dozen cases of so-called ambulatory picketing cited by Kohler witnesses, the two to which they devoted the most attention concerned a Milwaukee firm, F. R. Dengel Co., a Kohler distributor, and the Neis Co., a plumbing and heating contractor and customer of Dengel, located in nearby West Allis.

These cases were detailed to the committee by Kohler counsel Chase, who testified as to what he had heard about the cases.

The incidents involving the Dengel and Neis firms took place within a week of each other and, as described by Chase, followed a similar pattern. Although in both cases the Kohler Co. itself was making the deliveries, Chase noted that the Neis Co. was not a direct customer of Kohler but of Dengel, therefore "our customer's customer" and "twice removed from us." He cited this as an example of picketing on what he called the "second level down" (p. 9787).

The picketing at the Dengel Co., Chase recalled, first took place on May 25, 1955, with four pickets patrolling back and forth at the end of the alley where the truck was being unloaded and calling the driver "abusive names;" later, he said, they were joined by UAW international representative Ray Majerus, who "loudly led the yelling." Two days later, Dengel was again picketed, with Majerus once more present. This time, Chase noted, Desmond and two company men with cameras were on hand; Majerus warned one not to take any pictures of him or he would neither have the camera nor "appear in any court." Further, said Chase, Majerus actually "grabbed at" the camera of the other man, whereupon two policemen pulled him away.

That same morning, Chase testified, one of the pickets talked to drivers of other trucks present about "scabs" and "scabware," and during the unloading, Roy C. Lane, president of Teamsters Local 200, "stood near the pickets and gestured local 200 drivers away" (p. 9756).

Desmond himself testified that he and the photographers were at Dengel that day " * * * to record whatever was necessary in the way of evidence which would assist us at some later time if it became necessary to do anything about it" (p. 9778).

Roy Johnsen of local 833's follow-the-truck committee, although not one of the pickets named by Chase or Desmond, said that it was "very possible" when asked if he had picketed Dengel around June 1 of that year.

Senator CURTIS. Did you say anything to the people with the camera?

Mr. JOHNSEN. I don't recall, sir.

Senator CURTIS. Did you say, "We don't need cameras. We can smell you."

Mr. JOHNSEN. That is possible (p. 9743).

Johnsen also said it was "probably" true that someone of the people around the unloading dock at Dengel was called scabby, adding—

* * * The word "scab" was used many times in this strike, and it is still going to be used (p. 9742).

The Neis Co.'s unloading dock was picketed 4 days after the second Dengel episode by seven men led by UAW international representative Donald Rand, Chase testified, adding that Rand asked the proprietor not to accept the Kohler shipment and to stop handling Kohler products. When Neis refused, Chase reported, Rand took four pickets around the corner to the front of the Neis store, where they indulged in name-calling (p. 9757). Both this group of pickets and those left at the loading dock handed out circulars and told passersby not to buy Kohler ware, Chase said, and even after the Kohler truck had left, they remained at Rand's orders, as a result of which another truck-driver refused to unload.

The picketing at Neis went on daily for several months, Chase said, adding:

The actions were much the same, with occasional changes in the cast of characters.

As time went on the pickets became more bold, trespassing on the customer's property to peer into the truck or into the warehouse in order to identify products being delivered and shipping data on the crates. They made detailed notes (p. 9757).

The chief bit of new data added to this account by eyewitness Desmond was that while Rand was "positioning himself" in front of Paul Jacobi, the Kohler employee who was taking pictures—

I got too close to him one time and he said "You better keep away from me, Desmond. I am looking for an opportunity to get at you" (p. 9781).

Rand remembered asking "somebody connected with" the Neis Co. to "consider the problems of the Kohler strikers," (p. 9867), but could recall no discussion that day with Desmond. As for Jacobi, whom he characterized as the company's "famous cameraman," Rand identified him as the same person who had "tried to provoke me into an incident" during the home demonstrations in Sheboygan, and that at the Neis Co. Jacobi and Desmond—

* * * slowly went around the block.

I don't know what they were doing—trying to get more evidence to try to provoke us into certain acts. They weren't successful (p. 9869).

Kohler-owned vehicles were not the only targets of the union's follow-the-truck campaign, Lyman Conger testified. Common carriers transporting Kohler products were also subjected to the treatment, he declared, mentioning the J. L. Scheffler Co., which he said had its trucks not only followed but one shot at, its drivers victimized by vandals, and its Chicago unloading docks picketed.

Testimony was heard from three Scheffler drivers, two of them members of Teamsters Local 56 in Sheboygan and the third a member of Teamsters Local 710 in Chicago. The two members of the Sheboygan Teamsters local, Arthur Butzen and Joseph Schinabeck, testified that its assistant business agent had given them permission to cross the Kohler picket line. The third driver, Leroy Taylor, testified, that he had had received no definite instructions from his union, but that—

* * * Mr. Scheffler had talked with the business agent of this local, of the Chicago local, and the business agent had made a statement to Mr. Scheffler that our union was not on strike and neither was the Scheffler Transport Co., and Mr. Scheffler instructed me to go into the plant (p. 9699).

All three attested to experiences of a sort which, they said, had never befallen them prior to the strike. In March 1956 Schinabeck's Main Street home in Sheboygan was paint-bombed, four jars' worth, incurring \$1,000 damage which, he testified, the Kohler Co. paid even though he was not in its employ. Butzen, who lives about a mile and half south of Sheboygan, suffered damage to his home on

three separate occasions in 1955, when two rocks were thrown through his picture window, when the same pane had a hole put through it by what "appeared to be a lead slug or probably a marble" (p. 9710), and finally when three shotgun blasts were fired through the front door and two into his car.

Butzen also was shot at, he thought, while driving his Scheffler truck to Chicago. He saw an approaching car put on bright headlights, and as it came alongside his trailer, he heard a blast which he attributed to a blowout. He checked but found none, and continued on. In Milwaukee, Butzen said, another Scheffler driver caught up with him—

* * * And he asked me if I was shot at on Highway 28. Well, I started thinking and, of course, I remember this blast, and he said he definitely was shot at because he had seen the blast or the flame come out of this car as it passed him (p. 9713).

The next morning, Butzen continued, they heard that a farmhouse at the same location where the second driver had been shot at had had a window shot out that evening.

Butzen offered the information that while he didn't think "scab" was a term that could be applied to himself, "If I was called a strike-breaker, I would say that would be the correct name for me" (p. 9719). He felt that there were "a lot of fellows that probably would have liked to have beaten me up," because he was one of the first drivers in the Sheboygan area to cross the Kohler picket line.

The third Scheffler driver, Leroy Taylor, then a Chicago resident, since of Sheboygan, testified to several separate highway incidents he had experienced while traveling the route between Kohler and Scheffler. First, he said, one rainy day a driver in a convertible with the top down and no license plate pulled in at the gas station where he was parked and cursed and swore at him, mentioning nothing about the Kohler Co., however.

Mr. KENNEDY. Just swearing at you?

Mr. TAYLOR. Just cursing and trying to aggravate us.

Mr. KENNEDY. For what reason did he say?

Mr. TAYLOR. He didn't say, sir (p. 9701).

With Taylor at the time, he recalled, was another Scheffler driver whom this car had "almost" run over just prior to the gas station encounter. Shortly thereafter, en route toward the Kohler Co., Taylor recalled, the same car drove up alongside him and a man next to the driver pitched a length of pipe at the cab of his tractor, hitting the door.

On yet another night Taylor was coming down the road about 7 miles from the Kohler plant, he said, when he passed a parked car which then put on its lights, as a signal he theorized, and almost immediately he came upon what looked like sawed tree stumps in the road; swerving to avoid them, he had a blowout and the fender was slightly damaged.

In the fourth and final incident Taylor described, during the evening rush hour on the north side of Milwaukee, a car with four people in it in front of him kept putting on its brakes, then would pull off on the shoulder of the road, then, when he passed, would cut him off. In this

instance, he said, he got the license number of the car and phoned the Stockville County sheriff's department, also reporting the number to Kohler, which, he testified, found out that the license number was "definitely registered under a Kohler striker's name" (p. 9708). Neither the company nor the sheriff's department, however, could find a record of this incident.

Of the three Scheffler witnesses, Taylor alone detailed his being followed while transporting Kohler products. This, he estimated, occurred thrice in 3 months, without harassment. The first time, as he arrived at his destination, Chicago, he said, the seven occupants of a station wagon which had been bringing up the rear all the way from Kohler also pulled in, got out, and "started immediately picketing Mr. Scheffler's trucking terminal" (p. 9700). They carried signs and different banners, he recalled, proclaiming "something about scabs and not buying Kohler products and such as that," talked with Scheffler, and remained for about an hour.

Of the second major category of boycott activity listed by Donald Rand, the "direct approach to individuals and groups," Kohler witnesses had much to say. To the specific recipients of this approach listed by Rand and Mazey, including other unions, plumbers' conventions, city councils, and State legislatures, Lucius Chase added Kohler distributors, plumbing contractors, journeymen plumbers, architects, and home builders or owners. Chase asserted that a "boycott visit" to any of these people by a union representative " * * * however devoid of open threats, has an intimidating effect. Most people resent the implications and are strong enough to resist. Others are influenced" (p. 9760).

On the government level, anti-Kohler resolutions which Lyman Conger described as "almost identical" in wording and therefore "plain evidence" that they had all been drafted "at the same place, the UAW boycott headquarters in Detroit" (p. 9507), were passed by one branch of a State legislature, one county board, and nine cities. Of this total of 11 resolutions, either naming Kohler or in effect directed against it, Chase said that 7 were subsequently rescinded or not implemented.

The single State resolution, passed by the Massachusetts House of Representatives, urged that all of the State's purchasing officers and departments be instructed that—

It is highly improper and undesirable to purchase any goods or services from strikebound firms, or firms convicted of unfair labor practices who continue noncompliance with Federal labor laws and court orders; such as Kohler Co. * * * until the strike is settled (p. 9262).

This resolution, Chase asserted, was "slipped through" on February 23, 1956, under a suspension of the rules. Chase attributed this feat to the fact that this was the day after Washington's Birthday and a legal holiday, with few legislators present; the minority leader, he declared, did not know that the resolution had been introduced, let alone passed, until the newspapers carried the word. The resolution

never became effective because it was acted on neither by the State senate nor the Governor, Chase noted, adding:

It may be of interest that in a remodeling job of the state-house where the resolution was adopted, Kohler plumbing fixtures were used. That is a "plug," Senator (p. 9773).

The Los Angeles County Board adopted a resolution against the purchase of any goods or services from firms "presently violating Federal labor laws and court orders." Passed on April 5, 1956, the resolution did not name Kohler nor, Chase asserted, did Kohler "fall within the terms, but union propaganda left no doubt concerning the target" (p. 9754). The measure was to take effect upon approval by the county counsel, who subsequently advised the board that it was "illegal," Chase said, and the board rescinded it 15 months after its passage.

Of the nine anti-Kohler resolutions passed by city councils, Chase counted four in Connecticut, in Waterbury, Ansonia, Bristol, and New Britain; three in Massachusetts, in Boston, Lynn, and Worcester; and two in River Rouge and Lincoln Park, Mich. The "impetus" in both Massachusetts and Connecticut was credited by Chase to UAW international representative Ovide Garceau. Of these nine resolutions, he said, all but those in New Britain, Boston, Lynn, and Worcester were either rescinded or blocked elsewhere along the municipal line.

Even the three Massachusetts city resolutions which remained outstanding, Chase asserted—

do not seem to have been effective. For example, Kohler fixtures were installed on the only municipal project in Lynn immediately after the resolution was passed (p. 9755).

He noted that the passage of anti-Kohler resolutions was also sought, albeit unsuccessfully, from the Connecticut cities of New Haven, Bridgeport, Norwalk, Norwich, Shelton, and Torrington, and from the Milwaukee County Board, where the vote was 12 to 9 against. In addition, Chase charged that UAW and local union "political pressure" had also been applied, with respect to specific projects, on other such bodies as school boards, and had prevailed in a few cases.

Chase commented:

Neutrality is the only tenable position for public officials to take regarding a labor dispute. True neutrality consists of buying just what one would buy anyway without regard to a strike, not buying or refusing to buy a product simply because of it (p. 9755).

UAW international representative Burkhart expounded the union viewpoint on this score:

I think on the lower governmental level, these people who are in the city councils, are not faceless nonentities, and they evidently have been elected to their position because they have some leadership in their community.

If I go in and talk to them, and I haven't, but if I should go in to talk to them and try to convince them of the justice of our position, I am certain that as soon as this is found out, that Mr. Conger or Mr. Kohler are going to have somebody in there giving the other side of the story.

Now, this is a democratic deliberative body. They will make a decision for us or against us, and I would not want to take away from them that right, nor would I want to take away from the citizen the right to go and importune his Senator, or his city councilman, and his State legislator or whatever it might be.

To me, this is a democratic system (p. 8654).

Burkhart asserted that while there was a UAW boycott against Kohler, there was also a Kohler boycott against the UAW. Just the night before his testimony, he reported, he had received word that the union had lost an election at the H. C. Smith Oil Tool Co., of Compton, Calif., by a vote of 216 to 92, whereas the previous year the vote had gone against the UAW by only 1 vote, 136 to 135. The UAW representative there, Burkhart said, had informed him by telephone that the company "put out the whole Kohler package" on the day of the election. Burkhart declared:

* * * this whole Kohler package is all over the country, and every antilabor public relations firm that supplies employees with this material has this. It goes all over the country against the UAW (p. 8654).

Of all the various groups treated to the "direct approach" by the boycott campaigners, Kohler testimony bore down most heavily on the efforts the UAW had directed at certain sectors of the plumbing-fixture industry. That this should have been of major concern to the company was expectable, for the union's move here constituted a thrust straight at the Kohler jugular.

Included in this part of the boycott campaign, company executives Conger and Chase testified, was the Plumbers International Union itself—the United Association of Journeymen and Apprentices of the Plumbing & Pipe Fitting Industry—as well as wholesale plumbing distributors, plumbing contractors, and such prospective users of plumbing fixtures as architects, mechanical engineers, and home-builders.

The union, Conger said, although "importuned to pass a resolution instructing their members not to install Kohler goods," refused "on the ground that it would be illegal" (p. 9509), instead restricting itself to a resolution of strike sympathy.

Conger declared the other targets of the boycott drive within the plumbing industry "have been importuned not to use Kohler materials with covert and sometimes open threats of picket lines, labor troubles, slowdowns, or sabotage if they insisted on using Kohler material" (p. 9508).

Chase cited about a dozen cases, in Atlanta, Chicago, Dayton, Detroit, Memphis, and Phoenix, as chapter and verse on this point. He singled out Peter Gasser, a Kohler striker employed by the UAW as a "boycott promoter," as especially active on the Chicago front. Among Gasser's efforts, he said, were repeated telephone attempts to pressure a plumbing contractor; a call to a mechanical engineer en-

gaged in building schools, in which he declared that the projects "might encounter construction difficulties" if Kohler products continued to be specified and approved; and a call to an architect saying that the use of Kohler material might slow up completion of the Illinois Bell Telephone building at Barrington, Ill.

Chase's bill of particulars also included Donald Rand and Emil Mazey. Rand, he said, complained to a partner of the Michigan Generator Service, the Kohler electric plant distributor in Detroit, about its Kohler exhibit at the Detroit boat show, and reminded him that "they could picket the display at the boat show" (p. 9761); he also asked that the firm write the Kohler Co. urging a strike settlement. The meeting between Mr. Montgomery, a partner in Michigan Generator Service, and Rand, Chase said, was arranged by Emil Mazey.

Mazey, himself, Chase continued, together with Robert Burkhart, in May 1955 visited a "school job" in Port Washington, Wis., and told the contractor's foreman "that he had better not install Kohler fixtures" (p. 9782).

In reply UAW attorney Rauh testified:

Mr. Mazey's office records show that he was not in Wisconsin any time during the month of May 1955, and it shows all of his trips and he was not there (p. 9808).

The committee heard direct testimony from Harold E. Kuempel, a building contractor of Niles, Ill., as to his difficulties as a result of using Kohler ware. Kuempel, who estimated that he builds about 20 houses a year, testified that he had no contacts with the union, subletting his work. On one job, he said, he found five or six Kohler bathtubs, at that point "just roughed in" on the subflooring, scratched with some sharp object which had gone in "a quarter of an inch or a 16th" (p. 9826). On the subflooring itself were crayoned the words "stop using Kohler fixtures." After this incident, Kuempel said, he switched to American Standard plumbing fixtures "to stop any other encounter of any vandalism or whatever prevailed" (p. 9829).

Especially vulnerable to the importunings and threats exerted in the boycott campaign, Conger declared, was the plumbing contractor who had to get his help through a union hiring hall:

If the plumber's union business agent is sympathetic to the boycott the plumbing contractor may well fear that if he desires to use Kohler fixtures he will get no men assigned to him to install them or that the men assigned to him will be the poorest workmen or will slow down so that he will lose money on the job, or that a picket line may be established which will cause interruption on the job (p. 9508).

Conger pointed out that even though the plumbers' international union had itself refused to ask its members not to install Kohler goods, business agents of some locals supported the boycott. Chase indicated that of a total number of plumbers' locals he estimated at 700 to 800, the proportion was small:

The CHAIRMAN. Are you having any serious trouble getting your equipment installed anywhere in the country?

Mr. CHASE. We have in a few places.

The CHAIRMAN. How many? What would you say?

Mr. CHASE. Perhaps two dozen in varying degrees, not continuously but here and there and off and on (p. 9784).

As Chase saw it, "fear was the principal characteristic of the boycott." He explained:

* * * There were not so many instances where a plumbing contractor was actually stopped from installing Kohler fixtures. There were a great many plumbing contractors who were just afraid to take the chance (p. 9802).

The company's star example of this particular aspect of the boycott problem concerned two incidents relatively close to home, in Milwaukee, both involving the Knab Co., a plumbing contractor, and Plumbers Local 75. The "moving spirit" of the local was its business agent, Anthony J. King, Chase said.

The first incident occurred on a plumbing-installation project on which the Knab Co. was engaged in 1956 at the Air Forces Reserve Training Center at Mitchel Field. According to Richard H. Sharp, then a Knab superintendent and himself a member of local 75, the fixtures to be installed were Kohler-made. After the job had been "completely roughed in," Sharp said, some 11 plumbers started leaving, one by one, refusing to handle the material.

Mr. KENNEDY. For what reason?

Mr. SHARP. Well, I asked a couple of the boys why and they say it was their own opinion to leave and one of them did tell me he had received a call from the business agent telling him if he wanted to stay in the local and not be black-balled, he had better not put the fixtures in (p. 9818).

Sharp recalled that the Knab Co. wound up the job with three plumbers, finishing it "by the skin of our teeth" in the face of a \$400-a-day backcharge. The men who had walked off, he testified, went back to the hiring hall and were put to work elsewhere right away.

King, in his appearance before the committee, denied the Sharp story of the Mitchel Field affair in its entirety. He asserted that he and Sharp, in the time since the latter left the Knab Co., "have had a little difficulty" (p. 9851) and that Sharp was "vexed" with him. The difficulty, King said, arose out of Sharp's union dues delinquency; on being threatened with expulsion, he said, Sharp had asked for a withdrawal card which was denied to him, under the terms of the union's constitution, because he was then still working in a shop where the union had an agreement.

The second incident involving Knab and local 75 occurred shortly after the first, in September 1956. Only the month before the plumbers international union had voted not to refuse to install Kohler fixtures, citing the Taft-Hartley provisions against a secondary boycott. In September, King, in local 75's official bulletin, reported that the union's attorney had advised that "individual" members had a "right to refuse to handle Kohler plumbing ware and that they cannot be prosecuted for doing so" (p. 9766).

Around the time this bulletin was issued, St. Luke's Hospital in Milwaukee was building two new wings. According to Chase, the hospital authorities had "specifically requested" the architect for

Kohler fixtures—he had specified them—and the Knab Co., again the contractors on the job, was ready to install them.

Knab superintendent Sharp told the committee that the hospital's old building already contained Kohler fixtures, and that the hospital board wanted Kohler ware in the new wings not only for matching purposes but for maintenance, "so they would not have to have additional parts on hand" (p. 9818).

While Knab was in the process of loading the material for the job, Sharp said, he received a call from King predicting "trouble" if the Kohler fixtures were installed. Sharp recalled that he asked King what he meant by "trouble," and that King declared that the Knab Co. would get no men from the union hiring hall. Three days later Sharp's foreman, Carl Papp, walked off the job saying he "could not stand the telephone calls" he was getting from King; he was replaced, Sharp said, by the Mitchel Field foreman, who was transferred directly from that project without recourse to the union hiring hall.

King, in his testimony on this score, denied making the phone calls to Papp and, while conceding that he had telephoned Sharp, offered a different interpretation of the conversation:

* * * I called Mr. Sharp and told him "I am afraid you are going to have difficulty getting men for the reason that I am already experiencing difficulty in furnishing men for those jobs where Kohler fixtures are being used now" (p. 9850).

King explained that—

* * * Our capacity to furnish plumbers at times just is not large enough to take care of the demand. For instance, we were 50 plumbers short at the time when St. Luke's Hospital was begun, and there were at least 40 contractors waiting for perhaps a total of 75 plumbers at the time (p. 9852).

Sharp's assertion to the contrary, King said, he had furnished more plumbers to the hospital job during that period of time than any other contractor, including much larger ones. He added, "I was criticized by other contractors because I was channeling more plumbers into the Knab shop."

Subsequent to his phone conversation with King, Sharp said, the hospital board met, surveyed the question of switching to another brand of fixtures, and decided to stand by the Kohler product. At this meeting, Sharp recalled, was UAW International Representative Majerus, who "told the hospital board how poor the fixtures were and that they should not be put in the job" (p. 9820) and who also indicated, Sharp said, that the Community Chest might be boycotted if St. Luke's used the Kohler ware. The reply, according to Sharp, was that this would not hurt the hospital because its percentage from the Chest was small, most of the support coming from other donors.

Eventually, Lucius Chase declared, the Kohler fixtures were installed in St. Luke's new wings, but not until after a picket line had caused both the plumbers and the building trades unions to stay off the job over various periods of time. Chase testified that the line was made up of "so-called citizen pickets" and the union pointed out they had nothing to do with the UAW. The Kohler detectives monitored conversations of the pickets and their reports indicated that some of the pickets were members of the Brewery Workers Union. The hos-

pital sued 17 of them individually for conspiracy to interfere with lawful business and the defendants refused to testify, relying on their constitutional privilege and at the time of the committee hearings the case remained in "status quo" (p. 9760).

Two other efforts to insure that charitable institutions which bought Kohler products did not benefit from union contributions to local Community Chests were reported at the hearings. In the first instance, in January 1956, the Wisconsin State CIO, with which the UAW locals in the State are affiliated, announced that it would not donate to Community Chests in which institutional users of Kohler products had a part.

The second instance cropped up in March 1958, after the hearings had begun. In this case the AFL-CIO in Duluth voted to withhold support from the city's Community Chest unless it dropped one of its agencies, St. Mary's Hospital, which had refused to rescind a contract for \$7,000 in Kohler products ordered for a remodeling project.

The UAW's viewpoint on the Community Chest matter was set forth in a memorandum on the boycott prepared by UAW Attorneys Rauh and Redmond H. Roche, Jr. It declared that the union generally approached charitable organizations using plumbing ware the same way it approached "any other consumer"—with a request to "purchase and install a union-made brand." In a few cases where the organization had not indicated a desire to go along, the memorandum continued, union members in the area "quite naturally" became aroused, to the point of "threatening to withhold contributions to the community agency supporting the charity" (p. 9816). The memorandum noted that the union has always "discouraged such action," although "it is sometimes exceedingly difficult" (p. 9816).

Emil Mazey pointed out that both the UAW and the labor movement contributed "hundreds of millions of dollars yearly" to Community Chests, and that he himself has served on the Community Chest in Detroit, but he added that he didn't see "anything wrong" with "urging that the good union dollars ought to be used to buy good union products" (p. 8951).

Walter Reuther, however, observed of the Community Chest episodes discussed before the committee:

I think they carried this into an area of the community where it does not properly belong (p. 10235).

Reviewing the general conduct of the boycott, Kohler Attorney Chase decried the UAW's claim that it has conducted a "legal primary boycott." This assertion, he said, "stood exposed as a sham" as soon as the union undertook to picket "third parties," which "usually violates the law" (p. 9751).

Chase observed:

* * * I feel very strongly that when the battle goes beyond the immediate contestants in the arena, that it has gone too far.

I think that neutrals, these third parties, are not only the principal victims but the ones most in need of protection.

As soon as the effort goes beyond mere voluntary persuasion, the "Please, wouldn't you help us" sort of thing, it has gone too far (p. 9785).

Additionally, Chase declared, the ban in section 8(b) (4) of the Taft-Hartley Act against inducing or encouraging employees to refuse to install goods in support of a boycott may also have been violated by the inducing and encouraging of journeyman plumbers to refuse to install Kohler products. Chase cited an article in local 833's publication, the *Kohlerian*, on April 5, 1957, which pointed out that while a refusal by the "plumbers union" to install Kohler fixtures would violate the Taft-Hartley law, the "plumber as an individual" can refuse to install them. If he got fired for it, however, there was nothing his union could do for him, the article noted.

Chase argued that under the doctrine of the *Genuine Parts* case—

* * * if a union advises its members of their rights to refuse to handle products "as individuals," in a context where such advice constitutes inducing and encouraging them to take such "individual" action, it is in violation of section 8(b) (4) of the Taft-Hartley Act.

In other words, this would be a "concerted individual refusal," akin to the concept of "conscious parallelism" which has found a place in antitrust law (p. 9762).

Chase noted, however, that "additional evidence might be needed to establish a case technically" (p. 9751), and Lyman Conger, while declaring that the NLRB has "at least twice brushed aside this obvious subterfuge" of acting "individually in concert," acknowledged that the question of whether instructions so to act are an inducement and encouragement in violation of the act "may not yet be definitely settled" (p. 9509).

The UAW's memorandum on the boycott, especially prepared for presentation to the committee, labeled it a "consumer boycott" which "in no way" violated the secondary boycott provisions of the Taft-Hartley Act:

Our purpose has been simply to direct the attention of the public to the facts surrounding the Kohler strike; in other words, to tell the broadest possible section of the public the Kohler story (p. 9811).

The memorandum pointed out that the UAW had never "made any secret" of its boycott, and had confined its activities to "open appeals to the public to refrain from patronizing" Kohler. The company, it declared, now sought to "challenge the legality of our exercise of the constitutionally protected right of free speech" (p. 9811).

UAW Attorney Rauh pointed out that in spite of its charges of violations by the union the Kohler Co. "has never sued" the UAW and never taken any legal action about the "illegality of our alleged secondary boycott" (p. 9810).

As to the company's failure to take direct legal action, Chase observed:

* * * our attitude toward litigation throughout the boycott has been that it is a last resort.

We don't start litigation to punish someone vindictively for what has happened.

Any action we take by way of litigation or otherwise in connection with the boycott is geared to the future. We are interested in the next job, not the last one. And if we can

clear up a situation persuasively and without litigation, we do it (p. 9789).

Rauh acknowledged that charges arising out of the UAW boycott had been filed with the NLRB, not by the company itself but by other firms. There were three such cases, all alleging violations of the secondary-boycott provisions of the Taft-Hartley Act. The respondents in the first were both local 833 and the international UAW; in the second, the international alone; and in the third, neither UAW group but the Jackson County CIO Industrial Council of Jackson, Mich.

Under the consent decrees agreed to by the international in the two cases in which it was a defendant, Rauh pointed out, the Kohler Co. could have sought a contempt order if it felt that the union was in continued violation, but did not do so.

The first case, in Milwaukee, stemmed from the clay-dock affairs. The complaint charged that local 833 and the international, by picketing the Sheboygan dock on July 5, 1955, the Milwaukee dock at which the *Fossum* was berthed on or about July 7, and the Sheboygan rail yards on or about July 25, when the clay was returned by rail, and also by using "other conduct including threats and violence" on July 5 in particular, had induced or encouraged employees of the Buteyn Construction Co., the Chicago & North Western Railway, Hammill & Gillespie, and the Paper Makers Importing Co., importers of the clay, to engage in strikes or concerted refusals in the course of their employment with the objective of forcing these firms to cease using, selling, handling, transporting, or otherwise dealing in Kohler products.

At the end of August 1955, local 833 and the international signed what NLRB Solicitor James V. Constantine described to the committee as a "stipulation agreement," requiring them to cease and desist from picketing, engaging in any other manner in a secondary boycott with respect to the employees of the complainant firms or "any other employer" except Kohler. A month later the Seventh Circuit Court of Appeals in Chicago entered a decree enforcing the NLRB order.

UAW Attorney Rauh pointed out that in the settlement agreement the union stipulated that it admitted of no violation of law, and Emil Mazey quoted a statement at the time by the union lawyer on the case explaining that in view of the fact the NLRB hearings on the strike itself were then underway the union did not want to delay its case against Kohler "merely to defend ourselves against an unfounded charge" (p. 9052).

NLRB Solicitor Constantine was asked:

Senator MUNDT. In these hearings, Mr. Rauh has repeatedly emphasized that the stipulation in the uncontested part of the case expressly provided that the UAW did not admit any guilt, and that the stipulation was not to be admitted as evidence in other proceedings.

Does this necessarily differentiate this consent order from NLRB orders in contested cases?

Mr. CONSTANTINE. No, Senator; it is not unusual in settlement cases to have a provision that the party, respondent, does not admit by the settlement any guilt, and it is not un-

usual to provide that it shall not be admitted as evidence in any other proceeding.

But that, in my judgment, doesn't differentiate it from any other NLRB order in a contested case. The Board's order, if enforced by the court of appeals, is just as outstanding as any other order (pp. 9928-9929).

The second case before the NLRB involved UAW picketing for several days in the spring of 1957 of Hartshorn Bros., a plumbing contractor in Bellflower, Calif., near Los Angeles. Prior to that, Kohler Counsel Chase noted, someone identifying himself as a UAW representative "from the East" had asked Hartshorn "to go along with the boycott" and had been refused.

After consultation with Kohler, Chase testified, Hartshorn Bros. filed charges against the international UAW with the NLRB in Los Angeles, and the union again signed a settlement requiring them not to "induce or encourage" Hartshorn employees with the objective of forcing Hartshorn to cease doing business with Kohler.

Chase noted that Kohler had a showroom in Los Angeles and that the three pickets—a man and his wife and another man—"didn't have to picket the customer to get at Kohler Co. even if the argument were to be made that that sort of thing was legal" (p. 9787).

Emil Mazey asserted that the matter involved was one of "free speech picketing," and that—

* * * we weren't attempting in any way to stop the employees of the dealer from their work. We were merely expressing our views by picketing as a matter of one way of expressing our views that Kohler was on strike * * * when the matter was raised, we agreed we would end it (p. 8947).

In the third case, involving a Kohler distributor, the Link Co. of Jackson, Mich., respondent was the Jackson County CIO Industrial Council, which signed a settlement agreement similar to the other two. Link had previously applied for and secured a circuit court injunction against the picketing, Chase said, but because of "some doubt as to the legality of that injunction under the Federal preemption doctrine" (p. 9788) had also taken recourse to the NLRB.

Chase testified that the reason the UAW was not made a respondent in this NLRB case was because of ignorance at the time of the identity of UAW International Representative John Archambeault, who, he declared, had nonetheless taken part in pressure and threats on Link to discontinue handling Kohler goods and had also joined in picketing it.

It was plain that notwithstanding the company's denunciations of the union's activities in this field, it had survived them without basic hurt. Assessing the result to the date of the hearing, Lyman Conger testified that—

In our judgment the sales that we have lost because of the boycott have been more than offset by the sales that we have gained because of it (p. 9509).

Chase detailed this overall summation, declaring that the company was "at least holding its own competitively."

He noted that the decline in residential construction in the past 2 years had been "significantly felt" by the entire industry, but that

Kohler sales and earnings had been affected less than those of its competitors, "according to the latter's published reports" (p. 9768).

Chase was asked:

The CHAIRMAN. * * * Is the plant operating now to capacity?

Mr. CHASE. It is operating normally, Senator. It very seldom operates at all capacity.

The CHAIRMAN. You say it is operating normally. What percentage of capacity would you say? Let me ask this way, first: Is it back now in production to a level comparable to its production at the time the strike was called?

Mr. CHASE. It is, in relation to the potential market; may I point out, Senator, that approximately 900,000 homes were started in this past year.

The year before, about 1,100,000. The year before that, 1,300,000, and residential construction does represent the principal market for this industry. Now, in relation to the market available, we are in normal production by prestrike standards.

The CHAIRMAN. Of course, if they build a million less houses, you would sell a few less fixtures; is that correct?

Mr. CHASE. That is right.

The CHAIRMAN. On the basis of the economy in 1954 and on the basis of the economy in the construction program now, you would say that the company is back operating on a normal basis?

Mr. CHASE. Yes, sir. We feel we have maintained our competitive position (p. 9783).

The anti-Kohler resolutions passed by governmental bodies, Chase estimated, had lost the company "several dozen" projects throughout the country, including a large hospital job in Los Angeles. But in some of the other areas of the boycott, involving private consumers, he said, the company had "actually received business" specifically as a result of the strike "because a lot of people don't like to get pushed around" (p. 9775). He observed:

* * * Now, whether the greater impact is on one side or the other, no one can say, because most consumers just don't communicate, and they either buy or don't buy and keep it to themselves (p. 9775).

In answer to the question of whether the company had felt any "appreciable" injury from the boycott, he said that it had, in that "offsetting action" had to be taken, including a "better and harder job of selling" (p. 9783).

Chase testified that the company "made money" the first year of the strike, 1954, coming out with a net taxable income, and that it had a "much larger" net income in 1955, 1956, and 1957.

The CHAIRMAN. 1957 was a larger year than 1955 and 1956? Have you been increasing your profits each year?

Mr. CHASE. 1957 was the year of declining residential construction, but in relation to the market we felt that it was as good a year as 1955 (p. 9783).

Boycott Coordinator Brierather testified that the campaign had been "effective" where applied, but "not successful" in that not enough economic pressure had been put on Kohler to induce it "to come to the bargaining table and negotiate and bargain in good faith and try to get this strike settled" (p. 9675). He added:

* * * The battle is still in doubt, so to speak.

The CHAIRMAN. I know the battle is still going on. Now, a small company with less financial resources against a large union with great resources, such as the UAW, would be helpless and defenseless practically against such economic pressure; would it not?

Mr. BRIERATHER. Yes, sir. Similarly a smaller union would be helpless against the Kohler Co., too.

* * * * *

The CHAIRMAN. * * * the reason primarily that the Kohler Co. has been able to survive the boycott has been because of its financial resources which enabled it to resist and put up the fight; isn't that true?

Mr. BRIERATHER. That is very true.

The CHAIRMAN. You agree with me on that?

Mr. BRIERATHER. It is very rich, yes (p. 9677).

The "real injury" from the boycott, Chase declared, was to Kohler distributors, who depended on a relatively localized market. Some of them, he said, had "felt it severely" (p. 9738). The company had not paid any of them money to "resist the boycott or anything of that sort" (p. 9776), but—

* * * in an area where the boycott pressure seems to be verging on the illegal, we retain counsel and we have a community of interest with our distributors, we believe, and with the plumbing contractors, and with the owners and everyone interested in having the material installed (p. 9776).

The small distributors "very definitely" suffered more than the larger ones, Chase noted, because as a matter of practice they handle Kohler products exclusively, whereas a larger firm "has the resources to be a little more independent in running his own business" (p. 9803).

The case was cited of one Chicago jobber who complained that he had spent thousands of dollars advertising Kohler ware, and wondered how long he could go on selling it in the face of refusals to buy. Brierather was asked:

Senator CURTIS. * * * Do you think that it is right to attempt or to put such a man out of business, or to put him out of business by means of the boycott that you are directing throughout the United States?

Mr. BRIERATHER. Well, I believe that this, whoever it is, has the right to switch to another one, even if only temporarily. This man is put in the same position as the Kohler worker who has invested 20 years of his life making Kohler products, sir (p. 9671).

UAW Attorney Rauh observed:

* * * Of course a strike and a boycott hurts neutrals. When we go on strike in a city, any union, the grocer is hurt because there is less money for the workers to spend at the grocery store.

When you go on a boycott, someone is bound to be hurt but in a sense they are allies. The distributor is an ally of the Kohler Co. * * * (p. 9808).

How much the wielder of the boycott weapon had had to pay for using it could not be specified, UAW International Secretary-Treasurer Mazey told the committee, because expenditures for the campaign were included in overall figures for the strike itself. The total expenditure for the strike from its inception through December 31, 1957, he testified, was \$10,188,961.67.

Mazey broke down the sources of this sum as follows: The international's strike fund, \$9,814,000; UAW locals, \$207,579.34; other unions outside of the UAW, including the Brewery Workers and AFL groups, \$145,559.92; individual merchants, including some in Sheboygan, \$32,331.19; contributions to a local 833 choral group, \$9,238.02; and \$1,000 from about 15 other sources.

The \$10 million, Mazey said, went for strike assistance; payment of strikers' medical and life insurance premiums when the Kohler Co. cut off the insurance; payments of rents and utility bills in emergency cases, because, he said "many" of the strikers were faced with evictions and with the shutoff of their gas and electric utilities. Also included in the \$10 million expenditure was a \$246,453.43 item for "printing, publicities, radio, prints, photos, and signs" (p. 8988).

From an extensive study of the international's books Committee Accountant-Consultant Bellino testified that the union's bookkeeping procedure "definitely is one of the best methods we have seen in any union," noting it had an auditing division of about 22 men, whose reports are "identical with what certified public accountants would put out" (p. 10242). The procedure for keeping Reuther's personal records was likewise "entirely vastly different from the other union leaders that we have had before us and which we had investigated" (p. 10241), Bellino reported from a study of the UAW president's bank statements, canceled checks, and income tax returns from 1942 through 1956, all voluntarily submitted by Reuther.

The cost to the company of the strike—as apart from any loss of business—could not be estimated with any precision, Lyman Conger told the committee, noting that there were "shadow areas," which might or might not be regarded as strike expenses, as for example the salaries of supervisory personnel during the 54 days of mass picketing. Conger declared:

* * * I don't believe that anyone can make an accurate appraisal of what this strike has cost the company. There are certain fixed expenses that could be tabulated, but I would know no way of finding an absolute accurate or even an approximate figure of that (p. 9782).

In a review of other broad aspects of the strike, each side was asked to list the illegal or improper practices of which, in its opinion, the other side was guilty.

As Herbert V. Kohler saw it, there were five counts on this score against the union: the mass picketing for the first 54 days, the home picketing, the vandalism and violence, the boycott, and the "importation of goons from without the State" (p. 9937).

As Walter Reuther saw it, there were four "broad categories" with which the company could be charged: refusing to bargain with the union, attempting to break the union, creating a "small arsenal," and employing "informants and detectives and spies" (p. 10002).

Both sides were similarly asked to present their views of the strike issues still unresolved. The company did so in a "staff memorandum," the union in a letter from the three top officers of local 833, who also constitute its bargaining committee. The union listed five issues, the company these five plus three more. The five issues which both agreed remained unresolved included the reinstatement of strikers and rescinding of discharges, arbitration, seniority, pensions, and paid lunch time in the enamel shop. The three additionally described by the company as unresolved, but not so labeled by the union, were wages, seniority, and hospitalization benefits.

As to the five issues mutually listed by both sides, company and union presented them as follows:

On arbitration, the union described the issue thus:

Final step of the grievance procedure involving arbitration of grievances (p. 9643).

The company described it thus:

Arbitration: The union proposed practically unlimited arbitration which would have given a party having no knowledge of their business or responsibility for its successful operation the authority to make vital management decisions affecting the welfare of the company.

The company offered arbitration of the interpretation and application of the contract, i.e., all the power that a court of law would have (p. 9642).

On seniority, the union described it thus:

Seniority (10 percent deviation on layoff) (p. 9643).

The company thus:

Seniority: During June of 1954 agreement was reached on this subject due to company concessions.

Then the union raised a question of interpretation of a contract provision relating to layoffs which had been in the old contract and which the union had previously accepted (p. 9642).

On the enamel-shop issue, the union thus:

Lunch period in the enamel shop (p. 9643).

The company thus:

Paid lunch time in the enamel shop: The union demanded a 4-percent increase in the piece rates in the enamel shop to provide pay for eating lunch.

The company's position was that the union's demand was a thinly disguised demand for a 4-percent wage increase. The company offered two 10-minute lunch periods without pay (p. 9642).

As to these three issues just cited, the union declared that it proposed to settle them on the basis of the language contained in its 1953 contract with the company, and that, together with all other changes in contract language incorporated in the company's proposal of July 26, 1955, and with "the wage standards and classifications presently in existence" at the plant, "this would constitute the basis for a new contract between the parties" (p. 9643).

On the fourth unresolved issue mutually listed by company and union, pensions, the union described it thus:

Pensions: The union has withdrawn its demand for non-contributory pension plan and will agree to the present company contributory pension plan provided that the company will meet the minimum benefit of \$2.25 per year of service. Arrangements should be made to apply this minimum benefit to those workers who have already retired during the course of the strike.

Arrangements should also be made to permit employees who have withdrawn their contribution to the existing pension plan during the course of the strike to reinstate themselves under the plan (p. 9643).

The company thus:

Pensions: The union demanded a noncontributory pension plan. The company's pension plan is contributory, like social security, although the employee's contribution is less than under social security.

The company offered to make the minimum pension benefits under its existing contributory pension plan equal to the maximum pension benefits under the union's proposed plan (p. 9642).

The remaining unresolved issue cited by both company and union, which Lyman Conger asserted was the "razor-edge" issue (p. 9533), was the question of reinstatement of the strikers. The union proposed to settle this "entire matter" on the basis of the NLRB trial examiner's intermediary report of October 9, 1957, in which he sustained the company's action in discharging 57 strikers "guilty of serious or illegal conduct in connection with the strike," recommended that 33 others so fired be reinstated, and, beyond these, recommended that strikers desirous of returning to work be reinstated as they apply for reemployment.

As expressed by Conger, the Kohler position on the discharged strikers was that they would not be reinstated "unless we are compelled by law to do so, in which case, of course, we will" (p. 9532), and that as for the remaining strikers, the company was not willing to "discharge or lay off present employees" to create jobs for them. They would be reinstated as jobs opened up, Conger said—

* * * but understand that that may be a period of several years, or many years, and it may never come, possibly (p. 9512).

The three issues listed by the company as unresolved were union security, insurance, and wages. The Kohler staff memorandum noted that the union had changed its original demand for a union shop to maintenance of membership, but asserted that it had later "taken

inconsistent positions." As to the insurance issue, the company noted that increased benefits which it had offered "were acceptable to the union," and that it had offered to pay the increased cost for the employees, but that the union had insisted that the company also pay the increased cost for "dependents of employees as well." As to the wage issue, the Kohler memorandum declared that "we have no information as to the union's present wage demands" (p. 9642).

The union's letter outlining the issues that it regarded as still unresolved gave no indication that these three issues remained in that category. Additionally, Emil Mazey's prepared statement to the committee pointed out that as long ago as January 1955 the union had "expressed its willingness to do without any affirmative union security provision."

The situation remained unchanged when the trial examiner's intermediary report, issued on October 9, 1957, found that the company had—

failed and refused to bargain in good faith at all times after June 1, 1954, except during the periods between June 29 and August 5, 1954, and between August 18 and September 1, 1954, when its obligation to bargain was suspended.

Topping the list of the trial examiner's recommendations to the full NLRB was that Kohler "cease and desist" from "refusing to bargain collectively with the union as the exclusive representative of its employees in the unit herein found to be appropriate * * *."

With the issuance of the intermediary report, Walter Reuther testified, the UAW—

* * * advised the company in writing that we would accept the trial examiner's recommendation as a basis for settling the strike even though it was not favorable to the union in every detail, because in the broad areas of the problem it is favorable to the union and that is why we are prepared to accept it as the basis of settlement (p. 10236).

The company, however, filed exceptions with the full NLRB to the trial examiner's findings; such a step, Conger noted, is "almost automatic" by one of the parties involved "on things that they think are adverse to them" (p. 9514). One such point, he said, was that "* * * due to the change of employees, the lapse of time, we did not believe that this union any longer represented the majority of our employees" (p. 9942).

Herbert V. Kohler was asked:

Senator KENNEDY. What action has been taken by the employees which has displaced the UAW as the bargaining representative?

Mr. KOHLER. Well, men have quit, men have died, new men have been employed. It certainly disposes the working force differently (p. 9942).

To sit down with the union, Kohler said, "certainly would be to no purpose. We could not come to no conclusion, if it would be illegal to make an agreement with a minority interest" (p. 9941).

Walter Reuther, charging that the company was trying to shield its "moral responsibility to bargain in good faith by raising a legal obstacle when there are no legal obstacles" (p. 10154), declared that

under the law only the workers in a plant have the right to determine which bargaining agent they want to represent them. In the Kohler case, he said—

* * * the Kohler workers made that determination when they chose our union, and no other union has been so chosen by vote of the workers (p. 10150).

The procedure followed in making this determination, Reuther said, is an NLRB election, and when a union wins a majority vote this way, the NLRB can then legally certify it. The UAW, Reuther pointed out, is the only union which has met these requirements in the case of the Kohler workers and is therefore "the only legally designated bargaining agency with whom the company can sign a collective bargaining agreement" (p. 10151) until another union meets the same legal requirements. So long as there are unfair labor practice charges pending against Kohler no vote can be held to determine a bargaining agency, he declared.

Conger was asked:

The CHAIRMAN. * * * Do you feel now you have won the strike and there is no necessity for you to further bargain with this union?

Mr. CONGER. The answer to the first half I think would be "Yes," and the answer to the second half would be "No." We are always willing to entertain the idea of settlement of the strike. We would certainly like to see the thing wiped out if there is any reasonable means of doing so.

However, any settlement that we might make on that would have to take into consideration the rights of our employees (p. 9786).

The company would be willing to negotiate a strike settlement, he declared, but not to negotiate a new contract until the question of majority representation is established.

Added to this sizable roadblock to any UAW-Kohler peace, a sense of impasse was generated also by the patent low esteem in which the one side held the basic motives and fundamental character of the other.

Reuther, pointing out that the UAW has worked out 2,600 collective-bargaining agreements with corporations both large and small, declared:

Never in our long experience have we encountered an employer so possessed of fear and prejudice against human beings who seek to assert their inherent rights and the enjoyment of human dignity as the Kohler Co. (p. 9963).

One "central, uncomplicated fact" is essential to an understanding of the strike, he asserted:

* * * that the Kohler Co. forced this strike, has prolonged it, and has no genuine desire to settle it. The company's purpose during the 45 months of the Kohler strike has been to break the strike and to destroy the local union at the Kohler plant (p. 9964).

Conger saw the union in an equally uncomplimentary and destructive light:

This country cannot long tolerate union leaders who have become so powerful that they can and do take over and control law enforcement and justice. This is a danger at least as great, and in my opinion, greater than any racketeering of union leaders.

* * * We cannot tolerate any favored class in this country—a class that holds themselves above the law and entitled to use any methods legal or illegal to achieve their ends (p. 9485).

Each side additionally felt that the country at large would be the loser should the other side prevail. Conger predicted:

What has happened to this peaceful community will happen to any community that dares to disagree with the dictates of this all-powerful oligarchy * * * (p. 9485).

Reuther declared:

* * * if the Kohler Co.'s policy were a general policy, universally applied in American industry, we would have chaos * * * (p. 9999).

With these deeply held and evidently irreconcilable opinions, and with the plain indication of lengthy court litigation to follow any ultimate NLRB decision, the outlook for any permanent accord between Kohler and the UAW held scant promise.

JOHN L. McCLELLAN.

JOHN F. KENNEDY.

SAM J. ERVIN, JR.

FRANK CHURCH.

FINDINGS—THE KOHLER STRIKE

(AS APPROVED BY SENATORS McCLELLAN, KENNEDY,
ERVIN, AND CHURCH)

The premise of American labor legislation is that the give and take of good faith collective bargaining between union and management will resolve labor disputes and minimize strikes and lockouts. The hearings held on the UAW-Kohler strike between an employer characterized by the union as a practitioner of modern industrial feudalism and a union depicted by the employer as a ruthless oligarchy holding itself above the law demonstrate that when good faith collective bargaining fails, the sad consequence is only too often the compounding of fear, suspicion, distrust and an inability to resolve differences inter se.

The hearings held on the UAW-Kohler dispute were quite different from others that have been held by the committee. There were no charges of personal corruption and no evidence was presented of racketeering within the union. There was no testimony of misappropriation of union funds such as we have had during the hearings involving the Teamsters, Bakers, the Butchers Union in New York City, et cetera. In fact, the committee's chief accountant, after an examination of the books and records of both the UAW and of Mr. Walter Reuther, testified that they were well kept and that he discovered no evidence whatever of misuse or misappropriation of union funds. Rather than corruption and racketeering, the principal charges here by Kohler were that the UAW engaged in illegal and improper techniques during the strike—mass picketing, demonstrations at homes of nonstrikers, vandalism, and violence, and an unprecedented boycott—and by the UAW, that Kohler attempted to break the union by refusal to bargain, by creation of an arsenal, and by employment of labor spies.

The hearings held on the UAW-Kohler dispute also differed from previous ones in that both sides to the dispute cooperated fully with the committee. There was no invocation of the fifth amendment self-incrimination clause. Kohler and UAW records were made available for committee inspection and both company and union personnel testified freely as to their impression of the facts. The difficulty in making findings lies in the great divergence between company and union spokesmen on factual issues, not in a committee inability to obtain necessary witnesses who would testify on the points in dispute. Despite the almost total lack of agreement between spokesmen for the opposite camps as to the causes for the strike, the responsibility for subsequent developments, and the conclusions to be drawn from the disputed factual issues, certain findings concerning UAW conduct during the strike are supported by substantial evidence.

1. The committee finds that the UAW improperly maintained a mass picket line at the strike-bound plant during the initial 54 days of the

strike. Up to 2,000 strikers took up picketing positions around the company's property in lines echeloned 10 to 12 deep. On the few occasions when the flying wedges of nonstrikers attempted to pierce this cordon, pickets in the rear pushed those in the front and the sheer pressure of numbers swept those in the center of the melee off their feet. UAW witnesses testified that apart from a "little shoving" there was no violence, testimony generally supported by the police officials present. Union witnesses further testified that the large turnout of pickets exceeded all expectations, and that this turnout was motivated by reasons all apart from that of blocking free entrance to the plant, i.e., to give the lie to the Kohler Co. claim that this was a "minority" strike and, by show of force, to prevent a repetition of the bitterly remembered incident in the 1934 strike when, according to union witnesses, company guards had shot 47 strikers and sympathizers mostly in the back. This was disputed by the Kohler Co. officials. But, whatever the motivations for the mass picket line, the fact remains that the massing of pickets at plant gates had an inevitable effect of coercing employees to forego their legally protected right to return to work despite the strike and the UAW was required by the Wisconsin Employment Relations Board to discontinue it.

2. The committee finds that the UAW failed to take proper steps to halt the "home demonstrations," i.e., the picketing of nonstrikers' homes. In the dog days of late July of 1954, when the strike negotiations were at a standstill, Kohler workers returning from work found a gantlet of jeering "home demonstrators" awaiting them with coercive epithets and threats. The number of "demonstrators" grew each successive day until the middle of August, when the demonstrations ended by injunction order. UAW witnesses deny that the home picketing was instigated by the union, but concede that the union had not provided sufficient affirmative leadership to discourage it and further concede that it "could not win industrial disputes in front of people's homes." The committee deprecates this use of a man's doorstep as a battleground for labor-management disputes.

3. Property vandalism was rampant during the strike. Seven cars were dynamited, others were sprayed with acid or paint. Glass jars filled with paint were hurled through home front windows, and several residences were assaulted with shotgun blasts. In the city of Sheboygan alone, the principal home of the Kohler workers, there were 349 acts of vandalism. Both strikers and nonstrikers were targets of this vandalism with the ratio of nonstrikers to strikers about 8 to 1. Perpetrators of a handful of these acts were detected, in each case members of the rank and file from each side. The perpetrators for the bulk of these crimes are to this day undetected. Unlike the situation presented in earlier hearings, however, the failure to apprehend the criminals cannot be laid to police collusion with the union.

The Kohler village police force was 80 percent financed by taxes paid by the Kohler Co., and the police chief reported to a board consisting in the main of "loyal" Kohler employees. In 1952, when the Kohler employees voted to affiliate with the UAW, he augmented his regular force of 4 policemen with 45 special deputies. When the strike began in 1954, he added 45 more deputies, all except 1 or 2 from the ranks of Kohler workers.

The city of Sheboygan police chief also diligently sought to detect the criminals, centering his resources on the union. He even assisted the Kohler Co. private detectives in an attempt to "bug" the hotel room where out-of-city union officials stayed while in Sheboygan, and cooperated with the Kohler Co. detectives in checking a union official's mail and phone calls. The Kohler Co., not content with the efforts of these two police forces, expended over \$40,000 in fees for "labor detective agencies." These detectives centered their interest on the union hall, shadowed union men suspected of vandalism, maintained a "check" on the hotel room of the out-of-city union officials, planted informants (both men and women) on the union picket line, in the union headquarters, in the taverns frequented by strikers, and in the union strike kitchen. This close surveillance of union personnel did not bring about the discovery of any criminals.

The committee also heard testimony from two witnesses that union officials were present in the union headquarters on the third day of the strike when they were verbally threatened with physical violence unless they joined the union. This was denied by union witnesses.

4. The major physical disturbance of the Kohler-UAW strike took place on July 5, 1955, when a holiday crowd of spectators suddenly turned to wrecking the equipment used by the Kohler Co. to unload a boatload of clay destined for its strike-bound plant. In the manufacture of its vitreous chinaware, the Kohler Co. imports large quantities of clay from England, delivered direct to Sheboygan in chartered ships. From five to seven cargoes come in every year. The company had no trouble getting the clayboats in or out during 1954, and just why the trouble erupted on July 5, 1955, is much in dispute. The union testified that the company provoked and inspired the trouble by publicizing the arrival of the clayboat with advance warning to the city council that trouble could be expected, and by sending Plant Manager Biever to the scene. Biever was known as "Butcher Boy Biever" to the strikers, because he was believed to have fired the first shot in the 1934 strike killings, and because he had earlier during the 1934 strike been convicted of running down a picket with his automobile. The company attributes the trouble solely to union provocation.

The multitudinous testimony on this incident discloses this thread of events. At approximately 7 o'clock in the morning the trucks and heavy equipment of an independent contractor named Buteyn arrived at the dock area to begin unloading and was there met by a small group of UAW pickets headed by Donald Rand, a UAW international representative. Cornelius "Happy" Buteyn, in charge of the trucks, testified that Rand warned that he would "pull out all the stops to prevent the loading and unloading of the clay." Rand denied this statement, but admitted that he told Buteyn the union would cover any losses he might suffer for refusal to go through with his Kohler contract to unload the boat. Policemen present testified that the truck-drivers refused to cross the picket line, and as a consequence Kohler Plant Manager Biever agreed to rent the heavy unloading equipment and supply his own trucks. The heavy equipment was left in the street pending arrival of the Kohler Co. unloading crew. News of the event was broadcast on the local radio station, and a holiday crowd of spectators swelled to the scene. This crowd was described by witnesses as peaceful. At mid-morning Biever returned to the scene, had

trouble getting his car through the crowd, and was thought by spectators to have hit a woman bystander. The temper of the crowd immediately changed, the shout went up that "Biever's done it again," and Biever had difficulty in getting his car out of the area without mishap. Kohler witnesses denied he had hit the woman. One testified that the woman threw herself on the hood. A policeman present testified that the woman was "quite active" in demonstrations and that the district attorney had refused to issue a warrant against the driver of the car because of this incident. At approximately 11 o'clock the honking of horns heralded the arrival of the Kohler Co. unloading crane pulled on a big truck driven by company personnel. As it started to turn into the dock area, the crowd swarmed around it and stopped it, puncturing the tires and the gas tank. The company's construction manager was pulled out of the cab and hit. One company witness said he was "very badly beaten"; another company witness testified that "I don't know whether he was badly hurt. I think his glasses were broken * * * and probably I think he mentioned a pen was broken." Biever then returned to the area with police escort. When the car drove up to where the equipment stood, "Don Rand came over and cursed at him (the police driver) and said, 'What is the idea of bringing Biever down here? Do you want to create a riot?'" A crowd surrounded the car. "They rocked the car and threatened to tip it over." The policeman present testified that Biever's appearance was a mistake and seemed to "excite the crowd." The crowd stayed in the area until late that evening, when windows were broken in the two houses across the street from where the crane had been disabled, and the only car parked in the block, one owned by a Kohler worker, was overturned.

The part played by the UAW in this disturbance is disputed. The event took place during the Fourth of July week, which is a traditional holiday in Sheboygan, and many persons were present. Donald Rand asserted that neither strikers nor nonstrikers were there "as such." Police Captain Heimke, on the other hand, noticed that there were "quite a few" union buttons, and the spectators hung about the "fringes," whereas "immediately in the center, the core of the activity, the majority of them were Kohler strikers."

Heimke further testified that he spotted Graskamp, president of the striking UAW local, and asked him to appeal to the crowd to go home. Heimke recalled Graskamp said he had nothing to do with the crowd and was not responsible. Heimke said he made a similar request to Donald Rand and received the same response. Rand disputed him, saying that he had urged people to go home and that at his request, Emile Schuette, now president of the Sheboygan County Labor Council, made a speech urging the crowd to disperse. Rand's position was bolstered by an affidavit submitted by Schuette.

5. In June of 1954 a shotgun blast was fired into the home of a non-striker named Harold Curtiss, and Kohler broke off negotiations, refusing to bargain "under conditions as these." The UAW contended the shotgun had been fired with Kohler knowledge, to provide an excuse for ending negotiations. Charge followed charge, and tempers flared. It was during this period that two individual UAW members each made an unprovoked and brutal assault on individual nonstrikers. These union members, William Vinson and John

Gunaca, were sent by the sister Briggs local in Detroit allegedly to lend only moral support to the Kohler strikers.

William Vinson, in a barroom, assaulted and beat up a nonstriker a head shorter and 100 pounds lighter than Vinson. The beating was unprovoked. He was knocked unconscious almost immediately, suffered three or four broken ribs and a punctured lung from which he contracted pneumonia. He was confined to the hospital for 3 weeks. Vinson testified that he was only given a "good stiff bawling out" by the officers of the international union and officers of the Briggs local.

Vinson was tried and found guilty of assault and sentenced to the Wisconsin State Prison where he served 18½ months.

Despite the fact that the union "bawled out" these men, the union employed counsel to defend Vinson, and the local and international paid the equivalent of Vinson's salary to the wife and family while he was in jail. In all they expended a total of \$10,079.70.

In another disgraceful incident, John Gunaca, in a filling station, attacked a father and son, William Bersch, Sr. and Jr., who were nonstrikers at the Kohler plant. The father sustained serious injuries including a fracture of a bone at the back of the neck and was confined to a hospital for 18 days immediately after the beating.

The father died a year and a half later, apparently from causes unrelated to the beating. Gunaca returned to the State of Michigan and although several pleas were made for extradition of Gunaca for trial in Wisconsin, extradition was denied by the Governor of Michigan. We were advised subsequent to our hearings that extradition was granted Gunaca on a plea of nolo contendere was sentenced from 1 to 3 years in jail.

Emil Mazey, UAW official, attempted to justify the union's payment for counsel fees and Vinson's salary paid as support of Vinson's family while he was in jail on the ground that "Vinson was a victim of Kohlerism." In a like vein the Kohler Co. paid the attorneys' fees for its employees charged with strike violence because the company "felt this was pure harassment by law officials." In earlier proceedings this committee condemned the union defense of union officials charged with looting the union treasury and accepting employer bribes. This committee then dealt with cold, calculated crimes against the union and its members and the exploitation of fiduciary positions. However, it is highly questionable whether union funds should be used to defend illegal acts such as the brutal violence committed by Vinson and Gunaca.

6. In the autumn of 1954, the UAW began a boycott campaign to put pressure on the company to sign an agreement. The boycott began with the traditional techniques: a call on union members and supporters to refrain from buying Kohler products, mass distribution of publicity giving the union side of the strike issues, and the picketing of the Kohler-owned display windows in various cities.

Three other aspects of the boycott program, relating to third parties, require closer attention. On several occasions UAW members picketed the premises of independent retailers who handled Kohler products. When complaint was made to the NLRB, the UAW consented to the issuance of an injunction prohibiting such picketing. On another occasion, according to company testimony,

the UAW requested the Plumbers Union "to pass a resolution instructing their members not to install Kohler goods." The Plumbers' Union refused on the ground that it would be illegal and restricted itself to a resolution of strike sympathy. Testimony that individual business agents of the Plumbers' Union engaged in the action refused by their international union is confused and contradictory.

Additional efforts to bring innocent third parties into the strike situation occurred when two local associations of trade unions (the Wisconsin CIO and the Duluth AFL-CIO) voted to withhold support from the Community Chest unless funds were withheld from charitable agencies purchasing Kohler products. Walter Reuther, commenting on the Community Chest episodes, said "they carried this into an area of the community where it does not properly belong." The committee believes that all these efforts to involve third parties in the dispute between the UAW and the Kohler Co. were improper.

7. Turning to the evidence directed against the Kohler Co., the committee finds that the company helped organize and support an independent union (KWA or Kohler Workers Association) and resisted the efforts of its employees to affiliate with the UAW.

In late August 1933 a group of Kohler employees obtained a charter from the AFL and tried to win an agreement from Kohler on wages, hours, and conditions of employment. The attempt at organization resulted in a bitter strike in 1934 with the killing and wounding of numerous union adherents. Shortly thereafter, Kohler assisted another group of employees in forming the KWA. In the ensuing contest between the AFL union and the KWA, the KWA prevailed and lasted for 19 years. During this period new employees were advised by foremen to join the KWA, the company supplied it with free office space and equipment, and made available an annual \$15,000 vending machine concession. In marked contrast with this friendly spirit toward the KWA was the company attitude toward the UAW. Top company officials painted the UAW as a "powerful and ruthless union oligarchy" and it is therefore not surprising that the company refused in 1952 to recognize the results of an election held on the plant premises in which the members of the KWA voted by over 2 to 1 majority to affiliate with the UAW. Kohler contended that union leaders had "rushed through" the vote before the membership had a "chance to consider" and therefore insisted upon another election. When this election took place, three contenders were on the ballot: the UAW-CIO, the UAW-AFL (headed by the notorious Anthony Doria and Johnny Dio), and a newly created Independent Union of Kohler Workers Association. UAW-CIO spokesmen testified that "the friendship between the UAW-AFL and the Kohler Co. was good," and the company "gave birth to" the Independent Union of Kohler Workers Association in an attempt to defeat the UAW-CIO. Whether or not these charges be true, it is undeniable that during the period preceding the 1952 election the company ran full-page ads and bought radio broadcasts stating that the UAW-CIO was leading the Kohler workers astray.

The antagonism between Kohler and the UAW was sensed by Kohler Village Police Chief Capelle, who takes instructions from the three-man police committee of the village board. When the Kohler employees first voted in 1952 to affiliate with the UAW, Chief Capelle augmented his regular 4-man force with 45 special deputies.

These deputies were trained in the use of tear gas and machineguns. There was "quite a bit of ado" about this, he testified, so a humane society was formed with himself at its head to insure the legal right of the village police to possess the weapons. Capelle denied that he augmented his police force at company request, explaining that when the union came into the community, "I felt that something may happen, and I wanted to be prepared."

8. The Kohler attitude and actions during the strike negotiations discouraged settlement of the strike issues. If Kohler had not already made up its mind to win the strike and to make no agreement with the union before the strike began, it is clear that after the mass picketing was started by the union the Kohler Co. attitude stiffened and it refused to take any genuine steps toward settling the strike. The company set out to win the strike and apparently did. The union charged that the company's purchase of gas shells, ammunition, etc., a week before the local union voted to strike was a clear indication of the attitude of the company and according to union officials showed that the company had no real intention of engaging in collective bargaining.

When during the 1954 strike negotiations the union believed that positions had hardened to the point where the disputants could proceed no further, it suggested the remedies of mediation, factfinding, and even arbitration. Religious leaders and officials at the local, State, and National levels offered their services to help resolve the strike issues. The company rejected all such offers but those of Judge Murphy, who stepped into the picture when asked by the company to enforce a Wisconsin Employment Relations Board injunction order against the union. The mediation efforts of Judge Murphy were fruitless. He testified that "the meetings amounted to gathering goat feathers" and that it was "perfectly obvious" that "the attitude of the Kohler Co. was that the strike had been won and that they had the union beaten, and that there was no point in their receding from any position that they had taken."

Other company acts which could only serve to deepen the cleavage existing between it and the union were the subject of testimony. The company maintained a file on 724 different strikers which contained "general information" whether strike related or not; and two of its time-study men (known to the employees as the "speed kings") were assigned with pen and camera to record every gathering of union members. The company threw up new blocks when the path to settlement seemed clear. For example, at one point the union told Judge Murphy that it would give in on all other issues and authorized him to settle the strike for a token wage increase. When Judge Murphy communicated this offer to the company, its leading officials refused to discuss the union proposal, and made settlement at that time impossible by an unexpected announcement that an indefinite number of unidentified strikers would never be reinstated because of alleged misconduct. A final illustration of the company's actions which kept emotions at boiling point is its announcement in June of 1955 that the union no longer represented a majority of its employees and therefore could not bargain for them. This announcement was consistent with the position it took from the beginning that the UAW was a union imposed upon the employees by fraud and that the strike

was a "minority" strike maintained and fostered by UAW "outside goons."

9. The use of labor spies, widely considered outmoded, was condemned in the earlier findings of this committee. The Kohler Co. spent almost \$43,000 for two "labor detective agencies." Company officials declared that the initial purpose of hiring detective help was "to get evidence of criminal acts of violence and vandalism," but the reports filed by the detectives did not mention this phase of their task until several months after they were hired. Initial reports concentrated on backgrounds of the UAW officials assigned to the Kohler problems so as to discredit their testimony in possible NLRB proceedings. Subsequently the detectives unsuccessfully sought to connect the union leaders with the strike vandalism, and to this end had agents on the union picket lines, in the union soup kitchen, in the union hall, in the taverns frequented by strikers, and in the hotel where out-of-State union adherents stayed while in Sheboygan.

The committee investigation focused, in a concrete and meaningful setting, on such bedrock questions as the following: to what extent does union use of a boycott constitute freedom of speech; are existing NLRB procedures adequate to resolve unfair labor practice charges; is it desirable to have a mail referendum preceding a strike call; are employers justified in buying weapons and hiring detectives; and the extent to which a community suffers when an adamant employer clashes head on with a powerful union. The resulting information has been of great benefit to the members of the committee.

This has been a classic example of labor-management relations at its worst—where the community, the worker, and management all suffer and none gain.

JOHN L. McCLELLAN.
JOHN F. KENNEDY.
SAM J. ERVIN, Jr.
FRANK CHURCH.

STATEMENT AND SEPARATE VIEWS OF SENATOR JOHN
L. McCLELLAN AND SENATOR SAM J. ERVIN, JR., ON
THE KOHLER, PERFECT CIRCLE, AND GOSSER-LOCAL
12 SUMMARY REPORTS AND FINDINGS

First we wish to emphasize certain aspects of the findings herein made by the Democratic members of the committee.

The union

From the evidence developed in the course of these hearings we are convinced and find that the UAW in the Kohler strike improperly engaged in:

1. Mass picketing as an economic force to coerce and prevent men and women from exercising their freedom and right to engage in work of their choosing at a plant where they were lawfully employed. (This mass picketing was improperly used as an economic weapon in support of a strike by the union against the Kohler Co.)

2. Mass picketing and acts of vandalism and violence directed at the homes and families of nonstrikers, which were intended to intimidate and coerce the nonstrikers not to work at the struck plant. (These acts were utterly indefensible in the light of the ancient legal principle that every man's home is his castle and the Biblical injunction implicit in these words of Micah 4: 4: "But they shall sit every man under his vine and under his fig tree: and none shall make them afraid: for the mouth of the Lord of hosts hath spoken it.")

3. Vandalism—the willful injury to, damage, and destruction of property.

4. Mass picketing and violence to prohibit the lawful unloading of a boatload of clay shipped to Sheboygan, Wis., for use in the manufacture of products at the struck Kohler plant.

5. Condoning of brutality and criminal assaults by outside union members who had been directed to the Kohler area by union officials to support and assist the local union in the conduct of the Kohler strike. (The providing of counsel by the union and payment of legal expenses for John Gunaca and William Vinson, and the payments of Vinson's salary while he was in prison, not only evidences approval of this violence by these union members, but it also served to encourage the use of further violence and vandalism as strike weapons in this dispute.)

6. The use of secondary boycotts by the union (now forbidden by the Labor-Management Reporting and Disclosure Act of 1959).

Some of the foregoing findings (with respect to violence and mass picketing) are also applicable to the Perfect Circle strike.

Management

We do not find management—the Kohler Co. and the Perfect Circle Co.—blameless. The attitude of the Kohler Co. was not conducive to bringing about a peaceable settlement of the strike. Its attitude

in many respects had, we think, the effect of discouraging peaceful and good faith collective bargaining. It is clear to us that the Kohler Co. decided (whether rightfully or wrongfully) that it would not seriously bargain with this union and determined to get rid of the UAW as a bargaining representative of its employees. For all practical purposes it has, in our judgment, won the strike and succeeded in that effort.

In the Perfect Circle case we have also concluded that both management and the union were guilty of improprieties, shootings, and violence. Neither the UAW nor the Perfect Circle Co. can shrug off its responsibilities for the violence that occurred in connection with that strike.

Richard T. Gosser and Local 12, UAW

In the Gosser-Local 12 case the record is crystal clear that this was an investigation by the Republican members. They insisted on conducting their own independent investigation and withheld and kept secret from the Democratic members of the committee all material, documents, and information they procured until they presented it in testimony by witnesses at the hearings. The chairman fully cooperated with them to the extent of issuing subpoenas for all witnesses and documents which the Republican members requested. It will therefore be observed from the record that after prolonged hearing, at which the Republican members were afforded full opportunity to present all of the facts and information they had procured by their investigation, the evidence adduced was quite inconclusive on many aspects of the issues involved.

We have submitted a separate statement on this hearing which will be found immediately following the Gosser findings in this report.

Other charges

In view of certain statements and charges made by the Republican members in their report of findings and separate views that should not be left unchallenged, we make these further comments:

From the inception of this Senate select committee, the chairman has strongly urged that it be organized as a completely bipartisan committee, composed of an equal number of Democratic and Republican members, in the sincere belief that to accomplish the objectives for which the committee was created it should rise above partisan politics in its deliberations and in the conduct of its work. We deeply regret, therefore, that we are forced to the conclusion that some of the findings and separate views of the Republican members in the Kohler, Perfect Circle, and Gosser-Local 12 cases, transgress the nonpartisan spirit in which the chairman has endeavored to conduct the proceedings and report our findings and conclusions.

It should be stated that at the outset of the Kohler-United Automobile Workers hearing a disagreement arose between the Republican and the Democratic members of the committee with respect to the procedures to be followed in the presentation of witnesses and the conducting of the hearing. After serious controversy this disagreement was finally resolved by the chairman's yielding to the demands of the Republicans, stating at the time that he was yielding not out of deference to the views of others, because he did not agree with them,

but out of deference to what he conceived to be a higher duty: to keep the committee from breaking up and in order to hold it together, if it was possible to do so, so that it might carry out its mission and assignment. The chairman further stated that if we proceeded as the Republican members desired, he would not accept the blame or the full responsibility for the results, whatever they might be, for he did not believe we were going to get the most satisfactory results by following such procedure. With this background the committee proceeded to public hearings.

At the opening session of the Kohler hearings the chairman made the following statement for the record:

There has been some controversy within the ranks of the committee over the proposed procedure for these hearings. I want to say at this time that any Senator on this committee who feels that any particular witness can shed further light on these cases can ask for that witness to testify, and he will be required to do so. Some 70 witnesses have already been invited to testify in order to present the committee with as broad a picture as can be obtained.

The Senate and the American people look to this committee to continue its efforts resolutely. To do less would be to shirk our responsibility and to bring comfort to those forces in organized labor and management who cannot stand the scrutiny of an investigation.

I only wish to make this comment about it: The proceedings that will be followed here are not the proceedings in keeping with the Chair's views as to how this matter should be presented. I have yielded to this procedure out of what I conceive to be deference to a higher duty and responsibility.

I believe the work of this committee, and I believe its task and its assignments and the importance of it transcend all other considerations of any person, any individual, any party, anybody's policy, or the political fortunes of any member of this committee.

I am interested in neither side, and I want to get the whole truth and get it on record, so that the public may know from sworn testimony what occurred, what was wrong, and what should be corrected (p. 8330).

The record reflects that the Kohler, Perfect Circle, and Gosser-Local 12 matters are contained in parts 21, 22, 23, 24, 25, 26, and 58 of the printed committee hearings. These hearings covered 32 days in which the committee received the testimony of 102 witnesses, testimony which is spread over 2,572 pages of the printed record.

The testimony in these hearings, in our judgment, could have been developed more thoroughly and presented more effectively had the Republicans permitted the chairman to arrange and conduct the proceedings in accordance with his judgment, as had been done in all previous hearings.

Criticism or a charge of failure to investigate these cases wholly lacks foundation and credibility. Walter Reuther, president of the United Automobile Workers, was a witness and testified for 3 continuous days. The Republicans were afforded, and took advantage of, the opportunity to ask him and all of the other 101 witnesses any

and all questions they desired. Every witness they requested was called. If they are unhappy and disappointed in the record they made, obviously the Democrats are not to blame for their failure.

In view of the fine contributions made by Republican members to the progress and effectiveness of the work of the committee in many instances, we deeply regret that they have now made, in their separate views, statements derogatory to Democratic members of the committee and of the chief counsel and staff of the committee. The partisan ring of such unwarranted derogatory statements is so revealing that it clearly obviates the necessity for us to make any defense of ourselves, and we shall not do so.

We assert, however, that the other Democratic members of the committee were diligent, intelligent, and courageous in the performance of their duties; that Robert F. Kennedy, chief counsel of the committee, assembled a most loyal, able, and competent staff of assistants and brought to the discharge of his duties courage, integrity, and industry of the highest order. We, therefore, heartily commend Robert F. Kennedy and all members of the staff for the magnificent job they did for the committee, for the Senate, and for our country. Their most excellent services have earned for them the profound appreciation and gratitude of the American people.

JOHN L. McCLELLAN.
SAM J. ERVIN, JR.

SEPARATE VIEWS OF SENATORS FRANK CHURCH AND JOHN F. KENNEDY

SUPPLEMENTARY FINDINGS ON THE KOHLER STRIKE, THE PERFECT CIRCLE STRIKE, AND LOCAL 12, UNITED AUTOMOBILE WORKERS, TOLEDO, OHIO

At the time that the committee's findings were prepared, we did not have the benefit of the "Separate Views" of the Republican members of the committee or of the appendices to those "Separate Views." An analysis of those documents, made available to the committee only recently, indicates a complete absence of one favorable word for the United Automobile Workers or of one critical word for the companies involved. Such a totally one-sided and distorted picture of our investigation does a disservice to the reputation for impartiality which this and other committees of the U.S. Senate have built up through the many years of their history.

Therefore, having considered the "Separate Views" and appendixes, we desire to record the following findings:

1. We hold the chief counsel and the staff of the committee blameless of the charges made against them. We reaffirm our confidence in the chief counsel and the staff, and we restate our belief that they have done the Nation a tremendous service in their fearless investigation of labor-management corruption without regard to political considerations.

2. There is no credible evidence of corruption, misappropriation of union funds, or collusion with the underworld in the United Automobile Workers. The union and its leaders have worked hard to keep the union clean, and the appointment of a Public Review Board to deal with this problem is to be commended.

3. The strikes at Kohler and Perfect Circle do not reflect credit upon either union or management. But it is noteworthy that the UAW has had no such difficulties with thousands of employers who, as contrasted with these companies, are willing to accept the letter and spirit of the law of the land and to live in good faith with the trade-union movement of America.

4. The strikes at Kohler and Perfect Circle highlight the necessity for good faith collective bargaining and the importance of speeding up NLRB procedures so that critical cases can be resolved before they fester and make good faith collective bargaining impossible.

FRANK CHURCH.
JOHN F. KENNEDY.

THE PERFECT CIRCLE STRIKE

(AS APPROVED BY SENATORS McCLELLAN, KENNEDY,
ERVIN AND CHURCH)

Of all varieties in the spectrum of human behavior, the least likely to accomplish any constructive good in a labor-management dispute is an act of violence or vandalism. A man is beaten or shot; a house is stoned, or defaced with paint, or its windows shattered by gunfire; a pasture fence is cut; a car is overturned, or sugar poured into its tank, or rotten eggs smeared on its upholstery. Such deeds may give temporary vent to anger or frustration, but as a substitute for reason at the bargaining table they afford no more than an exercise in futility.

Violence and vandalism characterized the course of two strikes consecutively examined by the committee last year, one at the Kohler Co. in Wisconsin, already discussed in this report, the other at the Perfect Circle Corp. in Indiana, during which the specific acts cited above, along with a host of others, took place.

Like Kohler, Perfect Circle is a family-owned firm of signal durability, now almost 75 years old; as at Kohler, the union with which it tangled was the United Automobile Workers. In noteworthy contrast to the still unsettled Kohler situation, however, the contenders at Perfect Circle have reconciled their differences, proof that any legacy of ill will left by violence and vandalism need not be a lasting one.

Before the strike started on July 26, 1955, Perfect Circle, which manufactures piston rings, had four UAW locals, one per plant, at its main factory at Hagerstown, its machining and sleeve-casting plants at Richmond, and its foundry at New Castle. When the strike ended on November 29 of that year, three of these four locals had been voted out in NLRB decertification elections; the sole survivor was UAW Local 370 at New Castle.

Despite this truncation of the UAW's role as bargaining agent, and despite its replacement by an independent union at Hagerstown and by no union at either of the Richmond plants, the resumption of orderly relations between company and UAW was a fact to which both sides were able to attest by the time of the committee hearings at the end of March 1958.

G. Robert Baer, Perfect Circle's general manager, testified that the company's relationship with the remaining UAW local at New Castle "has been very satisfactory" (p. 10268). UAW Regional Director Raymond H. Berndt testified that a "fragile bridge of understanding" (p. 10284) has begun to be erected. The 4-month-long strife of 1955 was plainly a memory which neither side wished to perpetuate.

Reviewing the origin of the conflict, both company and union agreed that it lay in the package jointly presented by the four UAW locals during negotiations for a new contract in the first half of 1955, when

the union sought a 21-cent-an-hour wage increase, greater supplemental unemployment, and retirement, and insurance benefits, the ironing out of wage inequities, compulsory arbitration, and a union shop.

Precisely what part of this package was to blame for the strike, however, was in dispute. UAW Regional Director Berndt declared that apart from the various economic issues, the "major deterrent" to a contract was the company's rebuff of the arbitration clause. Company president, William B. Prosser, on the other hand, asserted that the nub of the difficulty was management's refusal of a union shop.

Perfect Circle, said Berndt, had a "long history" of resistance to unionization. Prior to 1955, he noted, it had "forced" three strikes by its employees for "economic justice and union recognition" (p. 10285) and had 10 times formally challenged the UAW's status as bargaining agent; on 1 occasion, in 1951, the rival claimant was the UAW-AFL, controlled by the notorious hoodlum, Anthony Doria. Even as the 1955 contract negotiations drew nigh, he asserted, the company tried to "stir up dissension in the UAW" and to "evade bargaining in good faith" by giving the four locals 60-day notice of its intent to end the existing contract, citing as the reason for its decision the fact that the international UAW had recently raised the dues of all union members making over \$200 a month.

This increase, Berndt explained, was a temporary one from \$2.50 to \$7.50 monthly, "overwhelmingly voted" by delegates to the international convention in April 1955 to raise a strike fund in anticipation of strikes not at Perfect Circle, he said, but "at the larger corporations" (p. 10315).

The basic benefits which the union proposed in presenting its 1955 package to Perfect Circle, Berndt declared, were no less than had already been accepted by the major auto companies to which Perfect Circle sold its product, as well as by "hundreds" of other supplier firms. The union-shop provision, he said, was included as part of the UAW's nationwide drive on this score that year. He noted, however, that in previous contractual negotiations with Perfect Circle the union had yielded on this point, and that it was retained as a demand in the 1955 talks "because none of the other things had been satisfied, either" (p. 10313). The crucial item at stake was not the union shop, Berndt asserted, but rather the company's insistence upon "retention of a veto over the questions that might be arbitrated" (p. 10290).

Prosser denied that Perfect Circle was antiunion, saying that it fought only "what we consider to be union abuses" (p. 10264), and that its labor relations have always been good, although he drew a distinction between "employee" and "union" relations. The company, he noted, opposed not the principle of arbitration but the arbitration of principles, and could not consent to an arrangement whereby "some third party" might be so empowered, particularly with regard to the union shop, which was a "matter of principle," and, in his view, the crux of the 1955 conflict.

He attributed the pressure on this point not to local union members but to the international UAW, whose recent victories on the union-shop issue at other corporations, he asserted, had made it decide that Perfect Circle would be a "pushover," and that a strike would bring the company to heel.

The company, Prosser made plain, opposed the union shop both philosophically, in the belief that none of its employees "should be forced to join the union as a condition of work in our plants" (p. 10260), and practically, in the knowledge that the UAW did not represent a numerical majority at any of the four plants except New Castle.

With the breakdown of negotiations, a secret-ballot strike vote took place on July 25, 1955, the date of the termination of the old contract. How much support for the strike the vote represented was another point of contention between company and union witnesses. Berndt reported that of the 656 UAW members at the 4 plants, 415 balloted—340 for striking and 75 against; thus, he pointed out, nearly 66 percent of those eligible to vote did so and of those voting 82 percent favored the strike.

Prosser, using Berndt's statistics in the context of a total employment roll in the 4 plants of 1,322, came to a different conclusion. The proportion of those voting to strike, he noted, comprised approximately 50 percent of the workers at New Castle, 25.5 percent at the Richmond machining plant, approximately 20 percent at the Richmond sleeve-casting plant, and only 18 percent at the main plant at Hagerstown, which employed 728 people. From a purely practical standpoint, Prosser added, "you wouldn't sell 82 percent of your people down the river to satisfy 18" (p. 10374).

As long as a month before the strike, Prosser declared, intimations were made that it would be a rough one. He produced three affidavits filed with the NLRB by disenchanted union members who had attended prestrike meetings. One deposed that UAW International Representative William Caldwell had told the meetings that—

* * * we would have plenty of help and no one would go in and out of the plant while the strike was on. He said that if anyone needed their heads to be bashed in, there would be someone to take care of it (p. 10265).

Another quoted Caldwell as saying that "he would get us out of jail if we were put in for knocking heads," and that "there would be plenty of money if it was needed" (p. 10266); while a third attributed to Kenny Ammerman, then chairman of the bargaining committee, a statement that the union intended "to bring in thugs to do their dirty work" (p. 10265).

Asked to comment on these affidavits, UAW Regional Director Berndt said that the reference to bashing in heads didn't "sound like Caldwell's type of language," but that his use of the phrase "plenty of money" might have referred to "finances needed to finance a strike" (p. 10304). As to the third, he noted that before the strike was over Ammerman had gone over to the management side, working "on the company payroll as a guard" (p. 10304).

During the 4 months of the strike, Prosser estimated, some 200 incidents of violence and vandalism took place, their overall objective, he charged, "to keep employees from working and to keep the company from operating" (p. 10260). He asserted that such incidents, which he said began the morning the strike started and continued through "the entire affair," were a basic component of the "strike plan," along with the use of "outside help," and that the responsibility of the international UAW therefor was "clearly established" because

of the "active leadership of the international representatives of the union in the demonstrations and their participation in the conduct of the strike" (p. 10264). Merely to disclaim and denounce such violence, as the UAW had done, Prosser said, was "but to encourage it" (p. 10265). The international, he asserted, had the ability to prevent these acts.

The incidents of violence and vandalism came under two general categories, according to Prosser: those related to the picket lines and those occurring on highways and at nonstrikers' homes. He knew of no violence on the part of the company "unless you include the October 5 incident" (p. 10277), the crowning episode of the strike, to be detailed later in this report.

Among the types of injury visited on nonstrikers, company counsel Clyde Hoffman testified, were "ambushes and molestations on the streets, and all types of violence to the persons or property, cars and otherwise" (p. 10281). Some 180 to 190 such incidents, he said, had been tabulated by the personnel managers at New Castle and Hagerstown, also covering incidents at Richmond. The compilation, Hoffman acknowledged, had not been backed up by statements of the victims, but simply by "notes" that were kept.

The main damage to company property itself, according to Perfect Circle General Manager Baer, was broken windows at the New Castle foundry; he said that no estimate was ever made of the extent.

From the union point of view, what violence and vandalism occurred was, in UAW Regional Director Berndt's words:

* * * provoked by the hostility of an untypical company not yet fully accepting in good faith its collective bargaining responsibility (p. 10283).

Berndt pointed out that 112 agreements were made with other Indiana companies that year, with only 5 strikes, "none of which resulted in any violence whatsoever" (p. 10284); the Perfect Circle situation, he said, was therefore "an isolated instance" and "in no sense representative of the UAW" (p. 10283).

The company had "instigated" the violence, he asserted, by carrying on a "broad campaign to create an atmosphere of resentment" among the strikers, "using every antiunion technique known to management" (p. 10292), including the use of strikebreakers, bringing weapons into the plant, sending supervisors to strikers' homes to "intimidate" or "induce" them to return to work, and circularizing their wives to the same end. Berndt told the committee:

The Perfect Circle Corp. management made serious errors, including some that were a threat to the very lives of human beings. And, in all honesty, we must say that the members of our union, under intense provocation and in the heat of emotional bitterness, made some, too (p. 10284).

He added that he personally "did everything humanly possible" to prevent any violence and asked the local union officials "to watch and see" (p. 10303) that no such acts occurred. If indeed union members were the perpetrators, they were "individuals who took this on

themselves" (p. 10301) and not as part of any planned program, he asserted.

Mr. KENNEDY. * * * It seems to me that the union had to take some positive steps rather than merely saying that they were against violence * * *.

Mr. BERNDT. Well, I only have this to say, that you can preach from a pulpit all day long and if people don't want to believe what you are preaching and follow your suggestions, recommendations, to the extent that they get themselves crosswise of the law, it creates a very difficult problem * * * (pp. 10306-10307).

Berndt noted that of more than 100 arrests, all were for misdemeanors rather than felonies, and that but 13 convictions of UAW members resulted.

Of these five were Perfect Circle strikers, four convicted for malicious trespass and one for disorderly conduct; seven not connected with the company were convicted variously of public intoxication, disorderly conduct, and resisting arrest; and the remaining conviction was that of international representative Roy L. Cantrell, for assault and battery, described by Indianapolis attorney Lynnville Miles, who represented the defendants, as "unaggravated, and touching" (p. 10321).

International representative William Caldwell was also arrested and convicted in municipal court for malicious trespass, for "having thrown objects through the windows of the plant" (p. 10346), company attorney Hoffman testified, but a circuit court appeal resulted in a hung jury, and the case for retrial was still pending at the time of the committee hearings.

While violence and vandalism provided one analogy between the Kohler and Perfect Circle strikes, another was the use of mass picketing, although at Perfect Circle just sporadically, and with only brief effect.

According to president Prosser, the company's main plant at Hagerstown, a community of some 1,800, first tasted this technique when a "large group of strangers," in the early morning hours of July 26, 1955, "descended upon" (p. 10260) the town and massed before the plant entrances, barring the way of workers on the first shift. Also present, he said, was UAW international representative Caldwell and another he identified as Neal Edwards. The demonstrators, Prosser declared, blocked the nonstrikers by "threat of force and violence" and as the day lengthened otherwise made their presence felt:

* * * some of the strangers milled around on the street and in front of the plant in a disorderly and menacing manner. Others roamed the streets of Hagerstown and frequented the taverns and liquor store. By 3 p.m. it became necessary to close the taverns and the liquor store to prevent possible trouble and property damage (p. 10260).

The number of demonstrators was estimated at some 400, most of them outsiders, in an affidavit by Paul Crum, personnel manager at

the Hagerstown plant, who was stationed outside the plant and who, according to Prosser, knew most of the townspeople by sight, having been a community resident for years. Crum's affidavit deposed that among the means used to discourage ingress into the plant were shoving and "shouldering" of nonstriking employees and "rocking" of their cars.

The company, Prosser testified, advised its employees to stay away until otherwise notified, and 2 days later secured an injunction from the Wayne County superior court, limiting the number of pickets both at the Hagerstown and Richmond plants, where mass picketing was also in progress, to five per gate. This move, he said, ended the demonstrations in those areas and brought the prompt return to work of some 65 to 70 percent of the Perfect Circle personnel at those plants.

New Castle was a "different story," Prosser declared, noting that although a restraining order against mass picketing there was issued by Henry County circuit court on August 1, just 3 days after the first injunction, "mass demonstrations and shows of force and violence" (p. 10261) continued there from time to time in defiance of the law.

Berndt acknowledged that mass picketing took place on "4 or 5 occasions" in violation of the injunction:

I think it was devised by one of the local union people who came up with the bright idea that since the law said you had to have 5 pickets to a gate, there was 5 pickets at a gate, but there are only certain streets to go down to the plant, so it was just possible to have friends and sympathizers and other people from the plant away from the plant down the street, which really constituted a blocking of ingress of the plant (p. 10304).

The UAW, Berndt said, "tried to deplore" and to tell the local people not to "try to get around the law by using subterfuge" (p. 10304). Asked whether as one of the senior UAW officials in the area he took any steps other than to deplore, however, Berndt replied that there were "many occasions" when the picketing took place without his knowledge, and that in any event, even though he "constantly reminded" the locals that they were violating the law:

They are not under obligation to follow. I have not the authority to command (p. 10305).

He also noted that in the city of New Castle fully 7 different plants were under UAW contract, and that if the Perfect Circle local requested members of these other locals "to show a solidarity on the picket line" (p. 10306), mass picketing would be the inevitable result, and with it, if some incident took place, "a dynamite of mob reaction" (p. 10307).

Union attorney Miles testified that both injunctions secured by the company were issued "ex parte," without the presence of any UAW representative. Before the union's pleas to these injunctions could be heard, the company dismissed its complaint, Miles explained, and the case was never argued on its merits.

Shortly after operations resumed at the three Perfect Circle plants at Hagerstown and Richmond, employees there petitioned for NLRB elections to decertify the UAW as their bargaining agent, a maneuver

which thus effectively removed these plants from the strike picture and made the New Castle foundry the focal point of the conflict between company and union.

On August 5, 1955, Prosser testified, nonstrikers and management personnel on their way to work at New Castle were menaced by a crowd of demonstrators gathered at the approaches to the plant; rocks were thrown at their cars and stones and "chunks of concrete" hurled through the factory windows. Among UAW officials present, he said, were regional director Berndt and international representative Caldwell; it was on this day that Caldwell was arrested and charged with "malicious trespass" for allegedly having thrown "objects" through the plant windows.

Berndt declared that this was the only day he had been at New Castle, his first opportunity to "tour" the plant location, and that while there he had seen no stones thrown. Two other incidents which he did see, however, were efforts by union members to stop cars entering the plant by "grouping up" in front of them on the roadway; in both cases, he said, he intervened to stop these attempts.

A more serious incident occurred 10 days later, Prosser recalled, in what he described as a "hit and run" demonstration by the union. That day, he said, a bus carrying nonstriking workers into the plant was stopped and stoned by some 250 demonstrators, with minor injuries to some of the occupants; when the vehicle proceeded into the plant enclosure, Prosser added, it was followed and further damaged, and four parked cars within the fenced-in area were overturned.

Berndt's version of this affair refuted Prosser's in several key details, labeling it an incident "provoked" by the company. The New Castle plant, he pointed out, had been shut down since the start of the strike; the company then announced that it intended to reopen on the 15th and that it had hired new employees as replacements for the strikers. The union demonstration was the result, Berndt said, and it was orderly until the company-chartered bus, "filled with scabs," drove onto Plum Street, outside the plant. At that point, he went on, the "anger of the crowd erupted spontaneously" (p. 10292), and stones, bottles, and bricks were thrown, breaking the bus windows, he asserted, but injuring none of the occupants.

Following this, Berndt added, some 18 to 20 people "reportedly" ran into the plant area and overturned several cars owned by Perfect Circle supervisors and its attorney. The nine men arrested in the wake of this incident for "disorderly conduct and malicious trespass" were later released, he pointed out, when the county prosecutor "refused to enter official charges against them" (p. 10293).

That Perfect Circle was advertising for strikebreakers, Berndt said, became apparent when union people talked to a carload of Kentuckians who had come up to get jobs, having read an Indiana newspaper noting Perfect Circle's need for additional help; when they learned that the plant was on strike, Berndt recalled, they left town.

Senator MUNDT. * * * is there something reprehensible or illegal or un-American or antilabor for a fellow to try to operate his plant while there is a strike on? Do you fellows say that should not be done?

Mr. BERNDT. No, the corporation has every right to try to operate its plants within the law. However, when the operation of a plant might entail the bringing in of people from

other States to take the place of those people who are striking for a particular contract, we certainly believe this is highly immoral (p. 10316).

Prosser, who at the time of the strike was vice president and general manager of Perfect Circle, asserted that the company employed no strikebreakers and advertised for no help "at any time." People were hired during the strike, he explained, but—

* * * it happened that the strike was at a time of the year when we had a good many college students returning to school * * *. We did not hire anyone outside of our regular area. In fact, we had people who applied for jobs that we refused to hire because they were outside of our regular area (p. 10373).

Prosser asserted that "no strikers were replaced," noting that when the strike ended the company reinstated all those who had gone on strike "except those who were discharged." He declared:

That is one of the advantage of keeping a strike on the basis of an economic strike instead of an unfair labor practice strike (p. 10373).

One economic weapon which the UAW used, Prosser testified, but without notable effect, was to try to induce several of Perfect Circle's larger customers not to install its piston rings during the strike—an effort he said was "not very successful"—and also to try to get two of its outside sources of supply for castings to stop shipments to the Hagerstown and Richmond plants, a move which would have shut down those plants, Prosser declared.

This tactic failed, Prosser said, because although the two firms which had been approached halted shipments to Hagerstown and Richmond, they continued shipping to two other Perfect Circle plants, one at Tipton, Ind., and another in Canada, unionized not by the UAW but by the steelworkers. Thus the Hagerstown and Richmond plants could be supplied from the New Castle foundry, which, Prosser explained, was operated at a high enough rate of capacity to do so.

Far from wanting to prolong the conflict, UAW Regional Director Berndt testified, the union tried several times to shorten it. When the strike was about a month old, he recalled, an Indianapolis News editorial commenting that the "differences are not so great but that they could be settled around the arbitration table" (p. 10290) brought a UAW full-page advertisement in that publication and four others in the State offering to submit the unsettled issues to an impartial arbitrator, one to be appointed by the Secretary of Labor if the two sides themselves could not mutually agree upon one within 10 days. Berndt pointed out that this offer to have the Secretary of Labor step in was noteworthy because at the time Perfect Circle's own president, Lothair Teetor, was on leave as Assistant Secretary of Commerce.

Nevertheless, he added, the company "flatly rejected" the suggestion for arbitration, and hopes for peace were further dampened when, at a negotiation session called at the end of August by the State labor commission, management representatives insisted on bargaining only for the New Castle foundry, since decertification petitions had

already been filed by employees at the other three plants which had originally struck. The company must have known that taking this position would disrupt matters, Berndt declared, since the UAW at that point was "still the legally designated bargaining representative for all four plants" (p. 10289).

In the background of these maneuvers and countermaneuvers during the strike's first month a mounting number of incidents of violence and vandalism against New Castle nonstrikers, away from the plant premises, was being reported to the company, some less serious than others. The pasture fence at Calvin Tinsley's farm was cut away and left on the highway; Hershel Bolinger was assaulted at a used-car lot; a pint whisky bottle was tossed through the screen of Luther Neal's home; the inside of Harold Hoover's Ford car was decorated with eggs; Helen Bean's front picture window was broken.

Then, in the second week of September, came an incident which, according to Prosser, created "considerable tension" among non-strikers and the community as a whole; an unsuccessful ambush by 15 masked men of three Perfect Circle workers—Kenneth Griffin, Calvin Tinsley, and Berlin Pate.

As recollected by Griffin, supervisor of quality control at the New Castle foundry, the incident occurred on the evening of September 10, while he was on what he called his "country route," ferrying non-strikers to and from work. As he, Tinsley, and Pate drove onto Tinsley's road, a steep grade, 15 men wearing "hooded masks over their head, clear down to their shoulders, black" (p. 10328) emerged from around a truck parked to block the middle of the hill.

The men approached his car, Griffin testified, rocks in hand, and—

I said to the boys, "Here they come." Mr. Pate was riding the rear seat, and he hit the floor about the time a rock hit the back window * * *.

So I had a 12-gage shotgun, which was about 20 inches long laying open on the floorboard of my car. I had a shell in the glove compartment. So I loaded the shotgun and my glass was down on my side of the car and I swung the gun around. They saw it and said "Watch for the guns." So they vamoosed as fast as they could. I did shoot at the legs. I don't know whether I hit anybody or not (p. 10329).

No identifications were possible because of the masks, Griffin said, and although prompt phone calls to the sheriff and to Chesly Juday, the New Castle plant manager, resulted in a search of a nearby corn-field where some of the attackers purportedly fled, neither that nor further investigation was fruitful.

Despite the failure of the ambush, Prosser asserted, "it is reasonable to assume that the results would not have been pleasant had the attackers gotten a hold of these men" (p. 10261). Public disquietude increased, and in the latter half of the month events began moving toward a showdown between those in sympathy with the strike and those out of it.

On the morning of September 19 a mass-picket line appeared at the foundry, resulting in its shutdown until the 27th, when New Castle police, led, according to union testimony, by the mayor himself, broke up the line and arrested 48 of the pickets. The cases were

thrown out; company counsel Hoffman acknowledged that law-enforcement officials felt that the charges were "not well taken" (p. 10277).

Neither the arrests nor the company's rejection of the union's second proposal to arbitrate, made 3 days after the mass picket line was set up, contributed to the lessening of tensions. According to Berndt, the UAW's renewed offer to arbitrate was made in an attempt to stave off what seemed like certain trouble; the union, he said, had learned that the company was trying to obtain gun permits for some of its nonstriking personnel. Later investigation proved this out, Berndt added; New Castle police records showed that such permits had been issued to two nonstrikers, as well as to the wife of Chesly Juday, the plant manager, to his sister-in-law, and two permits each to his two brothers, one of them as far back as August 15.

Senator MUNDT. You don't know, of course, when a man gets a gun permit, whether he is carrying it into a plant or putting it under his pillow at night to protect himself against some sort of vandalism?

Mr. BERNDT. That is correct, Senator, it is pretty hard to convince a lot of people where those guns went to (p. 10315).

The "high emotional pitch which the company had created," Berndt added, was further heightened when the teenage son of a local cemetery caretaker, turning his car around in the spotlighted driveway of the home of a minor Perfect Circle executive, was "narrowly missed" by shots fired from the house.

Culminating all these irritants, Berndt declared, was a management letter on October 3 notifying 37 strikers, including officers of the UAW locals, of their discharge because of picket line activity.

In the sphere of labor-management disputes, discussions of who provoked whom are notably reminiscent of the classic question of which came first, the chicken or the egg. Weapons were indeed taken into the plant, Company President Prosser testified, but as protection rather than provocation.

Throughout the 8-day end-of-September period when a mass picket line closed down the foundry, he declared—

* * * rumors were current that the New Castle plant would be dynamited and that machinery and equipment would be destroyed so that the operation of the plant could not be continued (p. 10262).

The plant was "virtually unprotected," he explained, and the company, in a state of alarm, considered employing professional guards but dropped the idea "because of the stigma that usually attaches to the employment of armed guards under a strike situation" (p. 10262). The strategy adopted, he said, was to place four responsible management men inside the shut plant under cover of darkness and with police help.

These defenders, however, were cut off from outside communication, Prosser explained, because the telephone cable had been severed; as a result, the next afternoon, September 26, plant manager Juday dropped onto the property by helicopter and brought in supplies and six shotguns. Those inside were "liberated" the next day, Prosser added, when local police broke up the picket line.

Despite this move, he continued, rumors multiplied of impending trouble. On October 4, he recalled, they took specific forms; the next day, according to the reports, there was to be a "very large demonstration," with people to be brought in from all over Indiana and surrounding States, with demonstrators to drag workers out of the plant and destroy equipment, and with some men from Kentucky, specifically, to dynamite the place. These rumors, Prosser asserted, took on credence when New Castle nonstrikers were telephoned by friends in other plants and advised not to go to work the next day; among recipients of such calls, he said, was Allen Fromuth, the personnel manager at the foundry.

Eight "carefully selected" company men, Prosser testified, were asked to stay at the plant overnight and armed, although, he said, they were instructed not to use them unless the plant was broken into or unless, during the next day's events, the demonstrators got through its fences or entrances. In that eventuality, he said, they were "told to shoot low in front of the people if they had to fire" (p. 10263).

Beyond these weapons, Prosser noted, other employees "apparently" armed themselves for self-protection, adding that it was "common practice" at that period for them to carry guns in their cars; but, he stressed, they were not armed by the company.

The amount of concrete preparation the company had made for October 5 was distinctly challenged by UAW regional director Berndt. When the smoke had cleared that day, he testified—

* * * the State police entered the plant and took out enough weapons "to fill four table tops." The arsenal that had been accumulated inside the plant included low- and high-powered rifles, shotguns, pistols, and revolvers—and ammunition (p. 10291).

As seen from the UAW side, management's interpretation of the union's program for October 5 was in total error. What they had planned, Berndt declared, was a "peaceful demonstration of trade union solidarity," sponsored by UAW locals in New Castle and surrounding communities, to protest, on top of "other provocations," the discharge of the 35 strikers 2 days earlier; and when the time came, he said, that was the sort of demonstration which began on Plum Street, outside the plant:

The facts are the marchers were peaceful. No damage was done to the property of the company. Police were on hand—both inside and outside the plant. No reasonable person could have assumed that the marchers had any intention of making an attack on the plant (p. 10295).

Berndt himself was not there that day, he told the committee, having gone to Detroit for a UAW international executive board meeting; but 5 or 6 international representatives, he estimated, were present at New Castle.

That the aim of the October 5 demonstration was a display of union solidarity was also attested to by Paul Carper, one of the victims of the day's shooting. Carper, who testified that he lived and worked some 20 miles away in Anderson, was not a Perfect Circle employee, but a UAW member and delegate to the union's district council, com-

posed of some 70 to 80 locals. With word of the discharge of the Perfect Circle strikers, he recalled, a group of council delegates got together informally, then spread word back to their own locals that it would help the "Perfect Circle boys" and "kind of boost the morale a little bit" (p. 10364) if a mass parade were held at New Castle. October 5, he said, was picked as a "good day."

When he and his companions first arrived in New Castle that morning, Carper recalled—

* * * we paraded around a little bit through town, blew our horns, and when we got there we found there was quite a few other people in town milling around town with their cars, blowing their horns * * * (p. 10365).

The horn-blowing, according to Carper, was a custom not confined to union demonstrations:

Like if we win the basketball game, we blow our horns and have a lot of fun. That is Indiana basketball (p. 10365).

Next, said Carper, the paraders parked their cars and went over to the plant, where they joined a "crowd of probably 200 or 300," and began singing such union songs as "Solidarity Forever" and "Old Scabs They Never Die" (p. 10366). He had been there no more than 15 minutes, he estimated, "marching around and whooping it up a little bit," when he was shot "clear through both legs" (p. 10367) and carried off to the hospital.

Carper, who testified that he was in the parking lot outside the gate at the time he was hit, some 200 feet from the plant, declared that he had neither joined in nor witnessed any other pickets overturning any cars or handling any firearms; as to whether he had seen a group of the demonstrators crash through the entrance to the plant and advance on it, "If they did, they did after I was taken to the hospital" (p. 10368). He had eight children, Carper told the committee, and "had no intention of going to New Castle if I thought there would be violence" (p. 10374).

Berndt, too, testified that according to "any witness that we would find" none of the demonstrators got on the inside of the plant gate. The changeover from a peaceful march occurred, he declared, when "an aerial bomb" was fired into the air from the plant, followed by shots from the same source. This firing, he said—

* * * unfortunately, provoked a few of the demonstrators into going to their homes and getting squirrel rifles or other small arms to return the fire (p. 10295).

At least half a dozen demonstrators were wounded, Berndt declared, one in the neck and chest by a "high-powered rifle from inside the plant;" in the "fusillade of fire," he said, a stray bullet also crashed into the bedroom of a small girl in a house across the street, and "narrowly missed killing her" (p. 10294). Berndt presented to the committee a blown-up photograph taken by a UAW photographer showing "a person shooting from the top of the fire escape at the plant" (p. 10294), and no cars overturned or plant windows broken.

Management's account of the events of October 5 attributed the first shots to a person or persons outside the plant, including a high-powered rifle from across the railroad tracks at the north end; this,

Berndt noted, was a "new contention," never made until the committee hearings.

The most comprehensive company version of the affair was provided by Perfect Circle Counsel Hoffman, who testified that it was he, along with plant manager Juday, who decided that the "carefully selected personnel" previously mentioned by Prosser be brought into the plant the night before. There were 8 to 10 men, Hoffman recalled, and the decision to put them on this advance alert was made after a conference with New Castle Chief of Police Clarence Justice and State police Capt. Robert Dillon. Although Dillon was of the opinion that the next day's demonstration would be a peaceful one, Hoffman said, Justice was fearful of violence and felt that his 20-man force would be unable to cope with it.

Any arms brought into the plant beyond the six shotguns landed by Juday in a helicopter the previous week were, according to Hoffman, brought in by employees—a fact of which he said management was unaware—and by police the night before, including a Winchester automatic rifle and several riot shotguns.

Hoffman estimated that the entire October 5 episode lasted for about 4 hours, beginning at around 8 in the morning, when "unusual activity" was noticed south of the plant, with the streets gradually becoming congested by "parked and slowly moving vehicles" and "several thousand" demonstrators eventually converging in the plant area. At about 9:45, he said, according to a "careful check" of employees at the north end of the foundry, "one or more" of the demonstrators fired rifle bullets into that part of the building; in the next 15 minutes a group of demonstrators whose number he estimated at 250 to 300 broke through the police line which had been set up and crashed the plant's east gate. Some, he said, overturned a car parked inside the fence, while others "started toward the plant entrances" (p. 10352).

It was then, Hoffman contended, that the first shot was fired from the factory, by an employee who stepped out on a fire-escape platform:

I remember standing by the man that fired the shotgun, the boy standing in the door, and he said, "What do we do now?" and he said, "Step aside, I will show you what we will do," and he stepped out * * * (p. 10360).

The man fired "low and in front" of the demonstrators, no more than three shots in all, Hoffman asserted, and with that they "hesitated, turned, and ran out of the gate" (p. 10353). Immediately after the inside firing came, outside firing, he said, began; a woman employee standing in the shipping room window was hit in the thigh, while a supervisor standing in the payroll office was hit in the abdomen, a flesh wound.

Hoffman and President Prosser, who testified that he was not at the scene that day, differed in their accounts of how much firing ensued from inside the plant after the demonstrators were repulsed. Hoffman said that the shooting from the foundry stopped at this point, although, he said, the police later "did fire in the direction of snipers" (p. 10353). Prosser declared that even after cease-fire orders by plant officials there was "some firing" not only by police inside the plant but by employees "who disregarded instructions" (p. 10253). Both men, however, asserted that there was no shooting from the

plant either "toward or into" the main body of demonstrators massed out front, a charge subsequently made by the UAW.

Further testimony on the morning's first phase was furnished by Kenneth Griffin, one of the targets of September's ambush attempt. Griffin, one of those who kept vigil at the plant the night before, recalled that he had brought in his own 20-gage shotgun at the instructions of plant manager Juday, but asserted that he had not fired it; one of his assignments when the shooting started, he said, was to shepherd women workers from the office to the basement cafeteria for safety. Questioned as to why women had been allowed into the plant at all in view of the company's expectation of trouble, Griffin replied: "I couldn't tell you offhand" (p. 10333).

Griffin declared that he personally had seen someone firing at the plant from across the tracks, although he offered no opinion as to which side shot first. As for the aerial bomb mentioned by UAW regional director Berndt as the spark which set off the trouble, Griffin commented: "I might have heard it but never thought anything about it" (p. 10332).

The rout of the demonstrators from the plant yard did not dispose of the matter, Hoffman testified. An hour-and-a-half-long barrage of "stones and other objects, shotgun blasts and rifle fire" (p. 10334) followed, he recalled, breaking nearly all the windows in the office building and damaging "many" cars inside the fence. The temporary "Santa Claus" house across the street from the plant, which he said, had been used by the police, was set afire and burned down, and the fire engine was prevented from getting there; in addition, the chief of police and some of his men, Hoffman noted, were "forced back into the plant" (p. 10359).

The picture shown the committee by Berndt, displaying no cars overturned nor windows broken, was, Hoffman said, "taken in the first few seconds of the demonstration" (p. 10361).

Not until noon or a little later, he testified, did order return, with the arrival of State police, who escorted the people in the plant out and home.

Berndt's testimony, too, credited the restoration of order to the State police, although for a different reason. It was their removal from the premises of the "four tabletops" full of guns, he noted, which "stopped the shootings and violence immediately" (p. 10296).

In retrospect the incident of October 5 was to prove the emotional climax of the strike, although almost 2 tension-filled months were to pass before settlement was reached. Right after the plant was evacuated, Hoffman testified, a meeting was held between both sides at the office of New Castle's mayor, at which were also present the Lieutenant Governor and attorney general of the State. At this session, Hoffman recalled, UAW International Representative Caldwell declared that the UAW would agree to "peaceful picketing," with only five pickets, if management only crossed the picket line, and warned that there could be "more violence of the same kind that occurred earlier in the day" (p. 10355) if the plant operated.

UAW Regional Director Berndt's testimony fixed on another aspect of the immediate aftermath of October 5. When word of the shootings was telephoned to Detroit that same day, he recalled, UAW President Walter Reuther wired both Indiana's Governor and the Secretary of Labor asking an investigation "to pin down the respon-

sibility" for the affair and renewing the union's offer to arbitrate the issues in dispute with Perfect Circle.

The next day, Berndt recalled, the Governor ordered the National Guard into New Castle:

Backed by Sherman tanks and machineguns, 600 members of the Indiana Militia escorted through the five-man picket line at the New Castle plant the same scabs and company supervisors who had fired on the pickets October 5 (p. 10296).

On October 15, Berndt went on, the Governor's secretary asked him to sign agreements whereby both Perfect Circle and the union would instruct their respective sides to refrain from violence, at which point, "martial law would be withdrawn" and negotiations resumed on October 18. Berndt signed, but the Governor 2 days later issued a statement saying that Reuther's "personal commitment" was necessary, and the National Guard remained on duty.

It was not until November 10 that the end of the strike hove in sight, officially concluding that day at all struck Perfect Circle plants except New Castle. In decertification elections, the UAW was voted out as bargaining agent at both Richmond plants and at Hagerstown. At the Richmond foundry, Berndt testified, of 99 eligible to vote, 35 were for the UAW, 45 for no union and 13 were challenged; at the Richmond machining plant, of 248 eligible to vote, 96 voted to retain the UAW, 138 for no union, and 4 were challenged; at Hagerstown, 233 voted for the UAW, and 475 for no union. Perfect Circle, said Berndt, had "succeeded in its union busting" (p. 10299).

The strike at New Castle ended 19 days later after 4 days of negotiations away from the scene, in Chicago, because, according to Prosser, the National Guard was still posted at New Castle and "the union refused to bargain under those conditions" (p. 10267). The settlement did not include a union shop, he testified, but "essentially the same terms" offered the union just prior to the strike. The differences between the prestrike offer and the settlement terms, according to Perfect Circle General Manager Baer, chairman of the management's negotiating committee, were that the contract was to run for a year and a half, rather than for the customary year, and that a "prearranged wage increase" was set to be effective the next July 1, when a new contract would normally have been negotiated.

Berndt recalled that when the contract was put up to local 370, UAW Secretary-Treasurer Emil Mazey personally appeared and "argued for its acceptance" (p. 10299). The chief obstacle to membership approval, he recalled, revolved around the reinstatement of the discharged strikers. Of the total 37, 22 were reinstated immediately and 8 were given 30-day suspensions, but the remaining 7, "leaders of the local union," were to have their cases submitted to arbitration. The members felt strongly, Berndt said, that these seven too should be reinstated.

The vote to accept the contract was 86 to 72, he added. Subsequently, three of the seven arbitrated cases were reinstated.

Between the end of the strike and the time of the committee hearings, Berndt noted, two subsequent agreements had been reached between local 370 and management. This, he said, was evidence that

while the relationship "cannot yet be described as harmonious, we have nevertheless been able to resolve our serious and continuing differences on economic matters at the collective bargaining table and not by jungle warfare" (p. 10283).

Both sides, in their testimony, made plain that the climate of the 1955 strike was not one they wished to see recur. Berndt declared "that in this day and age there should be no type of violence such as existed 3 years ago" (p. 10302), and Prosser argued the legislative need to define the nature and responsibility for unlawful violence as well as to provide adequate penalties for it. The definition, he said, should be furnished to union, employees, and management alike.

JOHN L. McCLELLAN.

JOHN F. KENNEDY.

SAM J. ERVIN, JR.

FRANK CHURCH.

FINDINGS—THE PERFECT CIRCLE STRIKE

(AS APPROVED BY SENATORS McCLELLAN, KENNEDY,
ERVIN, AND CHURCH)

The lesson of this committee's investigation into the UAW strike at the Perfect Circle plants in the summer and early autumn months of 1955 is that lawlessness begets lawlessness in an ever-widening vicious circle to the detriment of rights guaranteed by the National Labor Relations Act.

Unlike other investigations conducted by this committee, here there was no issue of union graft, corruption, communism, or lack of internal democratic procedures. Also, unlike other committee investigations, no witness invoked the privilege of the fifth amendment or otherwise refused to give requested testimony.

In 1955 the UAW entered into 112 collective bargaining agreements with Indiana companies with only five strikes, all of which were both brief and peaceful. The 113th collective bargaining agreement, between the UAW and an Indiana company—the Perfect Circle Co., was reached only after a 4-month strike marred by force and violence on both sides.

The incidents of violence during the strike come under three general categories: those related to the picket lines, those occurring on highways and at nonstrikers' homes, and those which occurred on October 5 during the shooting at the plant.

Before the strike began on July 26, 1955, Perfect Circle, which manufactures piston rings, had four UAW locals in their plants—in the main factory at Hagerstown, in the two machining and sleeve-casting plants at Richmond, and in the foundry at New Castle. The strike began with a mass picket line at each of the four plants. There was "shouldering" of nonstriking employees and "rocking" of their cars. Two days later, on July 28, 1955, the company secured an injunction limiting the number of pickets. This resulted in a prompt return to work of some 65 to 70 percent of the Perfect Circle personnel at its plants in Hagerstown and Richmond.

New Castle, however, was a "different story." Despite the injunction, "mass demonstrations and shows of force and violence" continued there from time to time. The plant closed down at the beginning of the strike, and when, per advance announcement, it was reported on August 15, a bus carrying nonstriking workers into the plant was stopped and stoned by some 250 demonstrators with minor injuries to some of the occupants.

In the meantime, a number of incidents of vandalism away from the plant were being reported to the company. The pasture fence at Calvin Tinsley's farm was cut away; a pint whisky bottle was tossed through the screen of Luther Neal's home; the inside of Harold Hoover's car was decorated with eggs; Helen Bean's front picture window was broken. Company Supervisor Griffin, while on his

"country route" ferrying nonstrikers to and from work, was ambushed (unsuccessfully) by 15 masked men. Griffin testified that he was driving up a steep grade when 15 masked men emerged from around a parked truck. He swung a shotgun he had at them "so they vamoosed as fast as they could. I did shoot at the legs. I don't know whether I hit anybody or not."

UAW Regional Director Berndt admitted that "members of our union, under intense provocation and in the heat of emotional bitterness" made serious errors. However, he charged that they were "provoked by the hostility of an untypical company not yet fully accepting in good faith its collective bargaining responsibility." The company, said Berndt, had a "long history" of resistance to unionization, including 10 formal challenges to the UAW's status as a bargaining agent. He asserted that the company tried to "stir up dissension in the UAW" when the 1955 contract negotiations drew near by giving the four UAW locals 60-day notice of its intent to end the existing contract, citing as the reason for its decision the fact that the international UAW had recently raised the dues of all union members making over \$200 a month.

Company Vice President Prosser denied that Perfect Circle was antiunion. He claimed that its labor relations have always been good, although he drew a distinction between "employee" and "union" relations. Prosser asserted that there were 200 incidents of violence and vandalism and that these were a basic component of the "strike plan," he contended that the responsibility of the international UAW therefore was "clearly established" because of the "active leadership of the international representatives of the union in the demonstrations and their participation in the conduct of the strike." Merely to disclaim and denounce such violence, as the UAW had done, Prosser said, was "but to encourage it." The international, he asserted, had the ability to prevent these acts. Mr. Prosser knew of no violence on the part of the company "unless you include the October 5 incident."

The October 5 incident to which Mr. Prosser referred illustrates that, in the sphere of labor-management disputes, discussions of who is responsible for violence are reminiscent of the classic question of which came first, the chicken or the egg. This much is clear, however.

On September 22 the union proposed to arbitrate the unresolved strike issues. This offer to arbitrate was made in an attempt to stave off what seemed to the UAW like certain trouble, the union having learned that the company was trying to obtain gun permits for some of its nonstriking personnel. This arbitration proposal was promptly rejected by the company. On September 25 the company heard rumors that "the New Castle plant would be dynamited" and put four management men, armed with shotguns, into the plant. On September 27 the New Castle police, led by the mayor, broke up a mass picket line and arrested 48 of the pickets. The cases were thrown out, the law-enforcement officials feeling that the charges were "not well taken." On October 3 Perfect Circle notified 37 strikers, including officers of the UAW locals, of their discharge because of picket-line activity. The UAW then announced plans for an October 5 "peaceful demonstration of trade-union solidarity" sponsored by other UAW locals in and around New Castle to protest these discharges.

On October 4 the company, hearing that there was to be a "very large demonstration" with some men from Kentucky to dynamite the

plant, made counter plans. Eight "carefully selected" company men were asked to stay at the plant overnight with instructions not to use their weapons unless the plant was broken into during the next day's events, or unless the demonstrators got through its fences. In that eventuality, the men were "told to shoot low in front of the people if they had to fire." Other employees coming to work on October 5 "apparently armed themselves for self-protection." When the State police entered the plant on October 5, they "took out enough weapons to fill four table tops * * * low- and high-powered rifles, shotguns, pistols, and revolvers."

The events of October 5 as seen by the union were related by Paul Carper. He was not a Perfect Circle employee, but lived and worked some 20 miles away in Anderson. His interest in the strike stemmed from the fact that he was a UAW member and a delegate to the union's district council, composed of some 70 to 80 locals. He recalled that a group of council delegates got together informally and spread word back to their own locals that it would help the "Perfect Circle boys" if a mass parade were held at New Castle. He told the committee he had eight children and that he "had no intention of going to New Castle if I thought there would be violence."

When Carper and his companions first arrived in New Castle, they paraded around the town blowing their horns ("like if we win the basketball game, we blow our horns and have a lot of fun"). Then he joined a "crowd of probably 200 or 300" at the plant and sang such union songs as "Solidarity Forever" and "Old Scabs Never Die." He had been there no more than 15 minutes when he was shot "clear through both legs" and carried off to the hospital. He testified that he had seen no wrongdoing by pickets while he was outside the plant. The shots which hit Carper were part of a fusillade which accompanied the firing of an aerial bomb from the plant. This firing, according to UAW Director Berndt, "unfortunately, provoked a few of the demonstrators into going to their homes and getting squirrel rifles or other small arms to return the fire."

The Perfect Circle version of the October 5 incident was given by company counsel Hoffman. Beginning at around 8 in the morning the streets gradually became congested by parked and slowly moving vehicles and several thousand demonstrators converging in the plant area. At about 9:45 one or more of the demonstrators fired rifle bullets into the north end of the foundry. In the next 15 minutes, some 250 to 300 demonstrators broke through the police line and crashed the plant's east gate. Some of the demonstrators overturned a car parked inside the fence while others "started toward the plant entrances." It was then that the first shot was fired from the factory, by an employee who stepped out on a fire-escape platform. Immediately after the inside firing came, outside firing began, which continued for an hour and a half. It was not until the arrival of State police at noon or a little later that order was restored.

UAW witnesses sought to prove that the company fired the first shot with a blown-up photograph showing a person shooting from the top of the plant's fire escape. This photograph included the parking area, and none of the cars were overturned. Perfect Circle counsel Hoffman said this picture was "taken in the first few seconds of the demonstration."

Word of the shootings was telephoned to UAW President Walter Reuther, who wired both Indiana's Governor and the Secretary of Labor asking an investigation "to pin down the responsibility" for the affair and renewing the union's offer to arbitrate the disputed issues. The Governor sent in the National Guard, but the company refused to arbitrate. Negotiations continued until early December when the strike was settled on terms essentially identical to those offered the union just prior to the strike. By this time the Perfect Circle plants, other than the one at New Castle, had voted to "decertify" the UAW as bargaining agent. Perfect Circle, said Berndt, had "succeeded in its unionbusting."

The happy ending to this deplorable tale of labor-relations gone askew is the resumption of orderly relations between company and union. Perfect Circle's general manager, G. Robert Baer, testified that the relationship with the UAW local at New Castle "has been very satisfactory" and UAW regional director Raymond Berndt remarked that "a fragile bridge of understanding" has begun to be erected. The committee regrets that this understanding did not come sooner.

JOHN L. McCLELLAN.
JOHN F. KENNEDY.
SAM J. ERVIN, Jr.
FRANK CHURCH.

**RICHARD T. GOSSER AND LOCAL 12, UNITED
AUTOMOBILE WORKERS, TOLEDO, OHIO**

**(AS APPROVED BY SENATORS McCLELLAN, KENNEDY,
ERVIN, AND CHURCH)**

John D. Dale, who resides on Neversink Road, Red Bank, N.J., testified that he is the controlling owner of George Elliott Co., a management consultant firm located at 400 Park Avenue, New York. He is also chairman of the board of directors of the Charles Hardy Co., as well as sole owner of a defunct New York corporation called Durisol, Inc.

Elliott Co. has had contracts with several Toledo firms, some of which have United Auto Workers' contracts.

When Dale took over the controlling interest in Elliott Co. January 3, 1956, he learned of an agreement existing between the company and Mr. Peter Zvara, who at that time was an international representative of the UAW and a subordinate of Richard T. Gosser. Zvara had an arrangement with the Elliott Co. whereby he was to get a 15 per cent commission as a finder's fee for securing a contract with the Electric Auto-Lite Co., which had a contract with the UAW.

Later, Zvara had a similar agreement with Dale on the same basis for securing a contract with the Textileather Division of General Tire & Rubber Co. in Toledo, Ohio. This firm has a contract with the union identified in the hearings as the Textile Workers Union.

The total amount of commissions paid by the Elliott Co. to Zvara back to 1950 amounted to \$63,000. Zvara's commissions were paid by Elliott Co. to the Hardy Co., and Hardy Co. paid Zvara. The purpose of this arrangement was twofold: (1) To conceal Elliott's payments to Zvara, and (2) to indicate to Zvara that someone besides the Elliott Co. knew of the arrangement.

Dale said he wanted to stop the payments to Zvara, not because the arrangement was illegal, but because he considered it to be unethical in that the payment of commission violates the code of ethics of the Association of Consulting Management Engineers.

Beginning in 1958, Hardy Co. became apprehensive about this matter, and thereafter Zvara was paid through the dormant Durisol Corp.

Dale understood that the UAW had a sort of veto power over both the selection of the management firm and over improvements suggested by the firm. Dale understood that Richard Gosser used his influence to prevent a strike by some union insurgents who wanted to throw the Elliott Co. out of the Electric Auto-Lite Co. He also said that on one occasion Zvara told him he would speak to Gosser about getting Dale more business around Detroit.

Dale has no knowledge whether anyone other than Zvara received money; however, about July 1956, Zvara asked Dale for a net billing

on commissions paid to him, saying he wanted to show it to "the boys."

Dale said he learned that Zvara was fired by the UAW when this situation came to light.

Dale also made payments amounting to about \$6,000 to one Edward Swannie, a representative of the International Association of Machinists, who resigned early in 1959 because the international president, Mr. Hayes, learned of the commission arrangement.

Peter Zvara declined to testify on the grounds that, while he was not indicted, the New York County district attorney's office had Zvara under investigation.

Marcus L. Friedman, counsel for Zvara, testified that, after he had agreed to let Zvara testify at this hearing, he read in the public press that the files of the New York County grand jury were turned over to this committee. Thereafter, on June 22, 1959, he sent a telegram rescinding the agreement. Friedman said he was not in contact with any UAW official or attorney for any reason, and specifically with respect to Zvara's testimony.

Ernest H. Love said that he formerly held various union offices including president of local 1058, UAW, Toledo. At the present time he is employed by the Doehler Jarvis Co. which makes die castings. This firm has a contract with local 1058, UAW.

Love testified that he voluntarily resigned about the middle of April 1959, partly because he did not get Zvara's recently vacated job, to which he felt he was entitled. Love said no one advised him to resign and he had not even discussed it with any UAW official. He is still a UAW member. Love invoked the constitutional privilege in declining to testify about all matters involving money.

Marcus L. Friedman, his counsel, said he had so instructed Love because all of Love's records were in the possession of a grand jury in New York City. On other matters he did testify.

Richard T. Gosser, international vice president of the UAW, testified that he has been active in the UAW for 25 years, and has been international vice president for the last 12 years. He said that the attacks on him about 1949 through 1951 stemmed from his sponsorship of an increased pension plan, which was opposed by a management group called "The Committee To Save Toledo's Payrolls" and by the Toledo Blade.

Gosser said that about 1943 a group of union members, possibly 100 or more, banded together to form the Will-O-Land Sportsmen's Club. These union members were mostly employed at the Willys-Overland plant (now the Kaiser-Willys plant). These men contributed \$1 a week to a common fund and, partly with the collected moneys and partly through a loan financed by the credit union at Willys, purchased a camp at Sand Lake, located nearby in Michigan. This camp was purchased for \$9,500; later two parcels were sold to a Mr. Davis, one for \$9,000, and the other for \$3,500. Later a portion of the land had been sold for \$12,500 and the remainder was still in the possession of the Will-O-Land Sportsmen's Club. The remaining portion was sold 12 years ago to the Automotive Workers Building Corp., a creature of local 12, on May 20, 1947, for \$20,000. This property was made into a summer camp by the local. At the time this transaction took place, Gosser was head of the Sportsmen's Club and was also head of the Automotive Workers Building Corp.

Local 12 also purchased some retirement farms in the general area of the camp, through its Building Corp. Some of the equipment for these farms was purchased at Colonial Hardware Co.

Gosser testified that the increase in price for the land was brought about by the general increase in real estate prices, as well as by improvements through manual labor of Gosser and his associates. Gosser said that, although he was in a position of authority and confidence in both organizations, no individual profited.

About 1945, Melvin Schultz and Richard Gosser invested \$4,000 each in a business originally called G. & S. Hardware, and later called Colonial Hardware Co. About 1949 or 1950, Gosser bought out Schultz for the amount of money Schultz had originally invested, \$4,000.

Later still, Gosser sold the hardware store to local 12 for the wholesale inventory price, \$44,720.64, plus fixtures, \$5,500. Gosser did not deny having OK'd the purchase by local 12 from Colonial Hardware. Similarly, he did not deny receiving income from Colonial, as follows:

1946-----	\$4,624.00	1949-----	-----
1947-----	14,712.65	1950-----	\$100.00
1948-----	10,108.49	1951-----	100.00

Gosser testified that international representatives of UAW under his control are required to do work on the summer camp and the farms, and, if they do not show up when assigned, they are fined. Money from the fines, he believes, may have gone either to the flower fund or to the camp fund.

Gosser said there is an international flower fund, used for intra-union political purposes. It is controlled by the president, the six vice presidents, and the secretary-treasurer. He said there is also a flower fund for each region. The Toledo region is region 2-B. Gosser said the Internal Revenue Service had possession of his flower fund records for some time and made no extra assessment after they reviewed them. Gosser said he himself gives \$5 per week to the international flower fund, and \$5 per week to the regional flower fund. He said he does this voluntarily.

Richard Gosser testified that at one time in the late 1940's, there were some slot machines in the bar of local 12 in Toledo. He said some of the profits from the slot machines went to the summer camp and possibly some to the flower fund. Gosser said he took part in the decision to buy the slot machines in the first place.

With reference to the flower fund, Gosser testified that whatever records are maintained were in the first place maintained by someone other than himself and, in the second place, retained only until the end of the year and then destroyed.

In response to questions concerning his financial investments, Gosser indicated some proprietary interest in the following:

- (1) A farm in Monticello, Fla., the R. & N. Ranch, consisting of 1,185 acres (in a partnership with Mr. Charles Ballard);
- (2) Another farm, the C. & R. Ranch in conjunction with 12 or 15 other men, consisting of about 1,825 acres;
- (3) A home in Hollywood, Fla., in Longacres Court;
- (4) His residence on Drummond Road, in Toledo, Ohio;
- (5) Part-ownership in four farms, totaling about 600 acres in Adrian, Mich.;
- (6) Other miscellaneous investments and accounts.

In response to questions, Gosser did not deny or affirm that one Charlie Gross, a union member, on March 5, 1959, purchased \$645 worth of turkeys, and 45 days later \$340 worth of chickens from the aforementioned enterprise in Michigan.

Similarly, he did not deny or affirm that one Stanley Homaniak on December 29, 1958, made a purchase in the amount of \$500 from Gosser enterprises. Sales were indicated to other union members also. Gosser indicated that he did not manage the farm and had no individual knowledge of such transactions.

Gosser testified that he is ex officio director of 117 wage-hour councils and that one of these is the Doehler Jarvis Council, of which Peter Zvara was the assistant director until he resigned. Gosser said he had nothing to do with the Elliott Co. contract or any firm in Toledo. He subsequently said he got none of the \$63,000 paid out as finder's fees for securing these contracts.

According to documents produced at the hearing, Peter Zvara was fired April 9, 1959. He was notified of charges before the executive board by letter of April 14, 1959. He was again notified of his pending trial May 1, 1959. Zvara resigned from the UAW as a member May 22, 1959.

Concerning this chronology, Gosser said that at an international executive board meeting prior to which Zvara was already fired, there was pending a vote to have him tried preliminary to expelling him from the union. All except Gosser voted "Yes," and Gosser voted "No." Gosser said he voted "No" since the matter was then pending before a grand jury and he did not wish to prejudice Zvara's interest either before a grand jury or later before a trial jury. When Zvara resigned his union membership, the union had no way to compel his presence and the whole procedure became academic since expulsion was the only penalty the board could assess in any event.

There was presented to the committee an affidavit of Peter Zvara which, in substance, states he gave no money to Richard Gosser.

Gosser said that, as far as he knew, Melvin Schultz got half of the profits from Colonial Hardware Store but that Schultz was closer to the operation than he was and he did not know as a certainty.

Melvin Schultz was an employee of the Northwest Ohio Industries of Toledo, Ohio. Schultz was president of local 12 in Toledo from about January 1942 to March 1949.

Schultz testified that he was in business in the Colonial Hardware Store with Gosser as a partnership from 1945 to 1949. Their understanding was that they would share equally in any loss or gain. Schultz said his health broke in 1949, and he sold out to Gosser. He said that in selling out to Gosser, he asked for and got only the money he had invested, \$4,000. Schultz testified that he shared in no profits or salary. He said all of the profits were put back into inventory.

Schultz said Gosser's profits consisted of increase in inventory. Schultz also said that he himself showed profits on his income tax, but that it was inventory and not cash. It should be noted that Schultz' personal income tax returns were not presented to the committee in order that the committee might then determine whether the profits from this store accrued solely to Gosser, or equally to Gosser and Schultz.

Lloyd Speidell testified that he became recording secretary of local 12 in Toledo in 1944 and quit in 1948.

Speidell said there was an arrangement peculiar to the Willys-Overland unit whereby, even though there was a checkoff for union dues payments, members were required to go to the local and get a card punched; no other receipt was accepted as a requirement for voting. Speidell said that during the war, Willys-Overland unit made up about 15,000 of a total membership of 45,000.

At election time Speidell said that cars, under Gosser's direction, came out to the Willys-Overland plant and transported the members who were favorable to Gosser down to the local to vote during working hours. Others came on their own, if at all. He said the votes cast usually ran about 500 to 800 for an election. Speidell concluded that this setup favored the continued term in office for Richard Gosser.

Speidell said he paid \$5 a week into the flower fund, in addition to some fines for being late at staff meetings. These fines and flower fund contributions were required to be made before salary was collected.

Speidell said in addition the international representatives and local 12 officers were required to do manual labor at the camp and the farms, and were fined for being absent when assigned. Speidell said he quit when he was asked by Gosser to secure the election of certain men in the Champion Spark Plug unit.

Speidell said that threats of physical harm by Gosser to the men were common but he later said he could not recall any instance when a threat was followed up by actual physical violence.

Speidell gave hearsay testimony that men were taken off the local payroll and put on the international payroll, which carried a higher salary, but they continued to function in the local and were required to kick back the difference in salary to Gosser. One instance of this involved one Frank Molik, who was on the international payroll and who Gosser had working at the summer camps. The difference in wages Molik was required to kick back to the flower fund.

Jess F. Motsinger, of Detroit, is now a member of Local 228, UAW, and has been for 3 years. He has held numerous offices in Kaiser-Frazer local 142, including the presidency, which he held in 1950-51. He was appointed international representative by Walter Reuther and was assigned to Gosser. At the outset of his assignment to Gosser he was called by Walter Madrzykowski, administrative assistant to Gosser, and was told he would start paying \$5 a week into the flower fund in cash. He was warned not to have to be asked for it. On one occasion he failed to pay because his pay check was misrouted and subsequent checks were held up. He said he told Madrzykowski that he resented these tactics.

In 1953, Emil Mazey sent around cards to be signed, authorizing \$2 per week payroll deductions for the UAW-CIO Political Action Group. Motsinger said he felt he had to do it to keep his job. This contribution is separate from the flower fund. Later he received a letter from Senator Guy Gillette of Iowa thanking him for \$10. He does not know Gillette and has no connection with Iowa. Regular rank-and-file members, according to Motsinger, were not so solicited for either flower fund or political action funds. Motsinger's own local had no such similar arrangement as a flower fund for its officers, but he does not know about others.

On one occasion, Motsinger was assigned to go to New York to work on a sound truck for an election. He protested and sent a telegram to Gosser asking for an appointment, which he did not get, but he was shortly moved to Philadelphia.

Motsinger was called down by another international representative, Russell White, for reporting to Detroit that White's organization drive on the General Industries plant in Elyria, Ohio, was waste motion. Motsinger had a similar experience, he said, in Philadelphia, in that he was expected by White to report more signed pledge cards than he actually had. Motsinger was eventually discharged by UAW after his altercation with Russell White.

Other testimony by Motsinger, having even more doubtful value than that which has been given heretofore, follows in brief form:

(1) He alleged that Barden L. Young stated the UAW was going to start a rumor during Senator Potter's campaign that Potter lost his legs because he got drunk and was in an accident.

(2) A strike was called on a parts supplier to Ford, in order to make possible a renegotiation of Ford's contract midway through its life.

(3) Gosser once told the international representatives that they had to take some weight off, since they might have some "skull splitting" at the Kohler strike.

(4) Promises were made by UAW representatives to prospective UAW members and were not carried out.

(5) One Dewey McGhee may have been orally reprimanded for not paying into the flower fund.

In connection with the foregoing, it will be noted that affidavits were filed with the committee as follows:

(1) By Barden L. Young, 9581 Vaughn, Detroit, Mich., a member of the international staff of UAW since 1944. In substance, this affidavit stated that Young made no comments to Motsinger or anyone else as a smear on Senator Potter's injuries, or anyone else as Motsinger claimed.

(2) An affidavit by Kenneth Bannon, director of the Ford Department, UAW. The import of this affidavit is that the strike at the parts supplier at Canton was not to bring pressure on Ford but rather to settle an accumulation of substantial grievances.

(3) An affidavit by Russell White, a UAW official of long standing, now disabled by a heart attack. White said he had never told Motsinger to falsify reports, and he said that the fight with Motsinger consisted of Motsinger's becoming incensed at his assignment and striking White, whereupon White raised his arms to defend himself and the fight ended.

(4) An affidavit by Dewey McGhee. McGhee has been an international representative for 10 years and prior to that time was a member of the Ford Local No. 600 of UAW.

The substance of this affidavit is that McGhee, willingly and voluntarily, gave in to the international flower fund all the time he was an international representative, that he willingly and voluntarily gave to the local 600 flower fund while he was there, and that he was never threatened or coerced at any time to participate and recalls no circumstances such as those related by Motsinger in saying that McGhee was coerced.

(5) An affidavit by Wesley A. Schultz states that Schultz was coordinator of organization in Cleveland and Detroit in 1949 through 1959. He knew both Motsinger and McGhee, and knew of no incident such as that described by Motsinger, and at no time did he tell Motsinger what Motsinger claimed he had told.

Cyrus "Toots" Martin of Temperance, Mich., is now a janitor at a church, but, beginning in 1934, he was a member of the UAW in Toledo. He held various offices in the union. In about 1947 or 1948, he was international representative for a total of about 3 years.

Martin testified that when he was an officer of local 12 he paid \$5 a week into the flower fund, and when he became an international representative this amount was raised to \$10 per week. Martin said he believed he was required to make these payments as a condition of his employment.

Martin testified that such arrangements were made at the Willys-Overland unit where he worked to permit pro-Gosser men to vote in elections. He gave no indication that others were prohibited from voting, but stated it was made easy for the men who were known to favor Gosser to vote. Martin said that out of a total membership of about 35,000 the highest number voting was about 3,500. It will be noted that previous testimony on this point was to the effect that 800 usually voted out of about 45,000 members.

Martin said that Richard Gosser fired him for talking with some of Gosser's opponents and, after this, he returned to work at one of the plants as a rank-and-file member. On New Year's Day, Martin said, it was the custom to have alcoholic liquors in the plant during working hours and, on this occasion, one Arnold Shenofsky, a fellow worker, sent him a vulgar note on a conveyor belt. At this point Shenofsky had had nothing to drink and, Martin said, he himself had had "a couple." After receiving the note, Martin went over to Shenofsky. "I went up to him then and told him what I thought of this statement he made on the conveyor. In other words, I gave him my opinion, what I thought he was," whereupon Shenofsky hit Martin with a broken "pop" bottle.

In court later Shenofsky pleaded guilty and was fined \$250. The fine, according to Martin, was paid by a collection taken up in the plant by some pro-Gosser men. Both men were fired by the company and, in dismissing the two, the company said that no union activity was involved. The letter went on to say that both men sustained injury during the fight, whereas Martin said he did not strike a blow.

Martin said he filed an unfair labor charge with the NLRB against the company and the union over his dismissal. However, his charge was dismissed by the regional director, and this action was sustained by the Board in Washington.

Martin said that Shenofsky was also fired but was "taken care of" in another plant and later was promoted to the position of international representative. Subsequent to these events Martin was expelled from the union for 99 years, but added that he does not know why.

In connection with this expulsion, Martin said he was expelled at a hearing conducted before the membership of his local. He said he did not have legal counsel at this expulsion and that he did not speak in his own behalf. He added, however, that these procedures were of his own choosing.

Martin said that, in connection with the dispute over the union leadership in Toledo, 1950-51, he made a "voluntary" statement to the Toledo Blade concerning union affairs. He said he received no compensation for making this statement to the Blade. However, he said that later he received \$200 or \$250 from Mr. Block, publisher of the Toledo Blade; Martin said this money was an unrelated "gift." In this connection, Martin testified that he believed that the Blade was trying to defeat the incumbent officers in local 12. Other testimony by Martin brought out the following points:

(1) There was a "flying squadron" of 100 to 150 members in local 12. This group got special assignments in connection with funerals, parades, etc. He said that the assignments also had to do with intimidation; but, in describing such activity, Martin mentioned only picketline duty.

(2) This flying squadron wore distinctive shirts and caps in the Labor Day parade and Richard Gosser marched at the head of this group, with three or four stars on his shoulders.

(3) After Martin was expelled from the union and had employment as a beer salesman, Gosser refused to buy beer from the firm. Martin believes this resulted ultimately in his dismissal several weeks later.

(4) Gosser gave Martin a list of people to contact to solicit donations for the summer camp. On this list were some reserved for Gosser to contact. Among those reserved for Gosser were some men reputed to be gamblers.

(5) Gosser wrote Martin telling him to check up on the men who still owed for tickets for a car raffle conducted by the local to finance the summer camp; failing in Martin's performance, he said he would not take Martin with him to the Ohio State-Michigan football game.

(6) Gosser also used officials of other units to sell raffle tickets.

(7) In connection with the money collected for the summer camp, Martin testified he had no information that the money donated for the camp was not used exclusively for the camp.

(8) One of the charges made by one Harold Billheimer against Gosser to the executive board of UAW was that Gosser forced union employees to work on the farms. It was testified at the hearing that the UAW executive board said there was no evidence to support this charge. Martin said he himself was so ordered by Gosser and there was placed in exhibit a letter from Gosser listing absentees at the farms and assessing fines against those absent.

It will be noted at this point that in previous testimony Richard Gosser informed the committee concerning his practice of assessing fines when personnel under his authority did not show up to work at the summer camp and farms when assigned.

(9) Another one of the charges by Billheimer to the UAW executive board was that Gosser fined people who were late for work. It was testified at the hearing that the executive board finding was that there was no evidence to support this charge. Martin testified that he was so fined for coming late, and introduced two letters to himself from Gosser, each one assessing fines against him for being late.

John E. Bolman, of Toledo, is employed in the dry cleaning business. At one time he was a member of local 12 when he worked for the Spicer division of the Dana Corp. He began this employment about 1943, and retained it until he was discharged in November 1949. Bolman attended a local 12 meeting about October 1949 and while there proposed a resolution, the effect of which was to demand an accounting of the funds of the Automotive Workers Building Corp. He did this because he suspected the funds were being used for personal profit by Richard Gosser and Melvin Schultz through Colonial Hardware Co. Bolman said he visited the campsite and found crates and packages of material purchased through Colonial Hardware Store but shipped directly to the camp.

Bolman first asked Randolph Gray for access to the books and then presented his resolution at the following meeting for access to the corporation's records. This meeting was on October 14, 1949. Bolman said that an exchange of words followed between him and one Walter Murphy, followed by several blows from Murphy and others nearby, one result of which was a broken bone in Bolman's face. Bolman said he at no time had any connection with the Committee To Save Toledo Payrolls. Bolman said he had an attorney and he believed the attorney was paid by Mr. Paul Block, publisher of the Toledo Blade. He said he himself did not pay the attorney.

It was developed in testimony that both Bolman and Richard Gosser had been convicted of felonies a number of years ago. Bolman testified that, following the altercation at the union meeting, he was expelled by the international. Thereafter he had no income for a period of time from any source other than the State unemployment compensation. It was developed in later questioning that Bolman received "expenses" from his attorney amounting, he said, to \$400 or \$500 over the 2 years.

In connection with his work with the attorney, there were three suits entered, with Richard Gosser, the local union, the Automotive Workers Building Corp., and others as defendants. The suits in general were as follows:

- (1) A suit to gain access to the books.
- (2) A suit to enjoin the giving of a lifetime lease on one of the cabins at the camp to Richard Gosser.
- (3) A suit to enjoin the sale of a piece of property known as the Toledo Industrial Union Council Building.

Bolman said when he declined to withdraw these suits he was expelled by Walter Reuther who wanted the matter handled within the union grievance machinery.

The suits aforementioned were eventually settled out of court, and the UAW paid the court costs. In the settlement was a stipulation that the Will-O-Land Club deed the property that they held in Michigan to the Willys Overland unit of local 12.

At one point when the UAW was disputing Bolman's right of access to the records, these records were in the possession of the court. The audit firm of Ernst & Ernst attempted an audit, but reported that the records were insufficient to permit an audit.

Bolman said that in the course of the preparation of material for trial, he took some sales slips of sales by Colonial to the union and compared them with prices elsewhere. He testified that Colonial's prices were higher than other "suppliers," not otherwise identified.

Randolph Gray is employed at the present time by the Standard Equipment Division of the Dana Corp. For a number of years, he has been a member of the UAW, as he still is. He became financial secretary of local 12 UAW, Toledo, Ohio, late in 1941. He retained this position until May 16, 1950.

Gray testified that the Automotive Workers Building Corp. is a creature of local 12 and that membership in local 12 automatically includes membership in the corporation. All real estate is owned by the corporation. He said, in his capacity as financial secretary, all moneys going to either the corporation or local 12 should have gone through his hands.

In general, Gray supported Bolman's version of the meeting of October 14, 1949.

Gray introduced letters from Gosser's office assessing penalties for failure to work on the farms. Gray said that, in addition, union employees would sometimes do work at the Colonial Hardware Store. He also said that he once complained to Melvin Schultz about overpayment for some light bulbs purchased at Colonial.

Gray introduced a document purported to be a financial report, which showed purchases by the local for the Automotive Workers Building Corp. from Colonial Hardware in the amount of about \$36,000; this covers an indefinite period, probably 2 or 3 years.

Gray said that Gosser exercised authority in local 12 which he did not legally possess as international vice president. He introduced a letter from Gosser to subordinates saying that all purchases for local 12 should be OK'd by Melvin Schultz; that all purchases for AWBC should be OK'd by Gosser.

Gray described one instance of overpayment of some materials for a Labor Day parade. The material was purchased through Colonial Hardware Co. and the wholesale supplier, Hirsch Co. in Toledo, sent the bill by mistake to local 12, where Gray had access to it. It appears that the total bill was \$810.40 and the Colonial overcharge was \$382.10. When Gray objected there was a rebate of \$120 made, making the final overcharge \$262.10. Gray terms this an overcharge since he claims he could have secured the material directly from the wholesaler rather than going through Colonial Hardware.

Gray testified that after Bolman filed his suit to secure access to the AWBC records, Gosser and UAW Attorney Lowell Goerlich instructed Gray to keep the records out of sight, anticipating the issuance of a subpoena. Gray said he hauled the records around in the trunk of his car for a substantial period. Gray said when he finally surrendered the records to Goerlich, Goerlich, in his presence, destroyed some of the records.

Directly contrary to this is the testimony of Lowell M. Goerlich, now an attorney for the UAW in Washington, D.C. Goerlich said Gray had given this same testimony in depositions preparatory to Bolman's suits in 1950.

Goerlich said Gray swore falsely under oath when he made the deposition and that he testified falsely under oath before this committee when he said the same thing. Specifically, Goerlich said he did not destroy records of AWBC.

Gray testified that in December 1949, under pressure of events in local 12, he cracked up.

Gray said that, after he got back to work, the office employees of local 12—that is, the female clerical staff—went on strike against the local. Gray said he would not cross their picket line to go to work. He was, therefore, dismissed for not performing his duties. This occurred on May 16, 1950.

Gray testified that some slot machines were installed in the local and that half of the proceeds went to the local, while the other half went to Gosser or his flower fund. The slot machines were taken out in 1948.

Gray said that he gave none of this information to the two UAW groups which conducted inquiries relating to it, the investigating committee and the executive board. He indicated that he was afraid of physical violence if he testified.

Gray testified that he had reported to the executive committee of UAW that Gosser had spent \$300,000 on the purchase and operation of the farms and the camp as of February 3, 1948; the executive board concluded they had no evidence to substantiate this statement. Gray said he had made up a record for Gosser from records in his custody and that it showed that \$292,000 had been spent.

Gray testified that he made up an audit report about January 31, 1950, showing a deficit in the UAW unit's account of \$7,244.16. When Gosser saw this, he said if it were published in that form his opponents would complain, and so a later report published for the same period showed a balance of \$55,080.20.

One of the charges found not substantiated by supporting evidence was that Gosser had issued instructions that nothing could be printed in the Toledo Journal without his approval. Gray introduced a letter in evidence from Gosser, stating that anything put in the Journal must have his OK. Gray testified that he was notified through Gosser that staff members of this committee wanted to talk with him. Following this call, Gray said he was accosted on the way home so that he went to a nearby tavern and called the police department. It was brought out also that the police department has no record of this call.

Gray introduced into evidence a letter dated May 1, 1950, to Walter Reuther from one Eddie Duck, alleging stealing by Gosser. Other testimony before this committee indicates that Duck was involved in management payoffs in Detroit.

Mrs. Gertrude Gray, the wife of Randolph Gray, is a beautician by trade. She testified she sent a telegram to Walter Reuther, as well as to Richard Gosser and Emil Mazey, asking if they were going to support her husband in an election at the local union. She said she received a letter from Reuther dated January 20, 1950, saying he would not interfere in a local situation. He also said in the letter that a committee was going to investigate the Toledo situation.

Mrs. Gray also testified that her husband is not out of his mind.

Harold Billheimer is at the present time employed at the Toledo Scale Corp. as he has been for 36 years. Billheimer was one of the three signatories to the letter of complaint against Gosser et al.

Billheimer testified that it was his belief that Gosser had his "hand in the till," took kickbacks from the slot machines, took salary kickbacks from persons on the payroll. However, he said he has no information on these matters of his personal knowledge.

Billheimer said that the charges which he signed were prepared by an attorney who also represented Bolman and who, as is stated elsewhere in this report, was paid by the Toledo Blade.

Billheimer said he had testified before the three-man investigating committee of UAW, as well as before the executive board on this same subject matter.

Billheimer said that, about the time he made these charges against Gosser, he was assaulted by a union employee, one Orville Beamer.

Billheimer said Beamer was later removed from his post by Reuther but, later still, was restored.

Charles Ballard, regional director of the UAW in Toledo, testified that he was a member of UAW since 1935 or 1936, has been a salaried employee of the union since August 1943 and has been regional director since 1947. Ballard says he runs the region 2-B flower fund. He said all of the international representatives and a few local officials pay into the fund. Ballard testified that the flower fund which he operates has about \$5,000 now in a savings account at the National Bank of Toledo, about \$4,700 in a safe deposit box, as well as a checking account in the Toledo Trust Co.

Ballard said that the extent of the records he keeps is canceled checks, which he retains for 1 year. He said no vouchers are kept, no receipts are issued, and the only record of donations is the last donation made by each man. He also said most payments are made in cash.

The records surrendered to this committee consisted of the canceled checks and stubs for 1959. All other records had been destroyed. It was noted by the chairman that the checkbook contained several blank checks which had already been signed by Ballard, whereupon Ballard testified that it was his custom to sign a number of checks ahead, so that his secretary might fill them in for the proper amounts as the need arose.

JOHN L. McCLELLAN.
JOHN F. KENNEDY.
SAM J. ERVIN, Jr.
FRANK CHURCH.

**FINDINGS—RICHARD T. GOSSER AND LOCAL 12, UNITED
AUTOMOBILE WORKERS, TOLEDO, OHIO**

**(AS APPROVED BY SENATORS McCLELLAN, KENNEDY,
ERVIN, AND CHURCH)**

I. Finders' fees to Peter Zvara

1. The payment of finders' fees by the Elliott Co. to Peter Zvara was unquestionably improper since it placed Zvara, an official of the United Auto Workers, in a conflict-of-interest position. Although apparently improper, it was not found to be illegal since the grand jury in New York, after considering all of the facts, returned no indictment.

2. The UAW, upon learning about this situation in the spring of 1959, immediately discharged Zvara from his union job and, in a short time, he resigned his union membership. Thereafter the union had no jurisdiction over him.

3. Inferences that Richard Gosser, Zvara's superior, might have known about or participated in Zvara's fees were unsupported by evidence.

II. UAW dispute in Toledo, 1949-50

1. The charges and allegations presented in this series of hearings were substantially those which were discussed at length in the Toledo Blade during the period 1949-50. The charges were originally made in a tense and emotional atmosphere, generated by a dispute over a new and costly pension plan announced by Gosser. The parties to the dispute were Local 12, UAW, on the one hand, and a management group, "The Committee To Save Toledo's Payrolls," augmented by the Toledo Blade on the other.

2. A series of charges was drawn up by a lawyer paid by the Toledo Blade on behalf of three dissident members of local 12. The principal target of these charges was Richard T. Gosser, international vice president of the UAW, and former president of local 12.

3. Allegations and inferences that Richard Gosser misappropriated union funds through real estate transactions, or through salary kick-backs, were unsupported.

4. Richard Gosser was in a conflict-of-interest situation when he was in a position of authority and trust in the union, and authorized purchases from Colonial Hardware Co., in which company he was variously part owner and sole owner. However, this situation terminated 8 years ago, on January 1, 1952, when the store was sold to local 12. Allegations that Colonial overcharged local 12 were not supported by credible testimony or evidence.

5. It is apparently a practice among officials and certain others who are paid employees of the UAW to make regular payments to a fund called the "flower fund." One of the uses of this fund is to support all

incumbent officials in intraunion political activity. Of those testifying before this committee who have made such contributions, certain witnesses interpreted this as, and contended it was, simply an involuntary "kickback," and a condition of employment. Others testified that these regular contributions are incumbent upon all, since a majority of the contributors favor their continuance. From the testimony before the committee the rank-and-file members are not involved in this situation. From the testimony presented, both contentions are sustained.

6. The bookkeeping practices in connection with this region 2-B flower fund leave much to be desired. Such primitive accounting practices invite loose handling of funds, as well as defying subsequent audit.

7. Other allegations heard in the course of this series of hearings do not appear to warrant individual mention, either because of their lack of documentation, or because of their lack of significance.

8. The committee does not feel that the testimony presented in these 7 days of hearings merits additional inquiry; much of what is involved is too remote to warrant further committee action. Then too, as Chairman McClellan stated after hearing all of the witnesses:

I want to say for the record that I have not been overwhelmingly impressed with the veracity of either side. I think I have spotted inaccuracies, and I am being charitable, from a number of witnesses who have testified with respect to what occurred (p. 20378).

JOHN L. MCCLELLAN.
JOHN F. KENNEDY.
SAM J. ERVIN, Jr.
FRANK CHURCH.

SEPARATE STATEMENT OF SENATOR JOHN L.
McCLELLAN

As chairman of the committee, I think it proper for me here to state that the foregoing UAW-Gosser investigation was conducted by the Republican members of the committee and their counsel; also that the subsequent executive and public hearings were held at the request of Senator Curtis. All subpoenas for witnesses and documents requested by him were issued by the chairman.

The witnesses, however, were not examined by the regular members of the staff, nor were the Democratic members of the committee made acquainted by Senator Curtis, or other Republican members of the committee, with the nature of the testimony that was to be presented. All documentary evidence which had been procured by Senator Curtis and by subpoenas issued by the Chair was withheld and kept secret from the Democratic members and the regular staff of the committee until actually presented at the hearings.

Thus, this particular investigation was conducted by the Republicans and the hearings thereon were held for their accommodation. Therefore, they are entitled to all credit and chargeable with all blame for the adequacy or inadequacy and for the character of the record made, which record now speaks for itself.

JOHN L. McCLELLAN, *Chairman.*

Senators Kennedy, Ervin, and Church join and concur with the chairman in the views hereinbefore expressed.

SEPARATE VIEWS OF SENATORS CAPEHART, CURTIS, GOLDWATER, AND MUNDT

Purpose of the hearings

The purpose of the hearings before the Senate Select Committee on Improper Activities in the Labor or Management Field was to investigate all allegations concerning such activities and to recommend to the Senate of the United States such legislation as would appear to be appropriate or calculated to correct existing abuses and to protect the rights of labor, management, and the public as guaranteed under our constitutional free enterprise system.

In a previous series of hearings dealing with the Teamsters Union, the committee adduced evidence of an overwhelmingly persuasive nature indicating the misappropriations of union funds, corruption, criminality, and malfeasance in office of union leaders. The investigation by the committee was vigorous and productive and the full committee was able to agree, with only one Democratic member dissenting, on its findings and recommendations. Republican members supported the committee findings unanimously. It was a job well done. Legislation was enacted incorporating recommendations of the committee.

Unfortunately, the same cannot be said concerning investigation of the Kohler and the Perfect Circle strikes of the UAW and the Gosser investigation, with which this report is concerned. The Kohler and the Perfect Circle strikes are two of the most tragic disturbances in the modern history of American labor. The tragedy is compounded by realization that neither strike represented the wishes of more than 33 percent of the workers involved. The Gosser affair is of the same cloth from which the Hoffa pattern was cut. Yet, in our opinion, the committee failed properly to investigate pertinent allegations,¹ failed

¹ See app. D.

A clear case of UAW wrongdoing for which proof was readily available but which was never pursued was the Renda matter.

On or about Dec. 22, 1953, Emil Mazey as secretary-treasurer of the UAW, ordered the UAW disbursing officer to write a check for \$25,000 payable to an attorney by the name of Moran in the city of Windsor, Ontario, Canada, which was carried on the books as a disbursement for the purchase of Canadian real estate. Mr. Mazey, however, described this item as "reward" money for a statement by one Donald Ritchie to the prosecuting attorney, resulting in the arrest and conviction of the person or persons responsible for the shooting of Walter Reuther. Mazey then described for the committee how the arrangement was to have worked:

"The reward offer that was made—and I have it here, I have the agreement we made with the Crown Trust Co. and Donald R. Moran—provided that if Mr. Ritchie gave a statement to the prosecuting attorney in the presence of police that would lead to the issuing of a warrant on the people involved in the Walter Reuther shooting, that at the point that a warrant was issued * * * his wife would get \$5,000. If the people were brought to trial, his wife would get an additional \$10,000. If they were convicted, there would be an additional \$10,000 paid to his wife, a total of \$25,000." (See hearings, p. 9044.)

Mazey then stated that Ritchie "signed a confession that was taken by the prosecuting attorney in the presence of police in Detroit, in which he said that he rode with Clarence Jacobs and with Pete Lombardo to Walter Reuther's home when Walter Reuther was shot, and he also said in his statement that Walter Reuther was shot by Clarence Jacobs." The statement named Santo Perrone as the instigator of the shooting and Perron's son-in-law, Carl Renda, as the "payoff man" who received "\$5,000 for going along on this (i.e., shooting) job." Mazey said that Renda "had a scrap contract with the Briggs Manufacturing Co. that was worth \$168,000 net profit each year * * *." (See hearings, p. 9054.)

Renda was subsequently arrested on the basis of the "confession," \$5,000 was paid according to the agreement. Ritchie fled to Windsor, Canada, where he renounced his confession as false, indicating that he had been induced to make it by persons acting on behalf of the UAW. Renda brought suit for malicious

to examine key witnesses,² failed to affix responsibility, and failed to submit constructive corrective recommendations.

We cannot condone such a disservice to the American workingman, to American management, to the public, and to the U.S. Senate; and are, therefore, submitting these separate views for the consideration and appropriate action of responsible authority.

We further are in disagreement with the statements of fact found in the committee-staff-prepared reports on Kohler, Perfect Circle, and the Gosser affair, and likewise with their findings and recommendations contained therein.

Summary of findings

As members of the committee, we are deeply disappointed that the chief counsel of this Senate select committee, who had been delegated broad authority, was not only reluctant, but actually refused in more than one instance to probe into areas which would have fixed the responsibility for the clear pattern of crime and violence which has characterized and has generally been associated with UAW strikes.³

We are not at all impressed by the evasive answers of such witnesses as testified, nor by the demagogic utterances and the legal semantics which were used in an attempt to conceal the truth. To us the pattern seems plain and the responsibility clear.

We do not contend that the Kohler Co. management was wholly blameless in this controversy, but it is clear that the violence which took place there was not in response to any company misconduct. That it was solely attributable to the UAW method of operation is borne out by the violent Perfect Circle Co. strike occurring a year later.

The company and the union in that case had enjoyed good relations for some 15 years prior to the strike; the violence there was not a response: it was an implement of the characteristic UAW pattern of violence.

It is curious that in the two UAW investigations the chief counsel divorced himself from these probes and selected one staff member for the investigation, with an entirely inadequate staff. In the case of Kohler and Perfect Circle, it was assigned to Jack McGovern, who operated almost entirely without assistance. In the Gosser case it was assigned to Robert Manuel and Senator Curtis, who operated with no assistance whatsoever. Also, a fair reading of the testimony shows that the chief counsel associated himself with the witnesses supporting Gosser.⁴

prosecution, naming the UAW as defendant for subornation of perjury causing his false arrest. The court awarded him a \$400,000 judgment against the UAW.

During the hearings Mr. Mazey was asked about disbursements he was allowed to make without consulting the executive board. Senator Goldwater asked him: "On real estate, would the executive board be consulted on that, or do you have carte blanche approval to spend what you want?" Mazey answered: "No; the executive board would be consulted on that." (See hearings, p. 9041.)

Committee investigators (referred to in footnote 37 *infra*), however, failed to disclose this patent discrepancy.

² See p. 386.

³ See pp. 386, 407-408, 412.

⁴ In the two UAW investigations which were conducted, the chief counsel divorced himself from these probes. Instead, in each instance one staff member was selected to conduct the investigation and assigned an entirely inadequate staff. The case of the Kohler and Perfect Circle strikes was assigned to John J. McGovern who, despite numerous requests for additional help, operated almost entirely without assistance. The Gosser case was assigned to Robert Manuel and Senator Curtis, who likewise operated with insufficient help.

During the investigative period prior to the airing of the Kohler and Perfect Circle strikes numerous requests had been made for additional personnel to be assigned to McGovern because of the immense amount of investigation which would be required in order to properly present factual accounts. Upon checking into the nature of the staff of the select committee, the Republicans found that although the regular staff

From the very outset of the UAW investigation, it became apparent that the committee faced an awkward, if not an impossible situation growing out of the natural conflict of interest situation in which its chief counsel found himself. When investigating unions other than those affiliated with the leadership of Walter Reuther, the chief counsel worked effectively and cooperatively with all members of the committee—Democrats and Republicans alike. But whenever an investigation touched upon the domain of Walter Reuther, an altogether different procedure was followed. Throughout the course of the investigation a double standard of committee morality prevailed: one procedure was employed for the unions not connected with Walter Reuther and a different procedure was employed for the investigation of activities of the United Automobile Workers. As a result, in the Kohler and Perfect Circle investigations, the staff used averaged less than one-tenth that utilized in other investigations. Not until the final days of the hearings, when the Gosser case was before the committee, did Assistant Counsel Manuel even have the opportunity to question witnesses at the open hearings; and in that hearing the chief counsel frequently attacked those endeavoring to ascertain the true status of events attributable to Gosser instead of aiding in the investigation.

In both the Kohler and the Perfect Circle strikes, sufficient testimony was presented, representing but a small portion of that which we are confident was available, to establish that the following illegal and intolerable practices were committed:

1. Impairment of civil liberties.
2. Destruction of free collective bargaining.
3. Willful violation of law and organized incitement to riot by professional goons and thugs.
4. The development of a technique whereby a private interest can use illegal forces to gain its ends.

Furthermore, we are convinced, based on the information obtained during the investigation of Richard T. Gosser, senior vice president of the UAW and second in power only to Walter Reuther himself, that corruption, misappropriation of funds, bribery, extortion, and collusion with the underworld has occurred within the UAW.⁵

1. Impairment of civil liberties

Civil liberties in the United States are constitutional guarantees extended to American citizens regardless of race, sex, creed, or economic circumstances. Under the laws of this country, employers are entitled to operate their plants during periods of labor strikes. Furthermore, nonstriking employees have a legal right to continue to work.⁶ These are not matters of debate. These are moral and legal rights ingrained in our constitutional system. Any individual or group which interferes with the exercise of these rights is impairing

numbered only 35 to 40, additional personnel had been recruited from the Government Accounting Office, the General Services Administration, the Internal Revenue Service, and the Department of the Army who served on loan from these departments, bringing the number working on and with the staff of the committee to, at times, over 100. All acted under the direction of the chief counsel with the exception of McGovern and the two people who were assigned to help him. To have done an adequate job for public presentation, in one of the McGovern reports it is estimated that it would have taken a staff of five additional accountants and five additional investigators acting under his direction, which were requested several times. Considering the total number acting under the direction of the chief counsel, it is difficult to understand why this relatively modest request could not be filled. Mr. Manuel was even more severely handicapped. He was the sole investigator, accountant, and counsel.

⁵ See app. D.

⁶ See pp. 339-340.

the civil liberties of our citizens, among the most important of which is his right to earn a living.

In both the Kohler and Perfect Circle strikes, the employers were prevented from operating their plants and employees were prevented from continuing their employment.⁷ It was the deliberate policy of the UAW to force the closing of the plants and to prevent employees from continuing to work.⁸ This was the mechanism used by the union in its attempt to bring about the surrender of management.⁹ There was an organized, directed campaign led by imported professional hoodlums¹⁰ who, through mass picketing,¹¹ terroristic tactics, personal threats, and intimidation¹² sought to achieve the union objectives. The proposition that such activity was spontaneous or coincidental is so demonstrably inaccurate as to insult the intelligence of any rational person.

The fact of the matter is that those who engaged in the impairment of civil liberties of citizens at Kohler and Perfect Circle were the paid agents and accredited representatives of the UAW, acting with the consent and the approval of the highest officials of that union.¹³

It is ironic and incongruous that the so-called liberals of America have applauded when a battalion of combat-ready paratroopers was dispatched to guarantee the rights of a racial minority to desegregated education in one State, while the same groups have stood idly by when entire communities have been intimidated, terrorized, and deprived by the UAW of civil rights to which they are entitled under the law.¹⁴ The American people have a right to know why.

2. Destruction of free collective bargaining

American labor, management, and the general public have recognized that the principle of free collective bargaining is most beneficial to our society. Those who destroy the principle and the application of free collective bargaining render a disservice to the Nation.

From the viewpoint of labor, the essential ingredient of free collective bargaining is the right to strike. Conversely, from the viewpoint of management, the essential ingredient of free collective bargaining is the right to refuse the demands made upon it by labor during periods of negotiation or strike.

The UAW has claimed that it believes in free collective bargaining. Their conduct, however, makes such a claim a mockery and a farce. In the Kohler and Perfect Circle strikes, the UAW exercised its right to strike, but it then denied, through force and violence, the right of management to operate its plants and the right of nonstriking workers to continue employment. Such conduct destroys the principle which has allowed American labor to grow and prosper.

The testimony of these hearings is replete with evidence adduced from UAW officials admitting that there would have been no violence

⁷ See app. pp. 335-336, 356, 365-368, 385-391.

⁸ See app. pp. 342, 365-368, 396, 402-403.

⁹ See app. pp. 365-366, 403.

¹⁰ See app. pp. 337, 378-380, 401.

¹¹ See app. pp. 336, 340-342, 387, 390.

¹² See app. pp. 368-390, 388-389, 396-400, 462-484.

¹³ See app. pp. 337, 365-368, 378-380.

¹⁴ States responsibility requires adherence to the U.S. Constitution. In a comparable situation late in 1959, however, the union met with success when the Governor of Minnesota intervened to close the plants of Wilson & Co., denying this employer its constitutional right to continue to operate during the strike. Thus, by resorting to violence, the strikers achieved their major objective of closing the plant; meanwhile, protection of workers who wished to exercise their constitutional right to enter was denied.

at either of these strikes had management not dared to exercise the right to which it was legally and morally entitled.¹⁵ In other words, the UAW had the arrogance to proclaim publicly that when strike notices were issued, management must automatically cease operation. This is not free collective bargaining. This is abject surrender to labor bossism in its arrogant defiance of the law.

3. *Willful violation of the law and organized incitement to riot by professional goons and thugs*

In the previous sections we have demonstrated that the activities of the United Auto Workers deprived decent American citizens of the civil liberties guaranteed to them under our constitutional system, and that they jeopardized and contradicted our established American concepts of collective bargaining.

Examination of the Kohler and Perfect Circle strikes gives a shocking demonstration of what can happen in America if any group is allowed to place itself above and beyond the law. Testimony before the Senate select committee contained in the appendixes of this report enumerates crimes of violence against persons and property which are almost unbelievable. Entire communities were terrorized¹⁶ in a characteristic pattern which occurred repeatedly.¹⁷ People—decent, law-abiding American citizens—including innocent bystanders, were actually in fear of their lives.

Were the activities of the UAW in violation of the law? We have only to enumerate the acts committed to determine the answer.

At Kohler and at Perfect Circle there were stonings; sluggings; assaults; rotten-egg throwings; paint smearings; shotgun and rifle firings into homes and at individuals; shadowing; elbowing; kicking; reckless driving; stomping; destruction of homes; throwing of bottles, rocks and paint bombs; destruction of automobiles; sugar, emery dust and other substances placed in gas tanks of autos and trucks; dynamitings; ransacking of houses, ammonia bombings; slashing of tires and brake hoses. Almost every type of felonious aggravated assault with intent to commit great bodily harm or to destroy property and render it inoperative occurred.¹⁸

The communities involved in these labor disturbances were actually under siege as though invaded by foreign mercenaries. In this case, however, the invaders were the arm-locked professional goons and thugs employed and imported by the UAW to enforce its dictates.

It is a sad commentary that in both of these disturbances the power of the UAW superseded and abolished the normal police authority and the legal and political processes of the municipality, the State, and even the Nation.¹⁹ Police officials either disappeared or refused to enforce the law in the presence of the mob rule and flying squadrons of the union.²⁰

¹⁵ See app. pp. 402-403.

¹⁶ See app. pp. 336, 338.

¹⁷ This pattern was duplicated recently when the United Packing House Workers of America called upon the master craftsman of strike violence and lawlessness, UAW secretary-treasurer, Emil Mazey, to assist in creating the turmoil necessary to reduce the situation to chaos. Mazey went to Albert Lea, Minn., to express his solidarity with the packinghouse union. In further expression, Walter Reuther's union sent along \$25,000 to be distributed at Mr. Mazey's discretion. Immediately the strike took on the usual violent pattern characteristic of UAW strikes with the concomitant terrorization of the town of Albert Lea. The technique was eminently successful. Once again this dean of the UAW school of violence accomplished his mission of complete subjugation by terrorist warfare of a management whose only offense was an attempt to operate its plant in a law-abiding manner.

¹⁸ See app. pp. 368, 380, 396, 400, 462-484.

¹⁹ See app. pp. 340-359, 378-383, 389, 396.

²⁰ See app. 342-360.

It is frightening to conjecture what will become of this Nation if we ever adopt the philosophy of Emil Mazey, secretary-treasurer of the UAW. He had the audacity to state before this committee that he believed that when the UAW called a strike "it is the same as when Congress declared war,"²¹ and referring to nonstrikers: "They have joined the ranks of the enemy, and they ought to be treated as such. *During the war, when they joined the enemy, they were shot when convicted.*"²² (Emphasis supplied.)

This shocking record of crime and violence is all the more fantastic in view of the fact that at no time in either one of these major strikes did more than 33 percent of the workers vote to walk out.²³

Never has there been a more clear-cut pattern of a minority dominating and destroying the rights of the majority through force and violence.

It has been said that the United States cannot ignore events which occur in the farflung corners of the globe since they may ultimately have an impact upon our society. Can America afford to ignore what happened in Wisconsin and Indiana? Will America allow force and violence to supplant law throughout our Nation? Can American labor remain free under such leadership?

4. *The development of a technique whereby a private interest can use illegal forces to gain its ends*

There is an inherent danger in the investigation of corruption that such an investigation will focus its efforts on matters such as larceny, consorting with criminals, and other activities normally related to police courts. In doing this we run the risk of overlooking the most dangerous departures from public morality. This is the case in the matter of the UAW.

Corruption which is most dangerous to our society is power that frequently masquerades as legal and in fact has a superficial legality. It is based on the ability to utilize legal loopholes and to enforce dictates with a private enforcement agency.

Judge Brandeis recognized such a danger when he said:

You may compromise a matter of wages, you may compromise a matter of hours—if the margin of profit will permit. No man can say with certainty that his opinion is the right one on such a question. But you may not compromise on a question of morals, or where there is lawlessness, or even arbitrariness. Industrial liberty, like civil liberty, must rest upon the solid foundation of law.

Disregard the law in either, however good your motives, and you have anarchy. The plea of trades unions for immunity, be it from injunctions or from liability for damages, is fallacious as the plea of the lynchers. If lawless methods are pursued by trade unions, whether it be by violence, by intimidation, or by the more peaceful infringement of legal rights, that lawlessness must be put down at once and at any cost.

That such a pattern as Judge Brandeis describes exists within the framework of UAW policy is evident from testimony before the committee.

²¹ See hearings, p. 9002.

²² See hearings, p. 9003.

²³ See app. pp. 334, 385.

There have existed within the UAW what are called by them flying squadrons, groups of men well trained in UAW tactics. When needed, they assisted the employees of struck plants by providing strike violence and intimidation.²⁴ When these men appear on the scene a violent pattern follows. Examples of this are seen in the following items and footnote 17.

Item.—William P. Vinson, an admitted member of a UAW "flying squadron," served a 13-month prison term for assaulting a nonstriker with such ferocity that he drove some of his broken ribs into his lungs. The union paid for his defense and continued payments to Vinson's wife while he served his sentence.²⁵ In January 1960, he was again arrested for another strike-connected assault.²⁶

Item.—Emil Mazey, now secretary-treasurer of the UAW in 1947 led 400 pickets from Detroit into the town of Clinton, Mich., during the strike at the Clinton Machine Co. Violence occurred. The union was ready to dispatch "additional people, thousands if we had to" into this town of 1,600.²⁷

Item.—A strike at the Flint, Mich., Cadillac plant prompted this statement from Kenneth Cole, financial secretary of local 14 of UAW at Toledo: "I expect between 3,000 and 5,000 Toledo union men will be in Flint before night." 3,000 employees from Ohio came, gathered with those from Flint and in spite of the fact that the Governor called out the 126th Infantry, later the cavalry, little protection was given the public. Employees were inside as the strikers descended on the plants, welded the doors shut and did an enormous amount of damage. As a result of the union induced violence, 24 people were injured.²⁸

Item.—Just prior to the 1955 strike of Perfect Circle plants in Indiana, a UAW organizer, William Caldwell, stated that there would be a \$2 million strike fund to support the strike, that "it will be the roughest thing you have ever seen. There will be outside people come in, cars will be overturned, and someone will get hurt." He promised UAW strikers "he would get us out of jail if we were put in for knocking heads," and "there would be plenty of help to keep the plant shut down."²⁹

As the strike began, the UAW blocked plant entrances, assaulted employees and terrorized townspeople with large numbers of imported goons. Typical was the pattern followed in Hagerstown, Ind., the location of a Perfect Circle Co. plant: over 700 strangers accomplished this mission in a town which had a population of 1,800.³⁰

Item.—Nicholas Flynn was arrested for overturning an automobile at the Nylon Products Co. He was convicted and sentenced to serve 18 months to 4 years and the case was carried to the Supreme Court of Michigan by UAW attorneys who defended Flynn throughout, where it was affirmed. Yet Flynn had served only a month and a day at the time his sentence was commuted by Governor Williams.³¹

²⁴ See hearings, p. 8996; app. pp. 337, 378-380, 401, 418.

²⁵ See hearings, p. 8955.

²⁶ See Detroit News, Jan. 8, 1960.

²⁷ See hearings, p. 9369.

²⁸ See hearings, pp. 9377-9378.

²⁹ See app. p. 386.

³⁰ See app. p. 387.

³¹ See pp. 382-383.

At the time the Detroit News carried this story: "Emil Mazey, UAW treasurer, and Nicholas Rothe, Detroit attorney, recently came here to ask executive clemency for Flynn."³²

Such violence on the part of employees or members is not condoned and defended by any other type of American organization.

Foremost is the case of John Gunaca which demonstrates the political influence of Walter Reuther and the UAW in the State of Michigan, influence so dominant that a goon may invade Wisconsin and then return to Michigan expecting to find a haven from which he could not be extradited for trial and punishment.

Gunaca entered Wisconsin and, according to the testimony of witnesses, committed felonious assault with intent to do bodily harm upon the person of a Wisconsin citizen. The victim of this beating never recovered and died a year later.

Gunaca fled to Michigan, was indicted and declared a fugitive from justice. According to proper legal processes, the Governor of Wisconsin requested that the Governor of Michigan comply with the Constitution of the United States,³³ and extradite this individual for trial to determine his guilt. The request for extradition was denied by the Governor of Michigan for 4 years.

Gunaca was finally returned to Wisconsin in 1958, after our hearings focused national attention on this intolerable situation, and convicted and sentenced to 3 years' imprisonment.

The far-reaching power of the UAW is distilled in the remark Gunaca made to his captor en route to the preliminary hearing: "Sarge, this will never do you any good. Mazey will never leave Soapy send me back to Wisconsin."³⁴

Could it be that the exposure of this sordid affair before the committee and public opinion in the State of Michigan prompted the Governor to give up Gunaca for trial?

The right of Americans to be secure in their homes is a constitutional guarantee upon which our entire system is predicated. Those who violate such guarantees are subject to the penalties of the law. It certainly must be agreed that circumstances which result in a refuge of immunity from law and a bastion of private interest power is intolerable. Yet the masters of this corrupt power are subtly developing a technique which is by slow degrees gaining the aspect of quasi-legal status whereby a private interest can use force to gain its ends.

*The Gosser hearing*³⁵

One of the most fantastic developments resulting from the select committee's investigation of improper labor and management activities is the unsupported claim of Walter Reuther, that this committee has found the UAW to be free of corruption, misappropriation of funds, bribery, extortion, collusion with the underworld and denial of the basic rights of its membership. Such a claim, to be accurate,

³² See hearings, p. 10123.

³³ Art. IV, clause 2 of the U.S. Constitution reads as follows: Clause 2. A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the Crime. [Emphasis added.]

The courts have held that: The constitutionally required surrender is not to be interfered with by habeas corpus upon speculations as to what ought to be the result of a trial (*Drew v. Thaw*, 235 U.S. 432). Nor is it proper thereby to inquire into the motives controlling the actions of the governors of the demanding and surrendering States (*Pettibone v. Nichols*, 203 U.S. 192, 216).

³⁴ See the Sheboygan Press, Dec. 19, 1958.

³⁵ See app. D.

would have necessitated a thorough and searching investigation of all of the facets of the UAW operation, with the same tenacity and staff as was utilized in the instance of the Teamsters, the Carpenters, the Hotel and Restaurant Workers, and other union investigations.

Such an investigation was not conducted. In fact, attempts to initiate and to develop such an investigation were successfully resisted and actually prevented by the Chief Counsel.³⁶

We do not profess to have all the facts in our possession concerning corruption in the UAW. Nevertheless, with what we know about Richard T. Gosser, senior vice president of the UAW, we cannot tell the American people that this union deserves a "clean bill of health." We have seen sufficient evidence during the Gosser hearing of kick-backs, terrorism, collusion with gamblers, conflicts of interest, destruction of records, misappropriation of funds, falsification of records, and evasive tactics to convince us that a thorough investigation of the machinations of this individual and others would produce criminality on a scale comparable to that which has been previously exposed by this committee.

Two key UAW witnesses, when questioned on these matters, took the fifth amendment, leading us to believe even more strongly that a full-scale investigation of the affairs of this union should be conducted.

It is strangely significant to us that when Mr. Gosser appeared to become a potential target for our investigation that he suddenly was shorn of most of his authority by the other leaders of the UAW and relegated to an inactive status under the guise of illness.

We recognize that for sound legislative reasons it is desirable that any committee and especially a select committee, such as ours, should speak, whenever possible, with one voice when submitting its findings, conclusions, and recommendations. The record will show that we have followed this policy since the inception of this committee and have joined in good faith in the reports, regardless of the subject matter or personalities involved in the hearings, for our decisions to do so have been warranted by the evidence. However, in the reports in issue here which involve the UAW we detect a disparity of treatment not accorded others and a disinclination to follow the evidence wherever it leads, objections not heretofore encountered during the 3 years this committee has existed.

The authors of the report from which we dissent create the impression that this committee investigated the UAW for corruption with the same staff and zeal it has shown for other unions and employers in previous and later hearings (actually only a mere handful of our large investigative staff were ever permitted to work on any investigation of UAW improprieties), instead of acknowledging the fact that the committee limited its investigations here into the UAW's participation in the labor disputes; and on the sole basis of a cursory invited examination of a small part of the UAW's financial records by one member of the staff, the authors proceed from this fragmentary and entirely inadequate and incomplete investigation to issue a clean bill of health to Reuther, the UAW International, all of its officers,

³⁶ See app. p. 412.

and to its more than 1,200 locals and many joint councils.³⁷ We resent this obvious attempt to place the power and prestige of a committee of Congress at the disposal of Reuther so that he, having resisted all attempts to inquire into the books, records, and spending of enormous sums of dues by his union, can, as he has already, cite this committee report as evidence of his self-serving and oft-repeated hyperbole that the UAW is the model of what a "clean and democratic" union ought to be. We must say that if Walter Reuther desires a "clean bill of health," he must first submit the body of the UAW to the X-ray machine of public scrutiny. Such scrutiny in order to be adequate and penetrating would also have to investigate the so-called flower fund of the UAW and its use of dues moneys on a wide variety of political activities.

Under the very difficult circumstances which confronted the committee, by virtue of its chief counsel's understandable conflict of interest in pursuing certain aspects of the investigation with the same intensity and zeal devoted to other investigations—because of Walter Reuther's unique position in the national political picture—we feel the chairman did a commendable job in heading the committee and achieving the results obtained in the areas of investigation which were undertaken with full committee cooperation and with the cooperative efforts of the entire staff.

³⁷ Counsel Kennedy indicated during the hearing that his staff, assisted by Accountant Carmine Bellino, had gone into "a number of different unions regarding the financial records that are kept by them," and that "we went into the UAW also, extensively." Further, "we found that a different procedure was followed by the UAW from that followed by these other unions that we have examined" (see hearings, p. 10242). Questioned, Mr. Bellino stated that in going over the books, he found no instances of false entries (see footnote 1) and in the case of organizational expenses, supporting documents had been required showing the plant where the expenses were incurred, detailing the nature of the expenses. There was also a weekly expense form entailing "a regular statement of expenses which is broken down by each day. It covers a period of 2 weeks and accounts for every expenditure, whether it is a car allowance or taxi, limousine, parking, telephone, telegraph, and to whom the telephone call was made. That would be listed. That is something we have never found in any other union" (see hearings, p. 10243). Mr. Bellino indicated that he had examined Mr. Reuther's records extending over a period from 1942 to 1957. No discrepancies were found. He concluded as follows:

"Mr. KENNEDY. Do you have any summary, Mr. Bellino, * * * just generally, what you found? * * * I mean generally on your review of the books and records of the international. What is your opinion, your view?"

"Mr. BELLINO. Generally, I believe it was one of the reasons why we have never received any letters in all my experience, going back to the House Committee on Education and Labor, that involve any of these UAW-CIO locals, because of the excellent way that they keep their records and the auditing which is done in their organization."

Although the implication of this testimony is that there were no discrepancies to be found in all of the UAW books and records of the UAW including some 1,200 locals, it was discovered that only selected books and records had been scrutinized.

"Senator CURTIS. Mr. Bellino, Mr. Reuther stated on Thursday of this week, p. 4189, and I quote: 'I met on a number of occasions with Mr. Bellino. I think large numbers of the staff of our union, other officers have, and we turned over to him all of the records of the international union.' My question is, did you have any records turned over to you relating to these payments made by Mr. Rand?"

"Mr. BELLINO. I don't quite follow you, Senator."

"Senator CURTIS. Mr. Rand testified that he paid about \$10 a week into a fund of some kind—flower fund—he stated that it was regular as to time and I asked him if it amounted to about \$500 a year and (he) said, 'Yes.'"

"In the records turned over to you, did you have any records that would reveal to you Mr. Donald Rand's transaction or contribution or any similar ones?"

"Mr. BELLINO. Senator, the records which were turned over to me were only those that I specifically requested. I did not, when in Detroit, specifically request any flower funds in which Mr. Rand may have contributed. Therefore, I did not get any such records" (hearings, p. 10213). [Emphasis supplied.]

In footnote 2 (supra) the details of a transaction are set forth which show that a \$25,000 check was drawn on the general fund of the UAW ostensibly for the purchase of Canadian real estate. It was charged against the general account (hearings, p. 9043). In reality the proceeds were to be used to obtain a perjured statement which caused the false arrest of Carl Renda. Since expenditures for the purchase of real estate were required to be approved by the executive board and this one was not (hearings, p. 9044), an audit of the UAW general account would have disclosed this \$25,000 discrepancy. Yet, apparently the books and records ordered selected by the chief counsel did not include the international union general account records of the UAW. We are perplexed that Mr. Bellino, a distinguished and very able auditor was not given sufficient instructions to enable him to examine books of the UAW that would have had a bearing on the relevancy of our contentions. It can only have been that such were his instructions from the chief counsel.

Responsibility

Knowledgeable individuals in American labor and management are aware of the pattern of violent acts which have accompanied the footsteps of UAW marchers from Walter Reuther's first sitdown strike in the 1930's to the present time.

We cannot deny our senses. We will not be dissuaded from stating the truth. It is a monstrous fiction to maintain that the leaders of the UAW have no personal responsibility for the outrages committed against decent American workers in the Kohler and Perfect Circle strikes. Those who perpetrated the outrages were their agents acting with their consent and tacit approval. One word from Reuther or his deputies would have put an end to violence and restored legal collective bargaining. The word never came.

Violence and intimidation are essential parts of the Reuther formula for power.—This committee has previously condemned violence and intimidation when used for the purpose of extorting or misappropriating union funds. It is equally, if not more insidious and potentially dangerous to our society, to allow these tactics to be used to (1) prevent employers from exercising their constitutional right to operate their plants, (2) deprive employees of their right to employment, or (3) increase the organizational strength and bargaining position of a union.

Furthermore, it is our opinion that the committee could have secured ample evidence to prove that the pattern of crime and violence as devised and developed by the UAW is being increasingly imitated by other unions who have not remained unaware of the success of Reuther or his apparent immunity from the law.³⁸

We believe that the entire American labor movement and many of the freedoms of our people are jeopardized as these practices continue. Under our system no class, no organization, and certainly no man can be above the law—if our form of government is to be preserved.

Recommendations

We have stated before that for the good of our Nation, crime and violence associated with labor-management disputes must cease. We must in candor further state that in our opinion, the immunity which the strike violence enjoys is based upon political intimidation and influence.

Local, State, and Federal public officials are vilified if they attempt to enforce the law against such violence;³⁹ the UAW blatantly claims to control political votes; union money, both "voluntary" contributions from members and direct payments from the union treasury, is used to support favorable candidates and to advance their cause through so-called educational campaigns in newspapers, through union publications and on radio and TV; union personnel are used as paid workers at election time, etc. Shocking as these practices are, under the specific privileges and immunities guaranteed these

³⁸ In the recent United Packing House Workers of America strike against Wilson & Co., Emil Mazey went to Albert Lea, Minn., to assist in strike activities. Violence ensued (see footnotes 14 and 17).

³⁹ See app. 361-364.

unions by law ⁴⁰ the situation promises to get worse in those areas where unions are improperly led.

An increasing number of knowledgeable persons now recognize that the problem now confronting the American public in the field of labor concerns primarily power. Edward H. Chamberlin, professor of political economy, Harvard University, states:

There is certainly an anomaly in allowing a large union to concentrate resources drawn from its entire membership on the objective of ruining a single employer. The analogy with "local price cutting," whereby a large firm takes losses in one small area in order to eliminate a local competitor—a practice forbidden to industry by the antitrust laws—seems complete to me, and I think means should be found to protect individual businesses from this abuse of big-union power.

* * * the size of unions and the size of bargaining units in different areas of the economy—in short, the structure of labor organization—should be dictated by the public interest rather than by the desires of the laborers concerned. The application of this principle might involve diluting the strength of some unions which are powerful because they are small and strategically situated, by merging them with larger units. In other cases, it might involve the breaking up of

⁴⁰ Unions are immune from the Federal income tax and similar taxes in a number of the States. Only employers pay the unemployment compensation tax, the railroad unemployment insurance tax, and the payments required under workmen's compensation laws by both Federal and State Governments. Unions are not subject to the Federal antitrust laws and have substantial immunity from the granting of injunctions against them by the Federal courts under the Norris-LaGuardia Act and in some States which have little Norris-LaGuardia Acts.

Among the additional privileges and immunities enjoyed by labor unions are the following:

1. They are not required to be incorporated under either State or Federal law. Corporations on the other hand owe their existence to State corporation law and their activities are limited to the provisions of their corporate charters which are required to be in conformity with State law.

2. Labor unions' immunity against the misconduct of their members who are engaged in union activity as for example, strikes and picketing. This kind of immunity is not possessed by other types of unincorporated associations.

3. Labor unions enjoy the right to bargain exclusively for all the employees in the unit, including those employees who are not members and even those who are strongly opposed to the union. This can mean, as it often does, that a union selected as the bargaining agent by as few as 25 percent of the employees in the unit becomes the bargaining spokesman for all the employees.

4. Labor unions are not subject to anything similar or equivalent to suits by minority corporate stockholders against their corporations.

5. Through collective bargaining contracts labor unions may require union membership as a condition of continued employment although employers are forbidden by law to require nonmembership in a union as a condition of employment.

6. Unions enjoy a right to strike without either the union or its members being penalized therefor. If the strike results from the employer's unfair labor practice, the strikers cannot be replaced. The employer does not have any equivalent right to engage in a lockout, except in two types of situations, both extremely rare and both of minor significance. All other types of lockout are illegal under the Taft-Hartley Act.

7. The prohibition imposed on unions by the Taft-Hartley Act against restraint and coercion of employees is limited to physical violence, direct economic coercion, or to threats of either of these two types of conduct. On the other hand, the prohibition imposed on employers under the Act is against interference as well as restraint and coercion, and goes far beyond the violence and direct economic coercion which is forbidden to unions.

8. When management discriminates against an employee in violation of the Taft-Hartley Act, the Board may issue not only a cease-and-desist order but may require the employer to reinstate such employee and to pay him back pay as well. These remedies are in substance sufficient to take care of most of the unfair labor practices committed by employers and to restore employees to the status they would have enjoyed if the unfair labor practice had not been committed. Unions, on the other hand, even though they may engage in illegal conduct which results in loss of pay for employees, are not required to compensate employees for such loss, except where the union itself was responsible for causing an employer to discriminate. Thus, an illegal mass picket line where picketing denies access to the plant to employees who wish to continue to work and which as a result causes such employees to lose pay is not the type of misconduct which the NLRB has required the offending union to remedy by compensating the employees for loss of such pay, but an employer must compensate for loss of pay suffered by locked-out employees.

9. Unions have the right under certain circumstances to examine an employer's books and records in the course of collective bargaining. The employer has no equivalent right.

10. Labor unions in many situations have a legal right of access to the employer's property, the right to compel the employer to make his property available for use by the union, and the right to invade the privacy of employees who are not union members and sometimes even against their wishes. Employers enjoy no equivalent or similar rights.

large units into smaller ones. The criterion should be not mere size but size in relation to industrial structure. The public interest should also prevail in the matter of collusive action between unions.⁴¹

The power which we feel has become basic to the types of excesses and improper activities exposed by our committee and covered by this report is the result of a few men exercising too much authority over too many union members in the trade union movement. When a few top labor officials, determined to perpetuate themselves in authority, have the power to call strikes without secret strike ballots; to establish administrative controls over locals showing a display of independent spirit or opposition; to assess fines, penalties, or other harrassing punishment against rank and file dues-paying members and nonunion workers who exercise their American and constitutional "right to dissent"; to use dues money paid by the members to support partisan political causes and candidates through a whole family of direct and indirect activities and publications; to order violence or to use union funds to protect those who practice it against nonstrikers and nonconformists in or out of the union movement; and to engage in numerous other manifestations of rulership from the top down rather than from the bottom up, we confront a situation in which the general public and individual business or industrial concerns constantly face situations likely to erupt into improper practices and attacks upon the public interest or the property or persons of those marked for retribution by leaders of labor far removed from the site of controversy.

We have every confidence in and respect for the individual trade union member of America. We are determined to help advance the best interests and future opportunities of the rank-and-file dues-paying members of our unions. We believe unions have an important function to perform in our modern industrial society. We believe they must retain the right to strike as part of the collective bargaining process. And just as we believe that unions have an important place in our American democracy, we also believe that democracy must have an important place in our American trade unions. The democratic rights of individual trade union members must be increasingly protected and promoted. As they attain greater stature we believe most of the evils and excesses exposed by our committee will be eliminated by corrective measures instigated by trade union members themselves.

We do not believe that the problem which faces us in the area of improper labor and management activities can be solved unless these legislative measures are enacted. We therefore recommend—

- (1) That a special committee be established to review the entire labor law structure with the objective of making recommendations for protection of the public interest.
- (2) Effective Federal legislation, to outlaw the expenditure of union funds, manpower, and facilities for political purposes.

⁴¹ "The Public Stake in Union Power," University of Virginia Press, 1959.

APPENDIX A

APPENDIXES

APPENDIX B. THE KOHLER STRIKE

The Kohler Co. of Sheboygan, Wis., is the second largest manufacturer of plumbing ware in the United States. According to the UAW accounts, it also ranks No. 1 with regard to its reactionary and feudalistic concept of employer-employee relations because, the UAW claims, the company has never had the benefits of the type of enlightenment which the UAW has brought to employers in the big union towns like Toledo, Ohio, and Detroit, Mich. Nonetheless, the record shows that since 1917 Kohler has had group life insurance and group health and accident insurance for its employees, and since 1909 it has had in effect a voluntary workmen's compensation plan at its own cost. Pensions for all past service were fully paid for by the company; future pensions are on a contributory basis similar to social security except that the company pays two-thirds of the cost. No union represented Kohler's employees prior to 1933 and therefore the company insists that it, not the UAW, is due the credit for initiating most of these reforms.

I. THE REAL ISSUES IN THE STRIKE

In 1951 the UAW-CIO conducted an organizing campaign which resulted in an election which the union won, and thereafter, in early 1954, went on strike. At the time, Kohler had a total of 3,344 employees, of whom little more than one-third (1,254) participated in the strike vote which carried 1,105 to 104 (pp. 8340, 9567-9568). Thus, while a large majority of those voting approved the strike, they represented only about one-third of all the Kohler employees. This fact should be kept firmly in mind when considering the UAW claims that they spoke for the "will of the majority" and their attitudes toward the nonstrikers, who were held up by the UAW to public ridicule and scorn because they preferred to work and earn bread for their families.

In a free society such as ours every worker has a right to join a union or not to join a union; to strike in support of the demands which he and his union think are due them from the employer or to refrain from joining the strike and to work instead, if his employer will hire him. On the other hand, the struck employer has an equal right to remain open during the strike and to employ nonstrikers and other workers who are not dissuaded by the picket line. It is the interplay of these competing economic interests which determines a just wage in a free society. If history teaches anything it is that this arbitrary power to fix wages must not belong exclusively to any man—not to the employer, not to the union, and most certainly not to the Government. If one party resorts to violence to deny the equal right of another during a strike, the result can only destroy one or all of these basic rights: the right to strike, the right to work, or the right to carry on a lawful business.

There is no doubt in the record that, despite the UAW's denials, the issues in the Kohler strike were not primarily economic but were, instead, that the company refused to surrender to the UAW's demands that (1) the plant be closed during the strike and (2) sign a union shop, which is, simply stated, nothing but compulsory unionism, another form of organizing, from the top, employees who do not wish to join. Thus, Kohler's Lyman Conger, who had represented the company in negotiations with the union, stated that in his judgment—

"The issue that caused the strike—and the union will contest this, but this is my opinion and the opinion of my associates—the biggest issue was union security, the union shop.

"The union was very insistent on having the union shop, because they had gotten in by about a 2.6-percent majority, and in our estimation hadn't made the gains in membership that they thought they were going to make, and they were anxious to have some way of forcing people into that union.

"In my opinion, we could have settled all of the difficulties quite readily had we been willing to concede a union shop" (p. 9532).

This pattern of UAW insistence that the employer close the plant during a strike and agree to a union shop, followed by violence if the employer refuses to surrender on these basic issues of law and morality, was repeated in the UAW's strike against the Perfect Circle Co., discussed *infra* in this report. According to President Prosser of the Perfect Circle Co., who testified before the committee, the basic demand of the UAW was the union shop. He stated:

"We do not believe that any of our employees should be forced to join the union as a condition of work in our plants. We recognized that we would minimize trouble and violence by closing our plants for the duration of the strike. But we believed that the strike would not be widely supported by our employees, and thought those who wished to work had a right to work during the strike" (p. 10260).

Now, if Conger and Prosser are correct in their judgments, and all the evidence demonstrates to any rational mind that they were, then the philosophy of Reuther and his union does not differ in many fundamental aspects from that of other labor leaders and other unions exposed by the committee. The labor bosses, including Reuther, who have paraded their arrogance and power-corrupted philosophies before the committee, take the totalitarian view that the rights of rank-and-file employees to decide their own destinies are inferior to the decrees of the union bosses who regard nonmembers and nonstrikers as so many chattels and serfs; and that the end of compulsory unionism more than justifies the means of violence against those who do not conform. Kohler and Perfect Circle are therefore to be commended, not condemned, for refusing to bargain away the birthrights of free-born American workers in exchange for industrial peace; and Reuther and his fellow union bosses are more deserving of the epithets of "reactionary, vicious, and antisocial" so often hurled by them at the Kohler people.

II. UAW RESPONSIBILITY FOR THE STRIKE VIOLENCE

On the issues thus joined, the UAW struck with unexampled fury by ringing the Kohler plant entrances with a line of mass pickets, estimated by some witnesses to number as many as 2,500 strikers and

"outsiders"—including UAW officials. This mass picket line was intended to, and did in fact, close down the plant against the wishes of Kohler lawfully to remain open and many of the employees lawfully to continue on their jobs, because, as the chief counsel observed, "the pickets were walking so closely together or with their arms through one another's that it was impossible to get into the plant" (p. 8351). While the mass pickets walked in lockstep before the exits, no one, not even with the assistance of the local police, was allowed to penetrate this human barricade, except for a selected few to whom the UAW arrogantly issued very limited licenses to enter for such restricted purposes as deactivating machinery. Now and here, in the face of these undisputed facts, is the time and place to assess and reject Reuther's false claim that this sordid mess was caused by Kohler's "unlawful refusal to bargain in good faith" and attempts to "break the strike." The chief counsel did so when he bluntly told another UAW official:

"You spent 30 minutes telling the committee about what a terrible thing the company was doing in all this. If the company did not want to sign with the union or felt that the demands of the union were too great, they had a right to take that position.

"Ultimately, when the strike came along, the first illegal act was done by the union, and that remained for 57 days until the court intervened * * *. It was done by the international officers of which you were one, and which there were at least a dozen others out there" (p. 8549).

In addition to trampling upon the basic rights of the nonstriking employees to earn bread for their families by continuing to work rather than to sup at the UAW's soup kitchens, the union further punished them with a campaign of physical assaults, intimidation, vilification, and vandalism against their homes and other property which so poisoned the minds and atmosphere of this once peaceful community that, to this day in Sheboygan, friend is set against friend, neighbor against neighbor, brother against brother, and father against son, even to the point that "a man doesn't talk to his own family except at a funeral (p. 10051). And, in the "clayboat incident," as the union insisted on calling it, the UAW encouraged a large number of people to gather at the Sheboygan docks where a cargo of clay bound for the struck Kohler plant was tied up for unloading and there incited the crowd to ugly mob action against the persons and property of neutrals, the public, and against the peace and dignity of the laws of the State of Wisconsin.

One of the interesting developments of the committee hearings was the attempt by the UAW leaders to disclaim responsibility for the Kohler strike and to shift the blame for this bitter labor dispute to the rank and file membership in the local community. For instance, Emil Mazey, secretary-treasurer of the UAW International, said that:

"* * * An impression has been left or tried to be created here, that the Kohler strike was the result of activities of outside influence, of people from the city of Detroit. I want to state right from the very beginning that the Kohler strike was of the Kohler workers, by the Kohler workers, and for the benefit of the Kohler workers.

"The people that appeared in Sheboygan, Wis., including myself—I appeared there on numerous occasions—were there to assist the

Kohler workers in negotiations, to assist them in the strike-assistance program, and assist them in conducting an orderly and peaceful strike" (p. 8910).

All other UAW agents also disclaimed any responsibility, and further stated that the UAW neither encourages violence nor condones it. As we cover the record, let us keep these words in mind.

The record will show that at least 17 men representing—officially or unofficially—the UAW International activity participated in the strike against the Kohler Co. They were identified as follows:

(1) Guy Barber, Chrysler local 7, Detroit, Mich.; (2) Joseph Burns, "head of the community services and strike assistance program for the Kohler workers," Detroit, Mich.; (3) Robert Burkhart, UAW international representative, Buena Park, Calif.; (4) Clayton Carpenter, international representative, UAW region 10, Milwaukee, Wis.; (5) James Fiore, Briggs local 212, Detroit, Mich.; (6) Jesse Ferrazza, administrative assistant to Emil Mazey, Detroit, Mich.; (7) John Gunaca, Briggs local 212, Detroit, Mich.; (8) Harvey Kitzman, regional director, UAW region 10, Racine, Wis.; (9) Boyce Land, Briggs local 212, Detroit, Mich.; (10) Raymond Majerus, international representative, UAW region 10, Racine, Wis.; (11) Emil Mazey, secretary-treasurer, UAW International, Detroit, Mich.; (12) Danny Prested, UAW Milwaukee office; (13) Donald Rand, administrative assistant to Emil Mazey, Detroit, Mich.; (14) Frank Stallons, local 72, Kenosha, Wis.; (15) Frank Sahorske, assistant to Harvey Kitzman, Racine, Wis.; (16) William Vinson, Briggs local 212, Detroit, Mich.; (17) Frank Wallich, UAW publicity department, Milwaukee, Wis. (pp. 8334-8337, 8585-8586).

The testimony of Robert Burkhart leaves no doubt that these men were acting for and at the direction of the UAW International:

"Mr. KENNEDY. Who coordinated all of this for the international to make sure that the people came from the Briggs local, from the international, from Kenosha, and from Milwaukee? Who was responsible for that?

"Mr. BURKHART. I don't know with certainty. It came from the Detroit office.

"Mr. KENNEDY. Who would you report to, for instance? * * *

"Mr. BURKHART. Well, I reported to people who were my superiors.

"Mr. KENNEDY. Who was that?

"Mr. BURKHART. That would be Mr. Ferrazza, Mr. Kitzman, and Mr. Mazey.

"Mr. KENNEDY. Who were they reporting to in Detroit; and who was coordinating all of these activities at the Kohler plant?

"Mr. BURKHART. Well, the secretary-treasurer's office, to the best of my knowledge, was handling the affairs which affected the international. * * *

"Mr. KENNEDY. Who decided that they would be sent up there? There must have been some need for it and it has to be cleared through someone, and was that the secretary-treasurer?

"Mr. BURKHART. I believe it was the secretary-treasurer's office in conjunction with the regional office in Milwaukee.

"Senator MUNDT. Who, specifically, asked you to go there to Wisconsin?

"Mr. BURKHART. The international secretary-treasurer's office, and I say there were three officers in the meeting at the time, and I was asked if I would accept the assignment up there.

"Senator MUNDT. This was quite a crew from Detroit, some 15 or 20 names. And who was the boss man of this outside crew making the decisions of coordination and activity on the spot?

"Mr. BURKHART. Well, the word was that I was in general charge of this situation. However, I was outranked up there on most of the occasions. I was in general charge of the situation" (pp. 8624-8625).

When asked by Senator CURTIS what his duties were in connection with the strike, Mr. Burkhart explained that:

"I met every morning with the local union executive board and we discussed various situations which came up during the course of the strike. I also had the job of going around the community and meeting with various people in different segments of the community life, and businessmen, the ministers and shopkeepers, and so on, and I attempted to tell them how we felt about these things, and to build community support for the strikers" (p. 8629).

Further evidence of active participation by international representatives was supplied by Donald Rand, administrative assistant to the UAW secretary-treasurer. He said:

"I was in charge of the strike. I went in there in 1956—I think it was—and at the time we had 1,550 people still on the assistance rolls, and I had many problems—among them was the boycott.

"I wouldn't want to leave the impression here with you, Senator, that being in charge of a strike for the UAW with this kind of a situation was an easy job. There are many problems dealing with the individual strikers—of which we could take days to relate here—as a result of this strike who had many hardships, and among the problems that I had was the conduct of the boycott and the various phases; and it was a very small part of the overall direction that I gave to local 833.

"My main function there was that I was in direct charge of the strike, and the related problems to the strike, and there were many" (p. 9869).

As far as financial support of the strike is concerned, there can be no questions as to the part played by the international in view of the following testimony by Allen Grasskamp, president of UAW Local 833 at Kohler:

Senator CURTIS. What were these arrangements for financial support and promises of financial support that were furnished by your international officers?

"Mr. GRASSKAMP. Well, the policy of the international union at that time was that strike assistance was based on need, and there is no definite plan. It depended on the need of the striker.

"Senator CURTIS. How much money was made available to support the strike?

"Mr. GRASSKAMP. They never limited to any amount. * * *

"Senator CURTIS. How much money was spent?

"Mr. GRASSKAMP. Well, I do not have the entire access to the financial records, but to my knowledge *it was around \$10 million to this date.* * * * [Emphasis supplied.]

"Senator CURTIS. Who furnished that?

"Mr. GRASSKAMP. It came out of the international union's strike fund.

"Senator CURTIS. And from what city would that come?

"Mr. GRASSKAMP. That would come from Detroit, Mich. * * *"
(p. 8342).

The responsibility of the UAW leadership for carrying on the strike in all its aspects is clearly established by the record. Their active participation and financial support is shown beyond any reasonable doubt. No disinterested person could come to any other conclusion.

III. DENIAL OF RIGHTS OF BOTH EMPLOYER AND EMPLOYEE

Section 7 of the Labor-Management Act of 1947, more popularly known as Taft-Hartley, guarantees the right of an employee to join a union of his own choosing to bargain collectively, and to engage in other protected concerted activity in support of the union's bargaining demands; however, it equally guarantees his right to refrain from such activities, subject only to the proviso to section 8(a) (3) of the act (not here relevant); and he alone, not the union or the employer, is the judge of his own best economic self-interest. Moreover, it is an unfair labor practice for either an employer¹ or union² to restrain or interfere with the employee's free exercise of these rights.

Thus, it is the law of the land that in a strike situation the employee has a right to strike—i.e., to quit his employment—or to continue his employment—i.e., the right to work. This law is the hallmark of Western civilization; indeed, no other is consistent with either law or morality in a free society. For, as the Circuit Court of Appeals for the Ninth Circuit recently said in reaffirming this ancient truth:³

"The right to enjoy the blessings of life, liberty, and the pursuit of happiness is founded on the right to work. Deprived of this right, man becomes a groveling animal."

Just as the union can strike in support of its demands, the employer and the nonstriker can work during the strike, so too does the struck employer have a right to remain open. However, of these three basic rights in a free society only the former is qualified. As the Supreme Court has held:⁴ "Neither the common law nor the 14th amendment confers the absolute right to strike * * * (which) because of its more serious impact upon the public interest is more vulnerable to regulation than the right to organize and select representatives for lawful purposes of collective bargaining which this court has characterized as a 'fundamental right' * * * recognized as such in its decisions long before it was given protection by the National Labor Relations Act."

Wisconsin law regarding the rights of employees and employers is also very clear on this matter. That law, in part, provides:

"It shall be an unfair labor practice for an employee individually or in concert with others:

* * * * *

¹ Sec. 8(a) (1) LMRA 1947, as amended.

² Sec. 8(b) (1) LMRA 1947, as amended.

³ *NLRB v. Woodworkers of America (Ralph Smith Lumber Co.)*, 264 F. 2d 649 (C.A. 9).

⁴ *Automobile Workers v. WERB*, 336 U.S. 245, 259.

"(f) To hinder or prevent, by mass picketing, threats, intimidation, force or coercion of any kind the pursuit of any lawful work or employment, or to obstruct or interfere with entrance to or egress from any place of employment, or to obstruct or interfere with free and uninterrupted use of public roads, streets, highways, railways, airports, or other ways of travel or conveyance.

* * * * *

"(h) To take unauthorized possession of property of the employer or to engage in any concerted effort to interfere with production except by leaving the premises in an orderly manner for the purpose of going on strike.⁵ [Emphasis supplied.]

Thus, the so-called mass picketing which prevents workers who so desire from entering or leaving a place of employment or prevents an employer from conducting his business is illegal under law of Wisconsin and unprotected by the Federal Act.

The disrespect which the UAW has for these laws is demonstrated by testimony of Harvey Kitzman, director of UAW region 10 and a member of the UAW international executive board:

"Mr. KENNEDY. * * * the first illegal act that was taken by the union on April 5, and no matter what you thought they (the Kohler Co.) were going to do, the first illegal act was the starting of the mass picketing on April 5, 1954, isn't that correct?

"Mr. KITZMAN. It was not an illegal act. Here were a group of people. I have said there was mass picketing, and here was a group of people that came out April 5 to protect themselves.

"Mr. KENNEDY. That is fine, they were going to protect their jobs, and the company was inside. You say that they were taking steps in order to get ready for what you term a war, but the fact is that the first illegal act, the keeping of employees out of the plant, was taken by the union.

"Mr. KITZMAN. Well, any union that has a picket line certainly does not expect workers to go in * * *.

"Mr. KENNEDY. There are an awful lot of picket lines going on throughout the United States that are not having some 2,000 people out there to keep the employees out of work. There are picket lines that are going on in the United States at the present time, in which that is not being done.

"What you were doing, the starting of the illegal action, in this whole strike was started by your union. It was by keeping the employees who wanted to go to work, keeping them out of the plant. * * *

"Mr. KITZMAN. First let me say to you, that I have said this was mass picketing, and I have tried to tell you the reasons why, and as soon as the NLRB issued an injunction, and an order, to disband that mass picketing, that was done.

"Mr. KENNEDY. That is 57 days later, and not until a court intervened.

"Mr. KITZMAN. Up until that point, those strikers were out there, many, many of them were out there to prove that what was being said by the company on the radio, that the strikers were not favoring the strike, was not true, and therefore, they showed up on the picket line.

⁵ 111.06-252, 253, West's Wisconsin Statutes, Annotated; see also, *Automobile Workers v. WERB*, 336 U.S. 245, 259.

"Mr. KENNEDY. You spent 30 minutes telling the committee about what a terrible thing the company was doing in all of this. If the company did not want to sign with the union or felt that the demands of the union were too great, they had a right to take that position.

"Ultimately, when the strike came along, the first illegal act was done by the union, and that remained for 57 days until the court intervened.

"Mr. KITZMAN. Until the WERB order came along, the union did not consider this an illegal picket line.

"Mr. KENNEDY. It was done by the international officers of which you were one, and of which there were at least a dozen others out there.

"Mr. KITZMAN. And condoned by the Kohler Co.

"Mr. KENNEDY. The mass picketing was condoned?

"Mr. KITZMAN. Because they could have gone to the WERB long before the 57 days were up, but they did not have the record built any sooner than that.

"Mr. KENNEDY. Maybe they needed the record built in court in order to get the mass picketing removed. But there were international organizers there, and international officers of the UAW were present, and this mass picketing went on for 57 days until the court intervened.

"You can't get away from those facts" (pp. 8548-8549).

When asked by Senator Goldwater if he knew the Wisconsin law prohibited "picketing that prevents a man from going to work if he desires to go to work," Kitzman replied:

"Yes; I believe that is in the law."

"Senator GOLDWATER. Did you know that before the strike commenced?

"Mr. KITZMAN. Yes.

"Senator GOLDWATER. Well, did you have a feeling that you were violating the law when you set up mass picketing?

"Mr. KITZMAN. I did not. * * *

"The CHAIRMAN. Could not you have had your mass demonstration at a location where it would not have violated the law and still made the same demonstration, where you would not have, by mass force, preventing ingress and egress into the plant?

"Mr. KITZMAN. No, no, Mr. Chairman. If you would have done that, you would have had to be out on the highways or miles away from there, which wouldn't have had any effect at all.

"The CHAIRMAN. Well, of course, we (may) just as well be factual about it. We all know the purpose of holding it at those gates and running crowds from one gate to another was not to demonstrate that the majority of the Kohler workers wanted to strike, but it was to keep out of the plant workers who wanted to work. That is the truth about it; isn't it?

"(The witness conferred with his counsel.)

"Mr. KITZMAN. Yes, absolutely, yes" (p. 8556).

Not only does the record establish the responsibility of the UAW international in the unlawful mass picketing, but in his testimony before the committee Emil Mazey, UAW secretary-treasurer, admits to knowing that the picketing intentionally obstructed entrance, concedes that he did nothing to discourage the illegal conduct, and even

defiantly asserts at the end that he felt the pickets had a right to keep the nonstrikers out by violent and unlawful obstruction, the law of the land to the contrary notwithstanding.

"Mr. KENNEDY. Just answer my question, Mr. Mazey. Did you know, during the period of the strike, that they (the mass pickets) were keeping the nonstrikers out of the plant?

"Mr. MAZEY. Yes; I knew they weren't going in, and so they must have kept them out.

"Mr. KENNEDY. Didn't you know, as a matter of fact, that they were keeping the nonstrikers out of the plant?

"Mr. MAZEY. Well, I think if you would come right down to it, they probably were.

"Mr. KENNEDY. You knew it at the time?

"Mr. MAZEY. Yes, sir.

"Mr. KENNEDY. Did you, as a representative of the international, the person second in charge of the International UAW, take any steps to prevent this illegal, or at least improper, action of keeping the employees who wanted to go to work from their jobs? Did you take any steps to insure that the picket lines were open for those who wanted to go to work?

"Mr. MAZEY. I did not. * * *

"Mr. KENNEDY. Now, is it the policy of the international to condone this kind of at least improper action of keeping people from their jobs when they want to go to work?

"Mr. MAZEY. It was my opinion that every worker out there had a right to protect his job.

"Mr. KENNEDY. And do you feel that they have a right to protect their job by physically stopping those who want to go to their jobs?

"Mr. MAZEY. Well, there was court action.

"Mr. KENNEDY. Just answer the question. Do you feel that that is proper?

"Mr. MAZEY. I do" (pp. 9057-9058).

The international representatives of the UAW, very much in evidence on the scene of this strike thus took no decisive or concentrated action to prevent this flagrant violation of the law, but on the contrary, consistently sought to justify it. It can only be concluded that violation of the law is sanctioned by the union bosses, if, as here, it serves their purposes.

IV. UAW'S USE OF RIOTS AND BOYCOTTS

The celebrated "clay boat incident" deserves the special attention of this committee. For in it we see all of the weapons in the UAW arsenal which were brought with such crushing force not only against the Kohler Co. but against neutral small businessmen and the public as well. These weapons ranged from UAW-inspired mass picketing and its natural byproduct, the riot, two boycotts, and the corruption of local law enforcement officers sworn to uphold and administer impartially the laws of the State of Wisconsin.

The use and nature of mass picketing and violence as union-approved methods of coercion have been previously documented and catalogued in this report. However, here we encounter for the first time the equally unlawful and indefensible secondary boycott and the

consumer boycott which, though reprehensible, were permissible under laws existing at the time of the strike.

The Taft-Hartley's prohibitions against the secondary boycotts are here in issue contained in section 8(b)(4)(A) which make it unlawful for a labor organization to induce or encourage employees of another employer to engage in a "strike" or a "concerted refusal in the course of their employment" to handle products, for the purpose of forcing that neutral to stop doing business with the employer having a dispute with the labor organization. In short, this section makes it an unfair labor practice for a union, having a labor dispute with A, to induce B's employees to cease handling A's goods, so that, in turn, B will be forced to cease doing business with A. Another type of consumer boycott, on the other hand, involves direct union appeal to the secondary or neutral employer not to handle A's goods and therefore the vice of inducing secondary employees is avoided. This type of consumer boycott has been outlawed by a new section, 8(b)(4)(B), added in the recently enacted Landrum-Griffin law.⁶

Both types of boycott have the common objective of involving neutral in controversies not their own and demands not in their power to grant.

The "clay boat incident" was a case in which violence and boycott teamed up. The Kohler Co. buys ceramic clays from England by the shipload. A local contractor, Buteyn Excavating, unloads the clay and trucks it to Kohler. On July 5, 1955, the ship *Fossum* lay alongside in Sheboygan awaiting unloading. Several days before the clay boat docked, UAW radio broadcasts were urging their people to go down to meet the ship.

Thus, on July 1, 1955, Robert Treuer, an international representative working in the public relations department, made the following statement on station WHBL:

"Also in the news, a clay boat loaded with clay for the Kohler Co. is expected to dock in Sheboygan Harbor some time Saturday or Sunday. It is expected, of course, that a number of people will be on hand to meet and greet the clay boat when it arrives. Information is that the sailors aboard the ship have been contacted by CIO brothers before the ship even approached Sheboygan, and have been told the full story of the Kohler strike.

* * * * *

"* * * and certainly there will be many people on hand to watch the sight of the boat maneuvering into dock and pulling in and perhaps unloading before even the holidays are out" (p. 9157).

Early on the morning of July 5, the Buteyn brothers arrived at the docks with their equipment, ready and willing to unload the clay boat. Mr. Cornelius Buteyn testified that as he approached the docks with his equipment, an international representative of the

⁶ At the time of adoption, however, it was stated that the new provision shall not "be construed to prohibit publicity, other than picketing, for the purpose of truthfully advising the public, including consumers and members of a labor organization, that a product or products are produced by an employer with whom the labor organization has a primary dispute and are distributed by another employer, as long as such publicity does not have an effect of inducing any individual employed by any person other than the primary employer in the course of his employment to refuse to pick up, deliver, or transport any goods, or not to perform any services, at the establishment of the employer engaged in such distribution."

UAW, Donald Rand, asked him not to unload the boat. Chief Counsel Kennedy asked:

"And Mr. Rand came up to you with these other two gentlemen (Majerus and Kalupa) and you had a conversation?"

"Mr. CORNELIUS BUTEYN. And they asked me why we would not cooperate * * *. He then told me 'Well, if you don't cooperate, we will pull out all the stops to prevent the loading and unloading of the clay.' * * *

"The CHAIRMAN. What impressions did you get from it?"

"Mr. CORNELIUS BUTEYN. Well, the impression I got was probably by having mass picketing and enough people to make it very difficult to move heavy equipment or trucks through the lines" (pp. 9181-9182).

Peter Buteyn, Cornelius' brother, testified as to his experience at the dock:

"Mr. KENNEDY. Did you have any conversations with him (Rand) following the conversation that Mr. Rand had with your brother?"

"Mr. PETER BUTEYN. Yes, well, I was the second one, Mr. Kennedy, to arrive at the dock that morning, and I noticed that there were two people talking to my brother. It appeared to me as though they were arguing. I immediately walked over there and asked what the trouble was. Well, we walked away from the truck that my brother was driving, and he, again, asked me what the reason was for not cooperating with the union, and they certainly would appreciate it if we would cooperate, that certainly this strike couldn't be settled with people like us around.

"So in the process of this discussion there was a lot of profanity used. At that time I did not know Mr. Rand or any of the union representatives. So, first of all, I asked them to stop for a moment, and I asked them to refrain from using profanity, which I objected to. Secondly, I wished that he would identify himself, because I was unaware of who he was and who he represented. At that time, he told me his name and who he represented. He asked me again if we wouldn't—

"The CHAIRMAN. Who was it?"

"Mr. KENNEDY. Mr. Rand, and he said he represented the UAW?"

"Mr. PETER BUTEYN. Right. * * *

"Mr. KENNEDY. Go ahead.

"Mr. PETER BUTEYN. During the discussion, then, again, he asked me why we wouldn't cooperate, and in a few weeks this strike would be settled and everybody could go back to work, and it certainly would be beneficial to me.

"Well, I said that was a matter of opinion. I felt I had obligations to meet, and also had obligations to other people who had treated me fairly over a period of 20 years.

"He said, 'if you have obligations to meet, that should not be no problem, because if you will cooperate we certainly could arrange for any payments at the bank that have to be made, if that is necessary.'

"Well, I said, 'That would not be necessary at all.' I hadn't reference to that alone. In the word 'obligations,' I had reference to the Kohler Co. also * * *" (pp. 9182-9183).

Rand was asked:

"Mr. KENNEDY. What did you feel that you could do for him, and what did you have in mind when you said you would help him out with his problem? Were you going to loan him money? Were you preparing to loan him money?

"Mr. RAND. Myself, you mean?

"Mr. KENNEDY. Yes.

"Mr. RAND. No; I haven't money.

"Mr. KENNEDY. Did you assume the union would put up money for him?

"Mr. RAND. I have no right to assume that.

"Mr. KENNEDY. What did you have in mind when you said you were going to help him out with his financial obligations?

"Mr. RAND. Frankly, I had no specific point of view at that time * * *" (p. 9227).

Although Rand did not know what he "could have possibly done to help" Buteyn, he declared to the committee that he was "sincere" in his offer.

Meanwhile, several Kohler officials, including Edmund Biever, the plant manager, arrived at the dock. Biever testified that it had been his job since 1949 to supervise the unloading of the clay boats. He stated that the company had no trouble getting in or out of the dock area in 1954, except during the period of the mass picketing when the clay was stored on a platform on the dock. When asked by Senator Mundt, "What were conditions like when you arrived there that morning?" Biever declared:

"When we got to the dock area we noticed that some of Buteyn's equipment was in the middle of Pennsylvania Avenue, on a public street, and that there was a picket line in front of the main gate.

"That picket line had about 15 people in it, but in front of that picket line were Don Rand and Ray Majerus, both international representatives, and they were running the show.

"Senator MUNDT. Were they down there before you got there or did they arrive after you had gotten there?

"Mr. BIEVER. No, sir. They were there when we arrived. In fact, they would not permit us to get in to the dock, so we drove up to the Hildebrant Lumber Co., who owned the property, and procured a key for a secondary gate which is south of the main gate and adjacent to the Coast Guard station.

"We got in—it is a very narrow gate, just wide enough for a motor-car—we drove in, and Tom Shields, the construction man, who had the keys then for that gate and the main gate, turned the keys over to one of the Buteyns * * *.

"Senator MUNDT. Did you have any trouble getting through the picket line? * * *

"Mr. BIEVER. Yes, sir. We couldn't get through the picket line that first trip. We drove in to the dock. I conferred with the ship's officers, inspected some of the cargo, and proceeded to leave.

"But we had given the key up for the east gate, so we had to drive through the main gate. After two of the policemen opened the lines, we drove through and came back to Kohler.

"Senator MUNDT. Did Donald Rand say anything to you down at the picket line?

"Mr. BIEVER. Don Rand said, 'You won't get'—that was when we first approached the picket line, he said, 'You won't get through here.'

"Senator MUNDT. You didn't get through there. You had to go through some other gate?

"Mr. BIEVER. That is right.

"Senator MUNDT. Did you see either of the Buteyn brothers?

"Mr. BIEVER. Yes, sir. I saw Cornelius the first trip in, and he stated, as I remember it, that he thought we were going to have some trouble" (pp. 9472-9473).

On his second trip to the dock, Biever testified that there were "35 to 50" in "a close, tight picket line." At that time the Buteyns asked to be relieved of their contract for unloading the clay. They agreed, however, to lease their truck and trailer to the Kohler people. As soon as the company tried to move the equipment into the dock area, though, the picket line closed in and all movement was impossible.

The crowd had centered its attention on the large tractor-trailer and crane. Police Capt. Steen Heimke described his efforts to disperse the crowd as follows:

"I suggested that we get a loudspeaker down there, and appeal to the crowd. When we did get the loudspeaker down there, I had an opportunity to see several individuals who I thought could disperse the crowd, and one was Allan Grasskamp. I went to talk to him and told him, and I said, 'I am going to get a loudspeaker down here. Would you appeal to the crowd to go home, so that we can clear up this situation before somebody gets hurt?'

"And he said, 'I have nothing to do with this crowd and I don't know who they are, and I have nothing to say. I don't know who they are, and I am not responsible for these people.'

"I said, 'Well, I know who they are.' I said, 'Everybody that I have talked to and seen in the area has a Kohler button on. They are identified as UAW-CIO 833.'

"Mr. KENNEDY. Everybody down there was a Kohler striker?

"Mr. HEIMKE. There were quite a few buttons that were visible. ***

"Mr. KENNEDY. Did you suggest anything else other than getting or trying to get the crane out of there?

"Mr. HEIMKE. While we were still waiting for the loudspeaker truck to move into the area, I saw Don Rand, and I asked him to appeal to the crowd because I thought that most of them were strikers from the Kohler Co., from facial recognition. He refused to assist me in any way in talking over the PA system. ***

"Senator CURTIS. You specifically asked both of them?

"Mr. HEIMKE. I did. ***

"Mr. KENNEDY. So the crowd was not dispersed?

"Mr. HEIMKE. No; in fact, the crowd kept getting bigger" (pp. 9314-9315).

After Mayor Ploetz of Sheboygan exhorted the Buteyns to move the equipment, Peter Buteyn volunteered to do so, on the basis that he received police protection. Herewith he describes his efforts:

"Mr. KENNEDY. So you went down to try to remove it?

"Mr. PETER BUTEYN. Yes. I arranged to call a tireshop to pick up 10 or 12 of our spare tires, which was necessary to replace because with flats on, with 27 tons, I was unable to move it.

"Mr. KENNEDY. In the meantime, you had been informed that the tires of the crane had been punctured and flattened?"

"Mr. PETER BUTEYN. Right.

"Mr. KENNEDY. And that the gasoline tank had been punctured also?"

"Mr. PETER BUTEYN. Right.

"Mr. KENNEDY. And that the gasoline tank has been cut?"

"Mr. PETER BUTEYN. Right.

"Mr. KENNEDY. Was there any other equipment damage that you know of at that time?"

"Mr. PETER BUTEYN. An inch rod pushed through the radiator, distributor wires pulled off, lights pulled off, windows shattered.

"Senator MUNDT. Did they cut the airhose on the truck which controls the braking mechanism?"

"Mr. PETER BUTEYN. Yes. All the airhoses were cut. * * *

"Mr. KENNEDY. But, as you were trying to change the tires to put the new tires on, they were flattened, too; is that right?"

"Mr. PETER BUTEYN. It happened three or four times over, Mr. Kennedy.

"Mr. KENNEDY. Did Mr. Heimke, of the police department, give you some protection?"

"Mr. PETER BUTEYN. Yes. He put two policemen right with me at all times, because we were receiving threats at all times.

"Mr. KENNEDY. Were you able to change the tires then?"

"Mr. PETER BUTEYN. We were able to change them a little faster than what they were being made flat again" (pp. 9188-9190).

Finally, after an epic struggle and the cooperation of the county highway department which got permission "from the union hall," the equipment was removed (p. 9190).

Peter's brother, Cornelius Buteyn, was also having trouble removing two small tractors from the dock area:

"* * * I stepped out of the cab of the truck to lay the blocks down so that I could put the tractors on to the lowboy. * * * When I got up to the lowboy, these blocks were kicked out of the way. That meant I had to get on and off of that tractor three or four times to place those blocks. Finally I got a shot at the lowboy with the tractor, because the blocks stayed there good enough so that I could attempt to load it.

"Mayor Ploetz got up on the low bed of that trailer and said 'Take that thing back in the dock area where you got it from, you are inciting a riot.'

"After giving permission to my brother in the later afternoon to go down and get them out of there—

"* * * I then returned and took the tractor back in the area. That meant I had to walk back through the mob again on the street. Then I happened to get close to Mr. Donald Rand again and I appealed to him, I said, 'Hey, what is the deal here? This morning you asked us to cooperate, and now this for just trying to get the equipment out of here.'

"I refuse to repeat in the presence of this committee and ladies and gentlemen in this building here what he told me at that particular time" (p. 9192).

The Buteyns estimated the damage to their equipment at between \$6,000 and \$7,000 (p. 9194).

Besides the Buteyn brothers, other witnesses testified that UAW Representative Donald Rand was in charge for the union. For example, Walter Wagner, Sheboygan chief of police at the time of the incident, said—in answer to the question:

“MR. KENNEDY. There wasn’t any question in your mind that there was a picket line present?”

“MR. WAGNER. Absolutely. * * *

“MR. KENNEDY. And the picket line, in your estimation, was being directed by Mr. Rand?”

“MR. WAGNER. Absolutely” (p. 9403).

Another witness, Police Lieutenant Clarence Zimmerman, testified:

“MR. KENNEDY. During that period of time while you were down there, did the crowd of people that were down there seem to have any direction as to what was going on?”

“MR. ZIMMERMAN. Well, there were some members of the union down there.

“MR. KENNEDY. Did they appear to you to be directing the crowd?”

“MR. ZIMMERMAN. More or less so; yes.

“MR. KENNEDY. Who were some of those people?”

“MR. ZIMMERMAN. Donald Rand, Robert Treuer.

“MR. KENNEDY. In what way did they appear to be directing the crowd?”

“MR. ZIMMERMAN. Well, he was standing in front of the picket line when I arrived there. * * *

“MR. KENNEDY. Who was doing that, Donald Rand or Treuer? Which one, or both?”

“MR. ZIMMERMAN. Donald Rand; and Robert Treuer was standing there also.

“MR. KENNEDY. And you say that they appeared to be directing, at least it appeared that they were directing, those people walking back and forth?”

“MR. ZIMMERMAN. That is correct.

“MR. KENNEDY. Did they make any statement at that time or indicate to you that they were not going to allow the clay boat to be unloaded?”

“MR. ZIMMERMAN. That is correct.

“MR. KENNEDY. What did they say to you and who said it?”

“MR. ZIMMERMAN. When I arrived there, I gave orders that the entrance to the gate should be open. There was a car parked in front of the entrance.

“MR. KENNEDY. Whose car was that?”

“MR. ZIMMERMAN. That was Robert Treuer’s car. * * *

“And Donald Rand came up to me and said, ‘Lay off.’

“He said, ‘We have to try to make this as costly to the Kohler Co. as we can’. * * *

“MR. KENNEDY. Right from the beginning early in the morning there seemed to be an indication that the union, at least as far as the spokesman, Donald Rand, was concerned, was going to take every step possible to prevent the unloading of the boat?”

“MR. ZIMMERMAN. That is correct, sir” (pp. 9357–9358).

Of course, Rand denied that he was anything more than an interested spectator; his efforts, he said, were directed toward keeping the peace. His testimony on this matter is a masterpiece of evasion and deception, unworthy of belief, as the following colloquy demonstrates:

"Mr. KENNEDY. Mr. Rand, perhaps we can finish about the clay boat. In the afternoon you came back * * * and at that time the tires were punctured on the car that was pulling in the crane, isn't that correct?

"Mr. RAND. Yes, I believe so.

"Mr. KENNEDY. Did you have anything to do with that?

"Mr. RAND. No, sir.

"Mr. KENNEDY. How long did you remain in that area at that time?

"Mr. RAND. I would say about 30 minutes.

"Mr. KENNEDY. Then where did you go?

"Mr. RAND. I went back to my office.

"Mr. KENNEDY. How long did you remain in your office then?

"Mr. RAND. I was there, I believe, until the latter part of the afternoon.

"Mr. KENNEDY. Then did you go back to the dock?

"Mr. RAND. Yes. I believe I was there some time in the evening.

"Mr. KENNEDY. Why did you go back to the dock?

"Mr. RAND. I heard that there was a tremendous crowd there, that cars were driving through there, and just a tremendous group of people were there, and I went down there out of curiosity.

"Mr. KENNEDY. You went down there to the dock three times; did you not?

"Mr. RAND. Yes.

"Mr. KENNEDY. Isn't it very peculiar that you happened to arrive at the dock on the three occasions when the crane was about to appear?

"At 7 o'clock in the morning you were there, and 11 o'clock in the morning you were there when all of this violence was done to the crane, and you were there again at 6 o'clock in the evening when they were trying to get the equipment out. That is the situation.

"And isn't it very peculiar that you happened to show up—the international organizer of the UAW—at the very time that these acts of violence took place, and where these incidents occurred?

"Mr. RAND. I don't think that there was any accident insofar as me being there. I was not there all the time. I was there for an hour, and I didn't come down there for any other reason than to see what was going on.

"Mr. KENNEDY. It doesn't make any sense. You were there at 7 o'clock and you had the conversations with Buteyn. You went back to your office and you came back at 11 o'clock, and at that time the equipment on the crane was wrecked. You went back to your office and you remained in your office and you came back in the evening.

"Then you swore at the man who was trying to get the equipment out of the dock. Those are the facts. And whenever there was some act of violence, or whenever there was a disturbance, Don Rand was there.

"* * * Then, certainly in the evening, when Mr. Happy Buteyn was trying to get his caterpillars out of the dock area, you prevented him or told him or swore at him, and by intimidation prevented him from doing what he was entitled to do?

"Mr. RAND. At that time he came over to me, and he said something to me and I don't remember exactly what it was, and I said I didn't want anything to do with it.

"Mr. KENNEDY. Why didn't you arrange to have the lines opened up so he could get his equipment out of there?

"Mr. RAND. I hardly knew anybody who was there.

"Mr. KENNEDY. Well, Mr. Rand, it is very peculiar, I would say, that every time something occurred at the dock that day you were there.

"Mr. Buteyn's estimation, both of their estimations were that you were in charge * * * you were the one who was instigating all of these riots or these incidents that were occurring at the dock.

"Do you deny any responsibility for it?

"Mr. RAND. I have no responsibility for any of the riot that occurred there.

"Mr. KENNEDY. You, as an international organizer——

"Mr. RAND. Men and women and children were there, and thousands of people were there before the day was out.

"Mr. KENNEDY. I understand.

"Mr. RAND. And I know nothing about it.

"Mr. KENNEDY. I understand, too, the fact that maybe at the beginning this was certainly not intended to occur; that is, the violence; and perhaps at the beginning it wasn't intended there were going to be that many people. But certainly you did not do anything as an international representative of the UAW to alleviate the condition.

"The situation appears that when there was an incident, Donald Rand was present. I would like to just point out, as far as your history up there is concerned, Mr. Rand, you were there when the mass picketing was taking place. When these nonstrikers could not get through the picket line, you were present, and you did not take any steps at that time, as a representative of the UAW, to open up a line so the strikers could get to work. You were present on at least one occasion when the home demonstrations were taking place, which were completely unfair to the people living in those homes who wanted to go to work. That was intimidation. You were present on the three occasions down at the dock when incidents occurred.

"You were a representative of the international union.

"Mr. RAND. The period of time in which I was at the clay boat, Mr. Kennedy, probably covers 3 or 4 hours altogether.

"Mr. KENNEDY. That is correct. You were there at 7 o'clock in the morning when they arrived with the equipment?

"Mr. RAND. I don't know precisely whether something happened.

"Mr. KENNEDY. I will tell you what happened. You were there at 7 o'clock in the morning at the arrival of the equipment, at 11 o'clock in the morning at the arrival of the crane and where all the damage was done, and 6 o'clock at night when they came to try to pick up their equipment. That is what happened.

"You were there three times, and three incidents occurred, and you were there in your participation in the rest of the strike?

"Mr. RAND. Yes; I was disturbed about it, and I did speak to Emil Schuette who was there, as I have already mentioned.

"Mr. KENNEDY. I would think that was completely unsatisfactory. You had an important position, Mr. Rand, and at the time the loud-

speaker came down you could have gotten up and spoken yourself and told the people to go home, or certainly the people who looked to you for leadership * * *.

"Mr. RAND. I wasn't in charge of this.

"The CHAIRMAN. Well, who was? Can we find out for goodness sakes, who was in charge?

"Mr. RAND. Mr. Burkhart was the international representative, and Mr. Allan Grasskamp.

"The CHAIRMAN. Was he your boss?

"Mr. RAND. Well, he superseded me as such.

"The CHAIRMAN. Was he there at the same time that you were?

"Mr. RAND. I don't believe so.

"The CHAIRMAN. Well, you were the highest ranking international official there; were you not?

"Mr. RAND. I may have been.

"The CHAIRMAN. All right, they were looking to you for leadership.

"Mr. RAND. Allan Grasskamp was president of the local union.

"The CHAIRMAN. But they were looking to you for leadership, so far as the international was concerned?

"Mr. RAND. Not in this particular situation.

"The CHAIRMAN. You were in charge, giving the directions and refusing to let them get their equipment out, and you were threatening them if they did; were you not?

"Mr. RAND. No, sir.

"The CHAIRMAN. As the testimony shows.

"Mr. RAND. I pleaded with these people not to cross our picket lines.

"The CHAIRMAN. Did you plead with them to let them get their equipment out of there?

"Mr. RAND. No" (pp. 9275-9277).

Notwithstanding all the evidence to the contrary, Rand, Treuer, and all the other UAW officials who testified on this issue declared that the responsibility for the obstruction and the riot at the docks belonged to the Kohler people. Robert Treuer of the UAW public relations department declared, in his best public relations fashion, that the appearance of Edmund Biever, Kohler plant manager, was as though someone had "dropped a bomb in that crowd" (p. 9168). Not basing his testimony on an eyewitness account, Treuer advanced the claim that Biever was an object of hatred because he was thought to have been responsible for firing the first shot in a dispute between Kohler and another union in 1934 (p. 9166).

Mr. Biever testified, however, that inspecting the clay at the docks had been part of his regular duties; that he had been doing it continuously during the strike which began in 1954; and that even during the mass picketing he had never had any trouble getting in or out of the plant (pp. 9471-9472). He further testified that the excitement had already started at the docks when he arrived (p. 9475). The record clearly shows it was the appearance of the Buteyns with their equipment which set things in motion, and that the equipment was already there when Mr. Biever arrived (p. 9472).

The failure of the police and other local authorities to handle the violent situation at the dock was quite evident. Prior to the landing

of the clay boat, the Kohler Co. sent the following letter, dated July 2, 1955, to Rudolph Ploetz, mayor of Sheboygan:

"This is to advise that the SS. *Fossum* carrying a cargo of clay for Kohler Co. will dock at Sheboygan on or about July 2, 1955, for unloading and transportation of the clay to the Kohler Co. plant.

"Certain statements were made by Local 833 UAW-CIO, in its broadcast over radio station WHBL, at 6:30 p.m., on July 1, 1955, in an obvious attempt to invite a large number of their members to be present during the docking and unloading of the boat.

"This is notice that we demand adequate police protection to prevent any mob or riot interference with the unloading of the boat and the transportation of the clay and, in case such protection is not provided and damage results, we intend to hold the city of Sheboygan and you personally liable under the provisions of section 66.01 of the Wisconsin statutes for any damage, including demurrage, which may result" (p. 9479). Although Kohler Co. felt that there might be some difficulty at the dock, Mayor Ploetz said he did not.

One of the first to arrive on the scene was Police Sergeant Clarence Zimmerman, who described the makeup of the crowd as "mixed," with "many union people" and "many sympathizers and curiosity seekers" there. He stated that he "was sent down there with four or five officers" and after several reports to headquarters as to what the situation was, still "received no help all day" (p. 9360).

Walter Wagner, then chief of police, testified:

"* * * I received a call from Sergeant Zimmerman, telling me, he said, 'Chief, I believe we are going to have some trouble down there this morning.'

"He said, 'They threw up a mass picket line.' I told him to get down there with either 10 or as many men as he could spare from his shift, and at the same time hold the No. 3 shift in reserve, because the time was shortly before 8 o'clock. So I proceeded down there. When I arrived there, here was a picket line of 19 pickets in the entranceway to the dock. There also were about 12 to 15 pieces of unloading equipment * * *" (p. 9402).

Wagner found out that the Kohler Co. would attempt to unload the clay with their own equipment. He returned to the police station where there " * * * was a group of officers, probably numbered 12 to 15, being held in reserve, and Mayor Ploetz was then there, and he asked us what had taken place down at the dock.

"I told him what had taken place, and that the Kohler Co. was going to unload the boat themselves. He then told me or asked me whether I had received a letter from the Kohler Co., and I told him that I had received a copy of the letter that he had received.

"He then mentioned that he didn't like the idea of the Kohler Co. making demands on the city of Sheboygan, and not wanting to settle the strike. Then he said, 'How many men have you got down there?' I told him about 10 down there.

"He said, 'Two is enough. I am going down there and handle it myself' * * *.

"Mr. KENNEDY. What did you tell him? Did you tell him that men were needed down there? or were not needed down there?

"Mr. WAGNER. No. I also asked him as to what about this reserve shift, and he said, 'Send them home; you won't need them' " (p. 9404)

The handling of the clay boat affair by Mayor Ploetz left much to be desired. Both he and the sheriff, Theodore Mosch, were indebted to the UAW for financial and other support during their campaigns. Sheriff Mosch testified that he and his "club" spent about \$1,000 in his 1954 campaign, and of this amount \$300 was contributed by the UAW's Kohler local. In addition, the CIO's Political Action Committee spent \$200 on mailing out campaign literature for him. When asked by Chief Counsel Kennedy if he had received labor support prior to his election in 1954, Mosch replied that he had "always had the support of labor" and "I have always been a friend of labor" (p. 8489).

Steen Heimke, then a captain of the Sheboygan police, described the "efforts" put forth by Sheriff Mosch to get the situation under control:

"* * * the sheriff was there. And after all, the sheriff is the chief-law-enforcement officer of the county and he was the only one there. None of his men showed up, and there were no other deputized individuals except a few officers that had been assigned to the area in the early morning; and that amounted to approximately four or five officers.

"The CHAIRMAN. Was this within your jurisdiction? * * *

"Mr. HEIMKE. Within the city of Sheboygan, and it comes under the jurisdiction of the police department, although in an emergency situation the sheriff becomes the chief law-enforcement officer of the county.

"The CHAIRMAN. In other words, he was superior to the local police officials?

"Mr. HEIMKE. That is right.

"The CHAIRMAN. He did not act, and deputized no one, and neither did he make any serious effort to take care of the situation?

"Mr. HEIMKE. That is right" (p. 9314).

Ploetz, who also received UAW support in his 1955 campaign for mayor of Sheboygan, considered himself a good friend to the "labor" movement. His friendship was demonstrated by his conduct during the riot at the clay boat.

As shown above, Police Chief Wagner stated that Mayor Ploetz assumed all responsibility for policing the dock area, and that he (Ploetz) had decided that two police officers would be sufficient to handle the affair. Ploetz arrived at the dock area for a meeting with Sheriff Mosch. While they were talking, Steen Heimke approached them and, according to Heimke, the following incident occurred:

"* * * I wandered away from the area, and as I came back to the conversation between the mayor and the sheriff, I approached them from the rear, and I got 2 feet away, and I heard the mayor say to the sheriff, 'How much are you obligated to the union for?' And the sheriff turned around, and he was going to say something when he saw me, and he stuttered and stammered, and he said, 'let us go someplace where we can talk.'

"So they crawled into the sheriff's car, which was parked in the middle of the intersection, and turned all of the windows shut, and they proceeded to engage in conversation. And so I rapped on the driver's window, and they opened it up, and I said, 'What do you want me to do?' After which they said, 'We'll come back in a couple

of minutes,' and they drove a block and a half away and they parked and they came back.

"I still received no instructions from the mayor * * * (p. 9313).

In Ploetz' appearance before the committee he charged Heimke with being a perjurer, declaring that he (Ploetz) "never made such a statement that day or any other day, or anything similar to it" (p. 9424).

Although we will never know with entire certainty whether Heimke or Ploetz was the perjurer, it should be noted that Heimke was a good witness, testifying straightforward and giving direct replies to all questions. No such favorable comment may be made concerning Ploetz' performance before the committee, as shown below.

Mayor Ploetz had been informed by the Kohler Co. that they were expecting the clay boat and that certain conduct of the UAW indicated the possibility of a riot (pp. 9477-9479). Mayor Ploetz expended no effort toward dispersing the crowd so that the boat could be unloaded (p. 9434), and, in fact, directed his efforts toward preventing the unloading.

Mayor Ploetz went so far as to request the Federal Mediation and Conciliation Service to obtain a voluntary, temporary halting of clay movements, whereby all shipments of clay to the Kohler Co. would be held in abeyance until negotiations reached a successful conclusion or were terminated. The head of the Service, Joseph Finnegan, denounced Ploetz' request as an irresponsible, self-serving, politically expedient statement, calculated to serve no useful purpose, except to impede mediation efforts (pp. 9444-9445).

That Mayor Ploetz was not considered a satisfactory witness is obvious from the following direct questions and evasive answers:

"Mr. KENNEDY. Didn't the union tell you then or earlier that they were not going to permit the unloading of the boat?

"Mr. PLOETZ. The union?

"Mr. KENNEDY. Yes.

"Mr. PLOETZ. No, sir.

"Mr. KENNEDY. No representative of the union told you that?

"Mr. PLOETZ. No, sir.

"Mr. KENNEDY. Certainly, early in the morning you found out that they were not going to permit the unloading of the boat.

"Mr. PLOETZ. When I got down there—

"Mr. KENNEDY. Could you answer that question? Didn't you find out early in the morning that they were not going to permit the unloading of the boat?

"Mr. PLOETZ. No, sir; I did not.

"Mr. KENNEDY. Didn't you find that out from the chief of police?

"Mr. PLOETZ. I had no such discussion with the chief that the boat was not going to be unloaded.

"The CHAIRMAN. Let me ask you something. Do you mean to sit here before this group and before this whole audience and the whole American people and tell them, after going down there that morning, that you, as mayor, didn't know what the situation was? Is that what you are answering?

"Mr. PLOETZ. Mr. Chairman, the question was asked whether or not I knew whether the boat was not going to be unloaded * * *.

"The CHAIRMAN. Well, you knew it was the intention of the union at that time not to let that boat be unloaded, didn't you? They had pickets out there for that purpose.

"Mr. PLOETZ. No; I did not know what the intent of the union was.

"The CHAIRMAN. *Do you mean to say you were that dumb? Are you swearing that?* [Emphasis supplied.]

"Mr. PLOETZ. I did not have a conversation with the union that they didn't have the intention of unloading" (pp. 9430-9431).

In analyzing the record it is quite obvious that the "law enforcement" of Sheriff Mosch and Mayor Ploetz was directed more toward denying the legitimate rights of the Kohler Co. and the nonstrikers than toward making the UAW and the strikers obey the law. Due to the refusal of Mayor Ploetz and the sheriff to enforce the law, the clay was never unloaded at Sheboygan and, after an attempt by the boat to dock at Milwaukee failed, the clay was finally unloaded at Montreal, Canada, and shipped to the Kohler Co. by rail.

After the clay boat incident, the UAW's boycott activities began with full force. Leo Brierather, who was named as local 833's "boycott coordinator," was instructed to organize a nationwide boycott campaign. The first step, he said, was to set up a "committee for following trucks" of the Kohler Co. A member of the "follow-the-truck" committee, Roy Johnson, was asked by Chief Counsel Kennedy:

"* * * the reason you followed * * * [the trucks] was to talk to the people to whom the deliveries were being made; isn't that right?

"You weren't going down to Chicago to talk to everybody in Chicago. You were talking to the people in the warehouse or the business project.

"Mr. JOHNSEN. That is right.

"Mr. KENNEDY. And trying to influence them not to buy Kohler products?

"Mr. JOHNSEN. To tell them our side of the story; yes, sir.

"Mr. KENNEDY. Would that entail setting up a picket line so that people would not come in and patronize that place of business?

"Mr. JOHNSEN. We did picket the places, sir.

"Mr. KENNEDY. So here is a third party who is handling Kohler products, and you would set a picket line up in front of a relatively innocent third party and start picketing their establishment merely because they were buying Kohler products?

"Mr. JOHNSEN. May I stress this, sir: We only picketed it at the time the Kohler Co. truck was there. * * *

"Mr. KENNEDY. Now, you were actually picketing a third party, were you not, who might be handling as one of their products, or one of their products might be handling Kohler?

"Mr. JOHNSEN. Yes, sir. * * *

"Mr. KENNEDY. Did it ever occur to you that this might be causing harm and difficulty for a third party that had nothing to do with the strike?

"Mr. JOHNSEN. In a way, sir.

"Mr. KENNEDY. But you went ahead and did it anyway?

"Mr. JOHNSEN. Yes, sir" (pp. 9729-9730).

According to Brierather, though, this effort was "a big flop" and the next step was to organize boycott caravans:

"We made a bunch of three-cornered carton signs and devised a sign 'Don't Buy Kohler. It is made by scabs and strikebreakers.'

"We would fill up about 25 carloads full of people and we would travel to the various communities, leading communities like Milwaukee, Racine, Kenosha, Appleton, Manitowoc, and a few others, and we tried to get this boycott caravan to enter the town at the key shopping hours when there were as many people as we could possibly reach who would be there in the shopping centers.

"We would parade down Main Street with the car top caravans carrying the signs, and as they would be doing that, the strikers would be out on the streets handing out special leaflets and handbills, urging people not to buy Kohler products. We designed one specific leaflet entitled 'Please Help My Daddy Win the Strike,' and there was a picture of a striker's little girl in front, and it was a plea to the people not to buy Kohler products on the back" (pp. 9650-9651).

The "boycott caravan" was implemented, Brierly stated by setting up a terrific mailing program:

"We tried to obtain as many mailing lists from labor organizations as we possibly could. We obtained a mailing list from all AFL central labor councils, from all UAW locals, from the Steel Union locals, and as many as we could possibly reach. We began an extensive mailing program. As a result of this type of publicity, the international union decided that they ought to use personal contact to support the publicity, and that is when they assigned Donald Rand as my superior and also to head up the boycott campaign * * *" (p. 9652).

Donald Rand's participation in the mass picketing of the Kohler plant and the riot at the unloading of the clay boat has already been established. In his new role as head of the boycott organization, Rand described the scope of the campaign as both printed and verbal. This included the distribution of literature, advertising, and the "direct approach to individuals and groups." Rand was very evasive in answering questions as to what other means or devices were used beyond verbal and printed representations. Finally he admitted his participation in picket lines which were protesting the use of Kohler products. According to Rand this was "the most comprehensive boycott ever organized by labor." He further declared:

"It seems to me that it is almost sinful to have any labor dispute degenerate to the point where this one has—where we actually have to wreck the company. That's what we're doing, wrecking the company" (p. 9259).

Mr. Lucius Chase, a director of the Kohler Co., was in charge of combating the UAW boycott. In his presentation of the company's side of the boycott story, Chase included the UAW boycott activities as follows:

"Inducing Government officials to violate statutes relating to competition on public works.

"Organizing picketing of third parties—distributors, plumbing contractors, etc.

"Threatening Kohler distributors, plumbing contractors, builders, and others of trouble if they handle or use Kohler material.

"Tracing shipments of Kohler products from plant to destination, possibly involving violations of the Interstate Commerce Act.

"Inducing and encouraging journeyman plumbers to engage in secondary boycotts."

According to Mr. Chase "one of the least effective boycott activities, but one of transcending significance, was the union's effort to intimidate public officials by flexing its political muscles" In December 1954, UAW Local 833 flooded the Defense Department with petitions against awarding of an artillery shell contract to the Kohler Co. However, the company was awarded the contract, which it accepted. Another example of this type of activity involved the aforementioned William Vinson, who was tried and sentenced to jail for assaulting a nonstriker. Taking offense at the sentence received by Vinson, UAW's Emil Mazey announced that the union would boycott three food markets owned by Judge Schlichting, who presided over the case, and his family. The UAW and local unions have also applied political pressure on a number of governing bodies including State legislatures, county boards, city councils, and school boards.

A number of instances were listed by the company where UAW pickets followed Kohler Co. trucks and picketed the customers' places of business. Two such cases involved a Milwaukee firm, F. R. Dengel Co., a Kohler distributor, and the Neis Co., a plumbing and heating contractor and customer of Dengel. As noted by Chase, the Neis Co. was not a direct customer of Kohler but of Dengel, therefore "our customer's customer."

Girard Desmond, a member of the legal staff of the Kohler Co. and assistant to Chase, provided an eyewitness account of these two incidents. The picketing at the Dengel Co., first took place on May 25, 1955, and after several complaints from Kohler truckdrivers, who were making deliveries, it was decided, Desmond said, "that myself and other representatives of the company would follow the trucks to be sure that nothing would happen to them" (p. 9778). He described the first incident as follows:

"* * * at the time when the truck was making deliveries to the F. R. Dengel Co. the strikers would picket the truck, call the drivers names, 'scabbies,' 'slimy scabby,' and names of that caliber. * * *

"We had a man with us who was a photographer, and we were taking photographs of the truck as it was being unloaded. A short time after the truck was there, Ray Majerus, an international representative of the UAW-CIO, came down and threatened one of our photographers.

"He said, 'If you take a picture of me, you wouldn't have that camera.' He said, 'You wouldn't be able to go to any court, either'" (p. 9778).

The second incident to which Desmond was a witness, involved the Neis Co., a customer of the Dengel Co. He declared:

"At that time, Donald Rand, another international representative of the UAW-CIO was there, and at the time when the material, the Kohler materials, was being unloaded from the Kohler truck, Donald Rand went up into the warehouse and spoke to Willard Neis, one of the sons of the owner.

"I was there at the time. And Donald Rand told Mr. Willard Neis that he should not handle Kohler products and should not accept that particular shipment" (p. 9779). When Neis refused, Desmond continued:

"Rand—took four pickets and took them around to the front of the Neis Co. building, which was a block away, and they began picketing the entrance to that plumbing contractor" (p. 9779).

Desmond testified that the picketing continued at the front of the store even after the Kohler truck left.

"I think it was about three-quarters of an hour to an hour or so. We had left that location and came back and * * * the pickets were still there * * *" (p. 9780).

Not only were Kohler-owned vehicles followed by UAW pickets, but common carriers transporting Kohler products were subjected to the same treatment. One such company carrying Kohler goods was the J. L. Scheffler Transport Co. Testimony was heard from three Scheffler drivers, all members of the Teamsters Union, who were given permission by their local's business agent to cross the Kohler picket line. Two of the drivers who belonged to locals in Sheboygan testified to various acts of vandalism which befell them, including paint bombings incurring \$1,000 damage, rocks thrown through windows, and shotgun blasts fired through homes and cars.

Arthur Butzen from Sheboygan testified to his experience while driving his truck to Chicago:

"I would say I was about 5 or 6 miles southwest of Sheboygan Falls when this shotgun blast was fired at me.

"I did not know at the time that I was being shot at. As this car approached me he put his headlights on bright and as this car got alongside of my trailer, of course my tractor was already past this car, and that is when I heard this blast.

"I thought a tire had blown out. So I pulled over to the side of the road to check if I had any blown out tires. I did not.

"Well, I thought maybe that car backfired. So I continued on to Milwaukee and I stopped in a restaurant. Now, another truckdriver from the Scheffler Co. had pulled out probably 5 minutes in back of me.

"When he caught up to me in Milwaukee, he stopped at this same restaurant and he asked me if I was shot at on Highway 28. Well, I started thinking, and, of course, I remember this blast, and he said he definitely was shot at because he had seen the blast or the flame come out of the side of this car as it passed him.

"Senator MUNDT. Let me get this straight. Does he say that he saw the blast of the shotgun fired at you, or was he also shot at himself?

"Mr. BUTZEN. He was shot at himself.

"Senator MUNDT. Following you by about 5 minutes down the same highway?

Mr. BUTZEN. That is right. * * *

"The following morning we had heard that a farm home had its window shot out that evening, and, according to this other truckdriver, he was at the same location as where this home was located that had the widow broken. Of course, we figured this window was broken at the time he was shot at. This home is located on a curve on Highway 28. This other truckdriver states that he was rounding that curve at the time he was shot at" (pp. 9712-9713).

Leroy Taylor, a third Scheffler driver, from Chicago, testified that he had been followed three times over a 3-month period. On one

occasion he was followed by seven people in a station wagon from the time he left Kohler until he reached the Chicago terminal. On arrival these seven people proceeded to picket the home office of the Scheffler Co., carrying signs and different banners proclaiming "something about scabs and not buying Kohler products."

On another occasion Taylor testified that after being cursed and sworn at by two men in an open convertible while he was parked in a gas station, he later encountered the same car on the highway:

"This car pulled alongside of me * * * and this fellow that was in the car, not the driver but this other fellow, I noticed he was standing up holding on to the windshield and he had something in one hand.

"Now, I don't know if it was his idea to try and throw that through my windshield or what, sir, but as he came alongside of me, I could see him standing up and ready to throw this object. * * *

"It was a long object, and I couldn't make it out at that time, but he threw this object at me, and I could tell by the way it hit that it was a length of pipe. * * *

"* * * if the pipe had gone through my windshield, I imagine I would probably lose control of the vehicle and go off the road. * * *

"* * * I saw him starting to throw this object, and I cut over into the car to try and discourage him. I was trying to protect myself" (pp. 9702-9703).

Although none of the drivers could categorically say that the UAW was responsible for the incidents that happened to them, they all agreed that their experiences emanated from the strike and the fact that they were transporting Kohler products.

The recipients of the UAW's "direct approach to individuals and groups" included Kohler distributors, plumbing contractors, journeymen plumbers, architects, and homebuilders. One example, out of the many brought before the committee, of this particular phase of the boycott program concerned the Knab Co., of Milwaukee, a plumbing contractor, and Plumber's Local 75. The International Plumber's Union had been importuned to pass a resolution of sympathy for the strike. Although the international union refused to support a secondary boycott some local business agents have done so.

In September 1956, St. Luke's Hospital, in Milwaukee, was constructing two additional wings. Richard Sharp, a member of Plumber's Local 75 and a superintendent for the Knab Co., told the committee that the hospital's old building already contained Kohler fixtures, and that—

"* * * the hospital board wanted to match the fixtures up. That was not only to match them, but for maintenance, so they would not have to have additional parts on hand" (p. 9818).

While in the process of loading the material for the job, Sharp testified that he received a call from Anthony King, business agent for local 75, "stating that if we were putting Kohler fixtures on the job, we would have trouble" (p. 9818). King's meaning of "trouble," according to Sharp, was that the Knab Co. would get no men from the union hiring hall.

Shortly after a meeting in which the hospital board again made the decision to install Kohler products, a picketline was set up outside the hospital. Sharp recalled:

"* * * One Monday morning we received a call at the office that there was a picketline there * * *. I got over to the job and the plumbers were all sitting in the shack and they said they were not going to cross the picketline.

"The electricians, and carpenters, and everybody else on the job were working and the only ones not working were the plumbers.

"Mr. KENNEDY. Did they carry signs, these pickets?

"Mr. SHARP. Yes, they did.

"Mr. KENNEDY. Saying, 'Don't use Kohler products'?

"Mr. SHARP. Yes, and not to use scab-made products, and there were 5 or 6 different signs they had over there * * *.

"It was a couple of days after that when we had a meeting with the hospital board to see what we could get done and at this meeting, Mr. Raymond Majerus (international representative of the UAW) came down from Sheboygan, and he sat in and told the hospital board how poor the fixtures were and that they should not be put in the job.

"He also at that time explained there was a very good possibility that the community chest would be outlawed in town, if these fixtures were going in the hospital.

"Mr. KENNEDY. That the community chest would be what?

"Mr. SHARP. Would be boycotted * * *.

"* * * Mr. Kinsley, the head of the hospital said that it would not hurt this hospital but that it might hurt others, and as far as he was concerned they were going to go ahead and put in Kohler ware" (p. 9820).

Picketing continued daily by the so-called citizens committee and construction on the hospital wings was shut down for about 4 weeks. The Knab Co.'s own plumbers were perfectly willing to return to the job and go on working provided there were no pickets there, and provided there would be no restraint by their own union. The hospital sued the "citizen" pickets on the basis that they claimed to have no connection with any union, and therefore were not entitled to the protection of the labor laws. Immediately after that, all of the building tradesmen except the journeymen plumbers went back to work. A couple of days later, however, a journeyman plumber and an apprentice showed up and went to work. Construction was finally completed and Kohler fixtures were installed.

Dozens of other examples of the UAW's "comprehensive" boycott program in Atlanta, Chicago, Dayton, Detroit, Memphis, Milwaukee, and Phoenix were presented to the committee.

The boycott has reached into remote recesses of American life far removed from the issues involved in the Kohler strike. For instance: communities have been made to suffer because city councils as far away as Connecticut have been induced to pass resolutions forbidding the city to let contracts to firms using Kohler plumbing ware even if Kohler is the low bidder; and a community chest has been boycotted which gave money to a hospital installing Kohler equipment under an existing contract. *Thus, it is apparent that the UAW seeks to reward all those who agree with them and to punish all those who do not.*

Such wholesale boycott activities, which can be financed only with the huge amounts of money available to unions like the UAW, completely disregard the public interest. They violate the most fundamental constitutional rights of our citizens. The time has come when we can no longer afford to ignore them.

V. UAW'S VILIFICATION AND CHARACTER ASSASSINATION OF PUBLIC OFFICIALS WHO OPPOSE THE UAW'S METHODS

An examination of the record reveals that the UAW leaders considered vilification and character assassination of public officials who have disagreed with them as a vital part of the overall strategy in the conduct of the Kohler strike.

The brutal assault on Willard van Ouwerkerk, a nonstriker, by William Vinson has been described previously in this report. For this act of violence, Vinson was tried and found guilty by a jury of his peers. Judge Schlichting sentenced Vinson to 1 to 2 years, of which Vinson served 13 months. The UAW appealed the sentence for Vinson to the Wisconsin Supreme Court, challenging both the ground upon which the case had been litigated and the sentence. Judge Schlichting was upheld in every respect by the court, which held, in part that:

"The violence of Mr. Vinson's attack on Mr. van Ouwerkerk, the continuation of the attack of kicking while Mr. van Ouwerkerk lay helpless on the floor, the serious injuries which Vinson inflicted, the disproportion in the size and age of the two men, which removed fear of personal danger to Vinson from reprisal by Van Ouwerkerk, are matters of evidence which the jury was entitled to consider when reaching a conclusion concerning Vinson's state of mind while he carried on the assault. It is quite impossible to conclude, under such circumstances, that in so doing Vinson lacked an intent to hurt Van Ouwerkerk and hurt him badly. Contrary to [Vinson's] contention, the evidence, and the inferences from which it was the province of the jury to draw, established beyond a reasonable doubt that the assault was made by Vinson with the intent to inflict great bodily harm on Van Ouwerkerk" (p. 8871).

Notwithstanding this affirmance by the Supreme Court of Wisconsin, Emil Mazey, UAW secretary-treasurer, in a speech given at a union meeting and later broadcast to the Sheboygan radio audience, attacked the judge, declaring that:

"* * * the sentencing of Bill Vinson was extremely harsh * * *. It is the toughest sentence that has been handed down in Sheboygan County on a case of this type in the history of the county * * *."

"* * * the conduct of Judge Schlichting, in the *Vinson* case, raised a serious question in my mind as to whether he is qualified to serve as a judge in this community and I repeat this charge" (p. 8912).

Mazey continued his tirade against the judge by telling the committee that Judge Schlichting's conduct was improper because he did not "present the charges to the jury properly." Yet the Wisconsin Supreme Court upheld the judge on that. Mazey then accused the judge, in sentencing Vinson to 2 years, of passing the "stiffest sentence he could." Yet the statute permitted the judge to impose a 3-year sentence (p. 8914). When faced with this fact, Mazey accused the judge of trying Vinson under the wrong statute—"The judge should have had him on a simple assault and battery" (p. 8914).

It should be noted at this point that Mazey did not know the facts, or, if he did, he was misleading the committee. The record shows that Judge Schlichting himself suggested to Vinson's attorneys that they move for inclusion of a simple assault verdict:

"Senator MUNDT. * * * what questions were submitted to the jury?

"Judge SCHLICHTING. There were three verdicts submitted. The defendant [Vinson] was charged with the then law, assault with intent to commit great bodily harm. I discussed with the attorneys what I believed to be proper, the submission of an included offense, and stated to defense counsel that if they would move for such, I would submit it. They moved that I submit simple assault; so as an included offense, I also submitted a verdict of simple assault, and, of course, the verdict of 'Not guilty.'

"So three verdicts were submitted to the jury.

"Senator MUNDT. With the concurrence of the defense attorney?

"Judge SCHLICHTING. The defense attorney moved for the submission of simple assault. He did so at my suggestion that I believed it was fair to the defendant to submit an included offense. In the event the jury didn't feel that the facts or the evidence warranted the more serious charges, and did not feel the defendant was not guilty, we could, under our law, submit what we call an included offense.

"Senator MUNDT. Whereupon, after you had made that suggestion to defense counsel, he moved that that be done, and you granted him the motion?

"Judge SCHLICHTING. That is correct; yes, sir.

"Senator MUNDT. Do I understand you correctly, then, that it was the trial jury rather than the judge that he agreed upon the greater crime rather than the lesser crime?

"Judge SCHLICHTING. That is correct. A verdict in a criminal case in Wisconsin must be by unanimous action of the jury.

"Senator MUNDT. So by unanimous action the jury decided against the included offense, which was the lesser crime with the smaller penalty, and agreed unanimously upon the greater crime with the greater penalty?

"Judge SCHLICHTING. That is correct, sir.

"Senator MUNDT. And when he was found guilty by the jury, you did not sentence the accused or the guilty to the maximum penalty?

"Judge SCHLICHTING. No, sir; I did not.

"Senator MUNDT. You gave him not less than 1 nor more than 2 years?

"Judge SCHLICHTING. That is correct" (pp. 8982-8983).

After Mazey's attack on Judge Schlichting was heard by several thousand people, a great deal of objection was voiced by various groups in the community, including the clergy, the bar association, and the medical association. Mazey himself admitted that the bar and medical associations had passed resolutions against him (p. 8915).

The following statement, signed by eight priests, was introduced in the record:

"There comes a time when silence is imprudent, and may even be harmful to a community such as Sheboygan, and that time is now. A resident of Sheboygan County was attacked and severely injured by another man. The attacker was tried in circuit court and convicted by a jury of assault with intent to do grave bodily harm.

"The judge of the circuit court, F. H. Schlichting, sentenced the convicted man to prison. The attorneys for the convicted man openly in court complimented the judge for his fairness in the conduct of the trial.

"The State supreme court denied the convicted man a stay of execution of the sentence. In the face of all these acts, the secretary-treasurer of the UAW-CIO, Emil Mazey, closing his eyes to the fact that the injured man was in danger of dying, has accused the judge of obvious bias shown against organized labor.

"He even presumed to question whether the judge is qualified to serve as a judge in this community. He has attacked the integrity of a major court of this country, and deserves to be called decisively to task for his insolence.

"Lawlessness is the result in any society or community when law and order are disregarded and flouted. It is the beginning of anarchy. Is the secretary-treasurer advocating either one?" (P. 8914.)

After the names of all the priests who signed the statement were read in the record, Emil Mazey continued his tactics of vilification and intimidation of those who disagree with the UAW leadership. That such tactics are not accidental is shown by the following testimony:

"Senator CURTIS. Do you believe that the company controlled all of these members of the clergy that took part in this?

"Mr. MAZEY. They controlled some of them.

"Senator CURTIS. Which ones?

"Mr. MAZEY. I don't know.

"Senator CURTIS. Well, now, you said they controlled some of them, and which ones?

(The witness conferred with his counsel.)

"Mr. MAZEY. On the matter of——

(The witness conferred with his counsel.)

"Senator CURTIS. I will hand you the list of these clergymen, and you tell me which ones the company controlled.

"Mr. MAZEY. I don't know which ones the company controlled.

"Senator CURTIS. All right, you read the first name there, and read it into the record, and tell us whether or not the company controls that priest.

"Mr. MAZEY. It might save some time by saying I don't know which of the individual ministers they controlled, but I believe they influence them.

"Senator CURTIS. Now, you said they controlled some of them, Mr. Mazey?

"Mr. MAZEY. I believe they do.

"Senator CURTIS. We did not ask you for a statement of opinion. You were asked the question as to whether or not they controlled these clergymen, and you said they controlled some of them.

"Mr. MAZEY. I expressed an opinion in reply to a question.

"Senator CURTIS. Now, I want you to take that list and read off the first name there. Will you do that?

"Mr. MAZEY. I have already said I don't know which of these they control.

"Senator CURTIS. Read that first name on there. * * *

"Mr. MAZEY. John G. Carroll * * * pastor of St. Clement Parish.

"Senator CURTIS. Now, does the Kohler Co. control him?

"Mr. MAZEY. I don't know.

"Senator CURTIS. Read the second one.

"Mr. MAZEY. Robert M. Hoeller, pastor, St. Peter Cleaver Parish.

"Senator CURTIS. Does the Kohler Co. control him?

"Mr. MAZEY. I don't know whether they control him or not.

"Senator CURTIS. Now coming back to this first name, is it your opinion that the company controls that one, the first name that you read?

"Mr. MAZEY. It is my opinion that the company influences many of the clergy in Sheboygan.

"Senator CURTIS. Oh, no; is it your opinion that the company controls the name of the first clergyman on the list?

"Mr. MAZEY. Senator, I can't categorically say which of these they control.

"Senator CURTIS. I am not asking about any of the rest of them, but just the first one. Is it your opinion that the company controls him?

"Mr. MAZEY. I don't know.

"Senator CURTIS. Is it your opinion that the company controls the second one?

"Mr. MAZEY. I don't know whether they control them or not, and I believe they influence many.

"Senator CURTIS. Now read the third one.

"Mr. MAZEY. Anthony J. Knackert * * * pastor of the Holy Name Parish.

"Senator CURTIS. Does the company control that clergyman?

"Mr. MAZEY. I don't know whether they do or not but I think some Kohler workers could testify as to which ones the company does control.

"Senator CURTIS. Now, listen, it was your testimony under oath that stated here that the Kohler Co. controlled some of these clergymen.

"Mr. MAZEY. It is my opinion, sir.

"Senator CURTIS. All right, is it your opinion that they control this one?

"Mr. MAZEY. I don't know.

"Senator CURTIS. All right, read the next one.

"Mr. MAZEY. Louis Koren, pastor of Sts. Cyril and Methodius Parish.

"Senator CURTIS. Does the company control that one?

"Mr. MAZEY. I don't know.

"Senator CURTIS. In your opinion, do you believe that they do?

"Mr. MAZEY. In my opinion, the Kohler Co. has great influence over the church, over the bar, and over the medical association in Sheboygan.

"Senator CURTIS. Then, are you stating that is or isn't your opinion that the company controls this last clergyman mentioned?

"Mr. MAZEY. I don't know specifically.

"Senator CURTIS. All right, read the next one.

"Mr. MAZEY. Charles J. New, pastor of St. Mary's Parish, Sheboygan Falls.

"Senator CURTIS. Now, does the Kohler Co. control that one?

"Mr. MAZEY. I don't know; I think that they influence many.

"Senator CURTIS. You think that they influence that one?

"Mr. MAZEY. The Kohler Co. influences everything in Sheboygan County.

"Senator CURTIS. Well now, a bit ago you said the company controlled some of these, and now it is your opinion that this one, this one last read is one that they control?"

"Mr. MAZEY. I don't know; it is possible they do.

"Senator CURTIS. It is possible?"

"Mr. MAZEY. That is right.

"Senator CURTIS. Do you make that charge, that there is a possibility that the Kohler Co. does?"

"Mr. MAZEY. It is a possibility they control every one of these churches.

"Senator CURTIS. In order to do that, that would seriously reflect upon the character of those clergymen, wouldn't it?"

"Mr. MAZEY. I think it does, yes.

"Senator CURTIS. All right, now read the next one.

"Mr. MAZEY. John A. Risch, pastor of St. John Evangelist Parish, Kohler.

"Senator CURTIS. Does the company control that priest?"

"Mr. MAZEY. Well, I have no specific proof, but anything that is existing in the Kohler Village, they control. They handle or they are really the biggest landlord of the community, and I imagine they picked the parish ministers in this case" (pp. 8916-8918).

After being asked if the remaining priests on the list were controlled by the Kohler Co. and giving the same stock answer that he didn't know, Mazey further declared in a burst of candor:

"* * * I believe that the company influences all of the churches in Sheboygan County.

"Senator CURTIS. In the whole county?"

"Mr. MAZEY. Yes."

* * * * *

"Senator CURTIS. Before we started to go over that list one by one, you made the flat statement that the company controlled some of those clergymen. Is that still your statement?"

"Mr. MAZEY. I said that in my opinion the company controlled the clergy of Sheboygan, Sheboygan Falls, and Kohler Village—in my opinion.

"Senator CURTIS. Do you mean by that they are not men of integrity?"

"Mr. MAZEY. If they are controlled by the Kohler Co., they couldn't be.

"Senator CURTIS. Which ones are you referring to that could not be men of integrity?"

"Mr. MAZEY. I said that in my opinion—

"Senator CURTIS. I know what you said. I am talking about which individuals are you saying are not men of integrity?"

"Mr. MAZEY. All of them" (pp. 8919-8920).

Thus, respected citizens of Wisconsin—members of the clergy and judges—have been traduced by the No. 2 boss of the International UAW.

VI. THE UAW'S PHILOSOPHY IN ACTION

The UAW does not, of course, find it necessary to resort to violence if the struck employer denies all work to all employees by yielding to the union bosses' demands that their labor monopoly be recognized by shutting down the plant for the duration of the strike, for this, as

the chairman observed at one point in the record, "means complete surrender." But when the employer remains open and the employees show an inclination to continue working, as during the Kohler strike, violence follows perforce. This is no accident. In such cases, the UAW leaders arrogate unto themselves the right physically to prevent by such unlawful means as mass picketing and violence both employer and employees from doing what they have a lawful right to do. Thus Emil Mazey, secretary-treasurer of the UAW, responded, "I do," when asked by the chief counsel, "And do you feel that they (strikers) have a right to protect their jobs by physically stopping those who want to go to their jobs?" (pp. 9057-9058). Mazey further declared that "No one has a right to scab despite the law" (p. 8980).

This then is the UAW philosophy in action—documented out of the mouth of one of its most candid advocates. This view holds that the union, acting through its elected leaders, is a supergovernment of men and not of laws. As such, it not only enjoys sovereign immunity from the laws of the land which apply to ordinary citizens but it also possesses extraordinary lawmaking powers which, in its sphere of influence, are supreme to the laws of lesser governments; that when the union has spoken on a majority vote basis on a subject within its field of competency (e.g., who shall join or who shall strike), this decision has the force of law and is therefore binding on all citizens of the land; and, hence, when someone breaks this "law" (e.g., a nonstriker), he acquires an "outlaw" or second-class citizenship status, forfeits the protections accorded good citizens, and, in the fashion of governments and men, is a proper subject of punishment and retribution for his "crime."

Emil Mazey made it clear that, in his book, nonstrikers were not ordinary criminals. To him, they were guilty of the most heinous of all crimes against constituted government—treachery; they were traitors; and he denounced them thusly:

"The people who have returned to work are traitors to our cause. They have joined the ranks of the enemy, and they ought to be treated as such" (p. 9000).

Senator Mundt took exception to this statement by Mazey:

"Now let us take one of these men. He has a job, and a family, and a career of experience working in the plant. If he goes to work or if he went to work during that strike, do you consider him a traitor?"

Mazey said "yes" because, he asserted, if a majority of employees in a plant vote to strike, it is the same as if the Congress of the United States voted to go to war.

The chairman apparently could not allow such an arrogant and patently false analogy go unchallenged. He reminded Mazey that: "We are not talking about war. We are talking about the right of an individual to make a decision to follow a livelihood for himself or his family" (p. 9064). Nor would the chairman concede there was, as Mazey insisted, "a great deal of similarity." He put the matter, but perhaps not Mazey, in proper perspective when he told Mazey that:

"I do not think so. I think a man who has a job who wants to go to work, should have the right. I think you should have the right to strike and you should have the right to put those pickets out there * * * but you do not have any right to mass them in front of the gate where a man who wants to go to work cannot get in" (p. 9064).

President Walter Reuther is more precise with language than Mazey, his second-in-command, but he is also less candid. However, the record shows his doubletalk reduces to essentially the same thing. Senator Goldwater wanted to know if Reuther agreed with the above-quoted Mazey theory that:

"The people who have returned to work are traitors to our cause. They have joined the ranks of the enemy * * *. During the war (when they joined the ranks of the enemy) they were shot, when convicted."

Reuther declined this offer to repudiate the Mazey doctrine. Instead, he resorted to the customary evasion which characterized his entire performance before the committee:

"Well, I would choose my words much more carefully than Mr. Mazey did. I think that his words are very descriptive, but I would think that they were not chosen too carefully" (p. 10047).

When pressed hard by Senator Goldwater for an answer, Reuther finally said that he would "describe this fellow" in these words:

"I think he is not the kind of person who helped build America. I think he is not the kind of person who helped make social progress in America, to make America strong" (p. 10048).

Robert Burkhart, the UAW's chief propagandist who was "in general charge of the situation" at Kohler (p. 8625) further articulated this philosophy. Although he insisted that, of course, he was "not a violent person" (p. 8633), his utterances do not bear him out. In one of his speeches to the Kohler workers (later broadcast in Sheboygan), he characterized nonstrikers as "germs which would pollute our (union) solidarity" (p. 8640) and went on to say that:

"These 'germs' are the ones who are prolonging this strike, and anything that happens to those people will—and I am not saying this as any plea to violence against them in any sense of the word—but anything that happens to them as being accursed from now on out, if I can use such a term as that, certainly they have got to live with it. They have made their bed and they have got to lie in it.

"Now, we know who they are. We have taken pictures of them. We have taken down the license plate numbers, we have made notes of what their names are, and just like anything else in life, every action has a reaction. You cannot do anything in this life but that something happens in consequence for your actions *and those people should not go without those consequences*" [italic supplied] (p. 8644).

Burkhart apparently decided to leave as little as possible to the imagination of his listeners. He pointed out that back in his hometown of Toledo, Ohio:

"It isn't necessary to have a picket line around the plant, not 35 pickets, not 6 pickets. We usually station one or two guys out there and sometimes, as I said before on other occasions, we merely put a sign on the gate. I predict to you that the time is coming in Sheboygan County, after these people learn the lesson they have coming to them, that it will no longer be necessary for us to have large picket lines, either. They will have learned their lesson and will have learned it well" (p. 8645).

When interrogated by Senator Mundt about these ominous and inflammatory words, Burkhart protested that he was referring only to the

"lesson" which social ostracism would teach the nonstrikers. He did not expressly say, he needlessly pointed out, that violence should be used against the nonstrikers.

However, as the speech continued, Burkhart exhorted his audience to keep after the nonstrikers, especially by calling them on the phone and using "expressive language." Although, for the record, he advised against threatening or coercing anybody "or anything like that," he went on to say:

"Let's do everything we can to keep them away from the plant before they get to the picket line. As for the smaller number of them who would have even courage enough—and I hate to use a decent word like 'courage' in this respect—to come to the picket lines in spite of the fact that they know the picket lines will be fully manned—as for them, they are going to have to take their chances when they get there" (p. 8646).

Burkhart's speech, despite the careful qualifications, was not only a clear incitement to violence, insofar as it was addressed to an audience of strikers; it was also in itself a clear threat of violence to the non-strikers. There can scarcely be any doubt, since it was broadcast by radio, that it was heard by many nonstrikers and that the word got around even more. Burkhart's speech constitutes proof, therefore, not only of the international's responsibility for the unlawful obstruction, but also of its participation therein. It also tends to fix international responsibility for the demonstrations at the homes of non-strikers, for the vicious vexation of the "telephone campaign," and for all the other persecution of nonstrikers and their families.

(A) *The "germs," "traitors," and "enemies of progress"*

There were more than a thousand Kohler workers whose only crime was that they wanted to continue doing what they had been doing for a long time before the UAW's new brand of law and morality came to Sheboygan—viz, report to work at the plant. The record contains affidavits attesting to more than 800 specific acts of violence and vandalism visited upon these nonstrikers or their families. Nor were these assaults and atrocities the result of mere "strained emotions," as the UAW officials tried to make the committee believe. Instead, they were deliberately planned and professionally executed. But such treatment is no more than the due to these outlaws who, according to the UAW thinking expressed by Burkhart, Mazey, and Reuther are "germs," "traitors," and "enemies of progress."

The entire list of these outrages against the persons and dignity of these law-abiding Americans is too long and sordid to recite here. However, a dozen or 50 examples will suffice to show the moral degeneration of their persecutors:

1. *John Elsesser* is a case in point. A Kohler employee since 1950, Elsesser refused to join either the UAW or its strike and returned to work as soon as the mass pickets were removed. His testimony before the committee was as follows:

"Mr. KENNEDY. Now, during that period of time when you came back to work, did you receive telephone calls? * * *

"Mr. ELSSESSER. Yes, sir, I did.

"Mr. KENNEDY. What kind of telephone calls did you get?

"Mr. ELSSESSER. Just regular ordinary telephone calls. They called me scab and dirty names and things like that.

"Mr. KENNEDY. Were they continuous? Did you get a lot of them?

"Mr. ELSESSER. Intermittent, day in and day out, and in the course of the evening, 11 o'clock or 3 o'clock in the morning, just so I would be awake most of the evening.

"Mr. KENNEDY. Now, on March 26, 1955, had you planned to go out to a movie?

"Mr. ELSESSER. I did.

"Mr. KENNEDY. Did you go out to your car?

"Mr. ELSESSER. Yes, sir. * * *

"Mr. KENNEDY. And did you notice there was something wrong?

"Mr. ELSESSER. It wouldn't start.

"Mr. KENNEDY. So what did you do?

"Mr. ELSESSER. So my wife got out of the car and she went into the house—I believe it was for a flashlight—if my memory serves me right—and in the meantime the car started.

"So I pulled the car ahead to the picket fence so my wife could get in better and she was out and as she was going to get in the door there was an explosion in the rear end of the car. * * *

"Mr. KENNEDY. What happened?

"Mr. ELSESSER. Well, the explosion occurred and she held her ears, and she screamed, and I thought there was something under the hood; and I couldn't tell from where the sound was coming from; and she screamed and held her ears and she said, 'I have a broken eardrum.' I imagine she had a pain in the ear.

"We called the police and they came over to investigate and found several fuses in the rear. * * *

"Mr. KENNEDY. Did they determine what had caused the explosion?

"Mr. ELSESSER. They determined it was dynamite. * * *

"Mr. KENNEDY. So the dynamite—if you hadn't moved the car forward—would have gone off right underneath the car?

"Mr. ELSESSER. Yes, sir" (pp. 8675-8676).

Elsesser also had his car and home paint-bombed, and gave the following account of an assault upon him in the neighborhood tavern:

"Mr. ELSESSER. * * * There were two of us went into this particular tavern, a friend and myself, and I believe we were the only Kohler workers in there. We were at the bar 10 or 15 minutes, and there was another fellow in there, and I know him but I just can't think of his name.

"And he kept calling us 'scab' and 'scab' and different names, and we never paid any attention to him and we just ignored him. After about 15 or 20 minutes, Roger Bliss and Roger Fredericks, local union boys came, and about six other fellows behind them.

"They came in and harassed us and called us names. We paid no attention to them, and they started kicking. They kicked me two or three times, and I went back to the bar and put my elbows on the bar, so I figured, if they did come to me, I would be prepared.

"So the other fellow turns his back to him. Roger Fredericks, he came from the rear and kicked him as hard as he could from the rear.

"I said to the man at the bar, 'Why do you let this go on? Why don't you call the police?' He said, 'It is no concern of mine. Do you want to call the police?' And I said, 'No, I will call my wife.' And I figured that way we would call the police. And this bunch of fellows got in front of the telephone, and said, 'What do you want to do?'

"I said, 'I want to call my wife.' But really I wanted to call the police and I figured that was the only way I could get through. They started kicking me in the groin, and kneeling me in the groin, and I went back to the bar again, and I gave the bartender a dime and asked him whether he would call a taxi for me, and he said, 'Yes,' he would call me a taxi, and asked, 'Do you want to leave?' And they wouldn't let us out the door again.

"So we did worm our way out of there, and there were three or four people ahead of me, and I gave this one fellow a shove, and he went halfway through, and he finished up and as soon as he was through, I got behind him and in a cab and drove about two blocks and I came back, and I walked back and took my car—and it was across the street—and I went down to the police department and reported it.

"I served a warrant on Roger Bliss and Roger Fredericks, and I believe they picked them up" (pp. 8679-8680).

Although Bliss and Fredericks were picked up, according to Mr. Elsesser, they were released on bail and after several adjournments of the case he dropped the charges.

2. *Gilbert Moede* had worked for Kohler since 1926. He was not in favor of the UAW, he said, and would obviously have not understood why he should be considered a "traitor" or "enemy of progress" because he wanted to continue doing the thing he knew best. The chairman asked Moede: "Do you feel you are fighting for your rights just as much as the union men claim they are fighting for theirs?" Moede answered:

"Well, here is the Constitution * * *. It gives me the right to earn my living. If I can't work, how am I going to exist?"

The chairman understood and agreed. He said, "I think it is one of the highest civil rights we have, the right to work" (p. 8723). For exercising one of his "highest civil rights," Moede was also brought to account, as shown by the following colloquy:

"Mr. KENNEDY. Did you receive any telephone calls?

"Mr. MOEDE. I have no telephone. But I had threats on the streets and other things. * * *

"Mr. KENNEDY. Did you find some vandalism in connection with your cottage?

"Mr. MOEDE. Yes, sir.

"Mr. KENNEDY. Would you tell what happened?

"Mr. MOEDE. Well, my folks live in Oshkosh, and at Christmas morning I went up to Oshkosh to see my dad, and then I also went up to the cottage, because by the cottage—my wife's brother died in the first war, so at Christmastime and holidays we always put a bouquet or something on it.

"I went up there and I attended the cemetery first, and then I went over to the cottage and I opened up the boathouse. Then I went up to the cottage. I was going to open up and I thought, 'Oh, I must have forgotten and left the door open.' So I looked in and then I see there was a mess. Then I looked from one room to the other. I have pictures here to show it. * * *

"Then I went up to Detrich and he called up the sheriff's department.

"He called up the sheriff's department and the sheriff's department came out, not the sheriff but his undersheriff. Then in the meantime, while he was coming, then I went to the boathouse with Fred Detrich and there we see that all the boats, motors, and everything else, was damaged.

"Then the sheriff came, one of his deputies on the undersheriff, and then when he saw all the damage, and acid thrown on the Bible—and at that time we didn't know it but last year when we went up there and we was going to take some of these flags and put on my brother-in-law's grave, I see that they even threw the acid right on those, too" (pp. 8724-8725).

3. Dale Oosdyk had worked at Kohler for 12 years and refused to join the UAW because he didn't like the "tactics the UAW was using to try to influence people to sign up" (p. 8410). By non-UAW standards Oosdyk would not be considered a "traitor"; indeed, some would call him a patriot. He had served on active duty with the Navy for 4 years during World War II and is now a captain in the Army Reserve. Captain Oosdyk told the committee what happened to him one night when he tried to infiltrate the "enemy" lines around the plant.

"Well, I went to the plant late Sunday evening, because my brother had told me they were going to pull the plug and no one would get into the plant the next morning; so, I managed to get into the plant that Sunday evening. Normally, I did not start work until 6:30 in the morning, but I was told I would not be able to get in. * * *

"Mr. KENNEDY. Then you had a meeting of the National Guard Monday night?

"Mr. OOSDYK. Yes, sir.

"Mr. KENNEDY. You sneaked out their back field?

"Mr. OOSDYK. That is correct. * * *

"Mr. KENNEDY. How many others were with you?

"Mr. OOSDYK. Four others. * * *

"Mr. KENNEDY. You were caught?

"Mr. OOSDYK. Yes, sir.

"Mr. KENNEDY. Will you tell what happened?

"Mr. OOSDYK. Well, while we were going through the field, it was dark, and somebody spotted some of the pickets lying in the field and they started to chase us and we ran and we came to a snow fence, and we separated and I jumped over this snow fence.

"It was quite muddy. This was in April of 1954, and it slowed me down, and I noticed some more pickets in front of me, and I turned and I almost ran right into them. One of them jumped on my back and about that time there were at least three or four more there and some of them kicked me in the back and on the side, and two of them picked me up by the arms. One picket was very small, and he hit me on my left temple while the other two were holding me, and at that time they swore at me and called me names and that I ought to be killed for trying to go to work. * * *

"Mr. KENNEDY. What did they do to you then?

"Mr. OOSDYK. They dragged me back to what the union calls the soup kitchen, which was a good half mile from where I was caught on company property.

"Mr. KENNEDY. What happened there?

"Mr. OOSDYK. Before I got there, they had sent a runner back to let them know that they caught a scab, and, before I got back to the soup kitchen, which was a good half mile from where I was caught, we got out of the field. This was Mr. Frank Sahorske from the union and some other union members waiting to escort me into the soup kitchen. At this point I told them I had lost some money and I would like to go back, first, to look for it, but they refused to let me go back. * * *

"Mr. KENNEDY. How long were you kept at the soup kitchen?

"Mr. OOSDYK. I would say 45 minutes.

"Mr. KENNEDY. Did they threaten you at the soup kitchen?

"Mr. OOSDYK. Yes, sir.

"Mr. KENNEDY. What did they say to you? * * *

"Mr. OOSDYK. I tried to use the phone, and they told me to sit down. Every time I got up to use the phone, they grabbed me and threw me down on the chair. Right after they kept me seated on the chair, they put a card in front of me and told me to put my name and my clock number on the card and where I worked. * * *

"Mr. KENNEDY. They tried to sign you up with the union?

"Mr. OOSDYK. Yes, sir.

"Mr. KENNEDY. Who was present?

"Mr. OOSDYK. At the time I did not know them, but it was Donald Rand, who was the one who took me by the arm first.

"Mr. KENNEDY. Who is Donald Rand?

"Mr. OOSDYK. He is a representative of the UAW-CIO.

"Mr. KENNEDY. Was he doing some of this, and was he one of those who were yelling at you?

"Mr. OOSDYK. Yes, he was; and he was the one that took hold of my arm and slung me down to the chair. Later on, after I knew it was useless to try to get out, he said over the public address system that scab hunting was good and they should get some more fellows to go, and go out and look for some more scabs.

"Mr. KENNEDY. Who else, besides this man was there?

"Mr. OOSDYK. Well, there were quite a few people there. The next person who talked to me was Jess Ferrazza.

"Mr. KENNEDY. What did he do?

"Mr. OOSDYK. He was a union representative, too, and he came up, and he was very polite when he came up, and he took me over in the corner and he told the rest of them to leave me alone, and he wanted to talk to me. He told me it was a good thing I was not in Detroit, because I would have been killed for trying to go to working during a strike. I told him that at that time I thought we had our rights to go to work. The law stated that if you did not belong to the union and if the doors were open for work, you could go to work. That is what I had planned on doing. Then Mr. Bower came in. * * *

"Mr. KENNEDY. Then Art Bower came, and what did he do to you?

"Mr. OOSDYK. Well, knowing him, personally, he took me on the side and he told me I was a damn fool for trying to come to work, and that I should know better, and he would take my picture and they would paste it up all over the country, showing the people that I was a scab, and trying to get back to work while the company was on strike. He said if I did get back into the plant, and they did settle

the strike, he said somebody is sure to get you and they are going to drop a ram on your head. * * *

"Mr. KENNEDY. How were you treated after that? Did they mistreat you some more?"

"Mr. OOSDYK. After that time, Mr. Bower told me he would take me home, so I would not get beat up any worse" (pp. 8410-8414).

4. *Willard Van Ouwerkerk* was a man over 50 years old, was 5 feet 6 inches tall, and weighed 125 pounds. One night during the strike, he and his wife went to a neighborhood tavern, where he was accosted by a woman who identified herself as Mrs. Robert Burkhart. She asked why he did not want to join the union. When Van Ouwerkerk indicated that he wished to continue working, she said, according to his testimony, "Well I will call somebody." He gave the committee the following account of his experience:

"I didn't want to get into anything. Then as I got off the stool, somebody hit me from behind, in the back of the head. * * *

"Mr. KENNEDY. You were knocked down then?"

"Mr. VAN OUWERKERK. I was knocked unconscious. I was on the floor. * * *

"Mr. KENNEDY. Afterward, was it related to you as to what happened when you were knocked down to the floor? * * *

"Mr. OUWERKERK. Well, they told me that this person had worked on me with his feet on my back. * * *

"Mr. KENNEDY. Once you were knocked to the ground from behind, the man then began to kick you, is that right?"

"Mr. VAN OUWERKERK. That is right. * * *

"Mr. KENNEDY. How many ribs did you find were broken?"

"Mr. VAN OUWERKERK. It was either three or four. * * *

"Mr. KENNEDY. Were you beaten in any other place?"

"Mr. VAN OUWERKERK. Well, I had a punctured lung, and then I contracted pneumonia from that lung. * * *

"Mr. KENNEDY. How long were you in the hospital?"

"Mr. VAN OUWERKERK. I was in there some 20-odd days. I think it was 22. * * *

"Mr. KENNEDY. Now, subsequently, charges were brought against this man?"

"Mr. VAN OUWERKERK. They were.

"Mr. KENNEDY. And that was found to be Mr. William Vinson?"

"Mr. VAN OUWERKERK. That is right.

"Mr. KENNEDY. And he is an international organizer for the UAW?"

"Mr. VAN OUWERKERK. That is right" (pp. 8868-8870).

Vinson, who was defended by UAW attorneys, was subsequently found guilty and sentenced to 2 years in jail, of which he served 13 months. Although he did not deny his attack on Van Ouwerkerk, he insisted he got a raw deal in his trial: "My position," he declared, "is I think I got a very unfair and unjust trial on the sentence side of it" (p. 8876). Vinson testified that at the time he assaulted Van Ouwerkerk, he was 27 years old, was 6 feet 3 inches tall and weighed about 230." Vinson's reason for this assault was as follows:

"I came out of the restroom and as I came out of the restroom I heard somebody say, 'Let's get the hell out of here; there is too many union people here.' So I lost my temper and I hit him" (p. 8876).

While the UAW leadership professed opposition to the wholesale violence and vandalism, they made no effort to prevent such action. In fact the UAW condoned and approved such conduct by paying the legal fees, fines, and court costs arising therefrom. For example, Vinson, who admitted he "was arrested about four times," declared that all his fines and court costs were paid, not by him, but by the UAW. In addition thereto, Mazey told the committee:

"* * * while Bill Vinson was in jail, we gave his wife \$50 a week, the local union gave, local 212, which happens to be my local, Senator, a local that I organized, also gave his wife \$50 a week, and the way the matter was handled, the international union gave her a check of \$100 a week, and every 3 months the local would reimburse the international union for its share of this obligation.

"Senator GOLDWATER. Do you think that is a proper expenditure of union dues money?

"Mr. MAZEY. Yes, I do, sir * * *" (p. 8955).

Although Walter Reuther's vocal condemnation of Vinson was predictably vigorous, he still managed to make the UAW's compensation seem but a humane act:

"I think Mr. Vincent (Vinson) hurt our union no end. I for not 1 second will defend what he did, because I think he was wrong. He was punished. He should have been punished. Things that we did [were] to help his family. His family didn't make the mistake. I did not think they should be punished" (pp. 10007-10008).

Mr. Reuther, in his testimony before the committee, deplored the use of "finks" by employers during the early days of union organization. In fact, he attempted to make a martyr of himself by repeatedly recounting the rough treatment he once allegedly received at the hands of paid strikebreakers. However, sympathy for Reuther tends to wane when we examine the record with respect to the strong-arm activities of John Gunaca, one of his paid goons.

5. *William Bersch, Jr.*, testified under oath to Gunaca's brutal assault upon him and his father. Bersch, Jr., had joined the UAW but did not support the strike. After the mass picketing ended he returned to his job at Kohler, as well as working part time in a gasoline station. Herewith are portions of his testimony:

"Mr. KENNEDY. Could you tell us what happened at approximately 9:30 or 9:25 on the evening of July 4?

"Mr. BERSCH. I was working there [service station], and my father was there. He came over. He just lived across the street. He came over to see what I was doing. The next day we were going to go fishing. * * *

"Mr. KENNEDY. At that time, did an automobile draw up?

"Mr. BERSCH. Yes; a 1953 Buick pulled up in back of the wash rack of the station, while I was working at the pumps.

"Mr. KENNEDY. What happened then?

"Mr. BERSCH. Well, when I got finished at the pumps, I went over to see what he wanted, and it was a fellow by the name of Nick.

"Mr. KENNEDY. Nick Vreckovic,⁷ is that right?

"Mr. BERSCH. I think it is.

"Mr. KENNEDY. And you had known him before?

⁷ Vreckovic is now serving a 6-month jail sentence for his part in this incident.

"Mr. BERSCH. I had known him approximately 5 or 6 years ago.

* * *

"Mr. KENNEDY. He was a member of the UAW and supported the strike?

"Mr. BERSCH. Yes.

"Mr. KENNEDY. What words did you have with him at that time?

"Mr. BERSCH. I went over to find out what he wanted, and I told him I just didn't have time. It was 9:30 in the evening already and I couldn't get to it. After that, then he said, 'Well, I heard you are scabbing at the Kohler.'

"I said, 'I didn't call it scabbing. I am making a living for my family.'

"Well, then he went back to have his brakes checked, and I said I couldn't do it. He got pretty rough, so I just turned around and walked away and I went back into the office of the station. I picked up the telephone—

"Mr. KENNEDY. Who were you going to call on the telephone?

"Mr. BERSCH. I was going to call the sheriff's department. * * *

"Mr. KENNEDY. And the words between yourself and Vreckovic had been such that you felt it necessary?

"Mr. BERSCH. Yes. He got pretty—I wouldn't know the words to use, but farther than an ordinary customer does. * * *

"Mr. KENNEDY. How many people were in the car?

"Mr. BERSCH. There was three people in the car.

"Mr. KENNEDY. And Vreckovic was driving the automobile?

"Mr. BERSCH. Vreckovic was driving. * * *

"Mr. KENNEDY. You went back in and picked up the telephone to make a call?

"Mr. BERSCH. As I picked up the telephone, a fellow came in on the left side of me and put his hand between the telephone and receiver and broke the wire right off the receiver, and at the same time he hit me on the left side of my face and knocked me across the floor about 5 or 6 feet against a steel safe that was in the corner.

"Mr. KENNEDY. This was not Vreckovic?

"Mr. BERSCH. This was not Vreckovic.

"Mr. KENNEDY. It was one of the other two men?

"Mr. BERSCH. Yes.

"I was down and he trampled on me a little bit, and at the same time my father seen that and he came in the office, and then they jumped him.

"Mr. KENNEDY. Had he gotten a small children's baseball bat out of the automobile?

"Mr. BERSCH. Yes; it was a baseball bat in one of the cars that were in the station. He picked that up. * * *

"Mr. KENNEDY. How old was your father at that time?

"Mr. BERSCH. At that time he was 65.

"Mr. KENNEDY. He came into the station to try to assist you? What happened then?

"Mr. BERSCH. They then jumped on him and beat him up while I was down. I don't know what they hit him with. He got hit in the head and broke a vertebra.

"Mr. KENNEDY. Were you conscious or unconscious during this time?

"Mr. BERSCH. Well, I just remember coming to. I must have been unconscious for a short time. * * *

"Mr. KENNEDY. Do you know whether there was one or two men that attacked your father?

"Mr. BERSCH. I don't know. I was down at that time, and when I got up, they were gone already.

"Mr. KENNEDY. And you don't know if Vreckovic was one of those?

"Mr. BERSCH. No; I don't.

"Mr. KENNEDY. You don't know what happened as far as your father was concerned or who hit him?

"Mr. BERSCH. No; I don't.

"Mr. KENNEDY. All you know is he was knocked down?

"Mr. BERSCH. He was knocked down. * * *

"Mr. KENNEDY. And the car drove away. Were you able to identify either of the other two men?

"Mr. BERSCH. Yes; I got a good look at the man on the outside, the right-hand side of the car, as I was waiting on customers, when they were waiting.

"Mr. KENNEDY. And were you shown some pictures?

"Mr. BERSCH. Yes; I was shown some pictures. * * *

"Mr. KENNEDY. Were you able to pick out from those pictures the man who was sitting on the outside of the automobile?

"Mr. BERSCH. Yes; I was.

"Mr. KENNEDY. Who did you identify him as?

"Mr. BERSCH. John Gunaca. * * *

"Mr. KENNEDY. Which one was he of those that participated in the brawl or beating * * *? Is he the one that hit you?

"Mr. BERSCH. He is the one that hit me; yes. * * *

"Mr. KENNEDY. And then trampled on you?

"Mr. BERSCH. Yes. * * *

"Mr. KENNEDY. What about your father? They broke his vertebra, but did he have to go to the hospital?

"Mr. BERSCH. Yes.

"Mr. KENNEDY. When did he go to the hospital?

"Mr. BERSCH. He went that same night" (pp. 9076-9079).

Bersch informed the committee that his father was in the hospital for 18 days as a result of the beating, and subsequently returned seven times due to further complications. The senior Bersch never fully recovered his health to the day of his death some 16 months later.

The direct testimony of Gunaca shed little or no light on the alleged assaults upon Bersch and his father. This was so because at the time he was under indictment from Sheboygan County, Wis., and his attorney, Charles Marston from Detroit, requested that "questions which pertained to the matter of the indictment be not asked of his witness." This request was granted by the Chair.

The indictment reads:

"Count 1, that on the 4th day of July A.D. 1954 at the city of Sheboygan Falls, in said county, said John Gunaca, also known as John Prico, John Ballerino, and John Moreski, did unlawfully, willfully, and feloniously assault another, to wit, William Bersch, Jr., with intent to do great bodily harm, contrary to section 341 of the statutes and against the peace and dignity of the State.

"Count 2, that on the 4th day of July A.D. 1954, in the city of Sheboygan Falls, in said county, the said 'John Gunaca and so forth,' did unlawfully, willfully, and feloniously assault another, to wit, William Bersch, Sr., with intent to do great bodily harm" (p. 9113).

Gunaca, who had gone back to Michigan after his assault on the Bersches, was finally extradited to Wisconsin in the latter part of 1958, where he was convicted and sentenced to a prison term of 3 years. However, his case has not yet come to trial.

The fact that the UAW was subsidizing and protecting Gunaca and his family, was probed by Senator Goldwater:

"Senator GOLDWATER. I might ask this of the counsel: Who is paying for your services?

"Mr. MARSTON. Mr. Chairman, this is something, I think, that ought to be within the area of privilege between client——

"Senator GOLDWATER. Then I will not ask the counsel. I will ask the witness. Are you paying counsel?

"Mr. GUNACA. No, Senator Goldwater; I am not.

"Senator GOLDWATER. Who is paying the counsel?

"Mr. GUNACA. As far as I know, my local union is.

"Senator GOLDWATER. You know the local union is paying him, do you not?

"Mr. GUNACA. I assume they are, because I am not.

"Senator GOLDWATER. How long has the union been paying your counsel?

"Mr. GUNACA. Mr. Marston happens to be a legal adviser for our local.

"Senator GOLDWATER. Is Mr. Marston's firm permanently retained as counsel for local 212?

"Mr. GUNACA. That is the way I understand it, sir" (p. 9132).

6. *Mrs. Alice Tracy* did not join the UAW or the strike. She was and had been for 31 years a widow and, as a Kohler worker, able, without Federal or other aid, to raise four children. She was injured when she tried to cross the UAW's mass picket line and thereafter received many telephone calls, "all the filthy names you could lay your tongue to" (p. 8386-8393). But then she was not, in Reuther's words, one who had "helped to make social progress in America."

7. *Harold N. Jacobs* was another of the traitors to the UAW. He testified that for 26½ years his treatment by the Kohler Co. had been "very good," but no different from that accorded other employees; that he had "every reason to go back to work, and none at all to stay out"; that "I have nothing to offer but my labor. I sell that to them and they pay me for it, and I think the agreement is fair" (p. 8389). He, like the other nonstrikers, had yet not learned that in the new UAW era of enlightenment such a backward view is exalting "property rights over human rights." But, like all others, he too could not breach the picket line and received his share of the vicious, dirty telephone campaign.

8. *Carl Yerkman*, father of five children, returned to the Kohler job he had held for 7 years. Being an enemy of progress in the United States, he received the usual treatment of paint bombs, telephone calls, and rocks thrown at his house. There was not much damage to his property rights but his "human rights" were trampled upon. He said that he was unable to get his children back to sleep

"for about five or six nights after the rock attack" (p. 87601); one rock broke window glass into the crib of his youngest child, "a dirty, lowdown, sneaky trick" (ibid.).

9. *Robert Hensel* was not an enemy of progress at first. He was a 20-year man at Kohler and a member of the UAW. However, he refused to vote for the strike and returned to work when the court enjoined the mass pickets. Then, having joined the enemy, he received the enemy treatment: nasty telephone calls, mob demonstrations in front of his home, paint bombing, and acid spraying (pp. 8751-8753).

10. *Peter Brevu*, a nonjoiner, returned to work when it was safe to do so. His reward: home demonstration by a howling mob of 400 and paint bombs (p. 8779).

11. *Mrs. Ole T. Pladsm's* crime was that she was the wife of a 20-year man who returned to work at Kohler when the pickets dispersed. Her home, and four children were the targets of paint bombs and vile telephone calls (p. 8644).

12. *Mrs. Arleigh Gasse's* case and punishment were novel. She was the wife of a farmer and took a job at Kohler during harvest time. She said, "They put a good-sized bolt in a cornstalk" and "when my husband went to chop, it ruined our whole chopper" (p. 8763).

(B) *Those who "helped build America"*

The sneering references by Reuther and his cohorts to loyal, industrious American workers, described above, must be recognized for the plain distortions of truth and logic which they are. At the same time it is necessary that we examine and compare the character of those traduced with those who, in Reuther's opinion, have "helped make social progress in America, to make America strong." In excluding the nonstrikers from this latter category, Reuther undoubtedly intended to include himself and his fellow UAW bosses who tried in vain to bring a new age of enlightenment to Sheboygan.

1. *Jess Ferrazza*, administrative assistant to Emil Mazey, was no doubt on Reuther's list of those who made "social progress in America." He was also one of the "outsiders" imported into Sheboygan for mass picket line duty. According to the widow Tracy, Ferrazza was "standing right in front of me and he was stomping up and down like a racer would" and one of his victims was the widow Tracy who had some foolish notion of going to work that day (p. 8388). Congressman Clare Hoffman, of Michigan, a witness before the committee, introduced into the record a picture of five pickets beating up a nonstriker who was attempting to go to work during the UAW strike against the Ford Motor Co. in April of 1941. The Congressman identified Ferrazza as one of the assailants and declared: "That boy has been a member of the UAW, acting under orders—and Reuther is in this outfit—and for 16 years he has been beating people" (p. 9388).

2. *Robert Burkhart's* activities during the Kohler strike have been detailed earlier in this report. It was he who coined the term "germs" for nonstrikers and exhorted the strikers to teach the backward citizens of Sheboygan the lessons they needed. He appeared to be an articulate advocate of the class struggle theory of unionism, which may have resulted from his membership in the Socialist

Workers Party, identified in the record as a revolutionary Trotskyite group which included some of the most notorious Communist leaders convicted for subversion under the Smith Act. Although Burkhart declared he left the SWP in 1947, when he became a convert to capitalism, Lyman Conger of the Kohler Co. disputed this claim. Conger testified:

— “I say to you that I do not believe a word of his testimony—let me put it this way: That he may have left the Socialist Workers Party, but my dealings with him showed very clearly that the Socialist Workers Party had never left him, that his attitude and approach to all these situations was the attitude and approach of a confirmed Communist, which I believe, whether he is an active party member or not today, he still is” (p. 9548).

The record also shows that as of September 24, 1953, Burkhart and a woman who was passed off as Mrs. Burkhart, took an apartment in Sheboygan. However, the real Mrs. Burkhart was still back in Toledo, Ohio, with his and her two children. Thus, Burkhart was by background and character well qualified to be called one of those who had “helped make America strong.”

3. *William P. Vinson*, the 230-pound bully boy who assaulted little nonstriker Willard van Ouwerkerk from the rear, with such ferocity that he drove some of the latter's broken ribs into his lungs, was a “builder of America,” or as he put it, a “morale builder” at the Kohler and “four or five” other UAW strikes. A chief steward at the UAW Briggs local in Detroit, Mazey's “old local,” Vinson admitted he was a member of the UAW's “flying squadron,” elsewhere in the record identified as a “goon squad” (p. 8885). He served a 13-month prison term for this assault, and as of the time of the writing of this report had been arrested and was still awaiting extradition in Michigan in connection with the assault on the Bersches.

4. *Emil Mazey* would be the first to claim the title of “progressive builder of America.” This report has already described his contempt for the nonstrikers and the laws of the United States. It will be recalled also how he traduced the character of the judge who presided over the jury trial of Vincent's assault upon Van Ouwerkerk. And when Mazey's assault upon the court for having the temerity to apply the law equally to the UAW was criticized by the Sheboygan clergy, Mazey denounced the priests as tools of Kohler and “not men of integrity” (p. 8920).

5. *John Gunaca* was one of the more “progressive” UAW goons to show up in the Kohler strike. Like Vinson, Gunaca was a chief steward from the Briggs local and a member of the UAW's “flying squadron” (p. 9110). According to William Bersch, Jr., Gunaca accosted him and his aging father in a filling station and mauled both so viciously that the elder Bersch was hospitalized for 18 days and never fully recovered his health to the date of his death some 16 months later. Gunaca was indicted in two counts, for the alleged assaults upon the Bersches, but fled back to Michigan to avoid prosecution. To the date of the committee hearing, the Governor of Michigan had refused to comply with the clear mandate in the Constitution of the United States and extradite Gunaca to Wisconsin to stand trial.

Reuther may believe, if he pleases, that such cheap thugs and demagogues as Burkhart, Ferraza, Vincent, Gunaca, and Mazey are the real

builders of a strong America. America is and was made strong by its free institutions of government, its system of free enterprise, and its free workers who include the Kohler employees, union member or not. But when Reuther represents that only UAW officers and members are entitled to credit, that only they are "the builders of America," he must not go unchallenged. The record will show that the chief contribution of Reuther and his UAW International has been, for 20 years, to impose by violent and bloody strikes a reign of terror and mob rule upon peaceful citizens, often secured by the corruption of local officers of the law, in Sheboygan, Detroit, Flint, and other communities in free America. In so doing, he and his associates have not only undermined many of the landmarks of constitutional government but also have destroyed both enterprisers and job opportunities. There are, in Detroit and elsewhere, many empty and crumbling plants which, so long as they stand, will remain monuments to Reuther's greed and destructive brand of "social justice."

(C) UAW corruption of public officials

The committee's investigation of the Kohler strike was not directed to the subject of political spending and influence of unions or management groups. That topic was one of the 11 items on the agenda adopted by the committee when it was formed but the only one not explored. But the record of the Kohler hearing does contain some evidence of how the UAW uses union dues to influence public officials in a fashion such as to alarm those who cherish impartial, even-handed justice, leaving to the imagination the enormity of the corruption which could have been unearthed had the committee investigated fully the untold millions of dollars which the UAW alone has spent for political purposes. It would be a disservice to the Congress and the American citizenry not to devote at least a portion of this report to the record vis-a-vis this subject.

The sheriff of Sheboygan County during the clay-boat riot was Theodore Mosch. He stated that this 1954 political campaign cost approximately \$1,000, of which \$300 was contributed by the Kohler UAW local and another \$200 was from the CIO's Political Action Committee (PAC). In addition, a "farm labor political group" paid for at least one political advertisement to further his candidacy. He acknowledged: "I have been a friend of labor" (pp. 8487-8489).

That Sheriff Mosch was a "friend of labor" can be disputed unless the term "labor" means, as the UAW seems to think, only the UAW and the leaders. The record shows that his law enforcement was directed mainly against the Kohler Co. and the nonstrikers who were violating no law and in support of the UAW which was. He fully understood that his oath of office required dispersal of the mass pickets and the mob by force if necessary. Instead of doing what was his duty, he abdicated to the show of naked force. He did, however, make several arrests but expressed regret that he obtained no convictions. These "several arrests" were all of nonstrikers who were trying to defend themselves from assaults by the strikers; there were no convictions because the court saw through these travesties on justice.

Mayor Ploetz, like Sheriff Mosch, was beholden to the UAW for much of his campaign funds and was a good "friend of labor." Also

like Mosch, Ploetz demonstrated this friendship by his refusal to enforce the law against the UAW-inspired mob at the riotous clay-boat affair.

Mayor Ploetz, who has assumed full responsibility for policing the docks the day the clay was to be unloaded, had been forewarned by the Kohler Co. that certain UAW activity indicated a riot and that Kohler expected the law-enforcement officials of Sheboygan to prevent any "mob or riot interference with the unloading of the boat" (pp. 9477-9479). Moreover, the scene at the clay boat when Ploetz appeared there clearly indicated the mob intended to interfere with the rights of the Kohler Co. and the brothers Buteyne to unload the cargo. Yet, Ploetz pretended to the committee that he did not know what was obvious to anyone. The chairman expresses disbelief; he demanded of Ploetz: "Do you mean to say you were that dumb? Are you swearing that?" Finally, when confronted with the overwhelming evidence that his actions had been directed mainly to aiding the illegal efforts of the UAW to prevent the unloading, instead of dispersing the mob so that Kohler and the Buteynes could go about their lawful business, Ploetz admitted:

"I definitely would not allow the clay to be unloaded as long as the safety and welfare of the people was in jeopardy. * * * I think the obligation was more to protect the human rights than the property rights at that particular time" (p. 9436).

Ploetz' glib assertion that "human rights are more important than "property rights" merits careful attention. What he was really saying was that, in his view, only union members have "human rights" and that employers and nonunion employees have only "property rights." He was also unwittingly declaring that the UAW, to which he was indebted, had a right to deny the human rights of others whom the union opposed. Senator Mundt reminded Ploetz that the Buteyne brothers and their drivers, who were human beings too, were assaulted and a nonstriker had his human head bashed in, and asked Ploetz: "Who was threatening the safety and welfare of the people?" (p. 9443).

The record is therefore clear that it is the determination of the unions to force their own notions of what is "just" upon both employers and nonunion employees that causes labor violence and that it is the political cowardice of corrupt, local law enforcement officials, such as Sheriff Mosch and Mayor Ploetz, which makes it possible. The specious doctrine of "human rights versus property rights" is demonstrably false. It postulates that wages cannot be determined by the laws of supply and demand in a free market because human rights are involved, thus confusing the labor of human beings with human beings themselves. In a free society, it is true that human beings cannot be bought and sold as a commodity; but it is equally true that the labor of human beings must be if they are to remain free. The only alternative is to have wages determined, without regard to the wishes of all workers, through either violent monopolistic practices, such as the Kohler strike violence, or by Government fiat. Harold Jacobs, one of the nonstrikers, wore no Phi Beta Kappa key on his blue shirt, but he obviously saw through the duplicity of the New Economics when he told the committee:

"I have nothing to offer but my labor. I sell that to them (the Kohler Co.) and they pay me for it and I think the agreement is fair" (p. 8398).

Jacobs seems to understand what any reasonably competent lawyer in America knows, that a property right is also a human right. Those who mouth the nonsense that there is a difference are more often than not, like Reuther and Ploetz, intent upon covering up the fact that the big unions and their leaders, like the UAW and Reuther, exercise monopolistic power and special privilege in a society which is, in theory, dedicated to the eradication of both.

Earlier in this report we have described the case of John Gunaca, who was imported by the UAW into the Kohler strike as a paid goon and how he assaulted nonstriker William Bersch and his father in July of 1954. The record also shows that Gunaca was indicted by the Wisconsin court for the alleged assaults and fled back to the State of Michigan to avoid prosecution and that at the date of the hearing, almost 4 years later, Gov. G. Mennen Williams had refused to extradite Gunaca back to Wisconsin as requested by the Wisconsin authorities and as required by the Constitution of the United States. By January 1960, as this report was completed he had been extradited, tried, sentenced and convicted to serve a prison term of 3 years; William P. Vinson had been arrested in Michigan for his part in the same beating, but was still awaiting extradition.

Reuther admitted that Governor Williams had been elected to each of his six terms with UAW backing, both money and manpower, but denied that any *official* of the UAW, including himself, had intervened with the Governor to prevent extradition. However, under further examination, he conceded that, while no *officer* of the union had ever asked the Governor to deny extradition, the UAW had paid the expenses of the attorney for Gunaca who did so (pp. 10126-10127). Reuther denied that the Governor was a political debtor of his and insisted that he and the UAW were interested only in a fair trial for Gunaca which was impossible in Sheboygan County because of the hostility of prospective jurors to the UAW. This excuse is somewhat doubtful for two reasons: (1) It contradicted his earlier claim that the people of Sheboygan County were predominately pro-UAW and anti-Kohler and (2) under the laws of Wisconsin, Gunaca could have moved the court for a change of venue to another county upon a showing that a fair trial in Sheboygan was unlikely. Under the circumstances, therefore, it is permissible to infer that a fair trial was the one thing Gunaca and the UAW did not want and that Senator Curtis was correct when he observed to Reuther that "I contend that the administration of justice has been corrupted" (p. 10129).

The *Gunaca* case is not the first one in which Reuther and his UAW have received special considerations from Governor Williams of Michigan. The record shows that in October of 1948, Thomas J. Flynn, one of Reuther's international representatives, was arrested for picket line violence, found guilty of the court and sentenced to a term of 18 months to 4 years. As usual the UAW provided Flynn with paid counsel and a full measure of due process. His conviction and sentence were approved by the Supreme Court of the State of Michigan, which prompted this tirade from August Scholl in the Michigan CIO News on April 12, 1951:

"Republicans in the legislature stick the knife in labor's back and then those who administer and interpret laws twist the knife.

"There are indications also that workers cannot expect justice from the highest tribunal in Michigan, the State supreme court" (p. 10122).

Following this usual pattern of union criticism against the courts for having the courage to apply the laws equally to the UAW, Governor Williams commuted Flynn's sentence to a month and a day.

Senator Curtis asked Reuther to comment on two newspaper accounts of the Governor's solicitude. One of them, in the Detroit Free Press, dated August 16, 1951, under the headline, "Governor Opens Jail for Labor Leader," reported:

"UAW worker, Thomas Flynn, was released from prison by clemency action by Governor Williams. Flynn's case has been a controversial issue for 2 years. He was sentenced to serve 18 months to 4 years for overturning an automobile during a strike August 18, 1948, at the Nylon Products Co., St. Joseph.

"Governor Williams commuted the sentence to the time served which was only a month and a day" (p. 10124).

The other dispatch was from the Detroit News of August 17, 1951, under the headline, "A Picketline Goon Goes Free and Soapy Pays a Political Debt." After stating, "There never was any doubt of his guilt," it continues:

"The fact of the matter is that Governor Williams has bowed to the demands of his political creditors in the UAW-CIO that he set aside the verdict of the court in this case. His action was taken over the protest of both the prosecutor and the trial judge.

"In the words of the prosecutor, he proclaimed a double standard of law, one for ordinary people and one for unionists on the picket line" (ibid.).

Reuther admitted that Governor Williams had pardoned Flynn but stoutly denied that the Governor was beholden to him for political support or that any official of the UAW had ever talked to the former about the *Flynn* case. The record shows that one Nicholas Roth, a UAW attorney, accompanied by Emil Mazey, did ask Governor Williams to grant executive clemency to Flynn and that the Governor did so (p. 10123).

There are many ways by which corrupt union officials can and do corrupt public officials who are charged with the duty to administer the laws of the Nation impartially to all citizens. All human experience teaches that once the government places its thumb upon the scales of justice, the class preferred soon takes on the mantle of government itself. That is the clear and present danger which Reuther and the UAW pose to the State of Michigan and to America.

APPENDIX C. THE PERFECT CIRCLE STRIKE

Although it was of comparatively short duration, one of the most violent episodes ever recorded by the committee was the UAW strike against the Perfect Circle Corp.'s plants in 1955. Continuing its investigation of UAW strikes, the committee heard from witnesses who framed a pattern of violence, similar in every case and which descends upon companies which attempt to continue operations during UAW strikes.

Perfect Circle Corp., now almost 75 years old, is a manufacturer of piston rings with its four plants in Indiana. Its main factor is at Hagerstown, its machinery and sleeve casting plants are at Richmond; the foundry is at New Castle.

The company is one which has a history of generally good relations with employees, having accepted unionism from the time the New Castle UAW local was recognized without an NLRB election in 1937, early in the days of the union movement. The wages and benefits received by Perfect Circle employees prior to the strike were above the average for the industry; in some instances wages ran 20 to 25 cents per hour higher than competitors. It has always been a Perfect Circle policy to grant each employee the right to join any union of his choice voluntarily. It has consistently refused to sign contracts with any union whereby the company was required to force membership on employees as a condition of employment (p. 10260). As a result of this policy, company President Prosser stated:

"Generally speaking, our relations with the local unions have been good. * * * The exceptions have been when the international has tried to force a union-shop agreement" (p. 10264).

I. THE ISSUES

During the first half of 1955 when negotiations began for a new contract, the union presented a package to the company which demanded the following:

1. Twenty-one cents an hour wage increase.
2. Greater supplemental unemployment, retirement, and insurance benefits.
3. Correction of what the union described as "wage inequities."
4. A contract requirement calling for compulsory arbitration of issues.
5. A union shop.

On the first three points, the company was willing to negotiate, but remained intransigent on the latter two.

Mr. Raymond H. Berndt, director of UAW region 3, which includes the States of Indiana and Kentucky, charged that the company "refused to include a provision for effective arbitration in its contract and refused repeated offers made by both impartial outsiders

and the UAW to arbitrate the issues in dispute and thereby avoid or end the strike."

Company President Prosser answered as follows:

"It seems to me that there is a lot of confusion in people's minds about arbitration. We are not opposed to the principle of arbitration, but we are opposed to arbitrating principles, and it is not common practice at all for companies to arbitrate matters to be included in the contract. In this particular case, we could not possibly agree to arbitration because the principal issue in dispute was the union shop, which, as I mentioned also before, we consider a matter of principle, and we would not leave a decision on that up to some third party.

"After the three unions at Richmond and Hagerstown asked for decertification, then we were in a position where 65 to 70 percent of the employees were actually working, and a minority group was asking us to sign a contract with them in spite of all the emotion, tension, and violence and everything that had gone on.

"So we had no legal obligation to arbitrate those matters. We repeatedly asked the union to enter into negotiations for New Castle, which they refused to do" (p. 10373).

Prosser thus reasoned:

"The strikes were called because the company would not agree to include a union-shop clause in the contracts under negotiation. We do not think it was for the benefit of the workers that the union wanted a union shop. Our wage offer was higher than any in the piston ring industry.

"The wages and benefits our employees received were well above the average for the industry. Two of our major competitors who granted a union shop years ago offered at the time less employee benefits than we and have wage rates that average 20 to 25 cents per hour below ours.

"There was never any question in our minds about the union shop being the critical issue of the strike" (p. 10259).

II. THE STRIKE VOTE

A breakoff point was reached, strike votes were taken, culminating in the strike on July 25, 1955, in the four plants. In Hagerstown there were 728 people in the bargaining unit, and 131, or 18 percent, voted for a strike. In New Castle, there were 259 in the bargaining unit and 130, or 50.2 percent, voted to strike. At Richmond machine plant, there were 246 in the bargaining unit and 63, or 25.5 percent, voted to strike. In the Richmond sleeve-casting plant, there were 89 in the bargaining unit and 16, or 18 percent, voted to strike. Of the total of 1,322 employees, 340, or 25.5 percent, voted to strike (p. 10374).

III. SUPERVISED RIOT PLANS

As long as a month before the strike, Prosser declared, intimations were made that it would be a rough one. He produced three affidavits filed with the NLRB by disenchanted union members who had attended prestrike meetings. One deposed that UAW international representative William Caldwell had told the meetings that:

" * * * we would have plenty of help and no one would go in and out of the plant while the strike was on. He said that if anyone needed their heads to be bashed in, there would be someone to take care of it. He insisted that this was the time that Perfect Circle would be brought to its knees and nobody would stop it. He promised us that the international union would be behind us with a \$2 million strike fund to take care of us while we were on strike and no one had an excuse for going back to work."

He had also told the personnel manager: "If a strike occurs, it will be the roughest thing you have ever seen. There will be outside people come in, cars will be overturned, and someone will get hurt" (p. 10259).

Another quoted Caldwell as saying that "he would get us out of jail if we were put in for knocking heads and there would be plenty of money if it was needed" (p. 10266) "and there would be plenty of help to keep the plant shut down" (p. 10304); while a third attributed to Kenny Ammerman, then chairman of the bargaining committee, a statement that the union intended "to bring in thugs to do their dirty work" (p. 10265).

Caldwell's lawless intention to make a mockery of law and order by directing pickets to close the plant at any cost was borne out by the uncontrolled violence which followed. This flagrant violation of law and the injunction which had been obtained was ended only by the arrival of National Guard troops sent pursuant to a declaration of martial law when it was found that the riot amounted to an insurrection. Even then Caldwell would not agree to peaceful picketing unless management *only* was allowed to enter the plant with production stopped (p. 10355; exhibit 1G). The actions of this man demanded explanation and certain members of the committee insisted he be called as a witness. But when the appropriate time to call him came, they were informed by Counsel Kennedy that the witness had left; he had been dismissed because counsel "didn't feel he was necessary" (p. 10362). Such tactics by the chief counsel had previously aroused the curiosity of committee members. On several occasions during the hearings, the chief counsel communicated with officials of the UAW in the manner of a lawyer passing confidential and privileged communications to his clients. Once during the Kohler strike, when the admissions of UAW Representative Donald Rand became embarrassing, a note to UAW Attorney Joseph Rauh stated "Rand go home." Later when things seemed to be going better for the union, his comment to attorney Rauh was, "How are we doing?"

The witness called was UAW regional director Berndt, who had appeared on some of the violent picket lines, but was not present when Caldwell made the prestrike comments, nor was he present for the October 5 riot, nor was he present at the Governor's meeting after this riot when Caldwell refused to agree to peaceful picketing unless the plant was shut down. He enlightened the committee by stating that this didn't "sound like Caldwell's type of language." Caldwell was arrested and convicted in municipal court for malicious trespass for "having thrown objects through the windows of the plant" although a circuit court appeal resulted in a hung jury and the case for retrial was still pending at the time of the committee hearings (p. 10346). In this, as in all other cases of arrests, the UAW provided defense attorneys and expenses (p. 10320).

Caldwell's strike plans were circulated throughout Perfect Circle plants during the week before the UAW strike day, July 25, 1955. On July 22, Paul Bell, 832 UAW Local President, stated to the personnel manager of Perfect Circle, that the union intended to prevent all production workers from entering the plant; office and management employees would be permitted to enter (exhibit G).

IV. THE MOBING OF HAGERSTOWN

On July 26, 1955, at approximately 4:40 a.m., the UAW set up two groups at the Hagerstown plant entrances. Then a large group of strangers, 700 or 800 in number, led by international representatives of the union, descended upon Hagerstown, a town of 1,800 population, so that by the time the first shift was to start at 6:15 a.m., the streets were full of milling people (p. 10261). When employees came down to the street in their automobiles to turn into the parking lot, they were stopped immediately by a group in the entrance to the plant which would completely surround automobiles, block the entrance, stand up against the front of the cars, attempt to push them backwards, tell the drivers they could not go in; tell them if they did not leave, they would turn them over.

Andres Bradford, an office employee, attempted to turn into the drive of the parking lot. The pickets stopped him and he was ordered to back up and get out or they would turn his truck over. When he tried to tell them he was an office employee, the pickets yelled, "nobody goes in", and started to rock his truck.

James Cummins attempted to drive into the entrance. He was stopped in the same manner. They repeated their performance, rocking his car and pushing on it. He became excited and killed the engine, finally getting it started again. By that time, the wheels on one side were off the pavement. Upon pleading with the pickets, however, he was allowed to back away.

A group of employees attempted to walk in. They were stopped by a large mass of pickets, one of whom shouted "Stop those men." They were forced to go back. One, however, circled around the group to try to get in. Two started hitting him, knocked his glasses from his face, and as one hit him, knocking him backward, turning him around, the other kicked him. They then shoved him and told him to go back. Another employee who saw what had happened, left. One who was walking with his son was shoved and shouldered and as he stumbled and fell, he was hit in the back (exhibit 1G). All other nonstriking production workers and management and office personnel who attempted to enter that morning were met by threats of similar acts. There were numerous other instances of violence on this morning, and it is apparent that any attempt to gain entrance to the plant could have only resulted in serious trouble and injury to employees.

Employees were therefore advised by the company to leave the area of the plant and not to return until notified to do so.

All during the rest of the day, some of the strangers milled around on the street and in front of the plant in a disorderly and menacing manner. Others roamed the streets and frequented the taverns and liquor store.

By 3 p.m. it became necessary to close the taverns and the liquor store to prevent possible trouble and property damage.

On July 28, the company obtained a restraining order against mass picketing from the Superior Court of Wayne County, Ind., limiting the number of pickets at the Hagerstown and Richmond plants to five at any entrance. As soon as legal picketing was restored at Hagerstown and Richmond, 65 to 70 percent of the employees returned to work and continued to work through the strike. Employees in these three plants petitioned the NLRB, in August, for decertification of the UAW as their bargaining agent and some months later when the elections were held, the vote was nearly 2 to 1 for no union.

V. THE TERRORIZATION OF NEW CASTLE

An even worse situation prevailed at New Castle. In addition to violence, the union contacted the company's outside sources supplying castings for the machine plants at Hagerstown and Richmond, and was successful in stopping shipments.

On August 5, a large group of union demonstrators, including Raymond Berndt and other UAW region 3 officials, gathered on the approaches to the plant, menaced nonstriking workers and management personnel on their way to work, throwing stones at them, meanwhile throwing chunks of concrete through the windows of the plant.

On the morning of August 15, the union conducted a hit-and-run demonstration at the New Castle plant. Just before work hours, a large group, estimated to be in excess of 250 persons, gathered on the main approach to the plant and blocked a bus carrying employees to the plant.

The bus was stoned, the windshield and most of the windows smashed, and several inside were slightly injured, but it reached the plant. The demonstrators, which included two UAW international representatives, followed inside the plant enclosure, further damaging the bus, and overturning four parked cars (p. 10261).

On September 10, three employees driving to the home of one of them were ambushed. Kenneth Griffin described the incident:

"We came to a gravel road that Calvin Tinsley lived on. We were on a blacktop. We had to turn to go up this gravel road, which was a steep hill. In the middle of the hill was a ton and a half truck, parked in the middle of the hill, blocking traffic. At first I never thought too much about it. I thought maybe a farmer had got stuck on the hill, having engine trouble, because he started to back down. I looked in my rearview mirror to see if I had anybody behind me so I could get out of his road.

"Approximately 15 people with hooded masks came out of the side, from across the T * * * (intersection).

"It looked to me * * * like they had rocks loaded from here [indicating] to their chins.

"I said to the boys 'Here they come. Mr. Pate was riding (in) the rear seat, and he hit the floor about the time a rock hit the back window. * * * So I had a 12-gage shotgun, which was about 20 inches long laying open on the floorboard of my car. I had a shell in the glove compartment. So I loaded the shotgun and my glass was down on my side of the car and I swung the gun around. They saw it and said 'Watch for the guns.' So they vamoosed as fast as they could. I did shoot at the legs. I don't know whether I hit any-

body or not. I couldn't tell you. So I saw then that they all ran. My first thought was to try to get out of there, to get the boys to their homes safely. So I took the side ditch and did make it around the truck" (p. 10329).

This incident contributed to the considerable tension which had mounted; imagining what might have happened, townspeople were afraid to leave their homes. But even there they were not safe. Mr. Griffin escaped only later to have his home blasted by shotguns as he, his wife, and daughter slept (p. 10330).

The acts of vandalism by this time had reached an alarming total. Windows in the homes of nonstrikers had been broken, their cars damaged, and they had been ambushed and slugged. Workers, especially those who lived outside the city limits, had no police protection and feared for the lives and safety of their families. State police protection was requested, but none came.

On the morning of September 19, a large number of pickets massed at the entrance of the New Castle plant. Union officials informed police authorities that if any attempt was made by anyone to enter there would be bloodshed. With threats of this kind the union kept the plant closed until September 27, when the New Castle police force arrested 48 of the pickets, ending their demonstrations.

Perfect Circle President Prosser described steps taken by the company for protection from the mob:

"During this period that the plant was closed down by the union, rumors were current that the New Castle plant would be dynamited and that machinery and equipment would be destroyed so that operation of the plant could not be continued.

"As a result of these rumors, the company became alarmed for the safety of the plant and of the employees in the plant. The plant was virtually unprotected and it was quite possible for the threat of its destruction to become an accomplished reality.

"Consideration was given to the employment of professional guards for the plant but this action was vetoed because of the stigma that usually attaches to the employment of armed guards under a strike situation.

"It was decided to place responsible men from management personnel in the plant to protect it and to establish communications with the outside in the event of any trouble. Four men went into the plant under the cover of darkness and with assistance from police officers.

"The telephone cable into the plant had been severed and communications with the outside were cut off. These men did not have adequate supplies or means of protecting themselves or plant property.

"The four men went into the plant early on Sunday morning, September 25, and on Monday afternoon, the 26th of September, Mr. Juday, the New Castle plant manager, dropped into the plant grounds in a helicopter and took supplies into them.

"He also took six shotguns into the plant. These guns were intended for the protection of the men and the plant property, there being no one else in the plant at the time. These four men were liberated when the police broke up the picket line on the morning of September 27.

"During the week following September 27 and prior to October 5, 1955, the rumors multiplied that there would be a raid on the plant

and that machinery and equipment would be destroyed. On October 4, 1955, we heard that there would be a very large demonstration on the following day, that people would be brought in from all over the State of Indiana and from Michigan, Illinois, Kentucky, and Tennessee, that demonstrators would enter the plant, drag the workers out, and destroy the machinery and equipment.

"There was also the rumor that men would be brought in from Kentucky to dynamite the plant.

"A raid on the plant during the night for the purpose of destroying machinery and equipment was considered a distinct possibility. It was decided that eight carefully selected men should be asked to stay in the plant overnight. The men were selected, four of them from the New Castle plant and four of them from the Hagerstown plant, and they stayed in the plant during the night of October 4.

"These men were armed and instructed not to use arms unless the plant was broken into, or unless, in the event of a demonstration on the following day, demonstrators should break through the entrances or fences to the plant.

"They were told to shoot low, in front of people if they had to fire. They were given instruction to take every precaution possible to do no more than to intimidate men trying to storm the plant, but to keep them outside.

"On the morning of October 5 a crowd estimated all the way from 1,500 to 5,000 descended on our New Castle plant. A smaller group converged on a side gate, forced it open, and started toward the plant. One of the eight employees designated as guards, fired in front of these invaders and they fled. Following the breakthrough, guns were fired both from the inside and outside, but we know of no shots being fired into or close to the large mass of 'peaceful pickets' as the press reported that Walter Reuther had stated on the afternoon of October 5, 1955.

"Four persons inside the plant were injured by gunfire, one being a woman, who was shot in the thigh. I was not present at the time of the mass demonstrations at Hagerstown and Richmond.

"I wish to emphasize, however, that the first shot from us was not fired until the demonstrators had broken into the plant grounds and showed every intention of entering the plant. Immediately afterward, plant officials gave orders to stop firing. There was some firing after this time from inside the plant by policemen and by employees who had not been armed by us and who disregarded instructions.

"Apparently these employees had armed themselves for self-protection. It was common practice at that time for workers to carry guns in their cars for their own protection. I might mention, also, that the first shots on October 5 came from outside the plant on the north side" (p. 10263).

In addition, to Prosser's testimony, others gave their statements under oath concerning the shooting. One was George F. Waters, who said:

"I was standing on the roof, on the east side of the plant, when I saw a large group of demonstrators approach the east gate. They congregated immediately in front of the gate, paused momentarily, and then crashed the gate open. Some of the demonstrators ran across to a car parked 50 or 60 feet from the gate, on the inside of

the fence, and turned the car over. Others of the demonstrators returned to the plant yard. With the turning over of the car, shooting started" (p. 10318).

The company, alarmed, began an immediate investigation. The company's attorney, Clyde Hoffman, who was present during the riot, gathered the following facts:

"* * * a careful check with employees who were in the north end of the plant disclosed that the first shots fired on this morning came from across the railroad track.

"One or more of the demonstrators fired rifle bullets into the north end of the foundry building. This was somewhere around 9:45 in the morning.

"Between 9:45 and 10 o'clock the demonstrators congregated at the intersection of 25th and Plum Streets, overturned the car of a constable, broke through the police line, and started east across Plum Street.

"At the same time, the large group of demonstrators which had gathered in Lowe Park approached the plant from the south.

"The two groups converged near the main entrance of the plant at 27th and Plum. That is right here [indicating]. There must have been some prearranged signal as these two groups, some three or four blocks distant, were able to make their approach on the plant at the same time.

"The two groups converged at this point; that is, at Plum and 27th, and an advance group of some 250 to 300 demonstrators, without hesitation, advanced or headed across this parking lot here to this east gate, and hesitated a moment—let me pick this up—a moment—and that is approximately 250 feet from the main entrance.

"They paused momentarily, crashed the gate, and started into the plant yard. Several men ran across to the car parked 50 or 60 feet inside the fence and turned it over.

"Others, some 40 or 50 having proceeded through the gate, started toward the plant entrances, which are to the east of the foundry building and office building.

"As the men turned over the car, an employee stepped out on a platform, a fire-escape platform, in the northeast corner of the office building here, and fired a 20-gage shotgun low and in front of the men who were turning over the car, and continued to fire in front of the people who were approaching the plant entrances.

"With this, the demonstrators hesitated, turned, and ran out of the gate.

"In all, the man who fired these shots fired three shots. All of this I observed personally. I observed the break-in; I observed the shooting, and the turning over of the car.

"It was later determined that there was also shotgun fire at those who broke in from the shipping room, located in a wing at the north end of the foundry building.

"That is clear back here [indicating], and those people coming in there were some 250 or 300 feet from the demonstrators.

"Immediately upon the firing from the inside, firing from the outside commenced. A woman standing in the window of the shipping room—back in here [indicating]—was shot in the upper left leg, the bullet lodging in the bone just below the hip joint.

"At about the same time, one of the supervisors from the Hagerstown plant, standing in the payroll office up here—I happened to be in the room at that time—was hit in the abdomen by a bullet from the outside that came through the window.

"Fortunately, this caused only a flesh wound. After the demonstrators were driven from the plant yard, the shooting from within the plant ceased. Later, however, the police did fire in the direction of snipers who were shooting high-powered rifles at the plant from vantage points within or behind buildings in the area.

"I saw the man that was shooting from across the railroad track at one time, and I saw a man standing out to the east of the east gate, on the outside of the fence, firing into the plant.

"At one time he got behind a woman and reached behind her and fired his gun. It has been mentioned here, I believe, that that woman was shot in the legs. As I understand it, he was shot through both legs.

"We have information, and strong reason to believe, that that shooting was done by a police officer of the New Castle police force. I believe that he would testify to the fact that he shot this man through the legs."

Mr. KENNEDY. Who was that?

Mr. HOFFMAN. John Ray.

Senator CURTIS. Is that the victim or the policeman?

Mr. HOFFMAN. That is the policeman.

As I understand from the testimony here, the man's name is Carper. But that is our understanding, that the police officer shot the man when he was on the fence, shooting into the plant (p. 10353). I have not talked to Mr. Ray directly, but the prosecutor has said that he would testify to that (p. 10354).

Curious, the committee called Carper, who stated that he was not a Perfect Circle employee, never had been, but worked Delco-Remy Division of General Motors at Anderson, Ind., 24 miles away. He was a member of UAW Local 662 and a delegate to the District Auto Council of UAW Region 3, which had met the first Saturday and Sunday in October 1955. His story was that:

"After the meeting was adjourned a group of our workers got together, and we decided that maybe it would help out the morale of the Perfect Circle boys, the union boys, if we would go over there, in a mass parade, and show the solidarity of the union members, and kind of boost the morale a little bit, to show that we were behind them in their sincere effort to get their strike settled and get them just demands straightened out * * * and we went back to our locals and talked it over."

There were 10 to 15 locals represented in this plan, and they concluded that October 5:

"* * * would be a good day. The Chrysler boys thought that would be a good day and come over, and we declare a 1-day holiday. We took it on ourselves to go over there.

"When we first got to New Castle we paraded around a little bit through town, blew our horns, and when we got there we found there was quite a few other people in town milling around town with

their cars, blowing their horns, and I thought it was a pretty good gesture of us being here to show the city of New Castle and the workers of Perfect Circle that the UAW was 100 percent behind their demands.

"We went out to the plant and parked our cars approximately two blocks from the plant. We got out and we walked toward the plant and when we got up there close to it we saw a crowd of * * * probably 200 or 300, maybe 400 people * * * there and we joined with them. There was no concerted effort or no concerted leader. We just went out there and started singing some union songs * * * and we marched around * * * singing 'Solidarity Forever.' We were singing 'Old Scabs, They Never Die,' we were singing that too" (p. 10366).

He stated that he was suddenly shot while marching around "whooping it up a little bit." He denied having participated in the gate crashing, or that it had been crashed. In the light of other testimony which contradicted his, Senator Curtis examined him carefully.

Senator CURTIS. How long were you down there near the plant?

Mr. CARPER. About 15 minutes.

Senator CURTIS. Were you the first person shot?

Mr. CARPER. I don't know. I don't think so.

Senator CURTIS. But you want to tell us that no one crashed the gate?

Mr. CARPER. I never saw anybody crash the gate; no, sir.

Senator CURTIS. Are you saying it didn't happen?

Mr. CARPER. I never saw it. I don't know what happened after I went to the hospital.

Senator CURTIS. Are you stating that none of this group crashed the gate and advanced toward the plant?

Mr. CARPER. I am not saying. I merely say I never saw anybody. If they did, they did after I was taken to the hospital. I never saw anybody.

Senator CURTIS. All this just happened, that you decided to come on the 5th?

Mr. CARPER. Yes.

Senator CURTIS. The union officers didn't have anything to do with it?

Mr. CARPER. Us union members ourselves, we decided it would be a good gesture to do it.

Senator CURTIS. You are an officer, aren't you?

Mr. CARPER. Yes, sir; I am.

Senator CURTIS. You have a responsibility of running this union, don't you?

Mr. CARPER. No; not very much.

Senator CURTIS. I am not impugning your testimony, because I have no facts to do it upon. I do know that we have spent 2 or 3 weeks in the Kohler thing and nobody knew why they had come down to Kohler, but they just decided to do it, and so on. After 2 or 3 weeks we found the minutes from local 212 where Emil Mazey had been in on the OK'ing of the arrangement for their expense down

there. It was so decided in the minutes. Were you surprised you got shot?

Mr. CARPER. You're daggone right I was; yes, sir, I was. Senator CURTIS. You weren't surprised there was trouble?

Mr. CARPER. Yes; I was (p. 10370).

This proved too much for Chairman McClellan, who subsequently questioned the witness.

The CHAIRMAN. So it isn't true that the police were there to stop you and keep you from going to the plant?

Mr. CARPER. If they was there, they didn't try to stop us.

The CHAIRMAN. When you got there, you tried to go through the gate, didn't you?

Mr. CARPER. No, sir; I never saw them.

The CHAIRMAN. And you got shot in the attempt?

Mr. CARPER. No, sir.

The CHAIRMAN. You call it a parade, but it was a demonstration, going down there overpowering the police, overturning cars, breaking windows, shooting, and you call that a parade?

Mr. CARPER. I never saw any shooting.

The CHAIRMAN. You know it happened.

Mr. CARPER. Sure, from the inside. I got shot from the inside.

The CHAIRMAN. And others say it happened from the outside; that the stones and the rocks were thrown from the outside.

Mr. CARPER. The picture doesn't show any window broken now.

The CHAIRMAN. But that doesn't mean that a rock cannot be thrown in there in the next minute.

Mr. CARPER. They might have later on, when the guys in the parade got mad about it. There might have been some shooting after that, but not when I was there there wasn't.

The CHAIRMAN. I just don't believe your story, if that is plain enough (p. 10372).

Later, he added: "Mr. Carper, this morning when you were excused from the stand, the Chair made a statement that he didn't believe your story. I didn't. I could be wrong. I don't want to do anyone an injustice. But part of it didn't sound reasonable to me. I didn't mean I didn't believe anything you said. But we have these problems and sometimes those of us who undertake to judge and who have to judge and come to conclusions, we err in judgment. I do not want to do anyone an injustice. But I just cannot understand and cannot yet understand, as much as was going on there, that one would be there and get shot and not know anything about it" (p. 10375).

Hoffman continued: "Yesterday it was mentioned that this strike was started out by the importation of guns into the foundry plant. I know of no guns being taken into that plant. I am sure there were no guns in that plant before the September closing of the plant, and at no time, to my knowledge, were any rifles taken into that plant, except on the night before.

"I was present in the foundry plant when the police brought in their riot guns and put them in one of the offices. That included a Winchester automatic rifle, and several riot shotguns.

"That is the only rifle that I know of that was brought into the plant. That was done by the police.

"This shooting from within the plant was not the firing into an innocent group of demonstrators as the union might like for you to believe. It was provoked by the particular group that had demonstrated by its actions that it did not have peaceful intentions.

"We do not know of any shooting from within the plant toward or into the large mass of demonstrators that congregated in the front and near the main entrance to the plant.

"This group of demonstrators, was estimated to be in excess of 2,000 persons. I would, myself, estimate that there were at least that many people present on that morning.

"Following the break-in, the demonstrators barraged the plant with stones and other objects, shotgun blasts and rifle fire for more than an hour and a half.

"Nearly all of the windows in the office building were broken and many cars inside the fence were damaged.

"Stones were hurled into the windows, shotgun blasts into the windows. The shotgun blasts were from some distance and didn't have much effect. But I happened to be in one room when pellets came into the room.

"Also, they virtually demolished a house across the street from the plant, which had been occupied by the police prior to this riot. Later they set fire to the house and burned it down.

"About 12 o'clock—I would say this was between 12 and 12:30, a large force of State police arrived on the scene and took their position in the parking lot in front of the plant.

"Soon after, they started to evacuate the people inside the plant and drove them in police cars to their homes.

"Publicity was given to the firearms removed from the plant. Most of these guns belonged to employees, who carried them in their cars for protection against ambush and violence to them on their way to and from work.

"It appears that such guns were brought into the plant from cars before the demonstrators descended upon the plant.

"These guns were not in evidence during the rioting and I do not believe that the management was aware that they had been brought into the plant.

"None of the employees, other than the 8 or 10 men who were stationed in the plant to protect it and the employees, were authorized to carry arms.

"The management did not know that the employees in the east wing of the foundry building had arms and had no way of knowing that those arms would be used, as they were at the time of the break-in.

"After the evacuation of the plant, Mr. Juday and I were asked by Lieutenant Governor Handley to attend a meeting at the mayor's office.

"Present at the meeting were Lieutenant Governor Handley; Edwin K. Steers, attorney general for the State of Indiana; Paul McCormack, mayor of New Castle; Police Chief Clarence Justice; and

representing the union were E. J. Kucela, assistant regional director for region 3 of UAW CIO; William Caldwell, the local international representative; Carl Batchfield, president of local 370 at the New Castle plant; and Carl Evans, president of local 156 at the Hagerstown plant.

"Mr. Juday, the New Castle plant manager, and I were also present. At this time, the issues, so far as the union was concerned, appeared to be the closing of the New Castle plant.

"At the start, the union spokesman apparently favored a declaration of martial law. It could only be assumed that they anticipated that the plant would be closed under these conditions.

"Mr. Kucela said that the union would be willing to go back to peaceful picketing if the management and city and State police would cooperate and stop protecting nonunion workers.

"Mr. Caldwell said that if management only was allowed to enter the plant, the union would agree to peaceful picketing with but five men on the line.

"However, Lieutenant Governor Handley made it clear that the bringing of the National Guard into the New Castle plant would not involve closing the plant.

"Mr. Caldwell then warned those present that if the plant operated there could be more violence of the same kind that occurred earlier in the day.

"I believe that those present took this statement to be a valid threat of future violence if the plant continued to operate.

"In a meeting held in the mayor's office on the following day, October 6, 1955, and attended by management and union representatives, the international representative refused to give any assurance that there would not be more rioting."

Senator MUNDT. Which international representative?

Mr. HOFFMAN. Mr. Caldwell. He warned that plants at Hagerstown and Richmond could become the targets or the same sort of violent demonstrations that erupted at New Castle on Wednesday, October 5.

He said, "The union does not want this to happen, but it can happen." It has been said by the union that the demonstration on October 5, 1955, was intended to be a peaceful one.

The many demonstrations of violence over the preceding 2-month period, the size of the demonstration planned for that day, the turning over of the car and breaking through the police line, the unhesitating advance on and breaking into the plant enclosure, and, finally, the apparent determination of the union to stop production in the New Castle plant did not give credence to any peaceful intent (pp. 10354, 10355).

VI. INCIDENTS OF VIOLENCE AT NEW CASTLE FOUNDRY DURING PERFECT CIRCLE STRIKE OF 1955

In the course of investigation, Mr. Hoffman had prepared under his direction, a list of incidents of violence which were introduced as he testified:

Incidents of violence at New Castle Foundry during Perfect Circle strike of 1955

Date	Name	Incident
Aug. 3	Fred Wilkinson.....	Car overturned on Plum St.
3	Walter Amonette.....	Car stoned.
5	-----	Several windows broken out of foundry.
5	Maurice Hanning.....	Broken auto glass.
5	Harold Wantz.....	Hit by rock.
5	Let Juday.....	Back glass in car broken.
5	Chet Juday.....	Car hit with rocks.
5	Luther Neal.....	Rocks through window at home.
5	Joe Ratcliff.....	Slugged by pickets.
5	Charles Pitts.....	Rock through front door glass of car.
8	Luther Neal.....	Rocks through window at home.
9	Herb Oldham.....	Do.
9	Calvin Tinsley.....	Pasture fence at his farm cut away and put on highway.
10	Paul Stearnes.....	Rocks through his window at home.
10	Levi Hanning.....	Do.
13	Charles Pitts.....	Slugged downtown by Ruben Bertram.
13	Herschel Bolinger.....	Assaulted at Ramsey's used-car lot.
13	Charles Pitts.....	Rocks through window and sash at home.
14	George Symons.....	Rocks through window at home.
15	-----	Bus stoned. 4 cars overturned (A. Waltz, M. Edwards, D. Lunsford, C. Troxell). Several cars stoned—Bill Rodelfelt (Studebaker), Harry Bell, Hank Tarr, Dick Bancroft, Bob Griffin, Let Juday, I. M. Morris).
16	Aubrey Cross.....	Windows at home were broken.
16	Gid Roach.....	Do.
16	Chet Juday.....	Car hit with rocks.
19	Luther Neal.....	Pint whisky bottle thrown through screen at home.
19	Wendell Evans.....	Windows broken at his home.
19	Eph Murnan.....	Do.
20	Walter Amonette.....	Car stoned; paint chipped.
20	Levi Hanning.....	Rocks through window, window sash, and porch swing.
20	William Rodelfelt.....	Car stoned.
20	Charles Baker.....	House was stoned; windows and screens broken.
21	George Symons.....	Rock through window.
26	Harold Hoover.....	Eggs inside of Buick; parked downtown.
26	Harold Hoover.....	Eggs inside his Ford.
26	Leon Paul.....	Window and storm window broken.
26	Helen Bean.....	Front picture window broken (Thermopane).
26	Ernest Roberts.....	House stoned; siding damaged, 4 windows broken.
26	Les King.....	Front picture window broken (Thermopane).
26	Maurice Hanning.....	House stoned; siding damaged.
29	James Davis.....	2 windows broken.
29	Maurice Hanning.....	House stoned; siding damaged.
29	Harry Bell.....	Do.
31	-----	Rotten eggs were thrown in company car.
31	Pete Heck.....	Picture window and screen broken.
31	James Troxell.....	Front window broken.
Sept. 1	Harold Hoover.....	Ford stoned.
-----	-----	Several cars hit with rotten eggs; upholstering damaged (Marshall Kinser, Ben O'Dell, Marion Utt, J. deNeef).
3	Bill Hanning.....	Egg full of paint thrown through window.
6	Jim Troxell.....	Sugar had been put in his gas tank.
6	Wilbur Riley.....	Windshield smashed.
7	Chas. Alexander.....	Ambushed north of New Lirbon on a crossroad.
7	Pete Heck.....	Car was hit with a shotgun blast.
10	Kenneth Griffin.....	Ambushed (P. C. Studebaker).
16	-----	Stone through bus by Hilva Turner.
18	-----	Shotgun blasts through 3 houses between 2 a.m. and 3 a.m. (Calvin Tinsley, Charles Baker, and Richard Dempsey).
26	Calvin Tinsley.....	Rocks thrown through window.
26	Frank Stephens.....	Coke bottle through kitchen window.
Oct. 4	Aubrey Cross.....	Shotgun blast through window.
-----	-----	Black Wednesday riot. Rocks and shots through the windows at the plant; considerable damage to cars in the parking lot, Homer McDonald's car turned over. Damaged cars: C. Juday, G. Fisher, C. Stevens, H. Heck, M. Byers, L. Juday, W. Charlesworth, F. Dugan, W. Grunden, I. M. Morris.
5	Charles Pitts.....	Shotgun blast was fired through home shortly after getting home from the plant.
5	Ray Carter.....	Shot through bathroom window.
5	Dick McGuire.....	Front door damaged and torn off, window broken.]
26	-----	Windows broken on west side of foundry.
31	Kenneth McCarty.....	(Hagerstown employee). Beaten up by 3 men.
Nov. 8	Charles Pitts.....	Threatened while downtown. Attacked by approximately 40 people.
8	James Ward.....	Attacked by approximately 40 people—downtown.
16	Harold Charlton.....	Followed by L. Shelton, D. Ferrand, and 3 other men in a Ford with Michigan license DT-7678.
17	-----	9 windows broken out at the foundry at approximately 2 a.m.
17	Otis Thompson.....	Discovered today someone had put sugar and emery dust in his gas tank.
19	Pete Heck.....	Car hit by rock and dented, on Plum St. east of 25th.
19	Andy Hale.....	Someone stood in his yard and shot windows out of his neighbor's house.

*Incidents of violence at New Castle Foundry during Perfect Circle strike of 1955—
(Continued)*

Date	Name	Incident
Nov. 19	Andy Hale.....	Shotgun blast at his home; damaged siding and broke window.
19	-----	Men coming to work in company car were rocked as they were coming in from the car.
21	Gerald Harvey.....	2 shotgun blasts through window (picture) in living room, also another window, about 2:40 a.m.
21	Herb Owens.....	Shotgun blasts through window in living room 2:15 a.m.
21	Roy Turner.....	Shotgun blast through picture window in living room 4 a.m.
21	Maurice Hanning.....	Shotgun blast at side of house 2:30 a.m.
21	Howard Covalt.....	Neighbor's house hit by shotgun blast. Hit between door and window. About 2 a.m.
23	-----	10 windows broken out on west side of foundry 2:50 a.m.
23	Ken Griffin.....	Shotgun blast at 12:55 a.m., damaged siding and broke storm window.
23	James Owens.....	Shotgun blast 2:30 a.m.; broke living-room window and storm window.
23	Fred Pope.....	Shotgun blast through living room, hall, and hit refrigerator in kitchen, 2 a.m.
24	-----	2 shots fired; flashes were seen from the foundry. Another 2 shots were reported fired; no damage was reported, 10 p.m.
24	-----	Black Buick with Kentucky license run blockade south of New Castle.
24	-----	Black Buick with Kentucky license (1948) run blockade east of New Castle early this morning, ran 3 guards off the road and into ditch.
27	Eph Murnan.....	Someone fired 7 rifle shots in side of house at 1:30 a.m.

Incidents of violence at Hagerstown and Richmond during Perfect Circle strike of 1955

Date	Name	Incident
July 31	Paul Bodiker.....	Car smeared with paint.
Aug. 5	Melvin Spaulding.....	Car dented by stones.
10	Paul Smith.....	Stones thrown at home.
11	Gerald Hilbert.....	Car smeared with paint.
11	Warren Seagraves.....	Rocks thrown at home.
13	Elbert Bailey.....	2 shots fired into home.
14	Robert Shaffer.....	Rocks thrown through windows of home.
14	Richard Bancroft.....	Car stoned.
15	Louise McFarland.....	Car smeared with paint.
15	Barbara Fisher.....	Home smeared with paint.
16	Tinley Roarks.....	Home stoned.
16	Silas Johnson.....	Car window broken.
16	Charles Miller.....	Car smeared with paint.
16	Ralph Coon.....	Do.
16	Maxine Luellen.....	Do.
16	Kenneth Cash.....	Home stoned.
16	Geneva Landreth.....	House entered and ransacked.
16	Dorothy Curry.....	Home smeared with paint.
17	Troy Ellington.....	Home stoned; windows broken.
17	Joe Gwin.....	Do.
17	Oris Hunt.....	Car windshield broken; dents in car.
18	Lewis Thalls.....	Home stoned.
18	Robert Sharp.....	Home stoned; rocks through screen door.
19	Albert Wisener.....	Shotgun blast through window.
19	Earl Crisp.....	Large stone thrown at car.
20	Presley Clements.....	Bottle of ammonia thrown through window of home.
20	Howard Oler.....	2 shotgun blasts fired at home, 1 through door.
21	Tom Noe.....	Car windows broken; paint smeared on car.
21	Edna Hayslett.....	Do.
21	Warren Seagraves.....	Shotgun blast fired into filling station.
23	Everett Fosnight.....	Stones through window at home.
23	Harold Hoblett.....	Car smeared with paint.
23	John Minner.....	Do.
24	Robert Hampton.....	Home smeared with paint.
24	Hugh Macy.....	Sugar put in gas tank.
24	Myra Owen.....	Bottle thrown at car by approaching car.
24	Melvin Spaulding.....	Shotgun blast fired into home.
25	Guy Ramey.....	Air let out of tires, brake lines cut on car.
25	Herbert Oler.....	Rifle shot fired through back door of home.
26	Francis Guncckel.....	Beaten up by several persons at parking lot at Richmond plant.
28	Hugh Macy.....	Car smeared with paint.
30	Fred Jefferies.....	Do.
30	Ralph Culbertson.....	Home stoned.
30	Robert Shaffer.....	Rocks thrown at home.
30	Wanda Wallace.....	Do.
30	Dorothy Curry.....	Car windshield broken.

Incidents of violence at [Hagerstown and Richmond during [Perfect Circle strike of 1955—Continued

Date	Name	Incident
Sept. 2	Thomas Mayberry.....	Car upholstery cut.
2	Mildred Pence.....	Car smeared with paint; windows broken at home by stones.
2	Gladys DeCoursey.....	Home smeared with paint.
2	Mary Harry.....	Car and house smeared with paint.
2	Philip Snodgrass.....	Stones thrown at car.
4	Verl Leeka.....	Home stoned.
6	Earl Crisp.....	Rocks thrown through windows at home.
6	Ralph Culbertson.....	Do.
6	Barbara Fisher.....	Do.
6	James Gilbert.....	Do.
6	Dorothy Roberts.....	Home smeared with paint.
6	Hugh Macy.....	Stones thrown at car.
6	John Seward.....	Cow killed by shotgun blast.
10	William Hilbert.....	Car smeared with paint.
10	Basil Rust.....	Number of windows broken at home.
16	Barbara Fisher.....	Home stoned and smeared with paint when on vacation.
17	Margaret Starbuck.....	Bottle of paint thrown through window of home; splattered over the room.
19	George Callahan.....	Shotgun blast fired through window at home.
19	James Satterfield.....	Car smeared with green paint.
22	Delbert Smith.....	Ball bearings thrown through windows at home.
24	Leslie Burgess.....	Shotgun blasts fired at home.
24	Warren Ammerman.....	Do.
24	Elmer White.....	Home smeared with paint.
25	Archie Litton.....	Shotgun fired at car.
25	Richard Walton.....	Car smeared with paint, inside and outside.
30	Eugene Rhodus.....	Car windshield broken, car smeared with paint.
Oct. 1	Elbert Bailey.....	Rifle shot fired through window at home.
10	James Rhodus.....	Severely beaten by strikers and found unconscious.
31	Kenneth McCarty.....	Severely beaten by 3 hooded men.
Nov. 1	Edward Neal.....	Home stoned; door glass broken.

Criminal and civil causes growing out of Perfect Circle strike of 1955

CRIMINAL CASES IN CITY COURT

Date	Name	Incident
Aug. 3	Edgar Ballenger.....	Malicious trespass; upsetting automobile.
3	Leonard Shelton.....	Do.
5	Lowell Kirk.....	Disorderly conduct.
5	William F. Caldwell.....	Malicious trespass; throwing rocks through factory window.
9	Carl Batchfield.....	Reckless driving; to prevent employees from entering plant.
13	Ruben Bertram.....	Assault and battery on Charles Pitts (downtown).
15	Carl Batchfield.....	Disorderly conduct; throwing rocks at Marion Utt car.
15	Joe Lowery.....	Disorderly conduct.
15	Loren Asberry.....	Malicious trespass; throwing rocks at bus.
15	Richard Shoptaw.....	Disorderly conduct; throwing rocks at bus.
15	Tex O. Wages.....	Malicious trespass; turning over car in company ground.
15	Rolan Starr.....	Do.
15	Robert Vanlandingham.....	Do.
15	Alva Harrison.....	Malicious trespass; throwing rocks at Tarr automobile.
15	Leslie Riddle.....	Disorderly conduct; throwing rotten eggs at Marion Utt car.
29	Richard Shoptaw.....	Reckless driving.
Sept. 2	Harlin Hubert Catron.....	Malicious trespass; throwing rocks at plant (Chrysler employee).
16	Hilva Turner.....	Disorderly conduct; throwing rocks at bus.
27	Melvin Brumley.....	Rout; blocking plant entrance the day New Castle police broke up the illegal picketing.
27	Homer Esham.....	Do.
27	Lowell Kirk.....	Do.
27	Esau Maynard.....	Do.
27	Bays Kirby.....	Do.
27	Alfred Hale.....	Do.
27	John Laird.....	Do.
27	Jim Slavin.....	Do.
27	John Rothrock.....	Do.
27	Joseph Gray.....	Do.
27	William Byrd.....	Do.
27	Don Ferguson.....	Do.
27	Jess Ferguson.....	Do.
27	Ernest Rednour.....	Do.
27	Leslie Riddle.....	Do.
27	Ovid Davenport.....	Do.

Criminal and civil causes growing out of Perfect Circle strike of 1955—Continued

CRIMINAL CASES IN CITY COURT—continued

Date	Name	Incident
Sept. 27	Fred Johnson.....	Rout; blocking plant entrance the day New Castle police broke up the illegal picketing.
27	Louis Cross.....	Do.
27	Elsie Maynard.....	Do.
27	Evelyn Sheffield.....	Do.
27	Catheryn Day.....	Do.
27	Wendall Reagan.....	Do.
27	Charles Boyd.....	Do.
27	Allie Riddle.....	Do.
27	Edwin Nickell.....	Do.
27	Fred Tower.....	Do.
27	Earl Day.....	Do.
27	DeWayne Hahn.....	Do.
27	Arlin Neal.....	Do.
27	Neal Edwards, international representative.	Do.
27	Robert Flynn.....	Do.
27	William Kiger.....	Do.
27	William Maynard.....	Do.
27	Don Brumley.....	Do.
27	Elmer Denny.....	Do.
27	Paul Deaton.....	Do.
27	Robert Blackburn.....	Do.
27	Charles C. Hawkins.....	Do.
27	Earl Raines.....	Do.
27	Cecil Worley.....	Do.
27	Richard Shoptaw.....	Do.
27	Cecil Derrickson.....	Do.
27	Robert Bertram.....	Do.
27	Rosco Blackburn.....	Do.
27	William Blackburn.....	Do.
27	Perry Blake.....	Do.
27	Herman C. Morris.....	Do.
27	Earl Dalton.....	Do.
27	Ralph Cline.....	Do.
27	C. O. Rothrock.....	Do.

In the same fashion, pictures taken during the strike were introduced, and are now public documents, held in the files of the committee.

Pictures 1, 2, and 3 were taken at about 6 a.m. July 25, and show the company driveway completely blocked at highway 35. Picture 4 is another view taken at 7 a.m., at the time nonstrikers were attempting to enter. Pictures 5 through 9 are actual scenes showing nonstrikers' cars being prevented from entering the company property from highway 35. Picture 10 shows a cafeteria cook manager who was not in the bargaining unit, emerging from a car on highway 35 at the plant entrance. Pictures 11 through 18 were taken about the same time, showing nonstriking workers' cars being refused entrance to the plant property. Pictures 19 and 20 show that mass picketing was still being conducted on July 26. These were taken just after 7 a.m. and show the police opening the lines to permit cars to enter. There were approximately a dozen police on duty for both the morning and afternoon shifts. Pictures 21 through 24 show the action occurring on July 27. On this date there was an estimated crowd of 400 people grouped along the highway and in or near the entrance to the plant, a majority of whom were strangers, not employed by Perfect Circle. Pictures 25 through 29 show the action on July 28. Pictures 25 and 26 show the broken windshield and window of a nonstriking employee who received it as he drove to work. Picture 27 shows stonethrowers who were arrested. Picture 31 shows UAW International Representative Caldwell directing strike activities in

front of the plant. Pictures 31 through 40 show the various acts of violence August 15, which finally culminated in the result seen in picture 41, wherein three automobiles inside the plant fence are shown turned on their sides. Picture 42 shows another in the same condition. Pictures 43 and 44 show a paint-spattered bus which had been chartered to take employees into the plant, with its windows smashed. Pictures 45 and 46 show damaged automobiles. Another group shows window smashing and splattered paint on, in, and around employees' houses and automobiles. Included in this group is one of the completely ransacked house of employee Kenneth Griffin.

The last series of pictures deal with the violence which took place on October 5. They show great masses of people blocking plant entrances, streets, and areaways. A violent crowd is shown in various stages in wrecking the house across the street from the plant where the police had been housed with the last being the charred remains after the house had been burned down.

VIII. UAW PHILOSOPHY IN ACTION

Evidence had mounted so strongly bearing out that most of the strikers had come from other towns and did not work at Perfect Circle, that the committee called Raymond H. Berndt, director of UAW region 3, within which the Perfect Circle plant was located, to explain why they were there. He indicated that it was a common practice for the union to send international representatives to the site of any strike in which the union participated. In fact, he testified:

"During the entire 4-month period, probably 75 percent of the total staff had at one time or another spent a day on one of the four picket lines" (p. 10321).

Some of his statements were hardly in consonance with the physical facts, however. At one point he stated:

"The facts are the marchers were peaceful. No damage was done to the property of the company. Police were on hand both inside and outside the plant. No reasonable person could have assumed that the marchers had any intention of making an attack on the plant" (p. 10295).

Due to the obviously untruthful nature of this statement, Counsel Kennedy pinned the witness down as to the responsibility for the violence:

"MR. KENNEDY. I have just a few questions at this time, but it seems through this statement, Mr. Berndt, there are a number of remarks indicating that the company is solely responsible for any violence that took place. For instance, on page 7, at the bottom you say:

"Most of the company-instigated violence took place * * *

"Then on page 25,

"It instigated violence by its action and ousted the UAW from three of its four plants," and then Mr. Reuther's statement.

"Is it your statement or your position that the company is solely responsible for the violence that took place at New Castle during the unfortunate period?

"MR. BERNDT. I would say there was violence on both sides, but there was provocation that certainly leads to violence * * * (p. 10301).

"Mr. KENNEDY. Taking it one step further, once the picketing started, there was, on one occasion, what we have come to recognize as mass picketing which kept the nonstrikers or attempted to keep the nonstrikers out of the plant, was there not?

"Mr. BERNDT. That is correct; there were occasions.

"Mr. KENNEDY. Did you feel that that was a proper activity or a proper thing for the union to be doing, attempting to keep those who wanted to go to work out of the plant?

"Mr. BERNDT. No, but I think during the 4-month period there might have been four or five occasions that this type of activity went on.

"I think it was devised by one of the local union people who came up with the bright idea that since the law said you had to have five pickets to a gate, there were five pickets at a gate, but there are only certain streets to go down to the plant, so it was just possible to have friends and sympathizers and other people from the plant away from the plant down the street, which really constituted a blocking of the ingress of the plant.

"This we tried to deplore and tried to tell them that the law is not this kind of a thing, to try to get around the law by using subterfuge.

"Mr. KENNEDY. Wasn't there a court injunction against the mass picketing that took place at some of these plants?

"Mr. BERNDT. There was such an injunction.

"Mr. KENNEDY. Evidently it was taking place, was it not, Mr. Berndt?

"Mr. BERNDT. The law was in effect. The injunction was in effect, and the mass picketing was in violation of that injunction.

"Mr. KENNEDY. Well, you, as one of the senior officials in that area, deplore the use of violence or deplore these activities, but did you take any steps to prevent the union from carrying on the mass picketing and preventing the nonstrikers from entering the plant and going to work?

"Mr. BERNDT. There were many occasions when the mass picketing happened even without my knowledge, so that would have been impossible to even try to talk to enough people to prevent them from organizing a mass picket line as such (p. 10306).

"Mr. KENNEDY. What I am trying to establish is that you make statements about being against violence now and about being against violence at any time, and yet during this period of strike the mass picketing was going on on occasion, in violation of the law, and those who wanted to go to work could not get in the plant.

"The third thing there is that on occasion, members of the UAW were brought in from other plants in the neighborhood and massed in front of these various Perfect Circle Co. plants * * * it seems to me that all those actions speak louder than your words saying 'We are against violence' " (p. 10306).

Berndt couldn't understand why the violence had occurred. He stated that there had been five other strikes in the area that year and in none of them violence had occurred. The reason became crystal clear, however, in the following exchange:

"Senator CURTIS. On page 2 of your statement, you referred to five UAW strikes in Indiana during 1955, and none of which resulted in

violence. Did any of the employers in these other five strikes attempt to operate their plants during the strike?

"Mr. BERNDT. Not to my recollection.

"Senator CURTIS. Would the violence have occurred at Perfect Circle if the company had not attempted to operate during the strike?

"Mr. BERNDT. Probably not, Senator" (p. 10319).

Out of all this evidence a pattern was emerging, a pattern destined to recur every time management attempts to exercise its constitutional right to operate its plants during a UAW strike. While this fact was ignored or benignly shrugged off as ridiculous, the following testimony becomes quite transparent in the light of recent events dating to the time of the writing of this report. This exchange took place March 31, 1958:

"The CHAIRMAN. Let me ask you one question: In your statement here you referred to the law of the jungle.

"Aren't you convinced by now that this vandalism and violence is the law of the jungle and it is just as wrong for you as strikers and union people to engage in it as it is for the company?

"Mr. BERNDT. We agree with you wholeheartedly, that in this day and age there should be no type of violence such as existed 3 years ago" (p. 10302).

The strike was finally concluded at all four plants during the month of November 1955. Although isolated shotgun blasts, beatings, and acts of vandalism accompanied the various negotiations, there were none recorded for the committee following November 27, 1955 (p. 10342).

According to Raymond Berndt petitions had been filed for decertification of the UAW as the bargaining representative, and the elections resulted in UAW decertification in three of the four Perfect Circle plants November 10, 1955. At the Richmond foundry, the vote to decertify was 35 for the UAW to 43 for no union; at the Richmond machine plant, 96 to 138; at Hagerstown 233 to 475.

At New Castle, as a result of telephone conversations between UAW Secretary-Treasurer Emil Mazey and James Mitchell, Secretary of Labor, negotiations were entered into resulting in the signing of a contract between the company and UAW Local 370 November 28, 1955 (p. 10299). Thus the strike ended.

APPENDIX D. THE RICHARD T. GOSSER AND LOCAL 12 UAW HEARINGS

I. INTRODUCTION—THE NATURE OF THE HEARING

The committee's hearing based upon the UAW's strikes against the Kohler Co. and the Perfect Circle Co. were devoted solely to those labor disputes. No part of the prehearing investigation had been directed to the issue of corruption or racketeering in the UAW. Thus, since the issue was responsibility for the violent, unlawful strikes—not corruption—the situation was ripe for Reuther and the chief counsel, who sought to detract attention from the real issue, by litigating without any real investigation to warrant it, the proposition that Reuther and his UAW are free from all criminality, corruption, misuse or misappropriation of union funds, and taints that have affected other unions examined by this committee. The net result of this was to give Reuther and his UAW this stamp of approval of this committee without subjecting him and his union to public scrutiny.

The first step to implement this scheme was taken by Reuther in his prepared opening remarks during the Kohler hearing. Thus, he inserted the issue of corruption and proceeded to declare that none existed in the UAW, as follows:

"I, and the other witnesses representing the UAW who are here with me, appear here *voluntarily*. *We have not been subpoenaed* *We have not been compelled to attend or to testify.*

"*In fact, we have, on a number of occasions, requested this opportunity.* We shall testify fully and freely without resort to the fifth amendment or other constitutional privilege because we have nothing to hide." [Italics added.]

* * * * *

"Before I discuss the matters specifically before your committee today, however, I should like to make clear at the outset, that the *UAW is a clean, democratic, honest, and effective trade union.* [Italics added.]

* * * * *

"Between conventions, the policies of our union are implemented by the UAW international executive board. This international executive board consists of the president, secretary-treasurer, and 4 vice presidents elected from the union as a whole, and 19 members elected as regional directors by the respective geographical regions of the UAW throughout the United States and Canada."

* * * * *

"*Every officer of the UAW—from the local level to the international—is democratically elected.*"

* * * * *

"No UAW officer has conflicting investments in any firm with which our union bargains collectively or purchases materials, supplies, or

services. *No officer of our union has ever received a kickback or bribe from anyone.*

"No officer of the UAW has grown rich at the expense of the union or the membership. No officer of the UAW has charged his personal or private purchases or gifts or entertainment to the union treasury. No officer of the UAW has ever received or accepted expensive or lavish gifts from the international union, its locals, or any management source.

* * * * *

"Upon learning that the Senate select committee had made a definite decision to hold these hearings, I made a private individual decision to request the staff of your committee to look into my personal financial affairs.

"On January 27, 1958, I wrote Mr. Robert F. Kennedy, chief counsel for the Select Senate Committee on Improper Activities in Labor or Management, requesting that he assign investigators to check into my personal financial affairs, even though at that time, to my knowledge, no one from your committee had made an effort to inquire into my personal financial affairs.

"There are no second-class members in the UAW. *Every member, regardless of race, color, religion, nationality, sex, ancestry, age, financial status, or any other factor, has the right to speak freely at UAW meetings, to seek office, unless barred by our prohibition against Communists, crooks, and racketeers, to criticize his officers at all levels, and to vote in secret elections for his local union officers and delegates to international conventions*" (pp. 9958-9959). [*Italic added.*]

(On June 7, 1950, a group of dissident members of Local 12, UAW-CIO, in Toledo, Ohio, called the "Committee for Democratic Unionism," had filed with the international executive board, headed by President Reuther, 28 charges of corruption and other wrongdoing against Reuther's senior vice president, Richard T. Gosser (exhibit 46). This petition alleged, inter alia, that Gosser had denied all local autonomy and democratic rights to members of local 12; forced local 12 to buy merchandise from his hardware store at exorbitant prices; appropriated to his own use slot-machine receipts and other property belonging to local 12; compelled employees of the union to remit a part of their salaries to him in the form of kickbacks and fines; and had caused physical assaults against those who sought to expose him (ibid.). The petition further requested the international executive board to investigate the charges and, upon finding Gosser guilty, to remove him from office (ibid.). The Reuther board, after an "investigation," found "no evidence to support" these charges, denounced the committee which filed them as "wild and irresponsible" and fired Randolph Gray, financial secretary of local 12 who had sought to expose Gosser (ibid.).)

Sworn testimony and documentary evidence presented subsequently and reviewed later in this part of the report either contradicts or refutes every one of Reuther's assertions, italicized above.

During the Kohler hearing, at the request of Senator Curtis, a member of the committee, Chief Counsel Kennedy directed two members of his staff to go to Toledo, Ohio, and investigate these charges against Gosser. Reuther's testimony before the committee was interrupted while the chief counsel reported the results of the investigation:

"The CHAIRMAN. Where are the investigators?"

"Mr. KENNEDY. They are not here. I believe they went out there to look into the allegations and to look at the information that had been turned over to the staff by members of the committee. They went out there to make an investigation based on those allegations and found no evidence to sustain the allegations other than the two points that have been made here today.

"One, that Mr. Gosser had an interest in a hardware store which sold goods to the union, and second, that he had an interest in a piece of land which was bought by the union. Other than that, as far as him asking any profit or doing anything criminally wrong or improper, we found nothing other than the two matters I have mentioned.

"Senator CURTIS. What I want to know is the report that I received correct that the Colonial Hardware records were not available?"

"Mr. KENNEDY. Senator, there were allegations made regarding Mr. Gosser. We found no evidence to sustain those allegations. We found that some of the allegations or a good number of the allegations against Mr. Gosser were made by an individual who was out of his mind, and at the time that the allegations were made even those who made them now say they were improperly stated at that time.

"So we found that there was nothing to it.

"Senator CURTIS. Mr. Reporter, will you read the question?"

(The pending question was read by the reporter.)

"Mr. KENNEDY. At least as far as the report, whether the records of the Colonial Hardware being available, Senator, I am not certain. As far as whatever they were able to examine, which I found was the important thing, they found nothing to sustain the allegations against Mr. Gosser.

"Senator CURTIS. The Colonial Hardware records——

"Mr. KENNEDY. If they talked to you afterward and if they made that statement to you that the records of the Colonial Hardware were not available, I am sure that is an accurate report. I think these dealings all took place some 10 years ago anyway.

"Senator CURTIS. The late forties—1949, I think. I think a fair report of what the investigators reported was that they found no evidence. I don't think it could be said that they found evidence that the charges were not true or that they were true.

"Mr. KENNEDY. Just that they found no evidence to sustain the allegations, which is what I said.

"Senator CURTIS. It is my understanding that they did not get the records of the Colonial Hardware Store and also that they did not get any records or information concerning the slot machines" (pp. 10211-10212).

Up to this point in his testimony, Reuther, while maintaining that the UAW was free of corruption in general terms, had appeared somewhat guarded and apprehensive when questioned about specifics, or so it seemed. However, any reluctance on his part disappeared upon being thus assured by the chief counsel that the committee had no evidence to refute him. Thereafter, he praised Gosser with the abandon of a man who never expected to be called to account for any misstatements of fact. That such was the case is shown by the fol-

lowing exchange between him and Senator Curtis who examined him on some of the allegations:

"Senator CURTIS. Then he (Gosser) was a part owner in the Colonial Hardware Store?

"Mr. REUTHER. It is my understanding that he held an interest in the Colonial Hardware Store.

"Senator CURTIS. Did the Colonial Hardware Store sell supplies to the Building Corp.?

"Mr. REUTHER. It is my understanding that the local union did purchase certain supplies from the Colonial Hardware Store. It is my understanding, also, that it was always done on a competitive basis.

* * * * *

"Senator CURTIS. It is true that there were a considerable number of slot machines in various union headquarters in the Toledo area in the late 1940's?

"Mr. REUTHER. Not to my knowledge.

* * * * *

"Senator CURTIS. You would not know, then, whether it is true that 50 percent of the proceeds of these slot machines went into the union treasury?

* * * * *

"Mr. REUTHER. I know nothing about slot machines, and I just do not think they were there, because the attitude of our union on this matter has been clear for a number of years.

* * * * *

"Senator CURTIS. Then you do not know whether Mr. Gosser got 50 or 80 percent of the slot machine, do you, the proceeds?

"Mr. REUTHER. Senator Goldwater, I would stake my life—

"Senator CURTIS. Thank you again.

"Mr. REUTHER. On the fact that Mr. Gosser has never taken a penny that did not belong to him, and I do not think he would have taken a penny from a slot machine if there were any there" (pp. 10206-10207).

* * * * *

"Mr. REUTHER. I said earlier that, first, I did not know there were any slot machines, and I am sure there are none now, if there ever were any; and I am also positive that Mr. Gosser never got a penny out of any slot machine if there were any.

"I happen to know Dick Gosser, and I know he has made a great contribution to this union. He has made a great contribution to the city of Toledo. He is a decent, honorable citizen, and I know he would not take a dishonorable penny from anyone or any source.

"Senator CURTIS. But you would agree that the practice of someone buying and selling to themselves with other people's money is not a good practice, not ethical, would you not?

"Mr. REUTHER. That is precisely why we asked Mr. Gosser to sell his interest in the hardware store.

"Senator CURTIS. This reference to the slot machines in the Toledo Union Journal of June 16, 1950, carried an allegation by members of your union that in a typical month the gross take from the slot machines owned and operated by local 12 exceeded \$2,200.

"These union members, in the union paper dated June 16, 1950, alleged the amount turned into the local was approximately \$1,100. The difference was turned over to Brother Gosser's office.

"We have gone back quite a way in investigating unions. We went back to 1929 in reference to the operating engineers and we went back almost that far in some others.

"Certainly, to go back to the date of the last major labor legislation to gather information for legislative purposes is not objectionable. I would not think so. Since that time, Mr. Gosser has been promoted to vice president; is that correct?

"Mr. REUTHER. Yes; Mr. Gosser was elected vice president since the date of the incidents that you are talking about" (p. 10210).

Reuther's testimony and the chief counsel's clean bill of health for Gosser, set forth above, was followed by what was presumably intended to end any further demands by members of this committee or the public that Reuther and the UAW be thoroughly investigated by this committee with the same staff and in the same manner as it has examined other unions and other union officials. To our surprise, the chief counsel called as a witness his chief investigator, Carmine Bellino, who unknown to the Republican members, had been directed by the chief counsel to conduct an investigation of Reuther and certain selected books and records of the UAW international. Under the chief counsel's questioning, Bellino stated that Reuther had reported as taxable income all of his union salary; that the UAW records which were selected for examination were free of false entries; that entries therein were supported by underlying data and could be traced as to source: "*All you need is the time*"; and the "*method of keeping the books is one of the best methods we have seen in any union*" (pp. 10242-10244). Thus, by implication, the UAW International and some 1,200 local unions achieved the status of having undergone a complete expiating audit.

The committee further questioned Reuther about the nature of the mysterious UAW "flower fund" into which, the record shows, such international representatives as Donald Rand have contributed a part of their salaries. Thus, Senator Curtis said:

"If I may go on to another matter, it has been testified here by Mr. Donald Rand, an international representative, that he made payments into a union fund with more or less frequency, about \$10 a week. I asked him when he was testifying if that would amount to about \$500 a year because he said it was not absolutely regular on a weekly basis, and he said that it would.

"Mr. Chairman, I have spoken to Mr. Bellino about this and I wonder if Mr. Bellino could be sworn and answer just a question or two?

"The CHAIRMAN. Mr. Bellino, come around, please, sir. You have been previously sworn, have you?

"Mr. BELLINO. Yes, sir.

"The CHAIRMAN. You will remain under the same oath. Proceed.

"Senator CURTIS. Mr. Bellino, Mr. Reuther stated on Thursday of this week, page 4189, and I quote:

"I met on a number of occasions with Mr. Bellino. I think large numbers of the staff of our union, other officers have, and we turned over to him all of the records of the international union."

"My question is: Did you have any records turned over to you relating to these payments made by Mr. Rand?

"Mr. BELLINO. I don't quite follow you, Senator.

"Senator CURTIS. Mr. Rand testified that he paid about \$10 a week into a fund of some kind—flower fund—he stated that it was regular as to time and I asked him if it amounted to about \$500 a year and he said 'Yes.'

"In the records turned over to you, did you have any records that would reveal to you Mr. Donald Rand's transaction or contribution or any similar ones?

"Mr. BELLINO. Senator, the records which were turned over to me were only those that I specifically requested. I did not, when in Detroit, specifically request any flower funds in which Mr. Rand may have contributed.

"Therefore, I did not get any such records.

* * * * *

"The CHAIRMAN. Just two or three questions to get this in perspective. What is the flower fund? Is that an assessment or a voluntary payment?

"Mr. REUTHER. The flower fund is a purely internal political fund contributed voluntarily by members of our union at different levels of our union for the purpose of financing the political fights in the union. This is how we finance the fight against the Communists. This is how we finance the fight to keep the racketeers from taking over our local union. We do not think it proper to finance internal political problems out of union dues and we have a separate fund.

"The CHAIRMAN. That is like making campaign contributions?

"Mr. REUTHER. It is like a campaign fund.

"The CHAIRMAN. But it is for political purposes in the unions?" (p. 10213).

"Mr. REUTHER. Exactly. We did ourselves. The Communists had their caucuses. We financed ourselves by contributions. I don't know where they get their money but I know where we got ours, voluntary contributions.

"The CHAIRMAN. Do you keep records of this fund?

"Mr. REUTHER. What happens is that there are many of these funds at different levels of our local union. At the international level there will be several and there will be a committee, the fellows who collect the money and who keep the records and the books, and so forth. We told Mr. Bellino, he will tell you, I talked about this, and I said this has nothing to do with the union funds but if you want to look at it we will show you the record. We don't have anything to hide.

* * * * *

"The CHAIRMAN. Some unions do (spend union money for union politics) but your union does not?

"Mr. REUTHER. That is right. We don't. We don't think it is proper to spend union money for political matters relating to electing me or somebody else. We raise our own money" (p. 10214).

* * * * *

"The CHAIRMAN. May I ask, does any Senator on the committee want those funds investigated?

"Senator CURTIS. May I ask a question or two about them first?

"The CHAIRMAN. Yes, sir.

* * * * *

"Senator CURTIS. Well, how much do you, have you contributed?

"Mr. REUTHER. I have contributed at one time as much as \$75, depending on the situation.

"Senator CURTIS. In cash?

"Mr. REUTHER. I have always made it in cash, yes.

"Senator CURTIS. Are the disbursements made in cash, too?

"Mr. REUTHER. I suppose there are cash disbursements and there are disbursements by other means.

"Senator CURTIS. Where is this fund banked?

"Mr. REUTHER. Where is it banked?

"Senator CURTIS. Yes.

"Mr. REUTHER. Well, this is what Mr. Bellino will find out when he sits down to talk to the people who handle it.

"Senator CURTIS. I understand. But I am asking you where is this banked?

"Mr. REUTHER. Since I don't handle the funds, I don't know. I know it is banked.

"Senator CURTIS. You don't know where?

"Mr. REUTHER. I don't know where it is banked, I don't handle it.

"Senator CURTIS. Don't you?

"Mr. REUTHER. Senator Curtis, look. I am not a little boy. I told you I make my contributions. A member of my staff of the committee that handles it. I have complete confidence in their integrity and I know they are banking it and handling it properly. Do I have to go around and look over their shoulder?

"Senator CURTIS. No, but I think it is proper to expect that you know where they are banked.

"Mr. REUTHER. Well, Mr. Bellino can find out for you, and he can tell me at the same time and we would both know."

"Senator CURTIS. Of course, here is the thing, I can't answer the question of the chairman whether I want it investigated until I know whether there are records of all the receipts and disbursements.

"The CHAIRMAN. I understand this witness doesn't know, he doesn't have the record. But what we can do is we can send an investigator out there to find out whether there are records and what they show.

"Mr. REUTHER. We are perfectly willing to cooperate, Mr. McClellan, because we have nothing to hide. I think if we were spending the union's money for internal political purposes you might investigate that. We are spending our own money because we think that is the right way to do it.

"We have nothing to hide. Come out and look at the records. We will cooperate and pull them together.

"Senator CURTIS. I have one more question with regard to this and then I will announce whether I want them investigated. Are any assessments made against individuals with regard to this fund?

"Mr. REUTHER. They are not. Every dollar that is in these funds is a purely voluntary matter" (pp. 10219-10220).

Although we, the undersigned, were not satisfied with either the chief counsel's investigation into the Gosser matter, Mr. Bellino's investigation of the rest of the UAW, or Mr. Reuther's explanation that the "flower fund" was voluntary, these matters remained dormant until the spring of 1959. At that time it was widely published in the

press that a New York grand jury had alleged that one of Gosser's administrative assistants, Peter Zvara, had received more than \$62,000 in bribes from a New York industrial engineering firm as payment for his using union influence to obtain contracts to perform industrial engineering services for Toledo employers who bargain collectively with the UAW. Also, according to the press, Gosser was questioned by the New York grand jury as to whether he had received any part of these bribes from Zvara, but Zvara refused to appear and testify.

These recent disclosures renewed interest in the Gosser matter. Accordingly, Senator Curtis obtained permission from the chairman to take another look at Gosser, with the assistance of Assistant Counsel Robert E. Manuel, a member of the staff assigned to the Republican members of the committee. The chairman further agreed, in April of 1959, that at Senator Curtis' request, the committee would hear in executive session the results of the preliminary investigation, and thereafter, would determine if the evidence adduced warranted a full-scale investigation by the staff into Gosser and any other leads suggested, followed by the usual open or public hearing.

An initial appraisal of the evidence easily unearthed by Assistant Counsel Manuel satisfied him and Senator Curtis that (1) many of the 28 charges filed against Gosser in 1950 by the "Committee for Democratic Unionism" were true and proved to Reuther's international executive board; (2) that Reuther presided over the union trial of Gosser which whitewashed him and suppressed the evidence of his guilt; (3) that Reuther had misled the committee when he swore the "flower fund" was composed of voluntary contributions when, in fact, they are enforced "kickbacks"; and (4) that since Zvara admitted to keeping only about one-half of the bribe money for himself, there was a possibility that the balance was paid by him to a superior.

On July 22, 1959, the chairman, in accordance with the rules of the select committee and his prior commitment to Senator Curtis, scheduled executive sessions for July 27 and 28, 1959, at which time, the committee would hear the results of the Gosser investigation presented by Senator Curtis and Assistant Counsel Robert Manuel. However, these scheduled hearings were delayed due to the demands of the chief counsel that Senator Curtis surrender to him the files and responsibility for presenting the hearing. These demands were rejected by the majority of the committee members, and, finally, on August 11, the executive session began. At the outset, Senator Curtis stated:

"The purpose of this investigation is to lay before the committee in executive session certain information that has come to me, for the purpose of delivering that information to the committee in executive session under oath, so that the committee might decide whether or not a full-fledged investigation should be made. This is not presented with the idea that it is a completed investigation (p. 19916).

On August 11, 12, and 13, 1959, the committee heard in closed session the first six witnesses, including Richard Gosser and his former assistants, Zvara and Love, who invoked the fifth amendment in response to all questions relating to the bribery and "flower fund." Throughout this period, Reuther and his UAW attorneys, joined by Senators Kennedy and Church, contended that closed hearings were unfair to the UAW and demanded that they be made open. Consequently, when the committee met to hear the remaining nine witnesses

on August 20, 1959, it voted to hear them in open session (p. 20109). Accordingly, the hearings on August 20, 21, and the last session on September 8 and 9, 1959, were of the usual public nature. Once the demands of Reuther for open hearings were granted, however, the proponents of open hearings, now joined by the chief counsel, insisted that open hearings were also unfair to the UAW and demanded that any further hearings into the UAW, private or public, be suspended (pp. 20157-20162, 20195, 20196, 20203, 20204, 20254, 20255).

Thus, these hearings were conducted under the most trying conditions. Due to repeated delays and continuances of the committee, many of the witnesses, in order to testify, were required to make four round trips from their jobs in Toledo and Detroit to Washington, D.C., and, in addition, suffered the losses of many weeks of needed pay as a result of being absent from work. Moreover, the actions of the chief counsel were designed to obstruct any really effective hearings into the issue of corruption in the UAW. The record demonstrates to any impartial reader that he openly acted as defense counsel for those under investigation, although the UAW was already represented by an impressive array of three able lawyers, and assumed the role of avenging angel toward witnesses who, under subpoena, were cooperating with the committee to expose corruption in the UAW. Authorized to take no part in the proceedings, he, nonetheless, officiously praised pro-UAW evidence and belittled that which tended to prove investigative charges. And, when it was proved that Gosser's corruption had been whitewashed by Reuther and the entire top leadership in the UAW International, he, with an eye to the press tables, denounced the hearings as a "fraud" (pp. 20254, 20255).

We can safely say that never in all our combined experiences with committees of Congress have we witnessed such a display of obstruction, impertinence, and disrespect by an employee of the Senate.

The testimony of witnesses and documentary evidence adduced at the hearings may be summarized as follows:

B. THE REUTHER BOARD EXONERATION OF GOSSER

1. Background information on Gosser

In 1937, Richard Gosser, then an electrician at the Willys-Overland Co. in Toledo, Ohio, was elected president of local 12, UAW-CIO, a big amalgamated local which then and now bargains collectively for the employees of Willys-Overland and about 50 other employers in the Toledo area (pp. 19984, 19985, 19988). He served in that capacity until 1943 when he was elected director of region 2-B of the UAW International, a position he held until October of 1947, when he was elected vice president as a part of the Reuther political caucus at the UAW's convention in Atlantic City, N.J. (pp. 19988, 19989). Because of his long tenure, Gosser is now senior vice president, having been reelected with Reuther's support, in October of 1959, following the hearing. By virtue of his position in the UAW International, Gosser is and has been since 1943, a member of the 25-member international executive board, which is now composed of President Reuther, Secretary-Treasurer Mazey, the 4 vice presidents and 19 regional directors.

The evidence shows that Richard Thomas Gosser, alias Richard M'Mullen, Richard Goffer, Richard Goofer, has a police record of

arrests and indictments in the 1920's for such offenses as burglary, auto theft, and receiving and concealing stolen property (p. 20257). In the early 1920's he was also convicted for an armed robbery in the State of Michigan with one Tony Scott Paul, identified as a member of the Toledo underworld, and was sentenced to 2½ to 15 years in the Michigan State Reformatory, Iona, Mich., where he and Tony Paul served 2½ years (pp. 20027, 20257). The evidence also showed that Gosser knew and did business with Joe and Ben Fretti, who were by common repute and Gosser's admission, a part of the Toledo mob which controlled the slot machines and other gambling. In fact, he arranged for the Frettis to place syndicate-owned slot machines in local 12 union halls during 1946-48, and used union funds to buy other machines (pp. 20297, 20298). There is no record of subsequent arrests or conviction, but he confided to the committee that the FBI had investigated him as a suspect in the unsolved 1948 shooting of Walter Reuther (p. 20039).

Richard Gosser is a man of considerable property which he has somehow managed to acquire over the years although his union salary has at no time exceeded \$12,500 per annum until 1958, when it was increased to approximately \$17,000 per year. According to his testimony before the select committee on August 13, 1959, Gosser owns his present home in Toledo, Ohio, and another residence at 408 Longacres Court, Hollywood, Fla., where he winters for his "health" (pp. 20032, 20033). In addition to this and many disclosed bank accounts, Gosser owns the following real estate or an interest therein:

(1) R. & M. Ranch, doing business as Gosser & Ballard, a farm of 1,184 acres which has a northern division in Michigan and a southern division near Monticello, Fla. This ranch, of record, is owned in equal shares by Gosser and Charles Ballard, now and since 1947, director of UAW region 2-B, and their respective wives, Ruth and May; hence the name "R. & M." (p. 20032).

(2) C. & R. (Circle Ranch), also located in Florida, containing 1,829 acres. Gosser stated that he and Ballard own this ranch jointly with Don Pinciotti an international representative on Ballard's staff and nine other unidentified UAW representatives (pp. 20032, 20033).

(3) R. & R. Enterprises, doing business as Richard and Ruth Gosser, a 600-acre farm near Adrian, Mich. Gosser sold this ranch, apparently early in 1959, but holds a second mortgage thereon for \$28,000 (pp. 20033, 20034).

2. The 28 charges

The 1950 Toledo revolt against Gosser was spearheaded by a reform group of local 12 members who termed themselves the "Committee for Democratic Unionism." The rebels petitioned Walter P. Reuther for a redress of grievances in accordance with the provisions of the UAW International constitution, and, consequently, Reuther appointed three members of his international executive board to serve as a committee to investigate these charges and report back to him. This committee, known as the Cody Committee, was chaired by Regional Director Edward Cody and included, as members, Emil Mazey, secretary-treasurer, and Regional Director Michael Lacey. The Cody Committee, on June 1, 1950, heard eight witnesses who testified in support of their charges against Gosser. A transcript of this testimony can be found reprinted at pages 20413-20432 of the record.

Following a suggestion made by Cody that these charges be submitted in writing, the "Committee For Democratic Unionism," by Harold Billheimer and Edward Duck, chairman and secretary, respectively, on June 7, 1950, preferred 28 specific charges against Gosser directly to Reuther for further investigation by his international executive board, of which he is chairman. This petition prefaced the 28 charges with this statement:

"We respectfully submit to your board during this session a detailed list of charges which should be thoroughly investigated by your board in the interest of correcting an intolerable situation. We seek to stop the rapid disintegration of Local 12, UAW-CIO, which we thoroughly believe to be the inevitable result of the dictatorial rule of Richard T. Gosser and his handful of assistants and henchmen. We further believe that the evidence we are about to offer to our executive board proves beyond any shadow of a doubt that the dictatorial rule of Brother Gosser and his group has resulted in the corrupting of our union affairs for the personal gain of the few. This is the inevitable result of the concentration of too much power in the hands of one man and it likewise bears strongly on the wisdom of enforcing the protection assuring local autonomy in local union affairs. We, therefore, submit the following specific charges which we are certain an impartial investigation of all of the records and other evidence available to your board will substantiate beyond any question. In setting forth these charges we ask that you bear in mind that we do not have access to the original records of local 12 or of the Automotive Workers Building Corp., or of the region 2-B office now quartered in local 12. As a result of a longtime investigation, made at great handicap and expense to individual members, we are certain that every charge we are making herewith will be fully proved if all records, accounts, and other information is utilized. It is the opinion of the men whose signatures are on this statement that an impartial and complete investigation would reveal many of the dishonest and detrimental acts concerning which we lack precise knowledge at this time (exhibit 46, p. 19).

On June 13, 1950, after hearing more than 50 witnesses, Reuther's board found "no evidence" to support any of these charges and issued a clean bill of health to Gosser (*ibid.* at p. 4).

However, the record of the hearing before the select committee clearly demonstrates, 9 years later, that many of these charges, and perhaps all, were true and known to be true to Walter Reuther and the entire top leadership of the international union. Thus, the subject matter of the hearing was not a mere reconsideration of "ancient and unfounded charges," as the chief counsel and the UAW contended.

The record contains a copy of the 28 charges preferred against Gosser and a copy of the international executive board's findings of "no evidence" (exhibit 46). For the truth of many of the charges, see a copy of the transcript of testimony heard by the Cody Committee (pp. 20413-20432). This transcript, which Joseph Rauh, attorney for the UAW, swore under oath had never existed, was subsequently produced by one of the witnesses and was made a part of the record. The other transcript of the "more than 50" witnesses who testified before the board would undoubtedly show the nature of the investigation and the trial of Gosser, but that document, UAW Counsel

Rauh also alleged did not exist, and was not produced for the select committee. Nonetheless, as this report will demonstrate, all of the more serious of the 28 charges selected for hearing were documented by the evidence.

C. GOSSER'S DOMINATION OF LOCAL 12 AND DENIAL OF UNION
DEMOCRACY

For example, allegation No. 18 states: "It is alleged that Brother Gosser dominated local 12 during the period he was an international officer."

The board found that "this allegation has not been substantiated by supporting evidence." This finding should be kept firmly in mind when considering the evidence considered hereinafter.

Several witnesses testified that even after he became an international officer in 1943, Gosser continued to dominate the affairs of local 12 in the same manner as he had while local president. With the assistance of the Willys-Overland unit, where there was much pro-Gosser strength, Gosser was able to rig the elections of local officers whom he handpicked because of their subservience to him and his policies.

(1) *Political activities; use of UAW automobiles and manpower to influence elections*

Lloyd Speidell, who had been "elected" recording secretary of local 12 in 1944, told the committee that this "method of voting was pretty certain that there was not much chance to it" (p. 20088). When asked to "explain that," Speidell replied as follows:

"The way the elections were controlled, different shops in the local had checkoff systems, but there was only one shop, that was Willys-Overland, where even though your dues were taken out of your check, you had to go down to the local, a member at Willys-Overland had to go down to the local at least once every 2 months and have an attendance card punched.

"There were two forms of dues receipts at the local. One was a white one, about 4½ inches square which, in times of confusion regarding your union dues, was official, and no other receipt was official, when you got in a mixup on your dues. Then in addition to that there was an attendance card which had the months, the names of the months, around the card, and if you wanted to go down to the local and have that punched, you could.

"In all of the shops in the local, and there had been as many as 65 at one time, those that had checkoffs, none of the members were required to go down and have this card punched except Willys-Overland. Even though they had a checkoff, they still had to go down to the local at least once every 2 months.

"When the local 12 elections come up, you had to have this attendance card to vote, even though you had your white receipt. You couldn't vote on that. You had to have your attendance card. Nobody could get your attendance card for you between the first of the year and the local 12 elections, which usually occurred in April. You had to go down and get it yourself.

"The people are no more interested in voting, you all know that, in a local union than they are in any other kind of election. So they

would not take the trouble to go down and get a card. There were perhaps 45,000 members in the local.

"The CHAIRMAN. How many?

"Mr. SPEIDELL. During this war, there were perhaps as many as 45,000.

"The CHAIRMAN. 45,000?

"Mr. SPEIDELL. Yes. And of all these members, the only ones who had to get attendance cards were the people at Willys-Overland. Then when election time came up, the people under Mr. Gosser's direction took cars, and went out to Willys-Overland during working hours and hauled people down.

"The cars were numbered on the windshield, with numbers that big [indicating], and I have seen cars as high as No. 25, and the people they wanted to bring down to vote were brought down, at company expense, I believe.

"So there was never any element of doubt in an election.

"Senator MUNDT. What would happen, Mr. Speidell? You say that the people in Willys-Overland had to go down and get their attendance cards punched. That indicates there was some compulsion about it. Suppose they had some obstinate guy who said, 'I will not go down'?

"Mr. SPEIDELL. He became suspended.

"Senator MUNDT. From the union?

"Mr. SPEIDELL. That is right.

"Senator MUNDT. Even though he paid his dues?

"Mr. SPEIDELL. That is right. That is to the best of my knowledge. I believe I am right. There was some compulsion. They had to do it, but no other shop in the local had to do it.

"The CHAIRMAN. What was the idea of getting an attendance card punched?

* * * * *

"Mr. SPEIDELL. It insured the fact that each member at Willys-Overland had an attendance card and when election time came they didn't have to question. We did campaign ourselves. You would try to get your own shop to vote. You would do your darndest to get your members from your own shop down to the local to get cards. but on their part it was all voluntary. They would say, 'Yes, we will go down and get them.'

"But you fellows know how hard it is to get people out to vote. You couldn't get them out.

* * * * *

"The CHAIRMAN. As I understand, 65 shops all belonged to the same union, and the way they controlled the election, according to your viewpoint or your testimony, is that the Willys-Overland people had to go and have their card punched.

"Mr. SPEIDELL. That is right.

"The CHAIRMAN. The others did not have to?

"Mr. SPEIDELL. That is true.

"The CHAIRMAN. How many employees were in Willys-Overland?

"Mr. SPEIDELL. I guess during the war they would run 15,000.

"The CHAIRMAN. About 15,000?

"Mr. SPEIDELL. Yes.

"The CHAIRMAN. So they would have them all required to go get their cards punched?"

"Mr. SPEIDELL. That is right.

"The CHAIRMAN. Then they haul them out on election day to vote?"

"Mr. SPEIDELL. Those that they wanted to haul.

"The CHAIRMAN. Those that they wanted to vote?"

"Mr. SPEIDELL. That is right.

"The CHAIRMAN. Were the others precluded from voting?"

"Mr. SPEIDELL. If they did it on their own time they could vote.

"The CHAIRMAN. But the ones they wanted to vote particularly didn't lose any time?"

"Mr. SPEIDELL. No, sir.

"The CHAIRMAN. Is that what you are saying?"

"Mr. SPEIDELL. That is what I am saying.

"The CHAIRMAN. How many would vote in those elections out of the 40,000?"

"Mr. SPEIDELL. That was always a secret. It was never divulged. But the number of votes usually would run all the way from 500 to 700 or 800.

"The CHAIRMAN. From 500 to 700 or 800?"

"Mr. SPEIDELL. All the while that I had knowledge of it.

"The CHAIRMAN. Do you mean as a total vote out of 40,000?"

"Mr. SPEIDELL. That is right.

"The CHAIRMAN. They would vote in the elections?"

"Mr. SPEIDELL. That is right.

"The CHAIRMAN. Were you elected in that kind of an election?"

"Mr. SPEIDELL. That is right, sir (pp. 20088-90)."

Speidell's testimony, quoted above, was corroborated in all material respects by another witness, Harold Billheimer, a member of local 12 for the past 36 years and onetime local 12 board member (pps. 20342-20343). Billheimer further declared that he knows from personal knowledge that the Gosser-Willys-Overland method of rigging the elections prevails to this day (ibid.).

One of those who, according to Speidell, hauled pro-Gosser voters from Willys-Overland to the voting booths at local 12 headquarters was Cyrus Martin, a former international representative assigned to the staff of Gosser when he was regional director of region 2-B in 1947 and later to the staff of Charles Ballard when he succeeded Gosser in office. Martin stated that when he helped to ferry the "safe" voters to the polling booths—

"The steward in the plant would gather the employees at different times of the day, different hours, and take them out to the gate, and then the cars would haul them down, and then they would vote."

"Senator CURTIS. Was it your opinion that the purpose of this, and that it did work out that way, was that that always provided enough pro-Gosser votes to carry the election?"

"Mr. MARTIN. That is right, Mr. Senator.

"Senator CURTIS. I have read the statement that you made where you stated that at the time there were about 35,000 members in local 12, that the highest you have known of voting were around 3,500. Is that your best estimate at this time?"

"Mr. MARTIN. To my knowledge, that is right.

"Senator CURTIS. That would be about 1 out of 10?"

"Mr. MARTIN. That would be right.

"Senator CURTIS. If someone was not one of the Gosser clique, they would have to provide their own transportation down to vote; is that correct?

"Mr. MARTIN. That is correct, Mr. Chairman.

"Senator CURTIS. Would they have to either lose pay or go down after hours?

"Mr. MARTIN. That is pretty hard to answer. If they could sneak out and the boss didn't see them, I imagine they would get paid.

"Senator CURTIS. But in general was that true?

"Mr. MARTIN. Here is how they actually operated. The steward body in these departments knew who was going to support who before they would allow them to go down to vote. In other words, bring them down to the gate so the drivers could take them down to vote. They knew who they was taking down there (pp. 20193-20194)".

Martin admitted to prior membership in the Willys-Overland "flying squadron," a "goon squad" of from 100 to 150 unioneers who, when needed, assisted the employees of struck plants by providing "strike violence" and "intimidation" to induce some union members and others "to do certain things" (p. 20194). According to Martin, the "flying squadron" members wore uniforms on some occasions and were directed by Gosser, whose rank appeared to be commander in chief, for he wore "three or four" stars on his uniform and marched at the head of the columns in the Labor Day parade (p. 20235).

The record evidence shows that the Willys-Overland management was fully apprised of the fact that Gosser was using the voters from that shop unfairly to elect those whom he favored. John Bolman, a former chairman of the Spicer unit of local 12, stated to the committee that he personally complained to management. His testimony is thus:

"Mr. BOLMAN. I went to the office of the president, Mr. Rouch.

"Senator CURTIS. Who was with you?

"Mr. BOLMAN. Mr. Davidow.

"Senator CURTIS. Mr. Gray's attorney, sitting here?

"Mr. BOLMAN. Sitting at the end of the table.

"Senator CURTIS. Now, what did you say to this Willys-Overland official, and what did he say to you?

"Mr. BOLMAN. I pointed out to Mr. Rouch that the management of that plant could be charged with unfair labor practice under section 8 of the National Labor Relations Act, at that particular time, the Labor-Management Relations Act of 1947, wherein under paragraph 2:

"It shall be an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it."

"With respect to the fact that the management would be permitting employees to go to local 12 for voting purposes on time that was paid for by that company and later on, I observed this practice take place at the time of the local 12 elections.

"Senator KENNEDY. Are you saying that is an unfair labor practice?

"Mr. BOLMAN. It would be my judgment that it would be" (p. 20334).

Larry Davidow, formerly the first chief counsel of the UAW-CIO and now a practicing attorney in Detroit, confirmed Bolman's testimony, as follows:

"Senator CURTIS. Now, Mr. Davidow, you heard Mr. Bolman testify about making the complaint to management of Willys-Overland concerning the manner in which union members working at the Willys-Overland unit were voting on company time, and ferried down in cars, and that was different from the other units.

"Do you remember that incident?

"Mr. DAVIDOW. I do.

"Senator CURTIS. You tell us what happened, briefly.

"Mr. DAVIDOW. I made the arrangement to meet Mr. Rusch in his office after Mr. Bolman had reported to me what had been the practice at Willys-Overland. We met Mr. Rusch at his office, according to appointment, at which time Mr. Boland told Mr. Rusch what had been taking place. I, at that time, expressed my opinion that those practices were a violation of what is now called the Labor-Management Act. Mr. Rusch promised to make an investigation and get in touch with me. I never heard from Mr. Rusch" (pp. 20336-20337).

* * * * *

"Senator CURTIS. Does this practice of voting union members from Overland continue up to the present time or near the present?

"Mr. BOLMAN. I am so informed" (p. 20337).

The international executive board's finding of no evidence to support the charge of domination completely baffled Speidell. He said:

"I had the occasion in 1950, in the Secor Hotel in Toledo, to talk to the entire executive board, with Mr. Reuther presiding, and told him all these things and many, many more. His secretary took notes. She sat on his left-hand side and took down everything I said, and all other speakers. * * * The lady took down everything, and he never asked me questions or anything" (p. 20100).

(2) *How dissidents are eliminated*

The expulsion of Cyrus Martin.—Martin stated that at the time in question he was friendly with Lloyd Speidell and one Frank Molick, who also had been an official of local 12 under Gosser. Both Speidell and Molick, who then owned the "Mo-Del Tavern" in Toledo, were assisting the "Committee for Democratic Unionism" to expose Gosser and sought the assistance of Martin in this effort. Martin said his visit to the "Mo-Del Tavern" was followed by these events:

"I went in to Mr. Gosser's office. I would like to point out that in regard to that, Mr. Gosser called me into his office; I was not on Mr. Gosser's payroll. I remained on the regional director's payroll, Mr. Ballard, and constitutionally Mr. Gosser didn't have no jurisdiction over me in regard to my activities or anything else. Mr. Ballard did, but Mr. Gosser didn't. He saw fit to go to work to take jurisdiction. He called me into his office and asked me, he says, 'Martin, what is this I heard about you? I heard you were in Molik's and Speidell's place yesterday.' I said I was. I said, 'Mr. Billheimer and Mr. Martin came out and said they wanted to enlighten me on a few things that was going on in the local union.' He says, 'Do you want to play ball with them?' 'I don't know whether you call it playing ball with them or not, but if you are going to tell me who I am going to work and talk to in regard to my social life.' He said, 'If that is the way you feel about it,' he says, 'when you are physically

able to go back in the shop, you go there, and there will be a job available. I am telling you right now, when you go back in there, keep your nose clean, or you will pay the penalty for it" (p. 20199).

"Senator CURTIS. So for some months following your sick spell, you did work in the shop?

"Mr. MARTIN. Like I say, about 3 months afterward I went back to work in the Willys-Overland in the body shop, as a welder in department 187 or 186. It is one department or the other. There I took a job as a welder.

"Senator CURTIS. How could Mr. Gosser send you back to the shop?

"Mr. MARTIN. I think as these hearings proceed everybody on this committee will be aware of the fact why he sent me back to the shop. Mr. Gosser, in my opinion, at that time, he wasn't only vice president—he was regional director, he was president of the Toledo Industrial Council, he was president of local 12. In other words, he ran the whole show.

"Senator CURTIS. Whether he held those offices or not, he dictated the policy; is that your statement?

"Mr. MARTIN. Repeat that again, Senator.

"Senator CURTIS. I say whether or not he held all those offices, he dictated the policies.

"Mr. MARTIN. He sure did. The proceedings of this hearing will show that.

"Senator CURTIS. Did he also dictate to Willys-Overland what they should do?

"Mr. MARTIN. That is right. In other words, he said who was going to be the chairman, the vice chairman, and so on and so forth.

"Senator CURTIS. Chairman of what?

"Mr. MARTIN. Of the Willys-Overland unit.

"Senator CURTIS. He determined that?

"Mr. MARTIN. He determined who was going to run and who was not going to run.

"Senator CURTIS. Then the voters were hauled to the polls to bring that about?

"Mr. MARTIN. That is right" (pp. 20199-20200).

After Martin was sent back to the plant at Willys-Overland, he did not heed Gosser's admonition to keep his "nose clean" or "pay the penalty for it." He quickly became the leader of an anti-Gosser group which advocated such democratic reforms as conducting local 12 elections in each plant where the employees worked, instead of compelling all voters to travel to local 12 headquarters to vote or, in the alternative, to have the ballots "turned over to Briggs Express Agency at night and be brought back next morning" (p. 20200). In addition, Martin wrote an "as told to" series of articles exposing the Gosser-Willys-Overland collusive method of rigging the elections, which was published in the February 11 and 12, 1951, issues of the Toledo Blade (pp. 20208; exhibit No. 25). These two articles, sworn to by Martin at the hearing, were placed in the record as "Exhibit 25." Martin received no pay for these articles when they were written, but some 6 months later the Blade editor learned of Martin's financial needs and paid him \$200 or \$250 for them (p. 20210).

For thus exercising his rights freely and lawfully to express his opposition to Gosser, Martin was required to "pay the penalty" which Gosser had promised to exact. After Martin had been working in the Willys-Overland plant "2 or 3 weeks," Arnold Shenofsky, "a Gosser man," was transferred to Martin's department (pp. 20200-20201). Shenofsky soon provoked Martin into a fight and assaulted him with a "broken beer or a pop bottle" (p. 20201). Martin displayed three pictures of his face showing injuries across the bridge of his nose and indicating that perhaps his assailant was aiming for his eyes.

"Senator CURTIS. Now, I hand you some pictures and ask you to tell us what those are.

"The CHAIRMAN. I hand you three pictures and ask you if you recognize yourself?

"Mr. MARTIN. Them is the pictures that was taken of me after my release from the hospital which was approximately 5 or 6 days after I was beaten up.

"The CHAIRMAN. They will be made exhibit No. 24.

"(The photographs referred to were marked "Exhibit No. 24" for reference and may be found in the files of the select committee.)

"Senator CURTIS. Will you hold them up so the committee can see them? That hit you right at the bridge of the nose?

"Mr. MARTIN. I had two cuts. One down through here and a cut on my forehead and between the eyes.

"Senator CURTIS. Do you still have a scar?

"Mr. MARTIN. I still carry the scars.

"Senator CURTIS. All three pictures are of you showing the same injury but from different angles; is that right?

"Mr. MARTIN. That is right, Mr. Senator (pp. 20200-20201).

"Senator CURTIS. What happened to you so far as your union membership was concerned following this? That is when you were expelled; was it?

"Mr. MARTIN. That is right. I received a notice of charges preferred against me that was going to be read off at the next unit meeting of the Willys-Overland unit of local 12. I was at that meeting. All these charges stated that I was suspended for 99 years for conduct unbecoming a member of this union. That covers a multitude of sins and I would like to know. I have been waiting 7 years to find out what specific charges they were that caused my expulsion. "Conduct unbecoming a union member" doesn't mean a thing in itself.

"Senator CURTIS. This was for 99 years?

"Mr. MARTIN. Ninety-nine years.

"Senator CURTIS. That would exclude you at least from all plants where the UAW had contracts in the Toledo area?

"Mr. MARTIN. That is right, I lost my livelihood. I lost my insurance. I lost everything" (pp. 20201-20202).

In addition to expulsion from the UAW for 99 years and being discharged from the plant, Martin said he was subjected to economic reprisals inspired by Gosser. On March 17, 1952, Martin, with the help of a business agent for the Brewery Drivers Union, went to work for Drury's, Inc., a beer company (pp. 20205-20206). Martin's work for Drury's was apparently satisfactory; he received a \$50 bonus at Christmas of 1952, a salary increase of \$10 or \$15 per week, and was

officially commended for his good work (ibid). However, all this changed when Gosser observed two other salesmen of Drury's delivering five cases of beer to local 12. Martin testified:

"So they brought the beer down there. They brought it inside the bar. Just then Mr. Gosser came down through the bar and was going out to his car, so the driver stated to me—and he seen this Drury's beer there, he told this Al Isalinski to go to work and take that beer out of here, 'and if you ever order any beer from Drury's,' he says, 'you will go out, too.'

"So they took this beer back. In other words, they didn't sell it. They had to take it back to the brewery. The branch manager heard of that. So he said, 'I am going to go over and see Mr. Gosser.'

"He made an appointment and went over to see Mr. Gosser in regard to the situation. He told them words to this effect: As long as you have Martin on your payroll I will not put any Drury's beer in local 12 bar.

* * * * *

"Senator CURTIS. * * * but is it your opinion that your trouble in carryong on this job is tied into Gosser blocking the sale of that beer in local 12?

* * * * *

"Mr. MARTIN. In other words, beer was put in on tap there, both beer and ale, as of January 1, 1952. That was put on January the 1st. Then the 15th I get this notice. As of February the 1st my services were terminated with the company.

"But I would also like to state in regard to that—it makes it look kind of obvious why I was discharged. A little while after I was discharged the company went to work and put on two salesmen. In other words, they said they had to eliminate one salesman in the city of Toledo. They put on two salesmen. I don't know his name, but the one was Carl Backus. He was put on a month or so after I was released from the company.

"I got a letter from the company where they said they didn't need any extra salesmen in the city of Toledo. But after I left they put on two" (p. 20206).

Expulsion from the union and Gosser's economic reprisals have handicapped Martin in his efforts to earn a living. At the date of the hearing, he said his sole income is derived from a job as janitor 2 days a week at Our Lady of Carmel Church in Temperance, Mich., which luckily is beyond the sphere of Gosser's influence (p. 20190).

The treatment accorded Cyrus Martin, a charter member of the UAW Local 12 from 1934 to his expulsion on April 20, 1951, and the organizer of 11 UAW shops in Toledo, stands out in marked contrast with the treatment accorded Shenofsky, his assailant, who pleaded guilty in court to the charge of assault on Martin, was convicted and fined \$250 (pp. 20201, 20203–20204). Like Martin, Shenofsky was discharged by the employer; but, unlike Martin, Shenofsky was not expelled from the UAW. Indeed, he was defended in court by funds raised by Gosser's friends in the plant and was finally rewarded by Gosser with seniority in another UAW plant, and then a coveted job as international representative on Gosser's staff, a job he holds today (p. 20203).

D. GOSSER'S CONFLICTS OF INTERESTS

The Automobile Workers Building Corp. (AWBC) is a nonprofit corporation organized under the laws of Ohio for the purpose of holding legal title to land owned by Local 12 UAW. All members in good standing of local 12 are automatically members of the corporation. From 1943 to March 1950, Gosser was president of the AWBC in violation of the international constitution which prohibited an elected international officer from serving as an elective officer in any local or subordinate body. Although he had thus violated the constitution for 7 years, he resigned from this position on March 11, 1950 after "it was called to his attention" by a suit in the State court prosecuted by rebel members of local 12.

From 1943 to the date of this report, Gosser has also been president of Will-O-Land Sportsmen's Club, Inc., a private club, the membership of which is composed of a small, selected group of Gosser's followers in the Willys Overland unit of local 12. The evidence is that the membership ranged from about 80 in 1942 to about 25 in 1948 (p. 20243).

In May of 1943, Will-O-Land purchased a tract of land in Michigan known as Sand Lake for the sum of \$9,500. Thereafter the Will-O-Land Club sold a part of this land containing a roller rink to one, William J. Davis, for \$12,500, thus liquidating the original investment of \$9,500 and realizing a net profit of \$3,000. The residue, having a basis of zero, was sold by Gosser's private club to the AWBC on May 20, 1947, for a net, secret profit of \$20,000 and later became the local 12 summer camp (p. 20243; exhibit 46, pp. 8-9). The sale of this property was forced on the union at a sparsely attended meeting of AWBC members and without the benefit of independent appraisals.

The profit of \$20,000 thus realized by Gosser's conflict of interest and domination of local affairs was the subject of one of the charges heard by the Reuther board which found that there was no "private" profit to Gosser, and also that the land sold to local 12 had been independently appraised by experts who fixed the value greatly in excess of the purchase price (exhibit 46, p. 9). However, the finding of "no private profit" is pure whitewash, for the fact remains that the seller was Gosser's private club and the value of the shares of Gosser and his fellow club members increased pro tanto as a result of the \$20,000 profit. Furthermore, the appraisals of the Sand Lake property, referred to by the Reuther board, when produced at the hearing, showed that they are dated June 1950, more than 3 years after the sale to AWBC on May 20, 1947 (exhibit 18).

Late in 1943, when Gosser became director of region 2-B of the UAW in Toledo, he was succeeded in the office of president of local 12 by Melvin Schultz who served until sometimes in 1949. In October of 1945, Gosser and Schultz formed a partnership, first known as G. & S. Hardware, but soon the name was changed to Colonial Hardware & Sporting Goods Co. Schultz, as president of local 12, and Gosser, as regional director and later as international vice president, president of AWBC, and director of the local 12 summer camp, then admittedly sold "large quantities" of hardware from their private

store to the local union and AWBC for the summer camp and "retirement farms" adjacent to the former (exhibit 46, p. 6).

This conflict of interest was also the subject matter of several of the charges filed against Gosser by the "Committee for Democratic Unionism" (ibid). One of these charges alleged that "Gosser and former Local 12 President Schultz ordered all local 12 and AWBC purchases for the summer camp and retirement farm be made from the Colonial Hardware." The Reuther board, after an investigation of this charge, found: "This allegation is unsupported" (ibid).

The incorrect nature of this finding was documented by Randolph Gray, financial secretary of local 12, during the time in issue, as shown by the following excerpt from the record of the committee:

"Senator CURTIS. Mr. Gray, in referring again to the action of the international executive board when they investigated this, one of the charges made by these rank and file members was identified as allegation 20-J:

"It is alleged that Brother Gosser issued orders that any vouchers containing his initials be processed immediately.

* * * * *

"Mr. GRAY. It had to be processed immediately if he OK'd them.

"Senator CURTIS. The findings of Mr. Reuther's international board are: 'No supporting evidence has been made to this allegation.' That is the end of the quote. Now I want to hand you certain documents.

"The CHAIRMAN. I hand you what purports to be carbon copy of a letter dated October 3, 1949, addressed to Howard Seren and Richard Gosser. I guess it is from Richard Gosser to Howard Seren. Would you examine it and state if you identify it?

"(Document handed to the witness.)

"Mr. GRAY. Yes, I remember that. I can identify it.

"Senator CURTIS. What is that?

"Mr. GRAY. It is a copy of a letter sent to me by Mr. Gosser.

"Senator CURTIS. It is very brief. I believe it will save time to read it.

"Mr. GRAY. I mean it was sent to Seren, but I got the carbon copy.

"Senator CURTIS. Who is Howard Seren?

"Mr. GRAY. It had to be processed immediately if he OK'd them.

"DEAR BROTHER SEREN: I am sending you this letter with a copy going to the other two fellows signing the summer camp, farm, and pavilion checks from now on so there will be no misunderstanding. On the camp, farm, or pavilion I do not want any checks signed by you until I have written my initials in the corner. Then there will be no argument as to where the money is going because I will know.

"Sincerely yours,

"RICHARD GOSSER, *Vice President.*"

"Senator CURTIS. He was vice president of the (international) union at that time?

"Mr. GRAY. That is right.

"Senator CURTIS. Did this relate to internal matters of local 12?

"Mr. GRAY. Yes.

"Senator CURTIS. You have been a longtime union official. Does a vice president have authority over the internal affairs, receipts, and expenditures of a local union?

"Mr. GRAY. Under the constitution he is not supposed to have any, but the way they operate, he seems to have some in there where he does. In other words, the international seems to uphold him.

"Senator CURTIS. So, in addition to the conflict of interest in trading with himself, he had no lawful authority to tell the local where they should buy?

"Mr. GRAY. He didn't have no actual authority, no.

"Senator CURTIS. All right. Here is another letter.

"The CHAIRMAN. The Chair presents to you a photostatic copy of a letter, dated May 25, 1946, addressed to you, apparently from Mr. Gosser. Will you examine it and state if you identify it.

"(Document handed to the witness.)

"Mr. GRAY. Yes, I can identify it.

"Senator CURTIS. What is it?

"Mr. GRAY. It is a letter addressed to me from Mr. Gosser, who at that time was the regional director of the UAW.

"Senator CURTIS. I believe it will save time if you read it.

"Mr. GRAY (reading):

"DEAR BROTHER GRAY: I believe it would be a wise thing for you to direct a letter to all concerned informing them that in the future no purchases are to be made for local 12 without the consent and authorization of Brother Schultz, and no purchases are to be made for the building corporation without the authorization of myself, even if it is just a 10-cent fly swatter. I think we should start putting on a little pressure in regard to this spending of money around here. Thanking you in advance for your cooperation, I remain,

"Sincerely yours,

"RICHARD GOSSER."

* * * * *

"Senator CURTIS. He says that they can't even buy a 10-cent fly swatter without his OK as regional director.

"Mr. GRAY. That is right.

"Senator CURTIS. Did he have authority to dictate the internal affairs of a local union?

"Mr. GRAY. No, he did not have any authority under the constitution.

"Senator CURTIS. This authority was used to trade with himself?

"Mr. GRAY. Oh, yes.

"Senator CURTIS. And that again is in conflict with the findings of the international board, and the reason this is current today is because they have not retracted it, no supporting evidence has been made to this allegation, meaning that the allegation that he dominated those purchases.

"Here is one more. I have a number, Mr. Chairman, but this one will go in, and the others we will attach.

"The CHAIRMAN. I present to you apparently the original memorandum from Mr. Gosser to you, dated December 15, 1948. Will you examine it and state if you identify it.

"(Document handed to the witness.)

"Mr. GRAY. Yes, I can identify it. In fact, the notation on top is in Gosser's handwriting.

"Senator CURTIS. What is it?

"Mr. GRAY. It says:

"Randy Gray. On these four they do not have to be OK'd."

"Senator CURTIS. Tell us first what the document is.

"Mr. GRAY. The document is a letter from Mr. Gosser who was vice president at this particular time, addressed to me.

"Senator CURTIS. Addressed to you?

"Mr. GRAY. Yes.

"The CHAIRMAN. It will be exhibit No. 42.

"(Letter referred to was marked 'Exhibit No. 42' for reference and may be found in the files of the select committee.)

"Senator CURTIS. Read it.

"Mr. GRAY (reading).

"This is to inform you that as of January 1, 1949, any bill that you get either for the camp or farm or any expenditure you get, you are to send the voucher up to my office. No bill is to be paid, regardless of what it is, without my personal OK. With every good wish, allow me to remain,

"Faternally yours,

"RICHARD GOSSER,

"Vice President of the International Union."

(Pp. 20276-20282.¹)

Another allegation was that Gosser's "Colonial Hardware charged higher than fair prices for items purchased from it" (exhibit 46, p. 6). The board's finding:

"No supporting evidence has been given to the executive board supporting this allegation. If the allegations were true the former financial secretary of local 12, Randolph Gray, would have been responsible for any overcharges.

Senator Curtis asked Gray how he could have been responsible for any overcharges which Gosser made, as the board suggested, and Gray replied as follows:

"Mr. GRAY. I couldn't be responsible. I had nothing to do with the store.

"Senator CURTIS. No way at all?

"Mr. GRAY. No, sir. In fact, I grumbled many a time. Gosser knows that" (p. 20282).

Gray also produced and identified for the records reams of invoices and sales slips evidencing sales from Colonial Hardware store to the union, documents which Gray took from the local 12 files when he broke with Gosser and with which he had hoped to expose Gosser's doubledealing to Reuther (p. 20283); exhibits 40, 44). John Bolman described to the committee the huge markups he found when he compared the prices on these invoices and sales slips with prices which other retail competitors of Gosser would have charged the union for the same items. The results of Bolman's report is in evidence as exhibit No. 40-A. He was questioned about this report as follows:

"Senator CURTIS. Now, if you will look at it, please, it says 'Examples of Colonial Hardware Overcharges,' example No. 1, and you have nine items there, and the next column says 'Colonial Quantity,' and the next one is 'Supplier Quantity.'

"What do you mean by 'supplier'?

¹ For six other similar letters signed by Gosser, see exhibits 43A-F (p. 20282).

"Mr. BOLMAN. That would be a supplier other than Colonial Hardware store.

"Senator CURTIS. Not Colonial's wholesale supplier?

"Mr. BOLMAN. No, sir.

"Senator CURTIS. But it would mean that you went to another supplier or another retailer?

"Mr. BOLMAN. Another supplier of similar items.

"Senator CURTIS. The same or a comparable article.

"Mr. BOLMAN. Yes, sir.

"Senator CURTIS. And the next column shows the Colonial charge, and then in the next column the supplier charge.

"Now, by 'supplier charge,' what do you mean?

"Mr. BOLMAN. I mean the price at which that supplier would have retailed that particular item.

"Senator CURTIS. At another retail store?

"Mr. BOLMAN. Another retailer; yes, sir.

"Senator CURTIS. Then the last column shows the percent of overcharge?

"Mr. BOLMAN. Yes, sir.

"Senator CURTIS. Now, in item 1, or example No. 1, you have listed nine items, where you have compared one each, and these are evidently smaller items, and item No. 1, the Colonial charge was 60 cents, and the supplier charge, 44 cents.

"Do you mean by that, that you have found an item where the union or some part of it paid Colonial 60 cents for something that they could have purchased at another retail store for 44 cents?

"Mr. BOLMAN. That is correct.

"Senator CURTIS. And you have the percent of overcharge, 27 percent.

"Mr. BOLMAN. Yes, sir.

"Senator CURTIS. Now, of those nine items in example 1, the total, you have Colonial charge, \$7.92, less 5 percent, would make \$7.54, and the other supplier could have provided them for \$5.03. You have an average overcharge of 33 percent.

"Mr. BOLMAN. Yes, sir.

"Senator CURTIS. Now, are those isolated cases?

"Mr. BOLMAN. They couldn't be to my knowledge. I would say that it was more or less a uniform practice.

"Senator CURTIS. You did not pick them out attempting to find isolated cases?

"Mr. BOLMAN. No, sir.

"Senator CURTIS. Now, example No. 2 has six items. Well, in item No. 1 there is a quantity of 40, and the supplier's quantity you have mentioned 36, and why would you have that?

"Mr. BOLMAN. Because that was the quantity on which the supplier price would have been based in comparison, or the nearest quantity was written on the invoice which the supplier would have based his price on.

"Senator CURTIS. Now, item No. 1, Colonial paid \$150 for 40 units, or Colonial charged that rather, and your investigation found where you could buy 36 such items for \$72?

"Mr. BOLMAN. Yes, sir.

"Senator CURTIS. Or an overcharge of 52 percent?

"Mr. BOLMAN. Yes, sir.

"Senator CURTIS. And in the six items that you investigated there, you found the Colonial total charge of \$578.50, but that it could have been purchased at another supplier, the total of them, for \$297.50, or an average of 34 percent overcharge?

"Mr. BOLMAN. Yes, sir.

"Senator CURTIS. Now, that is above retail?

"Mr. BOLMAN. Yes, sir.

"Senator CURTIS. And in example No. 3, you have one item, and that was the quantity involved, Colonial charged the union \$297, and another supplier you report would have provided it for \$159.95, or an overcharge of 54 percent?

"Mr. BOLMAN. Yes, sir.

"The CHAIRMAN. May I ask you, do you contend or do I misunderstand you, that each one of these sales slips or invoices that are a part of exhibit No. 40 in bulk, represent an overcharge?

"Mr. BOLMAN. I would say that is true" (pp. 20270-20271).

The evidence shows that by the end of 1949, more than \$300,000 of local 12 and AWBC funds were spent in purchase and operation of the summer camp and farms (p. 20324, exhibit 50). It also shows that Gosser not only overcharged the union for supplies which were sold it from his own store, but he also added a big profit to merchandise which, though purchased from another retailer, was routed through Colonial Hardware Store and billed to the union on his own kited invoice. For example, Gosser purchased for the union certain supplies which he did not stock from another supplier, the Hirsch Co. of Toledo, which mailed to Financial Secretary Gray its invoice in the amount of \$810.40 (p. 20289, exhibit 44). The Colonial Hardware Store then sent to Gray for payment its own invoice for these same items purchased from the Hirsch Co. and increased the price to \$1,192.50, a markup of \$382.10, as shown by the following testimony of Gray:

"Senator MUNDT. Mr. Gosser's hardware store kited the invoice and charged you more than you would have had to pay otherwise?

"Mr. GRAY. I could have bought the stuff cheaper and I complained to Schultz. Why did they knock down \$120 on their statement when I bellyached about it? If their price was right, they couldn't afford to have knocked off \$120. They wouldn't have been in business long.

"Mr. MANUEL. Now, haven't you analyzed the invoices and compared the Hirsch invoice against Colonial's own invoice, and don't you have that analysis right in front of you there?

"Now tell me how much these items were marked up in total. The Hirsch invoice shows a total of \$810.40. Now, you made an analysis there and you have the total markup, do you not?

"Mr. GRAY. I had a total markup of additional—of \$382.10, I believe it was.

"Mr. MANUEL. \$382.10 above the \$810?

"Mr. GRAY. That is right. And I get a credit of \$120, which brought it down to \$262.10.

"Mr. MANUEL. You paid \$262.10 more than you should have paid; is that your testimony?

"Mr. GRAY. And if I hadn't hollered about it, I would have paid it all.

"Mr. MANUEL. You paid \$262 on that one little invoice there more than you should have, and more than you could have purchased that for at Hirsch yourself?

"Mr. GRAY. That is correct.

"Mr. MANUEL. Did you go to Hirsch and ask them about this?

"Mr. GRAY. I went to a fellow who claimed he was the manager, and I don't know his name.

"Mr. MANUEL. There is a salesman 'House' indicated on this invoice, and did you talk to House?

"Mr. GRAY. I don't know, and I just asked for the manager, in order to check on this bill, if that was a special price.

"Mr. MANUEL. They told you, did they, that you could have bought it yourself there for the prices listed in the Hirsch invoice?

"Mr. GRAY. When I showed them the bill, they said, 'That is our price to anybody.'

"Mr. MANUEL. To anybody?

"Mr. GRAY. Yes, sir.

"Mr. MANUEL. That is the \$810?

"Mr. GRAY. That is right.

"Mr. MANUEL. Gosser defrauded the union out of \$262 there on that one transaction, didn't he?

"Mr. GRAY. That is the way I felt about it" (p. 20289).

Thus, the record, including documentary evidence, refutes the assertions of Gosser that he sold to the union always at cost plus a nominal markup to cover handling charges. It likewise contradicts the testimony of Walter Reuther who, in March of 1958, told the committee that when Colonial Hardware sold to the union "it was always done on a competitive basis" (pt. 25, p. 10206). Gosser certainly knew otherwise and Reuther as head of the executive board which investigated this matter likewise must have known the true facts.

As noted above, according to their partnership agreement, Gosser and Schultz in 1945 each contributed \$4,000 capital to the business and were to share equally the profits and the losses. However, on January 20, 1949, Gosser bought Schultz' one-half interest in the business for \$4,000, the amount of his initial capital investment made some 3 years before (p. 20085). Although Schultz had devoted all the time to the store that his duties as president of local 12 would permit, often at night, he said that he received no salary, no interest on his investment, and none of the profits which were, according to Gosser's income tax returns: \$5,511 in 1946, \$18,648.65 in 1947, and \$12,253.49 in 1948 (pp. 20084-20085).

Gosser swore to the committee that Schultz did receive half of the partnership profits (p. 20005). However, this testimony conflicts with Schultz' declaration to the contrary and Gosser's own Federal income tax returns. These facts and circumstances indicate that Schultz was in fact nothing but a "front" for Gosser who used him to force local 12 to purchase its supplies, needed or not, from the Colonial Hardware Store. On January 1, 1953, Gosser sold his business to local 12, for approximately \$50,000 (p. 20006).

In September of 1949, John Bolman, then chairman of the Spicer unit of office employees and a member of local 12, became suspicious that Gosser and Schultz were using their official positions to enrich

themselves at the union's expense with regard to the sale by Will-O-Land to local 12 of the Sand Lake property and the Colonial Hardware Store (pp. 20240-20243). These suspicions were confirmed when he and another union man visited the local 12 summer camp where a building program was then in progress. He testified that, upon examination of the crates and packages "laying all over the place * * * we found that in almost every instance the material had been routed through the Colonial Hardware Store by the supplier" (ibid.). Bolman detached five of the shipping tags from some of the crates and they are a part of the committee record as exhibit 33.

Acting upon these facts and similar evidence supplied by other members of local 12, Bolman determined to seek an accounting of the books and records of the AWBC, the president of which was then Gosser. He first made this request of Randolph Gray, who was also recording secretary of AWBC, but Gray said "No" (p. 20244). Bolman and the group he represented then decided to ask for an accounting at the next regular meeting of the members of the AWBC. As a member in good standing of AMBC, Bolman appeared at the October 14, 1949, meeting of the corporation to present his written motion. According to Gray, the word was out and the meeting was well attended by pro-Gosser people and when he asked why, Regional Director Charles Ballard replied that "they are going to take care of Bolman" (p. 20249). That this was no idle boast is shown by the testimony of Bolman:

"Senator CURTIS. You were recognized for the purpose of making this motion?

"Mr. BOLMAN. I was.

"Senator CURTIS. What happened after you made it?

"Mr. BOLMAN. If it be proper to refer to the minutes, I would say after the motion was made—I will read this from the minutes themselves—

"Discussion was held on same. Murphy asked through the Chair if Bolman's motion was tied to the pension plan. Requested Bolman to reply through the Chair. Bolman asked that his reply be in the form of a question. Was it not true that Murphy worked inside a plant in 1933 while it was on strike?

"Confusion followed Bolman's remarks. Ballard asked for the floor and gave a short talk on the motion. Amendment made and supported that Bolman explain reason for making the motion and submit proof to substantiate his charges against Murphy or apologize for his action. Amendment to the amendment made that Bolman give his reasons or leave the room. Bolman said he did not care to state his reasons and left the meeting. Amendment to the amendment died for lack of support. Amendment to the motion was voted and carried. Vote taken on motion as amended. Motion lost. Motion made and supported recommending to local 12 that charges be filed against Bolman. Motion carried. Motion made and supported to adjourn. Motion carried. Meeting adjourned at 9:45 p.m."

"Senator CURTIS. Now, is that a full report of everything that happened?

"Mr. BOLMAN. Well, not in my estimation.

"Senator CURTIS. You did leave the room?

"Mr. BOLMAN. I did.

"Senator CURTIS. Did you leave the room in the same condition you entered?

"Mr. BOLMAN. I did not.

"Senator CURTIS. What was the difference?

"Mr. BOLMAN. The side of my face was smashed in.

"Senator CURTIS. Tell what happened.

"Mr. BOLMAN. When I presented this motion on the floor, of course the same tactic was used that always is used to cover up any of these things, and that is drag the red herring across the path.

"So Mr. Murphy's question was based on personality in my estimation, and for that reason I presented him with a question based on personality.

"Senator CURTIS. Who was Murphy?

"Mr. BOLMAN. Murphy was at that time, someone will have to corroborate, but I believe he was an international representative and assistant to Mr. Gosser.

"Senator CURTIS. All right; go ahead with your account.

"Mr. BOLMAN. After I asked Murphy the question, he came down off the platform together with about 11 or 12 other people and everybody tried to take a punch at me at the same time.

"The CHAIRMAN. Who took the punch at you?

"Mr. BOLMAN. Murphy.

"The CHAIRMAN. He was an international representative?

"Mr. BOLMAN. He was an international representative, assistant to Mr. Gosser" (pps. 20246-20247).

Bolman, having been physically assaulted by Gosser's henchmen when he resorted to his union remedies, then sought to expose Gosser by filing three suits in court against SWBC, Gosser, and the other corporate officers seeking an accounting of the books and records of the AWBC and other injunctive relief. For so doing, Reuther summoned Bolman before the international executive board in Detroit on January 26, 1950, and threatened him with expulsion from the union if he [Bolman] did not dismiss his suits. Bolman refused and consequently was summarily expelled by resolution on January 30, 1950 (pp. 20261-20264; exhibits 37, 37A). Then Gosser's UAW attorneys, paid for by UAW funds, tried to defend Bolman's suit for an accounting of the finances of the AWBC on the ground that Bolman was not a member of the corporation (exhibit 46, p. 3).

Bolman contended that his expulsion was contrary to the constitution of the UAW, article 48, section 1, which provided, in the case of an amalgamated local, such as local 12, that:

"All charges against a member of a union with a violation of any of the provisions of this constitution or with conduct unbecoming a member of the union must be specifically set forth in writing and signed by the member making the charges.

"Charges must be submitted to the local recording secretary of the local union or shop union as the case may be within 60 days of the time the complainant becomes familiar with the offense" (p. 20263).

Bolman declared that since he had the backing of his own unit of which he was chairman, Reuther circumvented this provision by initiating the charges at the international level which were then followed by summary expulsion, all contrary to the section of the constitution quoted above (pp. 20262-20263; exhibit 38). Moreover, Bol-

man claimed that his expulsion was contrary to the laws of the State of Ohio. His suits contended that he, as a member of AWBC, had the same legal right to inspect its books and records as did any stockholder of a corporation in Ohio for the AWBC was a creature of the State law which afforded stockholders that remedy. Both the lower court and the Supreme Court of Ohio agreed with Bolman. But when Bolman asked the international executive board to reverse its expulsion order in view of this decision, Emil Mazey, secretary-treasurer, replied by letter that the Ohio law, as interpreted by the highest court in the State, was not binding on him or the UAW (p. 20263; exhibits 39 A, B).

While these Bolman suits were pending and before the union paid \$7,000 plus costs to settle them—in itself a strange procedure—the following testimony indicates an attempt to avoid response to the court's subpoena for the books and records of the AWBC.

"Mr. GRAY. Well, I think shortly afterward, when Mr. Bolman spoke to me, I think there was a lawsuit and I was instructed by Gosser with the help of Mr. Gorlich to make sure that we kept these records out of sight, because I understood there was an order out or subpoena to pick them up.

"Senator CURTIS. Who made that statement to you?

"Mr. GRAY. Mr. Gosser.

"Senator CURTIS. And who else?

"Mr. GRAY. Well, Mr. Gorlich helped on it at the time, on the basis of making the arrangements.

"Senator CURTIS. He is the attorney here in the room that represented the union?

"Mr. GRAY. Yes, something about the legal end of it and I don't understand that part, and he took care of the legal affairs.

"Senator CURTIS. But the order came from Gosser to keep them out of sight?

"Mr. GRAY. He wasn't there at that particular time, and he came in later.

"Senator CURTIS. Gosser told you to keep them out of sight, and what was done with them?

"Mr. GRAY. Well, I was only the secretary of the corporation, and I didn't think it was my job to be hiding these books all of the time. So anyhow, I was told to put them in the car and get them out of the union building.

"Senator CURTIS. Did you put them in your car?

"Mr. GRAY. Yes, I hauled them around for weeks on end.

"Senator CURTIS. Where did you have them in your car?

"Mr. GRAY. I had them in the trunk, and I hauled them up to Michigan and I left them sometimes.

"Senator CURTIS. Where did you leave them in Michigan?

"Mr. GRAY. I left them at a cottage that I had up there, and in the meantime I brought them back a couple of times, so they wouldn't stay too long in one place, and the result was I went out to Mr. Seren's house, who happened to be the vice president of the corporation, and I said, 'My God, you are in charge. Gosser is president and you are the vice president, and if anybody should give this direction, and as long as Gosser is going to take a fadeout.'

"And he said, 'I don't want any part of it. You get rid of them. Keep them out of sight.'

"And so I go to Mr. Ruhland, and said, 'You are the treasurer, how about you taking them over?'"

"And nobody wanted anything to do with them, and I am stuck with them and don't know what to do with them."

"Finally an order does come around and they advised me that after going through them, sorting a few of them out, there were a few records tore up, and disposed of."

"Senator CURTIS. By whom?"

"Mr. GRAY. By Mr. Goerlich."

"Senator CURTIS. In your presence?"

"Mr. GRAY. That is correct."

"Senator CURTIS. Where did that take place?"

"Mr. GRAY. If I recall rightly, it was in either his office on Superior Street, or there were a couple of things did happen there."

"Senator CURTIS. You say some of the records were destroyed?"

"Mr. GRAY. I don't know just what they were. He looked at them and I didn't look at them. And he was sorting out what would be criminal against us, and what could be gone through and look all right. But I don't know anything about this legal stuff."

"Senator CURTIS. But you did see in your presence some of the documents or pages——"

"Mr. GRAY. Oh, yes."

"Senator CURTIS. And they were removed and destroyed by Mr. Goerlich, and you, of course, do not know their contents?"

"Mr. GRAY. I don't know, and the only thing I looked at, he had them in his hands, and he tore them up and put them in the waste-paper basket."

"Senator CURTIS. These records at Mr. Gosser's direction to you kept out of sight and carted around in your car, what ultimately happened to them, and who did you turn them over to?"

"Mr. GRAY. Well, finally, I don't know; I guess they made some type of arrangements, and finally they said that I could turn them over to the court for safekeeping, what I did turn over. I believe it was the county clerk of the court in Merrill County. I turned some records over, I should say, what I was given to turn over."

"Senator CURTIS. Were there any new records made up?"

"Mr. GRAY. Well, outside of that one that I know of, on the basis of the minutes at that time, on giving that lodge to Mr. Gosser, that is the only change I know of."

"Senator CURTIS. Did you hear any discussion or direction that someone should make up some new records?"

"Mr. GRAY. Well, not exactly on the building corporation, but on the Colonial Hardware."

"Senator CURTIS. Yes, what did you hear?"

"Mr. GRAY. Mr. Ballard."

"Senator CURTIS. About when?"

"Mr. GRAY. Well, it was during one of the deposition hearings, and I believe it was in the late fall, around November or December."

"Senator CURTIS. Of what year?"

"Mr. GRAY. 1949."

"Senator CURTIS. 1949?"

"Mr. GRAY. Yes, sir."

"Senator CURTIS. This is Mr. Ballard, who is here, and he was regional representative?"

"Mr. GRAY. I saw him this morning, and I assume he is here. I know him real well.

"Senator CURTIS. Did you so testify?

"Mr. GRAY. No; I did not testify. I was put under so much pressure that I just cracked up and I took a leave of absence.

"Senator CURTIS. Ultimately, what happened to you?

"Mr. GRAY. Well, I took a leave of 2 or 3 months, but, of course, prior to this, Mr. Rath, who is Mr. Gosser's accountant, was with me at this particular time when I was told about testifying, and Mr. Goerlich instructed him to make up a set of records that would hold up in court.

"I complained about that, because I said I didn't see how they could change anything, inasmuch as I had already paid certain invoices, and I had canceled checks; and he said, 'We are going to take care of that. You hurry up, Bob, and get them ready.'

"I don't know what was done about it. All I know is that he was instructed to get them done, and whether Mr. Rath did it or not I don't know.

"Senator CURTIS. Now, were you removed as financial secretary or did your term run out?

"Mr. GRAY. Well, I don't know just how to say it. I refused to be a strikebreaker for the UAW (pp. 20290-20292).

"Senator MUNDT. You say you were put out of your job because you refused to be a strikebreaker?

"Mr. GRAY. The only thing they claimed is that I failed to perform my duties. There was a picket line and I refused to work as a strikebreaker against the office help. I don't know how you term it.

"Senator MUNDT. Did you say that you were fired because you refused to cross a picket line?

"Mr. GRAY. They said I was discharged because I failed to perform my duties. They are very polite about their language.

"Senator MUNDT. You could not perform your duties because you did not cross the picket line?

"Mr. GRAY. That is right. I was under the impression when there was a strike you were not supposed to go in there and scab.

"Senator KENNEDY. When did the strike begin?

"Mr. GRAY. Somewhere around May 16, 1950.

"Senator KENNEDY. That is the first day you didn't report to work?

"Mr. GRAY. Somewhere close by. In fact, I was gone when the strike happened. I didn't know about it until I was at the bank and I was told about it downtown.

"Senator KENNEDY. What date was that?

"Mr. GRAY. Either the 15th or 16th of May, I believe, 1950.

"Senator KENNEDY. When you used the word 'crackup,' when did you crack up?

"Mr. GRAY. They pressured me. I didn't want to listen to these guys pressure me all the time on the basis that I had to lie to protect some of the doings in the union. I was supposed to take the consequences for it if I didn't.

"Senator KENNEDY. What date was that?

"Mr. GRAY. I am not sure about the date. I think it was somewhere around December 1949.

"Senator KENNEDY. You say you were discharged from the union. It was a more substantial disagreement than merely you refused to cross a picket line on a certain date.

"Mr. GRAY. What do you mean disagreement? Hell, I went to Detroit. I talked to Mazey about the conditions in this local union. He agreed. He met with Reuther, he claims. He tells me. I didn't meet with Walter, although I knew Walter. I told him about these conditions, and he had to do something about it. He promised to go along and get it corrected. I had all the faith in Emil Mazey until he doublecrossed me. He threw in with them. The auditors knew what was going on.

"Senator KENNEDY. You have charged a lot of people with fraud, strikebreaking, doublecrossing, Mr. Gray. Now you stated to us that the reason you left the UAW was you refused to cross a picket line and be a strikebreaker for the UAW. That is not really the reason.

"Mr. GRAY. I don't know why it isn't. What else could it be? You aren't going to put words in my mouth.

"The girls went on strike, and I have not been back in the building" (pp. 20292-20293).

Senator Kennedy, advancing a contention made earlier by the UAW and Chief Counsel Kennedy, suggested to Gray that he was not discharged because he refused to cross a picket line, but because he was out of his mind (p. 20294). Gray replied:

"That was a gimmick that was used to give me the ax. I mean I know how the union operates. I think you probably should be a member a while and see how it does operate. You would not be asking that kind of question. They are bound to try to defend themselves, and I don't blame them for trying to do that" (ibid.).

Our observation of the witness Gray, fortified by the opinion of five other witnesses who have known him best, is that there is not now and never was anything mentally wrong with Gray; his testimony throughout the hearing was corroborated by other witnesses and documentary evidence, much of it written and signed by Gosser himself.

Gray demonstrated several more reasons why the UAW would like to have the committee think him crazy.

According to Gray, the unit funds on deposit with local 12 are the funds of each of the 50 or so units (a unit being the employers of an employer who are also members of the local). These funds are supposed to be inviolate and to remain intact in case the owners wish to withdraw them, for while these funds are set up separately on the books, all are deposited on one bank account (p. 20325). The charges against Gosser alleged that he had spent these funds in violation of local 12's constitution and bylaws. Thus, it was alleged that—

"Unit funds of local 12 have been expended in carrying out Brother Gosser's foolish projects and that no unit could withdraw its funds as is permitted by the international constitution and bylaws of local 12."

The Reuther board dismissed this charge as follows:

"A recent audit conducted of the finances of local 12 completely proves this allegation to be untrue. As of December 31, 1949, the unit funds of the local 12 amounted to \$55,080.20" (ibid.).

Gray produced a copy of the "recent audit conducted of the finances of local 12," cited by the Reuther board. The audit, prepared by

Mazey and his auditors from local records, shows that as of December 31, 1949, the unit funds had a *deficit* balance of \$7,200, instead of a plus balance of \$55,080.20, as Reuther claimed (pp. 20325-20326; exhibit 51). When Mazey showed the true audit to Gosser, he complained that "if his political opponents ever saw it, he [Gosser] would be out of business" since it was to appear in the Toledo Union Journal, local 12's newspaper, as a report to the UAW members; Mazey then promised to make "some corrections" (p. 20326).

The nature of these "corrections" is shown by Mazey's report as published in the newspaper showing a false balance of \$55,080.20 (pps. 20326-20328; exhibit 52). These "corrections" made by Mazey were accomplished by including the total of only those unit accounts having a plus balance and omitting those having deficit balances, thus deceiving the rank and file members as to the truth of Gosser's wrongdoing and actively covering up for Gosser in which he was later joined by Reuther and the entire top leadership of the UAW international. But what is not surprising, coming from Emil Mazey, who, during the Kohler hearing, admittedly once made an unauthorized and false entry on the International UAW's books with regard to the expenditure of \$25,000 in union money, representing that the money was to acquire real estate in Canada when in fact it was to purchase the false testimony of a convicted perjurer in Canada in order to defend himself and other UAW brass from a lawsuit resulting in a \$400,000 verdict for false arrest in favor of Carl Renda, the plaintiff, against the UAW. This is another set of suspicious circumstances in the UAW which the chief counsel did not explore.

It is appropriate to consider here another of the charges against Gosser which Reuther and his board whitewashed. Allegation No. 20(i) was documented as follows:

"Senator CURTIS. Now, I want to go on to another allegation.

"It is alleged that Brother Gosser, serving as vice president, issued orders that nothing be printed in the Toledo Union Journal without his approval.

"Findings: 'This allegation is not substantiated by supporting evidence. Brother Gosser told the executive board that as a member of the union and officer of the union, he recommended to the officers of local 12 that they not accept congratulatory ads or other ads from firms that were unfriendly to our union.'

"That is the end of the quotation.

"Now, I have handed you the photostat of a letter bearing February 18, 1946. Look at that, and see if you know what it is.

"Mr. GRAY. Yes, a letter from Mr. Gosser to the managing editor of the Toledo Journal, a local 12 employee.

"Senator CURTIS. And signed by whom?

"Mr. GRAY. Mr. Gosser, who was director at that time.

"Senator CURTIS. May we have this made as an exhibit?

"Senator KENNEDY. It will be received.

(Letter referred to was marked "Exhibit No. 53" for reference, and may be found in the files of the select committee.)

"Senator CURTIS. Now, read this letter of Mr. Gosser, the second paragraph only.

"Mr. GRAY. The second paragraph:

"'From this day on, anyone that puts anything in the Journal must have my signature of approval on the item before you can run it. I will not accept any answer, excuse, or reason otherwise. I positively do not want you people to persist in politics or in these insinuations of the city government unless I approve same'" (p. 20332).

Gosser's directive to the editor of the union's newspaper also explains how he and Mazey were able to publish their own audit of the unit funds in that journal instead of the true one which did not have union approval. It also demonstrates the duplicity and insincerity of the man when he declared to Senator Curtis, drawing upon Voltaire, "I might disagree very strongly with you this morning but * * * I would give my life for your right to say what you believe in. That goes for anyone * * * and if I would give my life for you to say anything you wanted to, then the answer is that I wouldn't create physical harm to anyone" (pp. 20070-20071).

III. UAW "FLOWER FUNDS"

When Reuther appeared before the committee during the Kohler hearing, he was asked to explain the "flower funds" to which he and other employees of the union make cash contributions. According to Reuther, the "flower funds" are: "a purely internal political fund contributed *voluntarily* by members of our union at various levels of our union for the purpose of financing the political fights in the union. * * * *We do not think it proper to finance internal political problems out of union dues* [italic added] and we have a separate fund (p. 10213).

He repeatedly stated that there was nothing compulsory about the payments:

"We are perfectly willing to cooperate, Mr. McClellan, because *we have nothing to hide. I think if we were spending the union's money for internal political purposes, you might investigate that.* We are spending our own money because we think that is the right way to do it" [italic added] (p. 10219).

The evidence adduced later at the Gosser hearing, discussed below, demonstrates beyond any peradventure of doubt that the foregoing testimony of Reuther is studded with misstatements of fact and outright falsehoods. The contributions of local 12 full-time officers and international representatives to these funds used to reelect Reuther and his slate of officers are nothing but salary kickbacks imposed as a condition of employment.

Moreover, these kickbacks are always in cash; no records of them are maintained; and the contributors neither receive nor dare ask for accountings. These funds, involving huge amounts of cash since their establishment in 1943, are expended mostly in cash from a safe deposit box for purposes which this committee was unable to learn. Although all records of the region 2-B "flower fund" and the joint fund of Gosser which he shares with Reuther, Mazey, and other vice presidents were subpoenaed, these records were admittedly destroyed sometime before they could be examined.

The region 2-B "flower fund" was examined from the year 1943 when Gosser was director of that region to the date of the hearing. From 1943 to 1947 Gosser was director and, as such, had jurisdiction

over it. The evidence shows that it had three sources of income: (1) salary kickbacks from full-time officers of local 12 and international employees; (2) fines imposed by Gosser against these people; and (3) one-half of slot machine proceeds which belonged to local 12. On the other hand, the so-called national "flower fund," administered by Reuther, Gosser, Mazey, and the other vice presidents is composed of salary kickbacks exacted from the international representatives assigned to the staffs of these officials.

(a) *Kickbacks*

Lloyd Speidell, recording secretary of local 12 from 1944 to 1948, was required to pay in cash \$5 per week into the "flower fund" of region 2-B, and, he said, others he knew and named had to pay as much as \$43 per week (pps. 20091, 20093, 20101). He disputed Reuther's and Gosser's claims that there was no compulsion. He said, "It was a condition of employment. * * * She (the secretary) wouldn't give you your check for what you earned until you paid this payment to the flower fund" (p. 20093). Senator Mundt questioned Speidell further.

"Senator MUNDT. I am wondering who got the money from the flower fund. I always thought, as it was described by Mr. Reuther, as described by Mr. Gosser, and the other fellows who took the fifth amendment, I thought the purpose of the flower funds was to perpetuate in office the people who are in office, so that they contribute to the flower fund and got all of their appointees and associates to contribute to the flower fund, and then they would hold a cocktail party or a dinner or something to ingratiate themselves at convention time so that they would get reelected.

"If you had to contribute to that kind of fund, then it looks to me like you are compelling people to contribute to a fund to beat down and circumvent the ordinary processes of democracy in a union. If it wasn't used for that purpose, then I am curious to know who got the money.

"Mr. SPEIDELL. I don't know, sir.

"Senator MUNDT. You never asked who got the money?

"Mr. SPEIDELL. You don't ask questions like that. We often talked about some kind of reporting or accounting on the flower fund, in the chatter we had between ourselves, but not in the open.

"Senator MUNDT. Did anyone ever have courage enough to try to get up and bell the cat?

"Mr. SPEIDELL. If you want to quit your job, you had the courage.

"Senator MUNDT. But you never got an accounting or a reporting?

"Mr. SPEIDELL. No, sir. If there was a report, I never saw it.

"Senator MUNDT. It could have been used for speculation on the stock market, but as far as you know, no accounting was made to the people who contributed to the fund?

"Mr. SPEIDELL. I know that to be a fact, that there was no accounting made to the people who contributed to it.

"Senator CURTIS. In connection with the fact that there was no accounting, during the period that you were there as recording secretary, did you ever see evidence of spending of sums that may have come from the flower fund that would anywhere near equal what appeared to be the amount paid in?

"Mr. SPEIDELL. No, sir.

"Senator CURTIS. Did you ever hear Mr. Gosser make or infer any threats of injury that might come to someone who did not follow a particular course?

"Mr. SPEIDELL. Yes, sir.

"Senator CURTIS. Can you elaborate on that a little bit?

"Mr. SPEIDELL. That happened numerous times, and I can't exactly recall him ever making that threat as far as the flower fund. But one of his favorite threats was he would have someone beat up, put in the hospital, and when they got out of the hospital he would have them beat up again so they went back to the hospital, or have them thrown out the window, or threaten them with a gun in his desk, which I never saw. But threats were common.

"Senator CURTIS. And did he have goons around him?

"Mr. SPEIDELL. Yes, sir" (p.20097).

Randolph Gray, financial secretary of local 12 from 1943 to 1950, likewise stated that he had to pay \$5 in cash per week into Gosser's "flower fund." His testimony on this point is as follows:

"Senator CURTIS. Were you required to pay that?

"Mr. GRAY. If you didn't pay it you didn't stay beyond your term unless they could find some reason to dump you in between terms.

"Senator CURTIS. Is it fair to say that as far as you were concerned it was a condition of employment?

"Mr. GRAY. It most certainly was.

"Senator CURTIS. Did you ever get any accounting of what this flower fund was used for?

"Mr. GRAY. No, I never got no accounting.

"Senator CURTIS. Did you ever get a report of how much was received and how much was paid out?

"Mr. GRAY. No, sir.

"Senator CURTIS. Do you know of anyone else that ever did?

"Mr. GRAY. Not to my knowledge. I know quite a few of the boys.

"Senator CURTIS. Did any of Mr. Gosser's staff ever complain about this?

"Mr. GRAY. Oh, God, his own letter states that everybody was belly-aching about it because he didn't want to mention fines and flower funds. He wanted you to pay it and keep quiet. In fact, I think Rusch was one. Dorsey Carr. I think Art Peth. Harold Dean was one of them" (pp. 20294, 20295).

Cyrus Martin, one-time Gosser confidant, told the committee that he paid \$5 per week for 3 years and \$10 per week after becoming an international representative on Gosser's staff, a position he held until 1950 (pp. 20190, 20191). When asked if his contributions were against his will, he replied:

"Yes, and I would also state this. If you did not pay the \$20 every 2 weeks, your check was held up until you turned it in, before you could receive your check.

"Senator CURTIS. It had to be paid in cash?

"Mr. MARTIN. It had to be paid in cash.

"Senator CURTIS. Did you ever get an accounting as someone who consistently paid into this flower fund? Did you ever get a statement back from the treasurer or other officer showing how much was received, and what it went for?

"Mr. MARTIN. Mr. Senator, it always was a mystery. Nobody that contributed to that fund, unless it was some sort of inner circle, ever knew the amount of money that was collected, or the amount of money that was spent in regard to entertainment or flowers or what have you. We never knew how much was in the treasury. We never knew how much was spent. That is the majority of those that participated in it. There never was an account given in regard to expenditures or assets or anything" (pp. 20194, 20195).

Another witness who gave testimony concerning the "international flower fund" was Jesse Motsinger, member of the UAW for the past 17 years during which time he has held "every office" within the UAW Local 142, including the presidency (p. 20116). In early 1953, he was appointed international representative by Reuther, and from July of 1953 to sometime in 1955 he was assigned to the staff of Gosser who was then vice president (p. 20118). He also paid \$5 per week in cash, \$10 every 2 weeks, to Walter Madryzkowski, Gosser's administrative assistant and collector for Gosser's part of the "international flower fund" (pp. 20118, 20119). When he received his "indoctrination lecture" by Madryzkowski, Motsinger was told always to pay in cash and was "warned not to be asked about it, ever" (p. 20119).

The procedure Motsinger was told to follow was to attach \$10 in cash to his reimbursable expense account which was submitted every 2 weeks to Gosser's Detroit office. On one occasion Motsinger failed to remit the \$10 and was informed by Madryzkowski that his expense check would be withheld until he complied, whereupon Motsinger, in a resentful mood, said he would send it by check. Madryzkowski telephoned him:

"Now, look, goddam it, Motsinger, who the hell do you think we are down here? We are not dummies, you know. You send the check here. You will get it right back but you won't get your expense check."

"Senator CURTIS. So what did you have to do?"

"Mr. MOTSINGER. Well, what would you do?"

"Senator CURTIS. Just for the record, did you send the money in cash?"

"Mr. MOTSINGER. I sent the money in" (p. 20120).

Motsinger further stated that there were then about 130 representatives on Gosser's staff who would contribute a yearly amount of \$33,800 at the minimum of \$5 per week per person to the "national flower fund" (pp. 20122, 20123). This does not, of course, include the amounts exacted by Reuther, Mazey, and the other vice presidents from their staffers. But if all the 730 international representatives paid the minimum, the fund, from this source alone, would approximate \$190,000 each year. Mr. Motsinger declared that these kickbacks were the price of the privilege of being on the staff and that neither he nor anyone else that he knew ever learned how the money was spent (p. 20121).

Motsinger also described how he was coerced into contributing to the UAW-CIO Political Action Committee (PAC). When he received his appointment to the international staff, Motsinger was asked by Mazey to sign and return a card reading as follows:

"Effective with pay period commencing August 2, 1953, and continuing until I notify you otherwise, I am requesting that you deduct the sum of \$2 each week from my salary. This sum is to be paid to the UAW-CIO political action account as a voluntary contribution from me" (p. 20124).

Motsinger told Mazezy he had lost the first card, which he withheld, and Mazezy sent him another which he felt compelled to sign and return. (ibid.) Thereafter Mazezy sent him a letter reading as follows:

"Greetings, Board Members and International Representatives:

"From time to time you will receive letters of thanks from candidates for Federal office for donations they have received from you. This is occasioned by the fact that when a donation is made from the UAW-CIO political-action account to a candidate for Federal office, a list of names along with these amounts donated is sent him. This list of names is compiled from the list of individuals who make bi-weekly donations to our UAW-CIO political-action account.

"Fraternally,

"EMIL MAZEZY,

"SECRETARY-TREASURER, UAW."

(p. 20126.)

Motsinger never knew where this PAC money went after it was taken from his check—except for \$10 of it. These exactions, as he put it, were about as voluntary "as [paying] a traffic ticket" (p. 20124). The \$10, referred to above, was donated on his behalf by the UAW to the 1954 campaign of ex-Senator Gillette of Iowa who acknowledged the same by a letter:

"MR. MOTSINGER. I received the letter on franked, U.S. Senate stationery, from Sentaor Guy Gillette. It says:

"MY DEAR FRIEND: I have been advised that you were generous enough to contribute \$10 to aid in the campaign in which I am engaged for reelection as U.S. Senator from Iowa. Because of the increased use of television and radio, campaigns have become much more expensive and since I have limited means of my own, I am very grateful for the assistance of friends in meeting the campaign expenses.

"Thank you sincerely for your generous help.

"Sincerely,

"GUY GILLETTE.

* * * * *

"MR. MOTSINGER. That is the amount that is specified in the first paragraph here by Mr. Gillette.

"Senator CURTIS. Do you have the envelope that that letter came in?

"MR. MOTSINGER. Yes, sir.

"Senator CURTIS. Whom is that addressed to?

"MR. MOTSINGER. Mr. J. F. Motsinger, 3237 Choate, Detroit, Mich.

"The CHAIRMAN. The Chair is going to rule that that letter will have to be made an exhibit. You used the name of someone who signed it. That letter will have to be made an exhibit. It will be made exhibit No. 22."

"(The document referred to was marked 'Exhibit No. 22' for reference and may be found in the files of the select committee.)

* * * * *

"* * * (p. 20127).

"Senator MUNDT. Do you know Guy Gillette of Iowa?

"Mr. MOTSINGER. No; I don't know him.

"Senator MUNDT. Have you ever met him?

"Mr. MOTSINGER. No, sir; not that I know of.

"Senator MUNDT. Have you any reason why you want to contribute to his campaign?

"Mr. MOTSINGER. No.

"Senator MUNDT. Let me ask you this: Were you ever consulted by whoever passed out this money as to which candidates you would like to contribute to, or did they simply take the money from you and somebody up on top decided where it was going to spent?

"Mr. MOTSINGER. No; I don't recall that anyone in the UAW anytime ever asked me about where any contribution that was made would be assigned.

"Senator MUNDT. In other words, your testimony is that you had nothing to say whether this money went to Guy Gillette or Joe Bloke?

"Mr. MOTSINGER. I don't recall.

"Senator MUNDT. When it went into a campaign in Iowa or in any 1 of the other 50 States of the Union now?

"Mr. MOTSINGER. No. I hardly think that I was asked about anything like that because, preferably, if I were to make contributions from my paycheck to anyone running for the Senate, I would prefer to make it for Senators from my home State of Arkansas or the State of Michigan.

"The CHAIRMAN. Do you like in Arkansas?

"Mr. MOTSINGER. Sir?

"The CHAIRMAN. You said your home State of Arkansas. Are you a resident of Arkansas?

"Mr. MOTSINGER. I am not a resident at the present time. I am a native.

"The CHAIRMAN. Where were you born?

"Mr. MOTSINGER. Northeast part, Clay County.

"The CHAIRMAN. Very good.

"Senator MUNDT. We won't hold that against you, Mr. Motsinger.

"The CHAIRMAN. All right, proceed.

"Senator MUNDT. Mr. Motsinger, did you ever live in Iowa?

"Mr. MOTSINGER. No.

"Senator MUNDT. Did you ever vote in Iowa?

"Mr. MOTSINGER. No.

"Senator MUNDT. Do you have any reason why you would want to contribute to any candidate in Iowa?

"Mr. MOTSINGER. No. As I say, I would make contributions, if I had a choice, to people I know. As far as Senator Gillette is concerned, I use his razors, if he makes them.

"Senator MUNDT. I think that is a different Gillette, but that is all right" (p. 20128).

Motsinger stated that he was discharged by Reuther following a fight with another international representative after he had objected

to filing false expense accounts and other misuse of union money which he contended were common practices in the UAW (pp. 20142-20146).

(b) *Fines*

As late as 1950, at least, Gosser imposed a system of fines against international employees on his staff and against local 12 full-time officers over whom he had no constitutional jurisdiction at all. He fined such employees, in amounts ranging from 75 cents to the entire day's pay, for being late or absent from work and staff meetings. He assigned these employees to work at the local 12 farms and fined those who did not work the day's pay. That sounds like a fair proposition on the surface: why should the union pay a man for not working? However, the fact of the matter is that they were paid by the union for the lost time and then Gosser forced them to give it to him in cash. Where the cash then went, only Gosser knows.

Let us examine charge No. 20 (c) and (d) which alleged that:

"(c) Brother Gosser has imposed a system of fines on the employees of local 12 for being late for work—a system which would not be tolerated if imposed by an employer with whom our union has a contract.

"(d) Brother Gosser ordered international representatives and local 12 officers and employees to do farm work on the so-called retirement farm and ordered them subjected to fines in event they failed to appear for such work."

The Reuther board dismissed these charges with the finding of "no supporting evidence" (p. 20223).

The "whitewash" nature of these "findings" is established by directives signed by Gosser, issued to those whom he fined, by written lists of those sent to work on the farm by Gosser and those absentees who were given written notices of the fines. Compare the finding with the following:

"Mr. MANUEL. Mr. Martin, 1 of the 28 charges preferred against Mr. Gosser by Mr. Billheimer in June 1950, No. 20, is as follows:

"It is alleged that Brother Gosser ordered international representatives, local 12 officers and employees, to perform work on the retirement farm, and that they were subjected to fines in the event they failed to appear to work.

"This is the finding of the international executive board:

"There is no supporting evidence that Brother Gosser had ordered anyone to work on the farms. It was reported to the executive board by Brother Gosser that international representatives voluntarily agreed to work on the farm in order to minimize expenses of operating the farm. It was further reported to the international executive board that a number of international representatives had voted voluntarily to contribute \$2.50 a week to hire farm employees."

"Were you ever ordered by Mr. Gosser to work on the retirement farm?

"Mr. MARTIN. That is right.

"Mr. MANUEL. Did you work on the farm?

"Mr. MARTIN. That is right.

"Mr. MANUEL. Were you fined your day's pay if you did not show up?

"Mr. MARTIN. In fact, I didn't show up 2 or 3 days and was fined.

"Mr. MANUEL. I hand you a letter purported to be from Mr. Gosser to all international representatives and all full-time officers of local 12. Look at that and see if you can identify it.

"The CHAIRMAN. Show the letter to the witness.

"(The document was handed to the witness.)

"Mr. MANUEL. Do you recognize that, Mr. Martin?

"Mr. MARTIN. That is right.

"Mr. MANUEL. Attached to that is another sheet. That says, schedule of days the representatives work at the local 12 retirement farm, also showing their attendance record.

"Do you see for the week of December 13, 1947?

"Mr. MARTIN. I do.

"Mr. MANUEL. Do you see there certain people who were present that week and certain who were absent indicated by an X?

"Mr. MARTIN. That is right.

"Mr. MANUEL. Do you see your name on that under Thursday? Do you see an X there indicating you were absent?

"Mr. MARTIN. That is right.

"Mr. MANUEL. Turn back to the original letter, please.

"The CHAIRMAN. The letter may be made exhibit No. 26 for reference.

"(Letter referred to was marked 'Exhibit No. 26-A' for reference and may be found in the files of the select committee.)

"Mr. MANUEL. Looking at the first paragraph—

"Attached is a report given to me for the week of December 13 on the absenteeism on the farm. I am saying to all of you now unless you have a written excuse from me ahead of time attached to this sheet regardless of your excuse you might as well stay home, because you are going to pay the penalty fine.'

"Am I reading correctly?

"Mr. MARTIN. Yes.

"Mr. MANUEL. I continue:

"I am also adding in this letter a statement to my secretary that as of Monday morning of each week and as soon as she can, to have this attached and on my desk for disposal.'

"The third paragraph:

"Might I say here I notice the following were absent: Burney Zawodny with no reasonable excuse; Orville Beemer with no reasonable excuse; Ollie Pecord with no reasonable excuse; Harold Kolbe with no reasonable excuse and Toots Martin, Charles Ballard, Edward Duck, Clayton Rusch, and Birdie Rule. When I figure 10 times \$12.50, gives us the sum of \$125 for our flower fund. Boy, we are really going to have a treasury. It is up to you guys, not me. I refuse to grant excuses or accept anything.'

"Mr. MARTIN. That is a correct reading.

"Mr. MANUEL. The names I read in the third paragraph, do they appear on the schedule attached?

"Mr. MARTIN. They do" (pp. 20208-20209).

* * * * *

"Mr. MANUEL. That is now in evidence.

"The finding of the international executive board says there is no supporting evidence that Brother Gosser has ordered anyone to work on the farms.

"Mr. MARTIN. That is right.

"Mr. MANUEL. Here it is.

"Mr. MARTIN. Yes.

"Mr. MANUEL. In their own files.

"Mr. MARTIN. His name is signed" (p. 20210).

* * * * *

"Mr. MANUEL. Another 1 of those 28 charges filed by Mr. Duck and Mr. Billheimer in June of 1950 was as follows. That is Charge 20-C:

"'Brother Gosser has imposed a system of fines on the employees of local 12 for being late for work, a system which would not be tolerated if imposed by any employer with whom the union has a contract.

"'Finding: There is no supporting evidence to this allegation. Brother Gosser reported to the executive board that no local employee to his knowledge had ever been fined for being tardy.'

* * * * *

"Mr. MANUEL. For being tardy. Were you ever fined for being tardy?

"Mr. MARTIN. I sure was. I was fined from 75 cents to a whole day's pay, and according to how late you were. In other words, they had a schedule set up.

"Mr. MANUEL. Were you a local employee at the time?

"Mr. MARTIN. I sure was.

"Mr. MANUEL. I will hand you what purports to be a letter dated March 8, 1949, the original apparently, signed by Mr. Gosser, to you. Attached thereto is what purports to be a copy of a receipt dated March 18, 1949, received from Toots Martin 75 cents, signed Louise Schultz. I will ask you if you can identify those.

"(The document was handed to the chairman.)

* * * * *

"The CHAIRMAN. The Chair hands you a letter addressed to you, dated March 8, 1949, and it says:

"'To Cyrus Martin from Richard Gosser.

"'Subject: Tardiness.'

"'Will you examine it and state if you identify it?

"'(The document was handed to the witness.)

"Mr. MARTIN. I sure recall receiving such a letter.

"The CHAIRMAN. The letter may be made exhibit 29.

"(The letter referred to was marked 'Exhibit No. 29' for reference and may be found in the files of the select committee.)

"The CHAIRMAN. Did you pay the fine there assessed?

"Mr. MARTIN. I sure did.

"The CHAIRMAN. How did you pay it, by check?

"Mr. MARTIN. In cash, and there were no checks and it was all cash moneys, Senator McClellan.

"Mr. MANUEL. Mr. Martin, will you hold that and see if I am reading correctly the first paragraph of that letter:

"In checking over the itineraries, I find that on January 26 you did not check in until 9:30 a.m., and on January 31 it was 9:20. This would mean a fine of 75 cents for each day, or \$1.50 you owe. I would like to say now that these fines should be paid to Roy Schultz, or whoever has the itinerary, not later than Friday, March 11."

"Am I reading correctly?"

"Mr. MARTIN. That is right."

"Mr. MANUEL (reading):"

"I think you understand the rules enough to know that all fines should be paid on the very day you are late. After you pay the fine if you feel you have a justifiable excuse, you should then write me a letter and I will see that the money is refunded to you if I feel you are entitled to it. The girl in charge of the itinerary does not have a right to excuse anyone for tardiness. No one has that authority except myself. If I start to giving the girls authority for excusing anybody; God alone knows how far they will go. Therefore, I have instructed all of them that they should collect the fine immediately. Thanking you for your cooperation which I know I will receive, and with kindest regards, allow me to remain, fraternally yours, Richard T. Gosser."

"Have I read that correctly?"

"Mr. MARTIN. That is right."

"Mr. MANUEL. Very well. Now do you see a little sentence up there which has been written in ink."

"This fine charged in error."?

"Mr. MARTIN. Yes, sir."

"Mr. MANUEL. Apparently, is this correct, that once you pointed out that you had not been late on those days, your fine was forgiven you. Is that what that indicates: 'This fine charged in error——' and you had the receipt?"

"Mr. MARTIN. That is right."

"Mr. MANUEL. Which is attached to the letter?"

"Mr. MARTIN. That is right."

"Mr. MANUEL. Is that correct?"

"Mr. MARTIN. That is correct."

"Mr. MANUEL. Now I hand you what purports to be a photostatic copy—or I will delay that. Did you ever pay a larger fine than 75 cents?"

"Mr. MARTIN. Oh, I paid a whole day's pay already for being late. In other words, if you come in at noon, you might as well stay home because you have to turn in your whole day's pay."

"Mr. MANUEL. What happened to that fine, that fine money?"

"Mr. MARTIN. That is what I would like to know, and it has always been a mystery to me."

"Mr. MANUEL. It was collected by Miss Louise Schultz, is that correct?"

"Mr. MARTIN. Well, Miss Louise Schultz, or whoever was at the desk at the outside of Mr. Gosser's office, and different ones."

"Mr. MANUEL. Who was Miss Schultz at that time?"

"Mr. MARTIN. She was one of the secretaries up there in his office. I think there were three girls involved up there."

"Mr. MANUEL. One of Mr. Gosser's secretaries?"

"Mr. MARTIN. That is right."

"Mr. MANUEL. Do you know where the money went after she collected it?

"Mr. MARTIN. I imagine it was turned over to Mr. Gosser, naturally.

"Mr. MANUEL. Do you know whether or not it went to the flower fund?

"Mr. MARTIN. I don't know where it went, and we never did hear. I never did hear.

"Mr. MANUEL. Very well. You never say any accounting, did you, of the fine money?

"Mr. MARTIN. I brought that out very definitely; and I never knew how much money was taken in and how much was spent and how much was in reserve.

"Mr. MANUEL. I hand you what purports to be a photostatic copy of another letter dated February 21, 1946, from Richard Gosser to Cyrus Martin, and I will ask you if you can identify that.

"(The document was handed to the chairman.)

"The CHAIRMAN. This purports to be a letter from Richard Gosser to you, dated February 21, 1946. See if you can identify that.

"(The document was handed to the witness.)

"Mr. MARTIN. I recognize the letter, Mr. Manuel.

"Mr. MANUEL. Did you receive that from Mr. Gosser?

"Mr. MARTIN. I sure did.

"Mr. MANUEL. Would you be good enough to read the first paragraph of that letter?

"The CHAIRMAN. Do you want it made an exhibit?

"Mr. MANUEL. We want it an exhibit.

"Mr. MARTIN (reading) :

" 'FEBRUARY 21, 1946.

" 'CYRUS MARTIN,

" '*Organizer, Local 12, UAW-CIO.*

" 'DEAR BROTHER MARTIN: Out of discussion I heard at the meeting Saturday, February 9, it seemed to me more or less I was put on the spot for not having everybody pay their equity into the flower fund. I don't completely subscribe that you, Martin, are speaking for all of the fellows, but I may be wrong. As it is now, an international representative pays \$7.50 duty fine each week and if he is located in Toledo, also pays an additional \$1 fine for PAC membership and \$1 fine for not getting ads for the yearbook also. He pays for all of the times he is late or absent, plus \$10 weekly donation to the GM strike fund. This is a total of \$19.50, plus whatever he has incurred in fines for tardiness.'

"Mr. MANUEL. Now during that time you paid in \$19-plus, did you not, each week?

"Mr. MARTIN. The letter so states.

"Mr. MANUEL. In addition to the separate fines which might be imposed for your being late or absent.

"Mr. MARTIN. That is correct.

"The CHAIRMAN. What is this being late for? Late to where?

"Mr. MARTIN. Late to report on duty. In other words, we had to be on duty at 9 o'clock in the morning, and if we had tire trouble or something—

"The CHAIRMAN. It was working at your job and you were penalized if you were not on your job at the regular hour?

"Mr. MARTIN. At the international office; that is right.

"Senator CURTIS. Mr. Chairman, I might call attention to the fact that when this matter went before the UAW international board in one of the allegations, 2-C, it was alleged that Brother Gosser had imposed a system of fines on the employees of local 12 for being late, and here is the finding, which is obviously false, and known to be false:

"There is no supporting evidence to this allegation. Brother Gosser reported to the executive board that no local employee to his knowledge had ever been fined for being tardy" (pp. 20223-20226).

Lloyd Speidell described another "fine" technique used by Gosser to transfer union money from the treasury into his own pockets. This racket, operated by Gosser for at least 6 years, was to place local 12 employees on the international payroll and, although they continued to do local work, make such employees kick back to him in cash the difference between the higher international and the lower local 12 wage scale—\$87 each 2 weeks—approximately \$2,262 per person per year. Moreover, Speidell swore that he personally recited this subtle thievery to Walter Reuther and challenged Reuther to obtain the proof from his own international payroll records, but that Reuther refused to do so. Speidell's testimony is as follows:

"Senator MUNDT. You said you told Mr. Reuther and the executive committee they do not have to look very far to find the evidence, they will find it in their own records?

"Mr. SPEIDELL. Find the proof. And the evidence, too.

"Senator MUNDT. Had they looked in their own records—in your opinion, what would they have found as evidence of wrongdoing?

"Mr. SPEIDELL. Well, in one instance there was a good example, a man who later became my partner in this tavern, and since then we have separated; his name was Frank Molik. He had charge of the summer camp. He was a local 12 employee. The summer camp belongs to local 12 directly; it does not belong to any other union, it belongs to local 12.

"But Mr. Gosser put Frank Molik on the international payroll. Frank Molik's wages as a local officer was \$99.03 a week, and as an international officer it was, I believe, \$87 and some cents more every 2 weeks than it was as a local officer. The difference Mr. Molik had to kick back to the flower fund or Mr. Gosser, or whatever he did with it. Something like that, I told Mr. Reuther, 'All you have to do is check your records as of this date and see if you have a Mr. Molik on there, and there sits Mr. Gosser. Ask him what Mr. Molik's duties are and how they are connected with the international, and why should the international pay him and why should he kick back the difference?'

"Those are the kind of things that he told him he did not have to go anywhere for the proof; that this proof was right there.

"Senator CURTIS. You told that to Reuther.

"Mr. SPEIDELL. I told that directly to Mr. Reuther.

"Senator CURTIS. Did he say anything?

"Mr. SPEIDELL. He didn't say anything. He didn't say hardly anything in that meeting. In fact, Mr. Gosser and Mr. Ballard got up in the middle of my talk and walked out of the room.

"Senator CURTIS. Gosser was there?

"Mr. SPEIDELL. The entire executive board.

"Senátor CURTIS. Did they take any action to correct that situation concerning Mr. Molik?"

"Mr. SPEIDELL. There was a trial procedure, a meeting as a result of these charges preferred, 28, I believe, and, as I say, the board considered all the evidence that we gave them and all the testimony and came back and said there was not sufficient grounds for doing anything to Mr. Gosser, that he was OK.

"Senátor CURTIS. Do you remember any other specific kind of evidence that they could have found in the files other than that involving Mr. Molik?"

"Mr. SPEIDELL. Well, like incidents of other people. I can name them. You see, Mr. Gosser was then * * * a board member, they are allowed so many representatives to work for them. It was easy to have vacancies. When they did occur naturally, and sometimes they did not occur naturally, he would take someone off of the local 12 payroll and turn them in on the international payroll, although they did not function. One of them hoed weeds in his garden. They didn't function as international men, but they were paid as international. The difference between the pay of an international man and a local man was kicked back to Gosser.

"The CHAIRMAN. How would it be kicked back? They would be required to give him the difference?"

"Mr. SPEIDELL. Yes, sir.

"The CHAIRMAN. Using this as an illustration, and I thought you did a while ago, here is a fellow getting \$100 a week, say, from the local—you were getting \$110 a week I believe.

"Mr. SPEIDELL. That is right.

"The CHAIRMAN. Let's say he was getting \$110 a week from the local. For the local, that would be \$220 for 2 weeks.

"Mr. SPEIDELL. \$87 was the difference every 2 weeks.

"The CHAIRMAN. I am using this as an illustration.

"Suppose he would take you. You were getting \$110 a week. That would be \$220 for 2 weeks.

"Mr. SPEIDELL. That is right, sir.

"The CHAIRMAN. So he takes you off of the payroll of local 12, puts you on the international payroll, and instead of paying you \$220 each 2 weeks, he would pay you approximately \$300 each 2 weeks, that would be the \$80 difference. You would continue to work for the local and you would kick back the difference to him between the \$220 and the \$300.

"Mr. SPEIDELL. That is exactly right.

"The CHAIRMAN. Is that what you are testifying?"

"Mr. SPEIDELL. Exactly.

"The CHAIRMAN. Although the man continued his regular work, he was taken off the payroll of the local and put on the payroll of the international, which, for the 2-week period of time, paid about \$80 more than he was getting for working for the local?"

"Mr. SPEIDELL. That is right.

"The CHAIRMAN. But he continued doing the local work and not the international work?"

"Mr. SPEIDELL. That is right.

"The CHAIRMAN. And took the \$80 or whatever the difference was and paid it over to Gosser?"

"Mr. SPEIDELL. That is right.

"The CHAIRMAN. While you are at it, you better name two or three persons or more, whatever you can, who actually had that happen to them. Give examples.

"Mr. SPEIDELL. Harold Dean. He still works for the local. Arthur Peth. There may have been more. I know that it happened to those two. That is three, with Frank Molik.

"The CHAIRMAN. What was the other name?

"Mr. SPEIDELL. Frank Molik.

"The CHAIRMAN. Was it happening to the three all at the same time?

"Mr. SPEIDELL. I can't answer that. It happened during the time I worked there. It may have happened at the same time.

"The CHAIRMAN. During the 4 years. You were there for about 4 years?

"Mr. SPEIDELL. Six years.

"The CHAIRMAN. Two years you were an employee and four years you were an elected official?

"Mr. SPEIDELL. That is right, sir.

"The CHAIRMAN. During that 6-year period of time, you know of these three different men who were placed on the international payroll, who continued to do union local work and made the kickback of the difference to Mr. Gosser?

"Mr. SPEIDELL. If you will pardon me for saying it, I told Mr. Reuther that and mentioned names; I mentioned these same names, and Frank Molik was in the room" (pp. 20100-20103).

IV. SLOT MACHINE PROCEEDS

During the years 1946, 1947, and 1948 there were a dozen or more slot machines placed in the headquarters of local 12 in Toledo and the Toledo Industrial Council. At that time it was the standard practice of the Toledo syndicate to place all slots in customers' premises on a 50-50 split. According to eyewitness accounts and documentary evidence, Gosser's connections and influence with the underworld, including the late Ben Fretti whose mobster activities were later explored by the Kefauver crime committee, were such that he could and did purchase slots outright. The extent to which these slots were played during the years in question is indicated by then financial secretary, Randolph Gray, who told the committee he thought he was "in Las Vegas at times" (p. 20296).

Local 12, which was entitled to all of the cash proceeds from the union-owned slots and one-half of the cash taken from the syndicate-owned slots, received in fact only one-half from the former and one-fourth from the latter; the other share of the union's take was appropriated by Gosser. These facts are so clearly established by approximately 175 slot machine tickets that they are not open to question (pp. 20296-20304).

Gray's testimony that Gosser, over the 3-year period, appropriated to his own use approximately \$90,000 of the union's slot machine proceeds, is corroborated by an analysis of the slot machine tickets showing the total removal from the machines and receipts showing that Gosser divided these moneys 50-50 between himself and the union:

"Senator CURTIS. We are not going to go into them, but I will hand you a package and ask you what is that package.

"(Documents handed to the witness.)

"Mr. GRAY. There were slips and tickets on the union machines and syndicate-owned machines of the local union.

"Senator CURTIS. You have estimated that in your opinion that probably is a half of all of the slips that were made during that 3-year period?

"Mr. GRAY. I thought it was about a fifth myself.

"Senator CURTIS. A fifth, yes.

"Mr. GRAY. I am not too sure. It is just a guess.

"Senator CURTIS. Can you look at the tabulation there and tell how much Gosser or Gosser's group did get?

"Mr. GRAY. Based on this they would have gotten \$18,087.

"Senator CURTIS. Here again your statement that this is perhaps a fifth of it is an estimate?

"Mr. GRAY. That is right.

"Senator CURTIS. So if that estimate were correct, the take to Gosser or Gosser's group would be five times \$18,000?

"Mr. GRAY. That is right.

"Senator CURTIS. I don't know what that is. I think it is about \$90,000. We want the record to be as accurate as we can, and these figures as to the total amount involved in these slot machines during this period of time are an estimate.

"Mr. GRAY. That is correct" (pp. 20303-20304).

These funds were union funds. There are only two alternative deductions which can be made. Either Gosser misappropriated this union money to his own private use, or else, if he is to be believed, he put it in the "flower fund" which both he and Reuther swore is used for their own political purposes within the union. Assuming then that both are telling the truth, they have used union funds to reelect themselves, an improper practice which Reuther and Gosser also swore they did not follow and one which Reuther roundly condemned when the chairman reminded him that some corrupt labor leaders had engaged in it.

Thus, documentary evidence, now a part of the record of this committee, clearly demonstrates the nature of the Reuther board's 1950 "trial" of Gosser when it investigated the charge "that half of the proceeds of the slot machines were turned over to Brother Gosser's office," and found:

"The slot machines have not been in local 12 since May 1948. There is no supporting evidence that half of the receipts of the slot machines were turned over to Brother Gosser. Brother Gosser categorically denies that he ever handled any of the funds of the local slot machines. It is alleged that slot machines were operated by the Toledo Industrial Union Council and that Brother Gosser received one-half of the proceeds of the operation of these slot machines. Slot machines are not presently in the operation in the Toledo Industrial Council. There has been no supporting evidence that Brother Gosser received half of the proceeds of the slot machines. The question of having slot machines in the TIUC is a matter for that body to determine and is not proper local 12 subject matter" (p. 20307).

It also calls into question Walter Reuther's statements made under oath before the committee in March of 1958 that "Gosser never got a

penny out of any slot machines" and "I know he would not take a dishonest penny from anyone or any source." And it further shows that Gosser testify falsely when he told the committee that 99 percent of the slot machine proceeds went into the summer camp improvements (p. 20024); when he declared that only 1 percent thereof went into his "flower fund" (pp. 20028, 20073); when he denied that he "had anything to do with the purchase of them (the slots)" (p. 20024); and when he denied that there were any syndicate-owned machines in the union halls (ibid).

From these records the deduction can be made that from 1943 to the date of the hearing in August and September 1959, hundreds of thousands of dollars in compulsory employee salary kickbacks, fines, money appropriated from local 12 and perhaps union dues have been channeled into such "flower funds" as the "region 2-B flower fund" and the "international flower fund" administered by, among others, Reuther, Mazey, and Gosser, and Ballard.

Reuther, when he appeared before the committee during the Kohler hearing, insisted that these "flower funds" were really just innocent, "voluntary" internal union political funds and were properly accounted for. He challenged the committee to examine the fund records:

"We have nothing to hide. Come out and look at the records. We will cooperate and pull them together" (p. 10219).

Reuther's hand was called during the Gosser hearing. Gosser was asked to comply with the committee's subpoena duces tecum which called for the production of all records of any and all "flower funds" under the "jurisdiction and control" of Gosser and Regional Director Ballard from 1943 to date of the hearing, e.g., records of amounts and sources of income and the amounts and nature of the expenditures, including all check registers, bank deposit slips, canceled checks, names of those contributing and the amounts contributed, etc. (p. 20412; exhibit 16B).

Gosser contended that he had "no jurisdiction or control" over either the "region 2-B flower fund" or the "national flower fund." He pointed the finger of responsibility at Ballard who had gone to Fancy Farms, Ky., and was unavailable. Joseph Rauh, the UAW's Washington attorney, produced a few recent check stubs evidencing some expenditures from the "region 2-B flower fund." Rauh blandly announced that all records of this fund prior to January 1959 had been destroyed. Although Gosser was forced to admit that he had "jurisdiction and control," in the language of the subpoena, along with Reuther, over the "national flower fund," these records were likewise not produced and were presumably destroyed also before the committee could audit them.

Ballard was summoned from the Kentucky hills and finally appeared as a witness before the committee—"voluntarily," insisted UAW attorney Rauh, who vainly demanded that the chairman rule that his client's testimony be not broadcast by the radio press (p. 20355).

Ballard stated that since 1947, when he became director of region 2-B in Toledo, his "flower fund" has received cash contributions of \$10 per week from local full-time officers, 11 international representatives assigned permanently to the region 2-B staff and "8 or 10" other

representatives who, though officially on Gosser's staff, also serve at times under his (Ballard's) direction (pp. 20356-20358, 20363). Thus, as a matter of arithmetic, these employees admittedly have kicked back more than \$100,000 into this fund during the 10-year period 1948-59, inclusive.

According to Ballard's testimony, no records evidencing total receipts are given to or accepted from those who pay into the fund; indeed, he told Senator Goldwater that if someone offered to pay his kickbacks by check, he (Ballard) "would probably return it to him and tell him to cash it and pay it to me in cash * * * because there is a policy against checks in my region" (p. 20365). He also stated that a part of the cash is banked and the balance of it is placed in a safe deposit box to which he and a trusted lieutenant, Don Pinciotti, have access (p. 20367). Ballard further admitted that he even destroys his own penciled notes of those who pay what they "owe" at the end of each week (p. 20363).

The chairman questioned Ballard's method of bookkeeping:

"The CHAIRMAN. Do you keep a record of those who contribute to the fund, and how much they contribute?"

"Mr. BALLARD. Only week by week.

"Mr. CHAIRMAN. What do you mean, week by week? Suppose I am one of those contributors and I come in at the end of the year and say, "Look, I am giving this check to charity." I suppose that is what it is, sometimes. "I want to know how much I paid in so I can deduct it from my income tax." Do you have any record of it to show how much it was?"

"Mr. BALLARD. No; I don't keep records.

"The CHAIRMAN. You don't keep records of the amount of money that comes into this fund, other than what you may deposit in the bank?"

"Mr. BALLARD. The only record I keep is the last payment he makes.

"The CHAIRMAN. What do you mean by that? Do you keep the money?"

"Mr. BALLARD. No; I keep a record when he made his last payment.

"The CHAIRMAN. What do you do with that record?"

"Mr. BALLARD. When he pays again I tear that one up.

"The CHAIRMAN. Is that so. When did this system of bookkeeping originate in this enterprise?"

"Mr. BALLARD. I have had the books since 1952 or 1953, somewhere along in there.

"The CHAIRMAN. Who instructed you to handle it that way and when did you begin handling the account that way?"

"Mr. BALLARD. No one instructed me. I keep my own books.

"The CHAIRMAN. They didn't. Is this your idea to destroy the records as fast as they are made?"

"Mr. BALLARD. I don't consider keeping track of who owes money a record.

"The CHAIRMAN. You don't?"

"Mr. BALLARD. No.

"The CHAIRMAN. That is not a record, keeping track of who owes money?"

"Mr. BALLARD. Senator, when you pay, you just throw the other one away.

"The CHAIRMAN. Why?

"Mr. BALLARD. Because it is paid. There is no use keeping a big bunch of records.

"The CHAIRMAN. Here are people making a contribution to a fund and you keep no record of who contributes and how much that you can show at the end of the year.

"Mr. BALLARD. I keep a record of the amount of money.

"The CHAIRMAN. You keep a record of the total money, but you don't show at the end of the year how much this man paid to it, or how much the other paid to it, do you?

"Mr. BALLARD. Senator, I think——

"The CHAIRMAN. Not what you think, but do you?

"Mr. BALLARD. I think the people who are involved in our union trust each other.

"The CHAIRMAN. You think what? You just simply keep no records, and that is the whole scheme of this thing, not to be identified with what the facts are so anyone can find out from the records you keep. Isn't that the truth about it" (pp. 20362-20363)?

* * * * *

"Mr. BALLARD. I would not say it that way.

"The CHAIRMAN. Well, how would you say it?

"Mr. BALLARD. I would say when the person pays to the flower fund, there is no use keeping the note that I have that he owes.

"The CHAIRMAN. There is no use keeping the note. Do they all pay notes? They do owe notes for it?

"Mr. BALLARD. No, I mean I keep a little penciled note of when a person pays. It is just a piece of paper. If I have 10 people on it, and it is January 10, I keep it. As soon as they pay, I make up another list.

"The CHAIRMAN. You tear that up. Do you tear them up or burn it up?

"Mr. BALLARD. I just discard it in the ashtray or in the wastepaper basket.

"The CHAIRMAN. What is there about this fund that has to be so secret that you don't keep records?

"Mr. BALLARD. There is nothing secret about our flower fund.

"The CHAIRMAN. Can you tell me how much—give me the name of two people who belong to it that pay to it?

"Mr. BALLARD. Everyone on my staff.

"The CHAIRMAN. Give me the names of two of them.

"Mr. BALLARD. All right. Walter Murphy.

"The CHAIRMAN. Who else?

"Mr. BALLARD. Dick Myers.

"The CHAIRMAN. Dick Myers?

"Mr. BALLARD. That is right.

"The CHAIRMAN. How much did Dick Myers pay into this fund last year?

"Mr. BALLARD. He paid in \$10 a week.

"The CHAIRMAN. Every week?

"Mr. BALLARD. No. He didn't pay when he is on vacation.

"The CHAIRMAN. Do you know how much he paid into the fund?

"Mr. BALLARD. Yes.

"The CHAIRMAN. How much?

"Mr. BALLARD. He paid \$10 a week for 49 weeks.

"The CHAIRMAN. How much total did he pay?

"Mr. BALLARD. \$490.

"The CHAIRMAN. Are you sure?

"Mr. BALLARD. Yes, sir. I would have a note saying he owed it.

"The CHAIRMAN. You have a note for \$490?

"Mr. BALLARD. No, I would have a note. I am talking about a penciled note that I keep.

"The CHAIRMAN. Do you have one there?

"Mr. BALLARD. No, because he don't owe it.

"The CHAIRMAN. Did he ever owe \$490?

"Mr. BALLARD. Well, he has been behind.

"The CHAIRMAN. That is the strangest account I ever saw. You keep no records.

"Mr. RAUH. I don't think that is fair, Senator.

"The CHAIRMAN. I do. My God Almighty, how do you keep a record and know what people pay and don't pay if you tear it up every time a note is paid?" (pp. 20363-20364).

* * * * *

"The CHAIRMAN. I just don't understand this sort of reasoning. It is not reasonable. It is not logic. It is not the common practice of anyone keeping a voluntary fund. They have a right to know about it. They have a right to have a record about it.

"Mr. BALLARD. Everyone has a right to know about this.

"The CHAIRMAN. Sure they do. But there is no record from which to find out. At the end of a year there is no record kept.

"Mr. BALLARD. All the money is spent by a check. If they want a copy of the check, I am sure the bank makes copies or records of the checks. You can very easily get it from the bank.

"The CHAIRMAN. Unless you kept a record, there is nothing to check to make sure the money went in the bank in the first place. There is no way you can go to your records and tell whether the money is honestly received and administered and placed in that fund and accounted for" (pp. 20364, 20365).

Ballard tenaciously clung to the discredited Reuther-Gosser assertion that those who contribute to the "flower funds" do so "voluntarily" in order to perpetuate the control of Reuther and his associates over UAW affairs. However, he did make a guarded admission that the entire scheme behind the "flower fund" subterfuge is to use union funds for internal union political purposes:

"Mr. MANUEL. Actually if you are making these international representatives just kick back to you, they are nothing but an involuntary conduit through which you siphon money off from the treasury into your flower fund; isn't that right?

"Mr. BALLARD. That is not quite true.

"Mr. MANUEL. If these people are kicking this back to you under compulsion as a condition of employment, that is not voluntary?

"Mr. BALLARD. I would say that would be right" (p. 20366).

We further agree with Senator Mundt's observation that the "flower funds" are a "sticky business," so sticky in fact that there is no way to determine how much cash has gone into and been expended from the safe deposit box or for what purposes. Even the union's

records of the money spent by check were destroyed and this action raises a presumption in our minds that much of these funds has over the years been either misappropriated to the private benefit of top leadership in the UAW, or else spent for illegal and incriminating purposes. These facts and the suspicious circumstances surrounding the determination of Reuther, Ballard, Gosser and others to prevent an honest audit of these vast sums of cash are inconsistent with the conduct of honest men "who have nothing to hide."

We think that Reuther and his UAW have much to hide and have hidden much from this committee. We express profound regret that this committee, constituted to investigate and expose management and union corruption wherever it exists, should be disinclined to follow the evidence because it leads to "Solidarity House" in Detroit and to Reuther, perhaps the most politically powerful labor leader in the United States today.

We therefore invoke the AFL-CIO codes of ethical practices against Reuther and his UAW. Citing code IV, 1, which declares that "No responsible trade union official should accept kickbacks," we challenge Reuther to submit all UAW "flower fund" records, including his own, to the UAW's Public Review Board and to independent and nationally known auditors and to make an honest and full accounting to that board of all "flower fund" moneys which he and his associates have received and expended since he was elected president of the UAW International in the year 1946. We further challenge him to publish the findings of that body resulting from such an investigation so that the American public and this committee can be informed. His failure to do so will be an admission that (1) he is too deeply involved personally to risk exposure, and that (2) the public review board is, as some critics have charged, only window dressing in an attempt by Reuther to trade upon the respectability of the clergy and other distinguished citizens who serve on that body.

V. THE ELLIOTT CO. BRIBES

In the spring of 1959, a New York grand jury disclosed that the George Elliott Co. of New York had paid some \$62,000 in "commissions"—which District Attorney Frank Hogan contended were illegal bribes—to Peter Zvara, one of Gosser's administrative assistants, in consideration of Zvara using his union influence to have certain Toledo employers hire the Elliott Co. to perform certain industrial engineering work. Gosser voluntarily appeared before the grand jury but denied that he had received any part of these bribes from Zvara. The district attorney was unable to ask Zvara this same question because under New York law a subpoena issued to Zvara in Ohio would have carried automatic immunity from prosecution and Zvara refused to appear in New York voluntarily for questioning. It was, therefore, relevant and appropriate that during the impending examination of Gosser by the committee, Zvara be given the opportunity to deny or confirm under oath that Gosser shared the bribery money. Accordingly, this item was included in the agenda of areas to be explored.

The George Elliott Co., Inc., of New York is a management-consultant firm specializing in work measurements, wage incentive systems, and wage and salary evaluation systems. These services affect

wage rates and pay standards and are, therefore, customarily looked at, by the employees, with jaundiced eyes (p. 19939).

According to John Dale, present owner of the Elliott Co., his firm, with Zvara's assistance, had obtained contracts to perform such services for Doehler Jarvis Co., Electric Auto-Lite and Willys-Overland Co. of Toledo, and Gerity Machines Corp. of Michigan, which bargain collectively with the UAW, and the Textileleather Co. of Toledo, represented by another union (pp. 19916-19917). He said that ordinarily an employer desiring to have such work done is obliged to submit to the union the names of three engineering firms and the union has a veto over the selection of the firm which is awarded the contract (p. 19935). The Elliott Co. had orally agreed to give Zvara 15 percent of the net billings paid by Toledo employers who were influenced to retain the Elliott Co. (p. 19919). Zvara's services were primarily (1) to have the UAW recommend to the employer that only the Elliott Co. was acceptable and (2) to keep grievances and rank-and-file opposition to a minimum while Elliott was performing its contract.

Before the committee, Dale identified company records and canceled checks, payable to and endorsed by Zvara, which evidenced payments to him from the Elliott Co. in total amount of \$62,403.36 for the period May 3, 1950, to July 29, 1958, as follows (pp. 20381-20408) :

<i>Contracts</i>	<i>Amount</i>
Doehler Jarvis Co.....	\$2, 782. 25
Electric Auto-Lite.....	37, 807. 38
Textileleather Co.....	9, 208. 11
Gerity Machine Corp.....	543. 75
Willys-Overland Motors Co.....	9, 601. 87
Unallocated items.....	2, 460. 00
Total.....	62, 403. 36

Dale and Zvara became apprehensive in 1956 that this committee or some other authority might learn of the payments and it was agreed that Dale would "cover up" by routing future checks (\$19,666.21 in 1956 and \$14,296.81 in 1957) through two other corporations in which he had an interest (pp. 19922-19926). Dale also stated that he knew his firm had paid some "commissions," amount unknown, to Earnest Love, one-time president of the Doehler-Jarvis Local 1058, UAW, an international representative on Gosser's staff (p. 19935).

According to Dale, Zvara was always mysterious and circumspect in all his dealing with the Elliott Co., but that once Zvara indicated that he was sharing the bribes with others, testifying as follows:

"Mr. MANUEL. Did Mr. Zvara at any time ever come to you and ask you for some evidence of the net billing—or not just a check, but some underlying data or memo?

"Mr. DALE. Yes. It was either at the time of the second or third payment, he asked me if I would give him a little slip showing the billing and the amount of commission accrued and the amount paid and the amount still due, as of given cutoff dates?

"Mr. MANUEL. Did he state why he wanted that?

"Mr. DALE. Yes; I asked him why he wanted it, and he said he had to have the figures to show to the other boys.

"Mr. MANUEL. Was that plural, 'boys'?

"Mr. DALE. Plural.

"Mr. MANUEL. Did he elaborate on what he meant by 'boys'?"

"Mr. DALE. No; I asked him again, who, and he refused to tell me, and I never brought the subject up again.

"The CHAIRMAN. Did that imply to you that he was dividing that fund, or that commission with someone else?"

"Mr. DALE. Yes, sir; that was the implication.

"The CHAIRMAN. That was the implication that you got from it?"

"Mr. DALE. Yes, sir" (pp. 19936-19937).

The record shows that Gosser, by virtue of his official position as vice president of the UAW, was director of the Doehler Jarvis Council and many other such wage and hour councils which negotiate contracts with Doehler Jarvis and other Toledo employers who retained the Elliott Co. It also shows that Zvara, as Gosser's administrative assistant, was codirector of the Doehler Jarvis Council—of which Love was also a member—but that Zvara had no similar authority vis-a-vis Willys-Overland, Auto-Lite and other employers who were influenced to retain the Elliott Co. (p. 19936). It would appear, therefore, that, assuming Zvara, as codirector of the Doehler Jarvis Council, alone had authority to award that contract to Elliott, he alone had no such authority with regard to the others. The question then is: Who had such authority and who recommended the Elliott Co. to the other employers, which resulted in commissions paid to Zvara?

Gosser denied that he exercised his undoubted authority to designate the Elliott Co. On the other hand, Dale was sure it was not Zvara:

"Mr. MANUEL. Then is it true that the services performed by Zvara in exchange for his commission are these: The union has a veto power over the contract and he could designate your company as the firm to get the contract, we will say, with Auto-Lite?"

"Mr. DALE. Not Zvara.

"Mr. MANUEL. Someone else?"

"Mr. DALE. It must have been someone else.

"Mr. MANUEL. You don't think Zvara was authorized to do that on his own?"

"Mr. DALE. No.

"Mr. MANUEL. Who do you think was authorized?"

"Mr. DALE. It was probably either the head of the local union, who at that time was Mr. DuPont, or it was Mr. Gosser, or both" (p. 19939).

Moreover, Dale's description of how Gosser put down certain employee opposition to the Elliott work being performed for Auto-Lite indicates that Gosser helped Zvara to earn the commission on the job, as shown by the following colloquy:

"Mr. MANUEL. Do you recall that sometime in 1956 a little trouble developed down in Auto-Lite, in connection with the servicing of that company?"

"Mr. DALE. Yes.

"Mr. MANUEL. Do you recall it was involved with grievances filed—or some unrest in the plant or opposition to the Elliott Co. doing this work?"

"Mr. DALE. Yes, the grievances were a byproduct, as I recall the record—a byproduct of an insurgent committee that was trying to get itself elected.

"Mr. MANUEL. Was that headed by Stucker, a man named Stucker?

"Mr. DALE. The insurgents were headed by Stucker, and the incumbents by Mr. DuPont, I think it was.

"Mr. MANUEL. Was it DuPont?

"Mr. DALE. Yes.

"Mr. MANUEL. Did you check with Mr. Zvara on this trouble?

"Mr. DALE. Yes, I asked him what was this all about.

"Mr. MANUEL. What did he say?

"Mr. DALE. He told me that it was nothing more than a bunch of hotheads trying to get in, and in order to get in they couldn't be for something, they had to be against something.

"Mr. MANUEL. Did he say anything that he did in connection with that?

"Mr. DALE. No, I asked him for information on it, and was there anything that we could do, and he said, 'I don't know. I can't find out anything about it.'

"Mr. MANUEL. Did he make further inquiry himself?

"Mr. DALE. He said that he did.

"Mr. MANUEL. Did he say anything about taking that up with Mr. Gosser—that trouble?

"Mr. DALE. No. I don't believe that he said it. I rather believe that if there was anything that he could do about it, because after all, his interest was as long as the job continued he would get commissions, and it was strictly up to him if there was anything that could be done. However, to be realistic about it, I don't think that the international ever has any direct influence on an insurgent committee's political activities to become elected—or to be elected.

"Mr. MANUEL. You testified fully before the grand jury, did you not?

"Mr. DALE. Yes, I did.

"Mr. MANUEL. I will ask you if you were asked these questions and you made these answers:

"Question. Now, did he at the same time he was reporting to you on the local situation—did he also report to you on the situation of the international union in Detroit, the international UAW?

"Answer. Yes. That came after Stucker was elected and he was threatening a strike that he and his committee were trying to urge the membership to strike against the company in order to get rid of the Elliott Co. plan, and I asked Zvara how serious that was, and he said, 'Well, it is pretty serious at the local level, but the boys in Detroit weren't going to stand for it. They are on record as trying to help Auto-Lite get out of the local labor difficulties.'

"Question. By "the boys in Detroit," did you know whom he meant, or did you understand whom he meant specifically?

"Answer. I understood whom he meant.

"Question. Who was that?

"Answer. That was Mr. Gosser and his associates at the international level of the UAW.'

"Were those questions asked, and did you make those answers?

"Mr. DALE. I recall them now.

"Mr. MANUEL. Does that refresh your memory?

"Mr. DALE. Yes, sir; it does.

"Mr. MANUEL. Those were truthful answers, were they?

"Mr. DALE. Yes. But as to the time the grievances started or the time the strike was called and Stucker was elected, there were several conversations in the nature of 'find out what goes on.'

"Mr. MANUEL. Let me read some more:

"Question. Now, did he report to you on one occasion of when the local committee was actually called up in Detroit?

"Answer. Yes, he did. He told me that the committee, the local committee had been summoned into Detroit by Gosser, and they had spent all day there and went back to Toledo with their tails between their legs, as he put it, and the situation at the plant stood that the international had agreed to sanction the strike but that the responsibility for it and the consequences lay squarely with the local committee.'

"Do you recall that?

"Mr. DALE. Yes, sir.

"Mr. MANUEL. That is true?

"Mr. DALE. Yes; that is true.

"Mr. MANUEL. I will refresh your memory a little more:

"Question. Did you ever discuss with Zvara any possible business you might get from Gosser?

"Answer. Yes. I told Zvara that we had never done very much business in Detroit—in the Detroit area, that is—of the industrial engineering nature, and I would like very much to get some leads up there as to where it was necessary for companies to do this type of work, and Zvara said that he would speak to Gosser and find out if there were any such places.'

"Do you recall that?

"Mr. DALE. I had forgotten whether he said he would speak to Gosser, or whether that was the implication.

"Mr. MANUEL. (reading):

"Question. I don't mean directly, but did he give any indication that you can recall that he would get in touch with Gosser to help straighten out the situation with the union?

"Answer. Yes, he said, "I know Gosser very well, and I can find out for you just what the situation is, and what can be done about it.'"

"Is that true?

"Mr. DALE. Yes.

"Mr. MANUEL. (reading):

"Question. I don't mean directly, but did he give any indication that you can recall that he would get in touch with Gosser to help straighten out the situation with the union?

"Answer. Yes, he said, "I know Gosser very well, and I can find out for you just what the situation is, and what can be done about it.'"

"Is that true?

"Mr. DALE. Yes.

"Mr. MANUEL. Do you understand that the international, obviously through Mr. Gosser, had sent the boys in the local back to Toledo with their tails between their legs? Do you know what that meant?

"Mr. DALE. It is a slang expression for putting the entire responsibility on them if any strike was called, and to refuse to give the backing of the international union to any local strike.

"Mr. MANUEL. In other words, put down the local opposition to it so you could complete the contract?"

"Mr. DALE. To get the work completed, because inherent and behind all this was the fundamental agreement between the UAW at Mr. Gosser's level, and the Electric Auto-Lite Co., in which we had no part, where the program undertaken jointly by them was dedicated to maintain the employment of some 4,000 people in Toledo" (pp. 19937-19939).

Both Zvara and Love were subpoenaed by the committee and interrogated about the Elliott bribes. Zvara admitted only his name and invoked the fifth amendment 49 times in response to all questions, including the bribery and whether he had ever contributed to Gosser's "flower fund." Love did likewise, but there may be some significance to Love's invocation of his constitutional rights.

At the outset, Zvara's attorney advised the committee that Zvara would resort to a blanket invocation of the fifth amendment as to all matters. It was, therefore, no surprise that Zvara declined to answer any questions about the "flower fund." However, a similar declination by Love was unexpected. Love advised the committee that, except for matters which would be incriminating, he would cooperate with the committee. Thus, Love testified freely, and we think truthfully, on nonincriminating matters.

He seemed to understand that his oath to testify truthfully limited his right to invoke his constitutional privileges only as to matters about which he honestly believed a truthful answer, if given, would incriminate him, as for example, the illegal bribes. But there was ordinarily nothing incriminating about his admitting or denying contributions to the "flower fund"—all other witnesses had done so willingly—unless he and/or Zvara, unlike the others, had paid some of the bribes into Gosser's "flower fund"—which would, of course, be incriminating. His immediate association of the bribes with the "flower fund" and refusal to answer this question truthfully lends some though not conclusive support to the theory that some part of the bribes were transmitted to Gosser via the "flower fund." There is, of course, no direct evidence that such was the case, but it would not be out of harmony with Gosser's known modus operandi, i.e., always to have a front or fall guy in case his wrongdoing is exposed and the finger of blame is to be pointed.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955

462

FINAL REPORT—LABOR-MANAGEMENT FIELD

No.	Name	Affidavit date	Date of incident	Description
1	Dale Oostdyk	Apr. 8, 1954	Apr. 7, 1954	Nonstriking employee physically assaulted, kidnaped, beaten, cursed, told to join union on threat of death.
2	Herman Miesfeld	do	do	Nonstriking employee intercepted on way to work, coerced into joining union.
3	Harold Fanslau	Statement May 6, 1954	May 6, 1954	"S33" painted on top of automobile; body smeared with paint.
4	Leland Dyke	Memo of telephone conversation	May 10, 1954	Nonstriker on way to work threatened with bodily injury.
5	Otto Vogt	June 1, 1954	May 11, 1954	Valve stems cut off 2 tires.
6	Leo Bukowski	May 14, 1954	do	Stone thrown through window of home.
7	Robert Neumann	do	do	Automobile tire punctured with screw driver.
8	Arno C. Kremin	May 12, 1954	May 12, 1954	Picture window of home shattered by stone.
9	J. A. Lucynski	May 13, 1954	do	Thermopane window smashed by stone.
10	Charles Forbes	May 26 1954 (May 24, 1954 should be May 25, 1954).	May 24, 1954	Nonstriking employee assaulted, struck on way to work.
11	Rance Rasmussen	do	do	Nonstriker assaulted, struck while walking to work.
12	Leland Dyke	May 29, 1954	do	Nonstriker assaulted; struck, kicked in groin.
13	Otto Vogt	June 1, 1954	June 1, 1954	Valve stems cut off 4 tires. (Should be 3 tires.)
14	Leander Daun	June 2, 1954	do	Valves cut off 3 tires.
15	Adam Gulan	June 16, 1954	do	Railroad spike set under automobile tire.
16	Albert Maurer	June 2, 1954	June 2, 1954	Garage door smeared with paint.
17	Harvey Roerdink	do	do	Garage door splashed with paint.
18	John Kohlhaugen	June 9, 1954	June 7, 1954	Tire punctured.
19	Robert Schaefer	June 7, 1954	do	Automobile windshield shattered; valve stem cut from tire.
20	Edwin Winkel	June 14, 1954	June 9, 1954	Acid splashed on new automobile.
21	Carl Siegel	June 11, 1954	June 11, 1954	Shrubs, perennials, other plantings torn from ground.
22	Don Schilling	do	do	Word "scab" painted on automobile.
23	Anton Schnur	June 14, 1954	do	Rocks thrown through plate-glass window of home.
24	Arwin Herzog	June 12, 1954	June 12, 1954	Word "scab" painted twice on automobile.
25	Don Schilling	June 14, 1954	June 14, 1954	Blue automobile smeared with black enamel.
26	Adam Gulan	June 16, 1954	do	Sugar put in gasoline tank of auto.
27	Norman Glaser	do	June 15, 1954	Sand put in gasoline tank of farm tractor.
28	Albert Perrone	June 18, 1954	June 17, 1954	Plastic bag filled with tar hurled at garage, smearing building and concrete apron.
29	Millard Bell	do	do	Air let out of auto tire.
30	Arthur Roehl	do	do	Air let out of 4 tires.
31	Reuben Krebsbach	June 23, 1954	June 18, 1954	Acid poured on automobile.
32	Elmer Baehler	June 18, 1954	do	Wire netting torn from mink sheds.
33	Willard Van Ouwerkerk (Valeria Van Ouwerkerk)	June 19, 1954 June 20, 1954	do	Nonstriking employee struck from rear, knocked down, stomped, injuries included crushed chest and victim in critical condition for days.
34	John Kovacic	June 21, 1954	June 19, 1954	Thermopane window in home broken by stone.
35	Carl Kummer	do	June 20, 1954	Air let out of automobile tire.
36	Steven Konik	June 22, 1954	do	Nonstriking employee warned not to work, assaulted.
37	Carl Kummer	June 21, 1954	do	Nonstriking employee assaulted in tavern by gang of 8 men; asked why he didn't join union; knocked to floor.

38	Jacob Den Boer	June 23, 1954	June 22, 1954
39	Arthur Hedstrom	June 24, 1954	do
40	Robert Leuck	do	do
41	Leland Dyke	do	do
42	Roger Wuestenhagen	June 25, 1954	June 24, 1954
43	Harold Curtiss	June 29, 1954	June 28, 1954
44	Wilbert Gartman	July 1, 1954	June 30, 1954
45	Wilbert Gartman	do	do
46	Paul Milbrath	do	do
47	Arthur Klein	do	do
48	Elmer Voelker	July 3, 1954	July 2, 1954
49	Eugene Puls (nonemployee)	Memo July 7, 1954	do
50	William J. Bersch, Sr.	July 5, 1954	} July 4, 1954
51	William G. Bersch, Jr.	July 6, 1954	
52	Paul Koeppler	July 12, 1954	
53	Chester Herman	July 10, 1954	
53	Richard Burch	July 17, 1954	July 16, 1954
54	Elden Slavens	July 21, 1954	July 21, 1954
55	Albert J. Mauer	do	do
56	John Stockinger	July 23, 1954	do
57	Robert Krepsky	July 26, 1954	July 26, 1954
58	do	Aug. 2, 1954	Aug. 1, 1954
59	Fred Huehlman	Aug. 5, 1954	Aug. 5, 1954
60	Merlin Schleunes	Aug. 9, 1954	Aug. 7, 1954
61	Guenther Voss	Aug. 16, 1954	Aug. 11, 1954
62	Elmer Meyer	do	do
63	Guenther Voss	do	Aug. 12, 1954
64	Claude Dault	Aug. 17, 1954	Aug. 17, 1954
65	Eugene Eernisse	Aug. 19, 1954	do
66	Alexa Horst	L. E. O'Neill memo Aug. 19, 1954	Aug. 19, 1954
67	William Graefe	Memo Aug. 23, 1954	do
68	Marvin E. Birr	Aug. 21, 1954	Aug. 20, 1954
69	Emma Mertz	do	Aug. 21, 1954
70	Ernest Belersdorf	do	do
71	William Graefe	Memo Aug. 23, 1954	do
72	Gerald Emley and Mrs. Emley	Aug. 21, 1954	do
73	William Graefe	Memo Aug. 23, 1954	Aug. 22, 1954
74	Earl Radke	Memo Aug. 26, 1954	Aug. 23, 1954
75	Walter Stubbe	Aug. 24, 1954	Aug. 24, 1954
76	Frederick Brandt	Aug. 26, 1954	Aug. 26, 1954
77	Martin Blok	Aug. 30, 1954	Aug. 28, 1954
78	James B. Sweeting	Aug. 31, 1954	Aug. 30, 1954
79	Albert Diehlmann	Sept. 2, 1954	do

2 light bulbs filled with black paint thrown, one smashing and spattering exterior of home, other breaking window and spattering paint over living room and furnishings.

2 light bulbs filled with brown paint smashed against exterior of home.

2 light bulbs filled with white paint smashed against exterior of home.

Nonstriker cursed, threatened, physically assaulted.

Nonstriking employee assaulted, knocked to ground.

Shotgun blast fired through living room window.

Object hurled at automobile going through Kohler Co. gate.

Trunk of automobile splashed with paint remover.

Can of paint thrown onto porch, splattering.

Can of paint thrown against house.

Brown paint thrown at window; red paint at side of house.

Light bulb filled with paint thrown at front door.

Father and son assaulted, brutally beaten.

Sand placed in automobile gasoline tank.

Window in home smashed.

Nonstriking employee threatened, warned not to go through picket line, assaulted.

2 light bulbs, filled with black and with red paint, thrown at home.

3 light bulbs, 1 filled with black paint, 1 with red paint, and 1 with dark green paint, thrown at home.

Automobile tire slashed.

Automobile windshield frame dented, windshield cracked, aerial broken off, windshield wiper broken.

Automobile tires slashed, valve stem cut off.

Valve stems cut from 2 tires.

Word "scab" scratched on automobile.

Car going through Kohler Co. gate stoned.

Automobile splashed with irremovable substance.

Tire punctured by new galvanized roofing nail. Similar nails found on driveways at plant gates and near fences.

Rocks thrown through window of home.

Rocks shatter living-room window, break lamps and furniture.

Rock thrown through picture window.

Automobile hood dented by rock.

Brick thrown through picture window.

2 rocks thrown through living-room window.

Rock thrown through living-room window.

Red paint smeared on residential sidewalk.

Nonstriker, wife, and 14-year-old daughter assaulted in tavern by group of men and women; threatened, cursed, and beaten.

Tops cut off 7 spruce trees in residential landscaping.

Roofing nails placed under automobile tires.

Rocks thrown through window with such force broke panel of interior door and damaged plaster on far wall.

Light bulb filled with yellow paint smashed against porch steps.

Window shattered with rock.

5 windows in house trailer broken by rock throwers.

Window shattered by rocks, automobile dented by thrown rocks.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
80	Harold Herber	Aug. 31, 1954	Aug. 31, 1954	Large Thermopane window, 2 kitchen windows shattered by rocks.
81	Theodore Stein	Sept. 2, 1954	Sept. 1, 1954	Piece of broken cement hurled through thermopane window.
82	James Rickmeyer	Sept. 8, 1954	Sept. 3, 1954	2 tires punctured by roofing nails.
83	do	do	Sept. 4, 1954	Tire punctured.
84	Arthur Hedstrom	Sept. 7, 1954	Sept. 6, 1954	Cans of beer thrown at home.
85	Russell Messner	Sept. 28, 1954	do	Acid splashed on automobile.
86	Casmir Nighbor	Sept. 29, 1954	Sept. 7, 1954	Plate glass window of living room smashed.
87	Clark Weeden	Sept. 28, 1954	do	Barrage of rocks hurled at auto; breaking windows, denting body. Victim's telephone line cut.
88	Harold Fanslau	Sept. 13, 1954	Sept. 8, 1954	Nonstriker and wife assaulted, called foul names; nonstriker struck and knocked down.
89	do	do	do	Nonstriker physically assaulted; valve stems removed from automobile tires.
90	Kenneth Holbrook	Sept. 14, 1954	do	Cornmeal and 2 pieces of quarter-inch pipe about 2 inches long put in oil pan of automobile.
91	Gustave Stokelbusch	do	Sept. 13, 1954	Rocks thrown through 5 windows of home, breaking 11 panes of glass, knocking plaster off dining room wall breaking floor lamp in living room.
92	Carl Yerkman	Sept. 14, 1954 (signed by Mrs. Fay Yerkman).	do	Rock hurled through living-room window.
93	Elmer Born	Sept. 15, 1954 (signed by Mrs. Mary Born).	Sept. 15, 1954	3 rocks thrown through living-room picture window; rock thrown through kitchen window; rock thrown at dining room window breaking screen molding.
94	Lester Boeldt	Sept. 20, 1954	Sept. 17, 1954	Nonstriking employee ambushed by gang in tavern; called a scab and job stealer, cursed, beaten.
95	Ben Zantow and Mrs. Zantow	Sept. 17, 1954	do	5 rocks thrown through 2 picture windows, damaging walls and furnishings.
96	Gilbert Loersch	Sept. 18, 1954	do	Living-room picture window broken by rocks.
97	John Elsesser	Sept. 22, 1954	do	Nonstriking employee assaulted in tavern, stuck in face.
98	Gottlieb Ertel	Sept. 20, 1954	Sept. 18, 1954	Valve stem removed from tire.
99	Roy Williamson	Sept. 21, 1954	do	Valve stem ripped off tire.
100	Elden Slavens	Sept. 20, 1954	Sept. 19, 1954	Light bulb filled with red and black paint thrown at residence.
101	Carl Mertz	Sept. 22, 1954	do	Nonstriker cursed, physically assaulted.
102	Arlin E. Behlow	Sept. 28, 1954	Sept. 24, 1954	Damage to auto; wires to directional lighting, to radio, and to heater cut.
103	Carl M. Gabrielse	Sept. 29, 1954	Sept. 27, 1954	Cutting blade of corn chopper broken by steel rod tied to cornstalk; machine bolts tied to other cornstalks on farm owned by father of a Kohler Co. employee.
104	Frederick Kuehlman	do	do	Air let out of tires.
105	Betty Gosse	Sept. 30, 1954	Sept. 28, 1954	3 sets of corn-chopper knives broken by machine bolts tied to cornstalks on farm operated by husband of Kohler Co. employee.
106	Frederick Kuehlman	Sept. 29, 1954	do	Automobile tire slashed.
107	Orville Gilpin	Sept. 30, 1954	Sept. 30, 1954	Automobile body gouged.
108	Arthur Haefke	do	do	Do.
109	Norman Rietbrook	Oct. 1, 1954	do	Do.
110	John Elsesser	Oct. 4, 1954	do	2 nonstriking employees assaulted in tavern by gang; threatened, kicked in legs and kneed in groin.

111	Albert Bassler.....	Oct. 2, 1954.....	Oct. 1, 1954.....
112	Believe these are same incidents as referred to in 107-109.....	Sept. 30, 1954.....
113		do.....
114		do.....
115	Joseph W. Sejba.....	Oct. 4, 1954.....	do.....
116	Kenneth C. Kletzien.....	do.....	do.....
117	Charles Schumacher.....	Oct. 4, 1954 (Oct. 1, 1954 should be Sept. 24, 1954).	Oct. 1, 1954.....
118	Harvey Brendel.....	Oct. 5, 1954.....	do.....
119	Arthur Margenau.....	Oct. 8, 1954.....	do.....
120	Believe this is same incident as referred to in 111.	do.....
121	Roland Schultz.....	Oct. 13, 1954.....	Oct. 3, 1954.....
122	Arthur Margenau.....	Oct. 8, 1954.....	Oct. 4, 1954.....
123	Elmer Margenau.....	do.....	do.....
124	Otto Vogt.....	Oct. 6, 1954.....	Oct. 6, 1954.....
125	Earl Eernisse.....	Oct. 20, 1954.....	do.....
126	Betty Gosse.....	Oct. 8, 1954.....	Oct. 7, 1954.....
127	Elmer Margenau.....	Oct. 8 and 12, 1954.....	do.....
128	Edward Markgraf.....	Oct. 12, 1954.....	do.....
129	Gilbert Schirmer.....	Oct. 15, 1954.....	do.....
130	Vincent Fee.....	Oct. 11, 1954.....	Oct. 8, 1954.....
131	William Graefe.....	Oct. 12, 1954.....	do.....
132	Jake Hopeman.....	Oct. 20, 1954.....	do.....
133	Kenneth Clark.....	Oct. 11, 1954.....	Oct. 9, 1954.....
134	Keith Grapentine.....	Oct. 12, 1954.....	do.....
135	Arthur Roehl.....	Oct. 13, 1954.....	do.....
136	James Holsen.....	Oct. 14, 1954.....	do.....
137	Edgar Boeldt.....	do.....	do.....
138	Edgar Boeldt.....	do.....	do.....
139	Leonard Gabrielse.....	Oct. 19, 1954.....	do.....
140	William Schaefer.....	Oct. 11, 1954.....	Oct. 10, 1954.....
141	Vernon Teboe.....	do.....	do.....

Rocks hurled through 5 windows, damaging mirror and furniture.
Nonstriking employee's automobile scraped and finish scratched as he drove through picket line.
Fender and door of nonstriking employee's automobile scraped and scratched as he drove through picket line.
Right rear fender of nonstriking employee's car scratched to the metal as he drove through picket line.
Finish on nonstriking employees' automobile gouged with sharp instrument as it was parked at his home.
Tire on automobile of nonstriking employee punctured.
Nonstriking employee reports 3 punctures, caused by 3/4-inch tacks; 1 tire and tube ruined.
Tire on automobile of nonstriking employee punctured by 3 roofing nails.
Tire on car of nonstriking employee punctured by 2 carpet tacks.
Barrage of rocks broke 5 windowpanes in home of nonstriking employee; furniture in living and dining room damaged.
Tire on automobile of nonstriking employee slashed.
Tire on car of nonstriking employee punctured by new carpet tack.
Nonstriking employee reports 3 punctures caused by roofing nails.
Auto of nonstriking employee splashed with paint remover.
Dairy cow on farm operated by brother of nonstriking employee so horribly mutilated it had to be killed.
Corn chopper smashed by machine bolt tied to cornstalk on farm owned and operated by husband of nonstriking employee.
Automobile of nonstriking employee splashed with varnish remover as he drove to work through picket line; finish ruined.
Finish blistered on auto of nonstriking employee, apparently caused by varnish remover splashed on car.
Tire on nonstriker's car damaged by roofing nail.
Windows in home of nonstriker smashed by rocks; table broken by the missiles.
Entire left side of nonstriker's auto splashed with unknown liquid; finish spotted.
Dairy cow slashed on udder and body, apparently by razor blade daughter of owner has friend who is nonstriking employee.
Automobile splashed, finish blistered and chipped off.
Finish of nonstriker's auto blistered by liquid splashed on car.
Liquid splashed on auto of nonstriking employee ate away finish.
Paint remover splashed on auto of nonstriking employee; damaging finish.
Nonstriking employee reports automobile window smashed while parked in his yard.
Human excrement smeared on dashboard, steering wheel, and front seat of automobile of nonstriking employee.
Damage done to corn chopper on nonstriker's farm when large bolt passed into chopper while corn was being cut.
Entire left side of nonstriker's car squirted with liquid, apparently paint remover, which blistered finish.
Nonstriking employee's auto splashed with liquid which spotted finish

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
142	Lawrence Mullen.....	Oct. 13, 1954.....	Oct. 10, 1954.....	Home of nonstriking employee contaminated by ether.
143	Arno Sauter.....	do.....	Oct. 11, 1954.....	Rock thrown at home of nonstriker missed window but struck with such force that plates on plate rail in dining room were dislodged and broken. Garage window smashed by rock which dented chrome on auto.
144	Arno Sauter.....	Oct. 12, 1954.....	do.....	Window of automobile parked near home of nonstriker smashed, apparently case of mistaken identity.
145	Elmer Margenau.....	do.....	do.....	Automobile of nonstriking employee splashed with acid while driving through picket line, finish spotted and pitted.
146	Carl Gebhart.....	Oct. 13, 1954.....	do.....	Automobile of nonstriking employee splashed with acid at plant gate.
147	Harvey Schuette.....	do.....	do.....	Automobile of nonstriking employee squirted with liquid, apparently varnish remover at plant driveway. When victim attempted to wipe away liquid, paint came off.
148	Peter Gerhardt.....	do.....	do.....	Finish of automobile of nonstriking employee damaged by some liquid acid or paint remover when car was driven past pickets at northeast company gate.
149	Frederick Keseweder.....	do.....	do.....	Left side of automobile of nonstriking employee squirted with liquid which removed finish. Incident occurred at plant entranceway.
150	Gerald Butz.....	do.....	do.....	Right side of auto of nonstriking employee splashed with liquid which removed finish. Took place at company gate.
151	Roman Suttner.....	do.....	do.....	Acid or varnish remover sprayed on car of nonstriking employee as it entered company gate.
152	Gerhardt Otte.....	do.....	do.....	Entire right side of auto of nonstriking employee damaged by acid or paint remover as car passed through crowded picket line.
153	Albert Traute.....	do.....	do.....	Right side of auto of nonstriker damaged by acid at company gate.
154	Herbert Held.....	do.....	do.....	Automobile of nonstriker splashed with liquid which ate through the finish. Damage inflicted at company driveway.
155	Roland Schultz.....	do.....	do.....	Automobile of nonstriker splashed with substance which damaged finish. Car damaged at plant gate.
156	Elmer Grahl.....	do.....	Oct. 12, 1954.....	Light bulb filled with red paint thrown through window of nonstriking employee's home, damaging living-room furnishings.
157	William Leonhardt.....	Oct. 14, 1954.....	do.....	Auto of nonstriking employee splashed with liquid which spotted finish.
158	Hugo Sohre.....	do.....	do.....	Liquid splashed on auto of nonstriking employee, damaging finish.
159	George Henle.....	Oct. 13, 1954.....	do.....	Nonstriking employee's auto splashed with liquid which damaged finish.
160	Raymond Keller.....	do.....	do.....	Finish of auto owned by nonstriker damaged by acid or paint remover.
161	Theodore Hansmann.....	do.....	do.....	Nonstriker's auto spotted and pitted by liquid splashed on car.
162	Harold Lehmann.....	do.....	do.....	Nonstriker's car smeared with foreign substance which damaged finish.
163	Elmer Pantel.....	Oct. 15, 1954.....	do.....	Tacks hurled at auto of nonstriker driving through plant gates puncturing tire.
164	Willard Reinke.....	Oct. 16, 1954.....	do.....	Nonstriking employee's auto gouged and scratched.
165	Arthur Guenther.....	Oct. 14, 1954.....	Oct. 13, 1954.....	Tire on auto of nonstriking employee punctured by new carpet tacks.
166	Frederick Wegner.....	Oct. 16, 1954.....	do.....	Liquid squirted on auto of nonstriking employee, damaging finish of car.

167	Otto Vogt.....	Oct. 15, 1954.....	Oct. 15, 1954.....
168	John Elssesser.....	do.....	do.....
169	Gilbert Loersch.....	Oct. 16, 1954.....	do.....
170	August Miller and Mrs. August Miller.....	do.....	do.....
171	Roland Gilligan.....	Oct. 18, 1954.....	do.....
172	Mrs. Harold Oonk.....	Oct. 22, 1954.....	Oct. 16, 1954.....
173	Harvey Roerdink.....	Oct. 18, 1954.....	do.....
174	Leonard Gabrielse.....	Oct. 19, 1954.....	Oct. 18, 1954.....
175	Justin Strace.....	Oct. 25, 1954.....	Oct. 23, 1954.....
176	Mrs. Anthony Kaker.....	Oct. 26, 1954.....	Oct. 25, 1954.....
177	Reuben Buboltz.....	Oct. 28, 1954.....	Oct. 26, 1954.....
178	Randall Courtright.....	Nov. 3, 1954.....	Oct. 30, 1954.....
179	Wilmer and Dorothy Mentink.....	do.....	Oct. 31, 1954.....
180	Herbert Krentz.....	Nov. 4, 1954.....	Nov. 2, 1954.....
181	Jerome P. Block.....	do.....	Nov. 3, 1954.....
182	Arthur Burich.....	Nov. 24, 1954.....	Nov. 4, 1954.....
184	Harold Curtiss.....	Nov. 16, 1954.....	Nov. 5, 1954.....
185	Arno C. Kremin.....	Nov. 6, 1954.....	Nov. 6, 1954.....
186	Henry J. Matthias.....	do.....	do.....
187	Tom Rosandich.....	Nov. 15, 1954.....	do.....
188	George Sacher.....	Nov. 10, 1954.....	Nov. 10, 1954.....
189	George Behring.....	Nov. 11, 1954.....	do.....
190	Victor Thierfelder.....	Nov. 12, 1954.....	Nov. 12, 1954.....
191	Ernest C. Voelker.....	Nov. 13, 1954.....	do.....
192	Joseph Miller.....	do.....	do.....
193	Ottomar Zelle.....	do.....	do.....
194	Jacob Den Boer.....	do.....	do.....
195	Wilmer Mentink.....	Nov. 16, 1954.....	do.....
196	Harvey Walvoort.....	Nov. 15, 1954.....	Nov. 13, 1954.....
197	Gilbert Nelson.....	Nov. 16, 1954.....	do.....
198	Keith Grapentine.....	do.....	do.....
199	Theodore Stein.....	Nov. 15, 1954.....	do.....
200	Earl Radke.....	Nov. 17, 1954.....	do.....

Light-bulb "bomb" filled with liquid smashed against auto of non-striking employee, damaging finish.

Light-bulb "bomb" smashed against auto of nonstriker, damaging finish.

2 windows in home of nonstriking employee smashed by rocks.

Nonstriking employee and his wife assaulted, their tavern wrecked.

Porch screen and window at home of nonstriking employee smashed by rock.

Home of brother of nonstriker spattered with can of paint with cover off and 3 or 4 holes punches in side. Storm and inside windows smashed and damage done to drapes, rugs, and furniture.

Thermopane window at home of nonstriking employee smashed.

2 arms of 1 knifehead and 1 arm of another knifehead on corn chopper ruined when striking hidden machine bolts while harvesting corn on nonstriker's farm. Remainder of field searched and 2 more bolts found tied to stalks with binder twine.

Home of member of supervision at Kohler Co. spattered with 3 paint bombs.

Uniformed gateman at Kohler had home spattered with paint bombs.

10 windows in nonstriker's garage smashed by rocks.

Nonstriker's car scratched when entering plant.

Shotgun blast riddled windows in home of nonstriker.

Paint remover thrown against nonstriker's home.

4 paint bombs splattered against nonstriker's home, window broken, extensive damage to interior.

Slashed tire caused blowout on nonstriker's car as he drove to work.

7 roofing nails picked up in tire of nonstriker's automobile.

2 paint bombs smashed against nonstriker's home.

2 paint bombs thrown at nonstriker's home.

Foreign element poured into gas tank of nonstriker's car, causing damage to bearings and rings.

Bricks hurled through living-room windows of nonstriker's home.

Flaming torch thrown onto porch of nonstriker's home.

Paint bomb smashed against window of nonstriker's home.

Paint bomb hurled against Thermopane window and missile thrown through window, causing flying glass to hit nonstriker and wife.

Paint bomb smashed against nonstriker's home.

Home on nonstriker under construction target of paint bombs.

Present residence also paint-bombed.

2 paint bombs hurled against window and porch of nonstriker's house.

7 carpet tacks in tire on nonstriker's car caused flat. Tacks found scattered on road at entrance to company parking lot.

Heavy object hurled against side of nonstriker's car as he drove through plant gate.

Object thrown against rear fender of nonstriker's automobile as he entered company parking lot. 2 long upholstery nails found in flat tire.

Paint splashed on fender and door of nonstriker's automobile.

House of nonstriker splattered with paint.

Nonstriker reported 8 flat tires caused by roofing nails and tacks over period of several weeks.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
201	James A. Kretsch	Nov. 16, 1954	Nov. 14, 1954	Door of nonstriker's automobile scratched.
202	Harold Curtiss	do	Nov. 16, 1954	Roofing nails strewn in driveway of nonstriker with resultant flat tire.
203	Adolph Riehl	Nov. 17, 1954	do	Two tires on auto of nonstriking employee punctured by 5 upholstery tacks.
204	Max Wimmer	Nov. 16, 1954	do	2 glass jars hurled through windows of nonstriker's home.
205	Kenneth Baer	Nov. 18, 1954	do	Pointed piece of hardwood driven into tire of nonstriker's automobile causing flat tire.
206	John A. Olofson	Nov. 17, 1954	do	Automobile splashed with paint remover.
207	Wesley Williams	do	Nov. 16, 1954	Paint bomb shattered against nonstriker's automobile.
208	Clarence Zimmerman	Nov. 24, 1954	do	10 carpet tacks punctured 2 tires on nonstriker's car.
209	William Mueller	Dec. 3, 1954	Nov. 18, 1954	Solution poured into radiator of nonstriker's auto causing extensive damage.
210	Fred E. Hartmann	Jan. 3, 1955	Nov. 20, 1954	Tube and tire on nonstriker's car cut.
211	Wilbert E. Suhrke	Dec. 20, 1954 (no mention of foreign substance poured into crankcase).	Nov. 22, 1954	Foreign ingredient poured into crankcase of nonstriker's automobile necessitating replacement of engine. (See reference to Nos. 219 and 229 as reason for possible confusion in description. All 3 instances referred to in affidavit dated Dec. 20, 1954.)
212	Oscar Spieker	Nov. 24, 1954	do	Light bulbs filled with paint and with paint remover thrown against and into nonstriker's home; rugs, walls, and dinette splattered.
213	Mrs. Ole T. Pladson	Nov. 23, 1954	Nov. 23, 1954	3 paint bombs and rocks smashed against nonstriker's home; damage to living-room walls, rugs, floor, and furniture.
214	Edgar Barts	Dec. 2, 1954	do	Foreign substance poured into gas tank of nonstriker's auto
215	Max Wimmer	Nov. 30, 1954	Nov. 28, 1954	Jar filled with paint thrown through kitchen window of nonstriker's home.
216	Earl Reynolds	Dec. 1, 1954	Nov. 28, 1954	Nail driven into tire on nonstriker's auto.
217	LeRoy T. Reiter	Nov. 30, 1954, memo Dec. 11, 1954	Nov. 29, 1954	Paint bombs hurled against windows of nonstriker's home.
218	Emil Knorr	Dec. 4, 1954	Dec. 1, 1954	Upholstery tacks punctured tire on nonstriker's auto.
219	Wilbert E. Suhrke	Dec. 20, 1954	Dec. 2, 1954	Automobile engine of nonstriking employee sabotaged.
220	Phelix Blonien	Dec. 28, 1954	do	Tire of nonstriker's auto punctured by roofing nail.
221	Arno Sauter	do	do	Tire mutilated by upholstery tacks.
222	Emil Knorr	Dec. 4, 1954	Dec. 3, 1954	Tire on nonstriker's auto went flat in company parking lot after picking up roofing nail at plant gate.
223	Gilbert Schirmer	Dec. 8, 1954	do	2 tires on auto of nonstriker went flat after picking up roofing nails.
224	Thomas Knecht	Dec. 10, 1954	Dec. 4, 1954	Roofing nail punctured front tire of nonstriker's auto.
225	Harold Curtiss	Dec. 8, 1954	do	2 upholstery tacks picked up in tire of nonstriker's automobile as it was driven through southeast gate of company.
226	Louis Weber	Dec. 6, 1954	Dec. 5, 1954	Windows broken in home of nonstriker by pellets from an air gun.
227	Thomas Knecht	Dec. 12, 1954	Dec. 6, 1954	Tire on auto of nonstriker punctured by roofing nails.
228	LeRoy Wessel	Dec. 15, 1954	do	Tire on auto of nonstriker slashed.
229	Wilbert E. Suhrke	Dec. 20, 1954	Dec. 7, 1954	Foreign piece of metal forced into engine of nonstriker's automobile; piston broken, camshaft sprung, connecting rods warped and hole blasted through head of engine; engine had to be replaced.
230	Joseph A. Miller	Dec. 9, 1954	do	Light bulbs filled with red paint smashed against nonstriker's home.
231	Gotlieb Hense	Dec. 8, 1954	do	Paint bombs thrown against home of nonstriker.
232	Russell Bawden	Dec. 9, 1954	do	Paint bombs smashed against auto of nonstriker.

233	Lloyd C. Thompson	Dec. 8, 1954	Dec. 8, 1954
234	Emil Knorr	Dec. 24, 1954	Dec. 10, 1954
235	Arthur G. Bertz	do	Dec. 13, 1954
236	Daniel C. Murray	Dec. 28, 1954	Dec. 14, 1954
237	do	do	Dec. 15, 1954
238	Alfred Kluge	Jan. 29, 1955	Dec. 17, 1954
239	Emil Knorr	Dec. 21, 1954	do
240	Harold Curtiss	Dec. 18, 1954	do
241	Hugo Rautmann	do	do
242	Norman Glaser	Dec. 21, 1954	Dec. 18, 1954
243	Emil Knorr	do	Dec. 21, 1954
244	Frederick Kuehlmann	Dec. 24, 1954	do
245	Harold Fanslau	do	Dec. 22, 1954
246	Gilbert Arnhoelter	do	do
247	Herbert Krentz	Dec. 27, 1954 (signed by Mrs. Della Krentz).	do
248	do	do	Dec. 24, 1954
249	Gilbert Moede	Dec. 27, 1954	Dec. 25, 1954
250	Clifford Johnson	Jan. 18, 1955	do
251	Marvin Leys	Dec. 29, 1954	Dec. 26, 1954
252	William Bradford	Dec. 30, 1954	Dec. 29, 1954
253	Albert R. Maxey	Dec. 31, 1954	do
254	Paul Koeppler	Dec. 30, 1954	do
255	Peter Breu	Dec. 31, 1954	} do
	Mrs. Peter Breu	Dec. 30, 1954	
256	Fred Meifert	Jan. 4, 1955	Dec. 30, 1954
257	Elwin Taubenheim	Jan. 3, 1955	do
258	Wayne Kramer	do	do
259	Elmer Van Der Weele	Jan. 10, 1955	Dec. 31, 1954
260	John Lucynski	Jan. 4, 1955	Jan. 2, 1955
261	Elmer Marcheske	Jan. 31, 1955	do
262	Norman Prange	Jan. 4, 1955 and Jan. 5, 1955	Jan. 3, 1955
263	Otto Vogt	do	do
264	Dwight Van de Walker	Jan. 10, 1955	do
265	William Graefe, Jr.	Jan. 7, 1955	do
266	Mrs. Harriet Roeder	Jan. 10, 1955	do
267	John Roszak	Jan. 11, 1955	Jan. 4, 1955

Paint bombs smashed against nonstriker's automobile.
3 upholstery tacks and roofing nail caused flat on nonstriker's auto.
While nonstriker's car was stopped momentarily leaving the plant, picket smashed spotlight on car.
Tire on nonstriker's auto punctured by 2 tacks.
2 tacks punctured tire on nonstriker's auto.
Objects hurled at car of nonstriker as it entered plant, causing flat tire.
Tire on nonstriker's car went flat on way to work. Left car on high way near union strike kitchen and walked to work. Garagemen called to repair tire reported distributor cap and rotor missing and wires from distributor pulled out.
Window broken on nonstriker's car as it was driven through south-east entrance to plant.
Object smashed against window of nonstriker's auto as it was passing through southeast gate at the plant.
3 large windows in chicken coop of nonstriker shattered by rocks.
2 nails punctured tire on auto of nonstriker.
Tire on nonstriker's auto slashed and punctured.
Liquid splashed on fender and door of nonstriker's car, finish blistered.
Paint bombs thrown through windows of nonstriker's home splattered paint on carpet, walls, tables, furniture, Christmas presents. Missiles thrown against nonstriker's home, breaking windows.

Screw nuts hurled through garage window of nonstriker.
Cottage of nonstriker broken into and splashed with sulfuric acid, damaging furnishings; five boats, hunting decoys, fishing equipment, and outboard motors damage.
Tenpenny nail driven into tire on nonstriker's auto; keyhold to trunk compartment jammed, preventing access to spare tire.
Spare tire of nonstriker slashed and a second tire punctured by roofing nail which had been ground to a sharp point.
Windshield shattered on auto of nonstriker.
Paint bombs hurled against nonstriker's home, causing damage to tables, rug, chairs, and clothing.
2 paint bombs hurled against door of home of nonstriker.
{ Paint bomb hurled through window of nonstriker's home, spattering rug, chair, and davenport.
Nonstriker's automobile window shattered by pellets from BB-gun.
1/2-inch steel ball hurled through window of auto of nonstriker.
Steel bearing shot through living-room window of home of nonstriker.
Tire on nonstriker's automobile slashed.
Rock hurled through bedroom window of home of nonstriker.
Window in home of nonstriking employee smashed by missile.
Steel ball thrown through window of nonstriker's home.
Large Thermopane window in nonstriker's home smashed.
Tire on auto of nonstriker cut, causing flat.
Steel ball thrown through Thermopane window of nonstriker's home.
Object thrown against window of nonstriker's auto as it was being driven into plant; window cracked.
Large steel bearing shot through kitchen window of nonstriker's home.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

470

FINAL REPORT—LABOR-MANAGEMENT FIELD

No.	Name	Affidavit date	Date of incident	Description
268	Clarence Herman	Jan. 12, 1955	Jan. 4, 1955	Paint splattered on nonstriker's garage.
269	Lester Boeldt	Jan. 18, 1955	do.	Nails strewn in driveway of nonstriker's home.
270	Donald Gerlach	Jan. 5, 1955	Jan. 5, 1955	Trunk, door, fender, and top of nonstriker's car damaged by missiles as he drove by pickets on way to work.
271	Emmanuel Elesesser	Jan. 21, 1955	do.	Tire on nonstriker's auto slashed.
272	Wilfred G. Tank	Jan. 10, 1955	Jan. 6, 1955	Object hurled against nonstriker's auto as it was being driven through company gate, large dent in right door.
273	Walter Warnecke	Jan. 12, 1955	do.	Paint bombs thrown through windows of nonstriker's home, damaging walls, drapes, rugs, furniture.
274	Willard Johnston	Feb. 8, 1955	do.	Tire on auto of nonstriker cut as car left plant.
275	Edward Markwardt	Jan. 24, 1955	Jan. 7, 1955	Metal slug fired against side of nonstriker's home.
276	Richard Arpke	Jan. 20, 1955	Jan. 8, 1955	Tire on auto of nonstriker slashed.
277	Mrs. Elaine Knause	Jan. 24, 1955	Jan. 10, 1955	Oil filter on nonstriker's car cut loose.
278	Henry O. Polster	Jan. 17, 1955	Jan. 12, 1955	2 tires on car of nonstriker punctured by roofing nails.
279	Neal M. Schraeder	do.	do.	2 roofing nails punctured tire on nonstriker's auto.
280	Edward Markwardt	Jan. 24, 1955	do.	Object hurled against nonstriker's house.
281	David H. Matthias	Jan. 21, 1955	do.	5 aluminum roofing nails caused flat tire on nonstriker's auto.
282	Lloyd Wunsch	Jan. 18, 1955	Jan. 13, 1955	Roofing nails punctured tire on auto of nonstriker.
283	Merlyn Charles	Feb. 3, 1955	do.	Fan belt cut in auto of nonstriker.
284	Benedict J. Hansen	Jan. 19, 1955	Jan. 14, 1955	Nails punctured tire on auto of nonstriker.
285	Robert Schweitzer	do.	Jan. 15, 1955	Over 100 roofing nails scattered in driveway of nonstriker.
286	Guenther Voss	Jan. 17, 1955	Jan. 17, 1955	Missile shattered window of nonstriker's car as it entered road leading to northeast company gate.
287	Toby Gunderson	Jan. 1, 1955	Jan. 18, 1955	2 tires punctured on nonstriker's auto by roofing nails.
288	Clarence J. Heinen	do.	do.	Rock hurled through living-room window of nonstriker's home.
289	William Schraeder	do.	do.	2 rocks and paint bomb thrown through window of nonstriker's home, damaging drapes, floor, ceiling, rug.
290	Betty Gosse	do.	do.	2 light bulbs filled with purple dye hurled through window of nonstriker's home, damaging interior.
291	David H. Matthias	Jan. 21, 1955	do.	Roofing nails strewn in nonstriker's driveway.
292	Harold L. Hahn	Feb. 9, 1955	do.	Tire on auto of nonstriker slashed.
293	Clarence J. Heinen	Jan. 19, 1955	Jan. 19, 1955	Greenish liquid splattered against living-room window of nonstriker's home.
294	Willard Johnston	Feb. 8, 1955	do.	Roofing nails driven into tire of nonstriker's auto, causing flat.
295	Lorraine Payne	Jan. 24, 1955	Jan. 20, 1955	Air let out of tires on nonstriker's auto.
296	Anton Schnur	Jan. 21, 1955	do.	Window of nonstriker's home smashed.
297	Elwin Taubenheim	Jan. 24, 1955	Jan. 21, 1955	Car window of nonstriker's auto shattered by steel bearings.
298	Keith Grapentine	Jan. 25, 1955	do.	Nonstriker's auto paint bombed.
299	Richard and Doris Kohlhaugen	Jan. 22, 1955	do.	Missile hurled through window of nonstriker's home.
300	Alfred Kluge	Jan. 28, 1955	Jan. 22, 1955	Tire on nonstriker's auto punctured by 3 nails.
301	John Stockinger	Jan. 27, 1955	do.	Nonstriker's auto parked in front of home stoned, damaged.
302	Marvin J. Harder	Jan. 25, 1955	do.	Metal ball fired at nonstriker's home.
303	Harvey Erbstoesser	Jan. 27, 1955	do.	Windows in home of nonstriker smashed.
304	Kenneth Lavrenz	Jan. 29, 1955	do.	75 gallons of oil drained from oil drum of nonstriking employee.
305	Gordon McChain	Feb. 3, 1955	do.	Safety chain broken off and faucet forced on. Upholstery tacks driven into tire on nonstriker's auto.

306	Don Lee Koch	Feb. 2, 1955	do
307	Mrs. Marie Eslinger	Feb. 4, 1955	do
308	Lester Schuricht	Jan. 28, 1955	Jan. 23, 1955
309	Robert Hensel	Jan. 24, 1955	do
310	Phillip Schlessman	Feb. 3, 1955	Jan. 24, 1955
311	Elmer Marcheske	Jan. 31, 1955	Jan. 25, 1955
312	Alfred Kluge	Jan. 28, 1955	do
313	Eugene Stoeckigt	Feb. 3, 1955	do
314	Harvey Erbstoesser	Jan. 27, 1955	Jan. 26, 1955
315	Gilbert Arnhoelter	Jan. 28, 1955	do
316	Gordon McChain	Feb. 3, 1955	Jan. 27, 1955
317	John Lucynski	Jan. 28, 1955	do
318	Gustave Stockelbusch	Jan. 29, 1955	Jan. 29, 1955
319	Frank Lindsay	Jan. 31, 1955	Jan. 30, 1955
320	Robert Heling, Jr.	Feb. 3, 1955	do
321	Hilbert Dreps	Feb. 4, 1955	Jan. 31, 1955
322	Arlie Haupt	Feb. 3, 1955	do
323	Elmer Van Der Weele	Feb. 2, 1955	do
324	Robert Hoegger	Feb. 3, 1955	Feb. 1, 1955
325	William Bersch, Sr.	Feb. 2, 1955	do
326	Elmer Margenau	Feb. 4, 1955	Feb. 2, 1955
327	Willard Johnston	Feb. 8, 1955	Feb. 4, 1955
328	Frank Holub	Feb. 7, 1955 (Feb. 3, 1955, should be Feb. 4, 1955).	do
329	Randall Courtright, John Schleh, Lawrence Kurscheid.	Feb. 8, 1955	do
330	Mrs. Alfred Hartel	Statement Feb. 5, 1955	do
331	Mrs. Alphonse Sharenbrock	Feb. 5, 1955	do
332	Raymond Albright	Statement Feb. 5, 1955	do
333	Francis Dehr	Feb. 9, 1955	do
334	Frederick Herr	do	do
335	Edward Wesmer	Statement Feb. 5, 1955	do
336	Mrs. Fred Roseler	Statement Feb. 7, 1955	do
337	Mrs. Rita Lutzke	do	do
338	Duane Giebel	Feb. 21, 1955	Feb. 5, 1955
339	Harold L. Hahn	Feb. 9, 1955	Feb. 7, 1955
340	Arthur Hedstrom	do	Feb. 8, 1955
341	Justin R. Strace	Feb. 10, 1955	do
342	Anthony Kaker	do	do
343	John Lucynski	Feb. 5, 1955 (Feb. 9, 1955, should be Feb. 2, 1955).	Feb. 9, 1955
344	Mrs. Maudie Hartmann	Feb. 11, 1955	do
345	John Kohlhagen	Feb. 15, 1955	Feb. 10, 1955
346	Harvey Van Der Weele	do	Feb. 11, 1955
347	Elmer Van Der Weele	Feb. 25, 1955	do

Water poured into engine of nonstriker's automobile, causing extensive damage.

Tire slashed on auto of nonstriker.

Auto of nonstriker tampered with, necessitating repairs.

Paint bombs thrown against nonstriker's home.

Object hurled against car of nonstriker as it was driven through company gate, damaging finish.

Object hurled against side of nonstriker's auto, finish damaged.

Object hurled against nonstriker's car as it was driven by union soup kitchen, right fender damaged.

Aluminum roofing nails scattered in front of nonstriker's home.

Lead ball hurled through window of nonstriker's home.

Lead slug fired through window of nonstriker's home, causing interior damage.

Tire on auto of nonstriker punctured by upholstery tacks.

Beer bottle hurled at window of nonstriker's home.

Bottle hurled through dining-room window of nonstriker's home.

Object hurled through side of nonstriker's garage.

Flaming torch thrown at nonstriker's home.

About 75 roofing nails scattered in driveway of nonstriker.

Object hurled against car of nonstriker as it was entering plant gate.

Door forcibly sprung on auto of nonstriker.

Rock hurled through living-room window of nonstriker's home.

Window in home of nonstriker broken by pellets from BB gun.

Lead slug hurled through window of nonstriker's auto.

Car of nonstriker kicked and rocked by pickets when it stopped while leaving the plant gate, fender dented.

Air let out of tires of nonstriker's car.

Window shattered in nonstriker's car when object was hurtled against it as car was driven through picket line.

Paint bomb thrown against nonstriker's home.

Paint bomb thrown on roof of home.

3 paint bombs hurled against home of nonstriking employee.

Paint bombs smashed against nonstriker's home.

3 paint bombs hurled at nonstriker's home, window broken, interior damaged.

3 paint bombs smashed against nonstriker's home.

Paint bomb thrown on roof of nonstriker's home.

Paint bombs hurled against nonstriker's home.

Sand poured in crankcase of nonstriker's auto, ruining motor.

Tire of auto of nonstriker slashed.

Thermopane window in home of nonstriker broken.

Metal object hurled through Thermopane window of home of nonstriker.

Window in car of nonstriker smashed by missile.

Lead slug hurled through glass block near front door of nonstriker's home.

Thermopane window in home of nonstriker smashed.

Chunk of ice hurled through window of nonstriker's home.

Metal slug hurled at window of nonstriker's home.

Gears jammed on auto of nonstriking employee while parked in front of plant.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
348	Max Wimmer	Feb. 15, 1955	Feb. 15, 1955	Nonstriker's garage broken into and car painted and scratched.
349	Dwight Van de Walker	Feb. 18, 1955	do	Human excrement smeared on side of car.
350	Kenneth D. Theune	Feb. 25, 1955	Feb. 18, 1955	Alcohol with sugar poured into gas tank of auto of nonstriker, burning out the engine.
351	Dwight Van de Walker	do	Feb. 18, 1955	Tires and valve stems slashed on auto of nonstriker.
352	Elmer Van Der Weele	do	Feb. 21, 1955	Carburetor tampered with on auto of nonstriker.
53	Mrs. Agnes Pearce	do	do	Parts removed from nonstriker's automobile, battery sabotaged.
54	Norman Rautmann	Feb. 28, 1955	Feb. 22, 1955	Foreign substance poured into gas tank of nonstriker's auto, corroding piston walls and coating them with gummy substance.
355	Jack Burke	Correspondence from and to Burke.	do	Tire on car of nonstriker punctured when passing through picket line at plant entranceway.
356	Junior F. Wagener	Feb. 25, 1955	Feb. 24, 1955	Tire ruined by roofing nails in driveway.
357	Victor Sippel	Feb. 26 and 28, 1955	Feb. 25, 1955	Nonstriker's car damaged after running over logs placed on curve of icy road.
358	Lloyd G. Korb	Mar. 15, 1955	Feb. 28, 1955	Nonstriker's car dynamited, roof, fenders, and hood blown off, inside of car gutted, complete loss.
359	Vincent Polster	Mar. 4, 1955	Mar. 1, 1955	Tire cut on nonstriker's auto.
360	Henry Plautz	do	do	Trunk on nonstriker's auto dented.
361	Raymond Dederig	Mar. 8, 1955	Mar. 3, 1955	Nonstriker's car dynamited.
362	Phillip Lobes	Mar. 4, 1955	do	4 roofing nails punctured tire on nonstriker's auto.
363	Reuben Miller	Mar. 8, 1955	Mar. 6, 1955	Rock hurled through windshield of nonstriker's auto.
364	Charles J. Hein	do	Mar. 7, 1955	Machine shed of nonstriker dynamited.
365	Eugene Witkowski	Mar. 10, 1955	Mar. 10, 1955	Paint chipped off door of nonstriker's auto.
366	Clarence Hildebrand	Mar. 30, 1955	Mar. 12, 1955	Rocks hurled through windows of nonstriker's automobile.
367	LeRoy Reiter	Apr. 1, 1955	do	Paint bomb hurled against home of nonstriker.
368	Charles Noel, Jr.	Mar. 17, 1955	Mar. 13, 1955	Tire slashed on nonstriker's auto.
369	Albert Traute	Mar. 15, 1955	Mar. 14, 1955	Roofing nail punctured tire of nonstriker's auto.
370	Harry Froehlich	Mar. 17, 1955	Mar. 15, 1955	Piece of concrete hurled through Thermopane window of nonstriker's home.
371	James Holsen	do	do	Paint bomb hurled at nonstriker's home.
372	Alvin Suemlicht	Mar. 21, 1955	do	Nonstriker's automobile dynamited while parked in front of home.
373	James Elliott	Mar. 25, 1955	Mar. 19, 1955	Crankshaft and camshaft ruined and valve lifters burned out in auto of nonstriking employee necessitating replacement of motor.
374	Samuel A. Murphy	do	Mar. 20, 1955	Water hose cut and gasoline smashed in auto of nonstriker.
375	Eleanor Knolblauch	do	do	Rocks hurled through window of home of nonstriking employee.
376	LeRoy D. Wessel	do	do	3 tires slashed beyond repair on auto of nonstriker.
377	Peter Schurrer	Mar. 23, 1955	Mar. 21, 1955	Roofing nails scattered in the driveway of nonstriker.
378	Bernard M. Daane	Mar. 25, 1955	do	Tire on auto of nonstriker punctured by roofing nail driven into sidewall.
379	Orville A. Glass	Mar. 24, 1955	Mar. 23, 1955	2 shotgun blasts fired through Thermopane window of nonstriker's home smashing plaster on opposite wall.
380	Frederick Nack	Mar. 28, 1955	Mar. 24, 1955	7 roofing nails lodged in tire of nonstriker.
381	Arline Wunsch	Mar. 29, 1955	do	3 pickets attacked nonstriker's car as it was going into plant. Window smashed and car dented.
				Roofing nails punctured tire on nonstriker's auto.

382	John Elsesser.....	do.....	Mar. 26, 1955..
383	Clarence Hildebrand.....	Mar. 30, 1955.....	do.....
384	Eldon Voss.....	Mar. 31, 1955 (Mar. 28, 1955 should be Mar. 29, 1955).	Mar. 28, 1955..
385	Leo Zorn.....	Apr. 1, 1955.....	do.....
386	Eldon Voss.....	Mar. 31, 1955.....	Mar. 29, 1955..
387	John Stockinger.....	Apr. 1, 1955.....	Mar. 31, 1955..
388	Marvin Hein.....	Apr. 4, 1955.....	Apr. 4, 1955..
389	James Rickmeier.....	Apr. 6, 1955.....	do.....
390	Gilbert Charles.....	Apr. 5, 1955.....	do.....
391	Irving L. Bawden.....	Apr. 13, 1955.....	Apr. 5, 1955..
392	Fred Hammelman.....	Apr. 7, 1955.....	Apr. 6, 1955..
393	Carl E. Siegel.....	do.....	do.....
394	Raymond G. Blanchard.....	Apr. 15, 1955.....	do.....
395	Harry Froehlich.....	Apr. 9, 1955.....	Apr. 8, 1955..
396	Pius E. Reimbold.....	Apr. 11, 1955.....	Apr. 9, 1955..
397	Eugene Roe.....	Apr. 12, 1955.....	Apr. 10, 1955..
398	Vernon Hartman.....	do.....	do.....
399	Fred Yurk.....	Apr. 20, 1955.....	Apr. 12, 1955..
400	John Kraemer.....	Apr. 13, 1955.....	do.....
401	Clarence Burich.....	Apr. 19, 1955.....	Apr. 18, 1955..
402	Elwin Taubenheim.....	Apr. 22, 1955.....	Apr. 21, 1955..

Dynamite thrown at nonstriker's automobile, falling short and blasting hole in pavement. Force of explosion smashed 5 windows in home. Wife of nonstriker suffered punctured eardrum.
Paint and tar smeared on nonstriker's car.
2 tires punctured on auto of nonstriker.

Objects hurled against nonstriker's car as it was entering road to company parking lot, hood dented.
Tire slashed on nonstriker's auto. (Should be "punctured" not "slashed.")
Rock hurled through window of nonstriker's home, playing children showered with flying glass.
Yellow paint sprayed on left-hand side of car.
Nonstriker's car damaged while parked in street.
Paint bomb hurled through window of nonstriking employee.
Car finish damaged by acid.
2 paint bombs hurled at nonstriking employee's home and car.
Garage and auto of nonstriker splashed with paint.
2 tires on nonstriker's auto punctured by roofing nails.
Paint bomb thrown at nonstriker's home.
Rock thrown through living room window of home of nonstriker.
More than a pound of sand and clay placed in fuel tank of nonstriker's auto.
Brick thrown through living-room window of home of nonstriker.
Dynamite exploded under car of nonstriker, causing extensive damage.
Jagged rock hurled through livingroom window, hitting and injuring nonstriker.
Dynamite exploded under auto of nonstriker parked in front of his home; car a complete loss.
Nonstriker's car dynamited.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955

No.	Name	Affidavit date	Date of incident	Description
1-A	Hugo Rautmann	June 25, 1954	Sometime during week of May 30.	Word "scab" painted in red on sidewalk of home.
2-A	Robert Leuck	June 11, 1954	June 10, 1954	Cement forms for steps and sidewalk pulled out and strewn over lawn.
3-A	Andrew Kohlhausen	Sheboygan press article, June 29, 1954.	June 28, 1954	Red paint thrown on store of mayor of Sheboygan Falls.
4-A	Edward Gehrke	July 3, 1954	June 30, 1954	Stone hit house.
5-A	Marvin E. Birr	Aug. 19, 1953	Aug. 17, 1954	Car trunk scratched.
6-A	Roland James Gilligan	Oct. 18, 1954	Aug. 23, 1954	Garage windows broken by BB gun.
7-A	Kenneth Clark	Aug. 25, 1954	Aug. 24, 1954	Gravel thrown at car, northeast gate.
8-A	James Rickmeier	Aug. 27, 1954	do.	Do.
9-A	Charles Schumacher	Aug. 31, 1954	Aug. 30, 1954	Paraffin torch thrown in car.
10-A	Gaylord Sohn	Jan. 11, 1955	Sept. 2, 1954	Rock wrapped in strike bulletin thrown at home.
11-A	Mrs. Arden Luker (affiant had apartment above Kohlhausen's store).	Sept. 6, 1954	Sept. 6, 1954	Show window broken and appliances damaged in Mayor of Sheboygan Falls' store.
12-A	Gilbert Schirmer	Oct. 15, 1954	Sept. 10, 1954	Flat tire, new roofing nail.
13-A	Casmir Nighbor	Sept. 29, 1954	Sept. 25, 1954	Beer glasses thrown at home.
14-A	Gloria Poth	October 27, 1954	October 1, 1954	Flat tire, southeast gate, ¾-inch tacks.
15-A	John Klejunas	October 6, 1954	October 3, 1954	Car scratched and cut.
16-A	Wilbert E. Suhre	October 7, 1954	October 4, 1954	Car dented by rock and window broken.
17-A	Franklin H. Graumann	October 6, 1954	October 6, 1954	Acid thrown on car at home.
18-A	James Holsen	October 7, 1954	do.	Do.
19-A	William Leonhard	do.	do.	Car sprayed with substance.
20-A	Arthur F. Margenau	October 8, 1954	do.	Do.
21-A	Willard Roszak	October 6, 1954	do.	Substance thrown on car.
22-A	Edward C. Gehrke	October 7, 1954	October 7, 1954	Home paint bombed.
23-A	Raymond F. Schneider	October 8, 1954	do.	Acid squirted on car of nonstriker's sister.
24-A	Renatus E. Erbe	October 16, 1954	October 11, 1954	Car splashed with acid.
25-A	Reuben Poppenhausen	October 14, 1954	do.	Nails in driveway to northeast gate.
26-A	Warren Williams	October 15, 1954	do.	Substance sprayed on car at home.
27-A	Howard Van Ess	November 5, 1954	October 12, 1954	Flat tires, northeast gate, roofing nail.
28-A	Reuben Buboltz	October 23, 1954	October 24, 1954	Flowers in flower boxes pulled out.
29-A	Elmer Margenau	October 27, 1954	do.	Tire slashed causing blowout.
30-A	Gloria Poth	do.	October 25, 1954	Substance thrown at car, southeast gate.
31-A	Arthur Milbrath	October 28, 1954	October 23, 1954	Paint thrown on car, ½ pint.
32-A	Fred E. Hartman	Jan. 3, 1955	do.	Flat tire, northeast gate, upholstery tack.
33-A	Howard Van Ess	Nov. 5, 1954	Oct. 30, 1954	Flat tire, northeast gate.
34-A	Mike Brandt	Nov. 17, 1954	Nov. 10, 1954	Gravel thrown at car, northeast gate.
35-A	Milfert Roerdink	Nov. 16, 1954	Nov. 13, 1954	Gravel thrown at car, southeast gate.
36-A	Robert R. Schaefer	do.	do.	Flat tire, southeast gate, tacks.
37-A	Michael Duffek	Nov. 18, 1954	Nov. 15, 1954	Flat tire.
38-A	Walter Matuszewski	Jan. 4, 1955	Week of Nov. 15, 1954	Flat tire, northeast gate, headless roofing nail.
39-A	Arthur Glaubig	Nov. 18, 1954	Nov. 16, 1954	Flat tire, roofing nails.

40-A	do.	do.	Nov. 17, 1954.
41-A	Leroy Wessel.	Dec. 15, 1954.	Nov. 19, 1954.
42-A	Earl Reynolds.	Dec. 1, 1954.	Nov. 27, 1954.
43-A	do.	do.	Nov. 28, 1954.
44-A	do.	do.	Nov. 30, 1954.
45-A	Phelix Blonien.	Dec. 28, 1954.	do.
46-A	do.	do.	Dec. 4, 1954.
48-A	Phillip Schlessmann.	Dec. 17, 1954.	Dec. 7, 1954.
49-A	Arno Sauter.	Dec. 28, 1954.	do.
50-A	Reuben Poppenhagen.	Dec. 8, 1954.	do.
51-A	Daniel C. Murray.	Dec. 28, 1954.	Dec. 9, 1954.
52-A	Leroy Wessel.	Dec. 15, 1954.	Dec. 10, 1954.
53-A	Frederick Domke.	Dec. 28, 1954.	Dec. 11, 1954.
54-A	Norman J. Rautmann.	Feb. 28, 1955.	Dec. 15, 1954.
55-A	Arthur J. Hinks.	Dec. 28, 1954.	Dec. 19, 1954.
56-A	Fred Meifert.	Jan. 4, 1955.	Dec. 22, 1954.
57-A	Jerome Bersch.	do.	do.
58-A	Willard Van Ouwerkerk.	Dec. 31, 1954.	Dec. 23, 1954.
59-A	Clyde Roop.	Dec. 28, 1954.	Dec. 24, 1954.
60-A	Dwight Van De Walker.	Jan. 3, 1955.	Dec. 25, 1954.
61-A	Arthur J. Hinks.	Dec. 28, 1954.	do.
62-A	Herbert Krentz (signed by Mrs. Della Krentz).	Dec. 27, 1954.	do.
63-A	Dwight Van De Walker.	Jan. 3, 1955.	Dec. 28, 1954.
64-A	Jerome Bersch.	Jan. 4, 1955.	Dec. 29, 1954.
65-A	Dwight Van De Walker.	Jan. 10, 1955.	Dec. 31, 1954.
66-A	Gordon H. Mackle.	Apr. 29, 1954.	do.
67-A	Lester A. Boeldt.	Jan. 18, 1955.	Jan. 4, 1955.
68-A	Walter Heide.	do.	do.
69-A	Dwight Van De Walker.	Jan. 10, 1955.	do.
70-A	John Den Boer.	Jan. 24, 1955.	Jan. 5, 1955.
71-A	Gilbert W. Arnhoelter.	Jan. 17, 1955.	Jan. 6, 1955.
72-A	Paul Jacobi and Joseph Born.	Jan. 11, 1955 (page 2, par. 6).	do.
73-A	Walter Heide.	Jan. 18, 1955.	Jan. 7, 1955.
74-A	A. A. Stahl.	Jan. 11, 1955.	Jan. 8, 1955.
75-A	John Den Boer.	Jan. 24, 1955.	Jan. 11, 1955.
76-A	Paul Groh.	Jan. 19, 1955.	Jan. 12, 1955.
77-A	Toby Gunderson.	do.	do.
78-A	Earl D. Wiechman.	Jan. 20, 1955.	do.
79-A	Norman J. Rautmann.	Feb. 28, 1955.	do.
80-A	George Schmitz.	Jan. 18, 1955.	Jan. 13, 1955.
81-A	John Stockinger.	Jan. 27, 1955.	Jan. 14, 1955.
82-A	John Den Boer.	Jan. 24, 1955.	Jan. 17, 1955.
83-A	John Hrasky.	Jan. 21, 1955.	do.
84-A	Willard Johnston.	Feb. 8, 1955.	do.
85-A	Emmanuel Elsesser.	Jan. 21, 1955.	Jan. 18, 1955.
86-A	Benedict J. Hansen.	Jan. 19, 1955.	do.
87-A	Willard Johnston.	Feb. 8, 1955.	do.
88-A	Phillip F. Schlessmann.	Feb. 3, 1955.	do.

Flat tires, upholstery tacks in driveway to southeast gate.

Flat tire, upholstery tacks.

Flat tire.

Flat tire, finish nail.

Do.

Flat tire, aluminum nail.

133 roofing nails picked up by magnet on Kohler Co. truck at north east gate.

Flat tire, northeast gate, roofing nail.

Flat tire, tack.

128 roofing nails picked up by magnet on Kohler Co. truck at north-east gate.

Flat tire, tack and barb.

Flat tire, nails.

Aluminum roofing nail in tire.

Flat tire, roofing nail.

Flat tire, northeast gate, roofing nail.

Flat tire, roofing nail.

60 roofing nails found in driveway at home.

115 roofing nails found in driveway at home.

Bus window broken at southeast gate.

Flat tire, northeast gate, headless roofing nail.

Flat tire, northeast gate.

178 upholstery tacks found in driveway at home.

Flat tire, northeast gate, headless roofing nail.

68 roofing nails found on snow in driveway at home; more found as snow melted.

Flat tire, northeast gate, headless roofing nail.

Flat tire, Kohler Co. parking lot.

Flat tire, southeast and northeast gates, roofing nail.

48 aluminum nails found in driveway at home.

Nail in tire, northeast gate, tire blowout causing car to turn over.

Flat tire, northeast gate, roofing nail.

Nails found in driveway at home.

Rear view mirror of Peninsular Supply Co. truck broken by pickets as it was leaving Kohler Co. plant through main gate.

Aluminum roofing nails found in driveway at home.

Flat tire, northeast gate, roofing nail.

Do.

Flat tire, northeast gate, 2 roofing nails.

Flat tire, hole in tire.

118 aluminum roofing nails found in driveway at home.

Flat tire, roofing nail.

Flat tire, northeast gate, roofing nail.

Flat tire, roofing nail.

Do.

Do.

Do.

Flat tire, northeast gate, 2 roofing nails.

Flat tire, aluminum roofing nail.

Flat tire, roofing nail.

Do.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Con.

No.	Name	Affidavit date	Date of incident	Description
89-A	Willard Johnston	Feb. 8, 1955	Jan. 19, 1955	Flat tire, roofing nail
90-A	Gilbert Arnhoelter	Jan. 24, 1955	Jan. 20, 1955	Flat tire, northeast gate, nail.
91-A	Hilbert Dreps	Feb. 4, 1955	do	Flat tire, roofing nails.
92-A	John D. Konz	Feb. 5, 1955	do	Flat tire, roofing nail.
93-A	Keith Grapentine	Jan. 25, 1955	Jan. 21, 1955	Roofing nail in tire, no damage.
94-A	Ronald O. Krepisky	do	do	Flat tire, roofing nail.
95-A	Elden Slavens	Feb. 3, 1955	do	Flat tire, aluminum nail.
96-A	Gilbert H. Schill	Feb. 2, 1955	Jan. 22, 1955	Flat tire, roofing nail.
97-A	Eugene A. Stoeckigt	Feb. 3, 1955	Jan. 24, 1955	Aluminum roofing nail in tire, causing flat.
98-A	Harold Hembel	Jan. 27, 1955	Jan. 25, 1955	Right rear fender of car damaged by object at southeast gate.
99-A	Rowland Bergemann	Feb. 5, 1955	Jan. 26, 1955	Flat tire, northeast gate, finishing nail and roofing nail.
100-A	Mrs. LaVerne E. Sonnemann	Feb. 2, 1955	do	Flat tire, roofing nail.
101-A	Harold J. Lemkull	Feb. 7, 1955	Jan. 28, 1955	Flat tire, northeast gate, roofing nail.
102-A	Roman H. Schuessler	Feb. 1, 1955	do	Flat tire, northeast gate, nail.
103-A	Willard Johnston	Feb. 8, 1955	Jan. 30, 1955	Nails found in driveway at home.
104-A	Gordon F. McChain	Feb. 3, 1955	Jan. 31, 1955	Flat tire, nail.
105-A	Sylvester Schweitzer	do	do	Substance thrown at car, northeast gate.
106-A	John D. Konz	Feb. 5, 1955	Feb. 2, 1955	Flat tire, roofing nail.
107-A	Henry H. Tufts	do	do	Flat tire, northeast gate, roofing nails.
108-A	Harwood Slater	Feb. 10, 1955	Feb. 9, 1955	Roofing nails thrown in driveway at home.
109-A	Victor C. Nommweiler	Feb. 14, 1955	Feb. 11, 1955	Flat tire, northeast gate, roofing nail.
110-A	Oliver Ter Maat	Feb. 16, 1955	do	Cast slug hurled at window of home.
111-A	John Stockinger	Feb. 23, 1955	Feb. 17, 1955	43 roofing nails found in driveway at home.
112-A	Walter E. Marquardt	Mar. 3, 1955	do	Flat tire, roofing nail.
113-A	Fred Kirkpatrick	Feb. 25, 1955	Feb. 19, 1955	Do.
114-A	Fred Kloppenburg	Feb. 28, 1955	Feb. 20, 1955	Flat tire, northeast gate, roofing nail.
115-A	William Hoegger	do	Feb. 21, 1955	Flat tire, southeast gate, roofing nail.
116-A	Charles Noel, Jr.	Mar. 5, 1955	Feb. 23, 1955	Flat tire, northeast or southeast gates, roofing nail.
117-A	Harold J. Fanslau	Mar. 8, 1955	Feb. 25, 1955	Flat tire, northeast gate, roofing nail.
118-A	Renatus E. Erbe	Mar. 5, 1955	Mar. 1, 1955	Do.
119-A	Gordon McChain	do	Mar. 2, 1955	Flat tire, southeast gate, roofing nail.
120-A	Charles J. Hein	Mar. 8, 1955	Mar. 5, 1955	Flat tire, upholstery tack.
121-A	Harold F. Roeder	Mar. 11, 1955	do	Flat tire, 3 roofing nails.
122-A	Selvin Marsho	Mar. 19, 1955	do	Flat tire, 2 nails.
123-A	Charles Noel, Jr.	Mar. 17, 1955	Mar. 8, 1955	Flat tire, roofing nail.
124-A	Ervin A. Schmitz	Mar. 15, 1955	do	Slashed tire.
125-A	Harold Curtiss	do	Mar. 10, 1955	Flat tire, southeast gate, headless tack.
126-A	John J. Horst	Mar. 22, 1955	do	Roofing nails found in driveway at home.
127-A	Harold Curtiss	Mar. 15, 1955	Mar. 14, 1955	Flat tire, southeast gate, roofing nail.
128-A	LeRoy D. Wessel	Mar. 25, 1955	Mar. 22, 1955	Flat tire, southeast gate, 3/4-inch nail.
129-A	Orville A. Gilpin	June 3, 1955	do	Flat tire, northeast gate, 3 roofing nails.
130-A	Cyril J. Wilberscheid	Apr. 4, 1955	Apr. 1, 1955	2 roofing nails in punctureproof tire; roofing nails found in driveway at home.
131-A	Norman Martin	Apr. 5, 1955	do	Flat tire, 1-inch nail.
132-A	Frederick Domke	Apr. 19, 1955	do	Flat tire, northeast gate, roofing nail.
133-A	Leslie Pike	July 8, 1955	Apr. 7, 1955	Aerial broken on car and fender skirts removed.

134-A	Adolph Riehl	Apr. 15, 1955
135-A	Victor F. Ralnaitis	Apr. 13, 1955
136-A	Herman Grams	Apr. 14, 1955
137-A	Frederick Domke	Apr. 19, 1955
138-A	Adolph Riehl	Apr. 15, 1955
139-A	Arle Haupt	Apr. 15, 1955
140-A	Roman Steinbruecker	Apr. 15, 1955
141-A	Alvin Suemnicht	Apr. 19, 1955
142-A	Helmuth R. Zutz	Apr. 26, 1955
143-A	Alfred W. Baumann	do
144-A	Rowland Bergeman	May 2, 1955
145-A	Chester A. Hermann	Apr. 23, 1955
146-A	Gordon H. Mackle	Apr. 29, 1955
147-A	Albert Bassler	do
148-A	George A. Leonhardt	do
149-A	Marvin R. Claus	Jan. 25, 1956
150-A	Walter Born	May 2, 1955
151-A	Arthur E. Fink	May 5, 1955
152-A	Otto Henning	May 10, 1955
153-A	Arthur Hertensteiner	May 20, 1955
154-A	Robert W. Arndt	May 18, 1955
155-A	George A. Leonhardt	May 17, 1955
156-A	Murray Lindsay	do
157-A	Gilbert Schirmer	May 21, 1955
158-A	Clement B. Schoenborn, Sr.	May 27, 1955
159-A	Clement B. Schoenborn, Sr.	do
160-A	Donald Gregoire	do
161-A	Victor H. Scheele	June 3, 1955
162-A	Janet Henkel	June 2, 1955
163-A	Orville A. Gilpin	June 3, 1955
164-A	Elmer Van Der Weele	June 8, 1955
165-A	Harold E. Konkel	June 15, 1955
166-A	do	do
167-A	William Sidebotham	June 20, 1955
168-A	Richard Gries	July 1, 1955
169-A	Harold Curtiss	June 27, 1955
170-A	Norman Kurtz	June 29, 1955
171-A	William Meulbrock	June 30, 1955
172-A	Marvin J. Harder	July 26, 1955
173-A	John Elsesser	July 8, 1955, statement
174-A	James Holsen	July 8, 1955
175-A	do	do
176-A	Paul Jacobi, Joseph Born, and Gerard A. Desmond	July 6, 1955
177-A	Peter Buteyn	July 28, 1955

Apr. 9, 1955.....	Flat tire, southeast gate, oversize tack with ½-inch head.
Apr. 11, 1955.....	Flat tire, oversize tack; 10 flats not reported.
do.....	Lead pellets hit house.
Apr. 12, 1955.....	Flat tire, northeast gate, roofing nail.
Apr. 13, 1955.....	Flat tire, southeast gate, oversize tack with ½-inch head.
do.....	4½ pounds of roofing nails found in driveway at home.
Apr. 14, 1955.....	Flat tire, northeast gate, roofing nail.
do.....	Flat tire, 6-penny nails; ½ pound of 6-penny nails found in driveway at home.
Apr. 21, 1955.....	Tire cut causing blowout.
Apr. 24, 1955.....	Substance thrown on car.
Apr. 25, 1955.....	Tires cut by sharp instrument.
do.....	Shingle nails found in driveway at home.
Apr. 25, 1955.....	25 nails found in driveway at home.
Apr. 26, 1955.....	Glass jar of bluish waxy substance thrown through window, damaging interior of home.
Apr. 27, 1955.....	Car scratched on city street.
Sometime in March or April of 1955.	Car shot at with slingshot at southeast gate.
May 2, 1955.....	Car windows smashed by pickets at southeast gate.
May 3, 1955.....	Flat tire, 2 roofing nails.
May 7, 1955.....	Flowers, shrubs, and plants trampled on, cut and damaged.
May 9, 1955.....	Flat tire, nail driven into outside cleat of tire.
May 12, 1955.....	Flat tire, northeast gate, roofing nail.
May 13, 1955.....	Car scratched while parked in Sheboygan.
do.....	Flat tire, southeast gate, chair glider nail.
do.....	Tire cut.
May 15, 1955.....	Flat tire, northeast gate, 2 nails.
May 16, 1955.....	Sand in motor of car.
May 24, 1955.....	Substance (kerosene or distillate) in oil and on outside of motor of car.
May 25, 1955.....	Acid thrown on car.
May 27, 1955.....	Sugar in gas tank.
June 1, 1955.....	Flat tire, 2 rusty nails.
June 4, 1955.....	Flat tire, circular driveway in front of main office, 6 new roofing nails driven into tire.
June 10, 1955.....	Horn taken from car; also part of battery holder.
June 13, 1955.....	Flat tire caused by hole in tire.
June 17, 1955.....	Tires cut (slit 6 to 8 inches long).
June 19, 1955.....	Sun visor on car damaged by pickets at northeast gate.
June 22, 1955.....	Car dented by pickets at southeast gate.
June 25, 1955.....	Car dented by pickets at northeast gate.
June 28, 1955.....	Living room windows in home broken by a half brick and a rock.
July 2, 1955.....	Sugar in gas tank of nonstriker's father-in-law's car.
July 5, 1955.....	Car window broken near clay dock area.
do.....	Windows smashed in home across from clay docks.
do.....	Car extensively damaged in front of home across from clay docks.
do.....	Kohler Co. station wagon window smashed by pickets during riot at clay dock.
do.....	Nonemployee contractor attempting to perform contract for Kohler Co. Damage to contractor's truck during riot at clay dock.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Con.

No.	Name	Affidavit date	Date of incident	Description
178-A	Leroy Wessel	July 8, 1955	July 5, 1955	Car widown broken and body of car scratched near clay docks.
179-A	Gilbert Charles	July 7, 1955	July 6, 1955	Living room window in home broken by rock, size of golf ball.
180-A	Leslie Pike	July 8, 1955	do	Substance thrown on car at northeast gate.
181-A	Lloyd A. Sargent	do	do	Car dented by pickets at northeast gate.
182-A	Mrs. Dorothy Widder	do	do	Car dented by bottle thrown by pickets.
183-A	Donald W. Zimmerman	do	do	Window broken and antenna of car torn off by pickets at northeast gate.
184-A	Robert Hensel	July 29, 1955	July 9, 1955; July 11, 1955	Home splattered with creosote; flowers, rose bushes, and lawn ruined by liquid substance (creosote).
185-A	Kenneth Perronne	July 13, 1955	July 9, 1955	Car scratched and window smashed at picnic.
186-A	Marvin J. Harder	Aug. 1, 1955	July 10, 1955	Dent in wood on house, probably caused by stone.
187-A	G. A. Desmond (statement re Carl Yerkman July 22, 1955).		July 12, 1955	Paint thrown on nonstriker's home.
88-A	Herbert E. Kreutzinger	July 21, 1955	July 14, 1955	2 flat tires, southeast gate, roofing nails.
89-A	Frederick Brandt	July 15, 1955	July 15, 1955	Home hit with paint brush.
90-A	John P. Molitor, Jr.	July 20, 1955	July 16, 1955	Acid splattered on car.
91-A	Wilmer Stokdyk	Aug. 1, 1955	do	Asbestos siding of home broken by object.
92-A	Ernest C. Fischer	July 21, 1955	July 17, 1955	Car aerial broken and strike stickers placed on windshield.
93-A	Richard Hoffmann	Aug. 1, 1955	July 18, 1955	Car window shattered on city street.
94-A	Elmer Margenau	July 23, 1955	July 21, 1955	Large rock thrown at car, chipping plant.
95-A	Olga Stopinski	July 26, 1955	do	Spark plugs removed from car.
96-A	Mayme Fahl	July 25, 1955	July 22, 1955	Car window shattered at tavern.
97-A	Wilmer Stokdyk	Aug. 1, 1955	July 23, 1955	Stone thrown through porch screen and hole in siding of house.
98-A	Mrs. Orlando Olsen	July 29, 1955	July 25, 1955	Distributor wires tampered with.
99-A	Marvin J. Harder	Aug. 1, 1955	July 28, 1955	Dent in edge of window casing of home caused by lead slug.
00-A	Mrs. LaVerne Sonnemann	Aug. 17, 1955	do	Sand in oil of car.
01-A	Casmir J. Nighbor	Aug. 1, 1955	July 29, 1955	Flat tire.
02-A	Dwight Van De Walker	Aug. 4, 1955	do	Flat tire, 2 roofing nails.
03-A	Norbert Klapperich	Aug. 5, 1955	Aug. 1, 1955	Oil drained out of car transmission.
204-A	Dwight Van De Walker	Aug. 4, 1955	Aug. 2, 1955	Flat tire, northeast gate, 2 finishing nails, 1 inch long.
205-A	Donald R. Schilling	Aug. 9, 1955	Aug. 5, 1955	Car body dented as object hit car in front of home across the street from northeast gate.
206-A	John Elssesser	Aug. 12, 1955	Aug. 9, 1955	Bedroom window of home broken by ball bearing.
207-A	Norman Howe	Aug. 17, 1955	do	Store window broken in employee's store.
208-A	Oliver Ter Maat	Aug. 10, 1955	Aug. 9, 1955	Window in home broken by stone.
209-A	Harold A. Leflin	Aug. 17, 1955	Aug. 12, 1955	Pottery urn in yard smashed.
210-A	Victor W. Thierfelder	do	do	Nail in tractor tire.
211-A	G. A. Desmond (memo, Aug. 18, 1955, re Joseph Schinabeck).		Aug. 13, 1955	Home of Scheffler driver hauling Kohler products paint bombed.
212-A	Peter Schurrer	Sept. 20, 1955	do	Exhaust on car filled with rags causing air cleaner and muffler to blow apart; lock on car door jimmied.
213-A	William R. Zimmermann	Aug. 17, 1955	Aug. 14, 1955	Cement blocks knocked out of new home under construction.
214-A	Vernon P. Hartman	Aug. 16, 1955	do	Thermopane window in home broken by marble.
215-A	Lu Giefer	Sept. 15, 1955	Aug. 15, 1955	Living room window in home broken.

216-A	Arthur Butzen	Statement, Aug. 23, 1955	Aug. 16, 1955
217-A	Frederick A. Mueller	Statement, Aug. 20, 1955	do
218-A	Henry Otte	Aug. 19, 1955	Aug. 17, 1955
219-A	L. E. O'Neill, memo, Sept. 29, 1955 (re Matt Hauch, Mrs. Matt Hauch)	Statement, Sept. 29, 1955	Aug. 19, 1955
220-A	Vernon P. Hartman	Aug. 30, 1955	Aug. 23, 1955
221-A	Donald C. Pickruhn	do	Aug. 25, 1955
222-A	Herbert C. Held	Sept. 1, 1955	Aug. 29, 1955
223-A	William Gier	do	Aug. 30, 1955
224-A	Rita A. Lutzke	Statement, Sept. 6, 1955	Sept. 1, 1955
225-A	Donald Becker (Sept. 15, 1955, analysis by chemists)	Sept. 8, 1955	Sept. 4, 1955
226-A	Selmer Spitzer	Sept. 16, 1955	Sept. 7, 1955
227-A	do	do	Sept. 8, 1955
228-A	Harry Steffes	Oct. 11, 1955	Sept. 9, 1955
229-A	Elmer A. Temme	Nov. 2, 1955	Sept. 18, 1955
230-A	William Diehlman	Jan. 27, 1956	Sept. 19, 1955
231-A	Henry Richter, Jr.	Sept. 26, 1955	Sept. 20, 1955
232-A	Emil F. Knorr	Sept. 27, 1955	Sept. 21, 1955
233-A	Heinz O. Haase	Sept. 26, 1955	Sept. 22, 1955
234-A	Kenneth R. Cook	Oct. 11, 1955	do
235-A	George Krizesesky	do	Sept. 24, 1955
236-A	Norman Jaeckels	do	Sept. 25, 1955
237-A	Millard J. Graf	Sept. 27, 1955	Sept. 26, 1955
238-A	Norman Jaeckels	Oct. 11, 1955	do
239-A	Henry J. Franzen	Oct. 17, 1955	Oct. 1, 1955
240-A	Pius Reinhold	Oct. 4, 1955	Oct. 2, 1955
241-A	George Zasada	Statement Oct. 5, 1955	Oct. 4, 1955
242-A	Margaret C. Savinski	Oct. 7, 1955	Oct. 7, 1955
243-A	Donald Miller	Oct. 24, 1955	Oct. 8, 1955
244-A	John Yancey	Oct. 15, 1955	Oct. 11, 1955
245-A	do	do	Oct. 13, 1955
246-A	Elden Slavens	Oct. 20, 1955	Oct. 15, 1955
247-A	Vyra Wentz	do	Oct. 16, 1955
248-A	Kenneth H. Hecker	Nov. 1, 1955	Oct. 17, 1955
249-A	Clarence E. Miller	Oct. 25, 1955	do
250-A	Harold F. Roeder	Nov. 2, 1955	Oct. 18, 1955
251-A	Kenneth H. Hecker	Nov. 1, 1955	Oct. 19, 1955
252-A	Harold F. Roeder	Nov. 2, 1955	do
253-A	Carl Kummer	Oct. 24, 1955	do
254-A	Emil F. Knorr	do	do
255-A	William G. Schaefer	Oct. 25, 1955	do
256-A	Frederick Schilling	Oct. 26, 1955	do
257-A	Walter Warnecke	Oct. 24, 1955	Oct. 21, 1955
258-A	John Kraemer	Nov. 3, 1955	Oct. 26, 1955
259-A	Kenneth H. Hecker	Nov. 1, 1955	Oct. 29, 1955
260-A	Malvin Helling	Nov. 3, 1955	Oct. 30, 1955
261-A	do	do	Oct. 31, 1955

Scheffler truckdriver hauling Kohler products believes he was shot at.
Do.

Jars of paint hit home of nonstriker, damaging interior.
Sugar in gas tank of jeep belonging to father of former employee.

Thermopane window in home broken by brick.
Sugra in oil pan; motor in car damaged.
Nonstriker's home splattered with paint.
Thermopane window in home broken by steel ball.
Damage to husband's excavating equipment.
Motor in car damaged by foreign substance.

Car dented at southeast gate.
Cart dented and scratched by pickets at southeast gate.
Corn chopper damaged by unknown object.
Car window cracked, northeast gate.
Flat tire, roofing nail.
Grass fire started on employee's farm.
Flat tire, southeast gate, roofing nail.
2 flat tires, southeast gate, roofing nails.
Word "scab" printed on landlord's fresh cement porch.
Car smeared with paint.
Flat tires, southeast gate, roofing nails.
Pickets broke car window at northeast gate.
Flat tire, southeast gate.
Car tires cut (3- to 4-inch cut).
Thermopane window in home broken by piece of concrete, size of grapefruit.
Windows and interior of home damaged by paint bombs; wife injured by flying glass.
Car window broken by pickets at southeast gate.
Water and sugar syrup in gas; car motor damaged. (Nov. 10, 1955, chemical analysis.)
Nails in tire after passing through southeast gate.
Do.

Slug imbedded in window sash of home.
Sugar in gas tank of car.
Flat tire, southeast gate, roofing nails.
Sugar in gas tank of car; motor damaged.
Flat tire, southeast gate, roofing nail.
Flat tire, southeast gate, 2 roofing nails.
3 flat tires, southeast gate, roofing nails.
Deep scratches on body of car.
Flat tire, southeast gate, roofing nail.
Flat tire after passing through southeast gate, roofing nails.
Flat tires after passing through southeast gate, roofing nails.
Word "scab" painted on front door of nonstriker's home.
Bedroom window and storm window of home broken by steel ball bearing.
Flat tire, roofing nails.
Nails found in driveway; has had many flat tires.
Substance like ink splattered over front porch, steps, and siding of father's house.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Con

No.	Name	Affidavit date	Date of incident	Description
262-A	Frank Plocar	Nov. 7, 1955	Nov. 3, 1955	Thermopane window in home broken by rocks.
263-A	Mrs. Frances Baar	Nov. 10, 1955	Nov. 4, 1955	4-inch welding iron in tire.
264-A	Albert Bassler	Nov. 7, 1955	do	Bedroom window and storm window of home broken by rock.
265-A	Donald R. Kroening	Nov. 10, 1955	do	Tires cut (1-inch long cut).
266-A	Walter Rammig	do	do	Thermopane window broken by stone and pop bottle.
267-A	Adolph Riehl	Nov. 16, 1955	do	Flat tire, southeast gate, roofing nail.
268-A	Harold L. Seibold	Nov. 10, 1955	do	Farm machinery at father's store damaged.
269-A	Justin Strace	Nov. 7, 1955	do	Thermopane window in home broken by ball bearing.
270-A	Gilbert Charles	Nov. 18, 1955	Nov. 5, 1955	Flat tire, upholstery tack.
271-A	Richard Fink	Nov. 10, 1955	do	Sugar in motor of car; motor ruined.
272-A	Mrs. Gloria Jean Krening	do	Nov. 8, 1955	3 milk bottles thrown against front of house.
273-A	Anthony F. Kaker	Nov. 25, 1955	Nov. 9, 1955	Window and storm window in home broken by steel ball bearing.
274-A	Adolph Riehl	Nov. 16, 1955	Nov. 11, 1955	Flat tire, southeast gate, roofing nail.
275-A	Gilbert Charles	Nov. 18, 1955	Nov. 14, 1955	Paint in glass container thrown through windows of home, damaging interior.
276-A	Walter H. Soumes	Nov. 15, 1955	Nov. 15, 1955	Flat tire, southeast gate, roofing nail.
277-A	Norman Howe	Nov. 28, 1955	Nov. 16, 1955	Employee's store windows broken by steel ball bearing.
278-A	Henry H. Tufts	Nov. 23, 1955	do	Flat tire, southeast gate, roofing nail.
279-A	George A. Klemp	Dec. 12, 1955	Nov. 18, 1955	2-inch cut in tread of tire.
280-A	Gordon McChain	do	Nov. 19, 1955	2 flat tires, northeast gate, roofing nails.
281-A	Roman H. Schuessler	Nov. 22, 1955	do	Flat tire, southeast gate, spike.
282-A	Philip Saunders	Dec. 1, 1955	Nov. 23, 1955	Sugar in gas, damage to motor of car.
283-A	Willard G. Roethel	Nov. 30, 1955	Nov. 25, 1955	Tire cut.
284-A	Gordon McChain	Dec. 12, 1955	Nov. 28, 1955	Flat tire, northeast gate, roofing nail.
285-A	Walter H. Soumis	do	do	2-inch roofing nail driven into sidewall of tire.
286-A	John Kraemer	do	Nov. 29, 1955	2 holes, size of lead pencil, in living room storm window.
287-A	Waldemar Gregor	do	Nov. 30, 1955	Window of car shattered in front of strike soup kitchen.
288-A	Melvin J. Van Der Weele	Dec. 22, 1955	Dec. 3, 1955	Flat tire, southeast gate, roofing nail.
289-A	do	do	Dec. 7, 1955	2 flat tires, northeast gate, nails.
290-A	Harold Curtiss	Dec. 12, 1955	Dec. 8, 1955	Large surface of thermopane window in home pitted by metal pellets; 16 small holes in dining room storm window.
291-A	David J. Schroeder	Dec. 16, 1955	Dec. 10, 1955	Ignition and wiring torn out of car, aerial torn off, air let out of tires.
292-A	Thomas Wagner	Dec. 19, 1955	Dec. 13, 1955	Home of nonstriker shot at; lead pellets imbedded in front storm door and porch post.
293-A	Henry Tufts	do	Dec. 16, 1955	Car window shattered, southeast gate.
294-A	Harry Steffes	Dec. 30, 1955	Dec. 17, 1955	Foreign substance in oil; car motor ruined.
295-A	Raymond S. Kelmar	do	Dec. 22, 1955	Hole about size of bullet in car window.
296-A	LeRoy Taylor	Dec. 29, 1955	do	Scheffler truck damaged (common carrier loaded with Kohler Co. products). Tires blew out on return trip.
297-A	John Elsesser	Dec. 30, 1955	Dec. 23, 1955	Paint jar hurled through windows of nonstriker's home, damaging interior.
298-A	Ervin A. Schmitz	Jan. 4, 1956	Dec. 24, 1955	Oil drained out of crankcase of car.
299-A	Dwight R. Van De Walker	do	Dec. 28, 1955	Car fender dented by pickets at southeast gate.
300-A	Marvin E. Johanning	Dec. 29, 1955	do	Kohler Co. coal truck windows shattered by strikers.
301-A	Armin F. Neuhaus	Jan. 4, 1956	Dec. 29, 1955	Flat tire, northeast gate, roofing nail.
302-A	Marvin J. Harder	do	Dec. 31, 1955	Car windows shattered.

303-A	Vernon Hartman.....	Jan. 5, 1956.....	Jan. 3, 1956.....
304-A	Kenneth Kerber.....	Jan. 11, 1956.....	do.....
305-A	Harold Brandt.....	Jan. 5, 1956.....	Jan. 4, 1956.....
306-A	Charles Hein.....	do.....	do.....
307-A	Robert Anderson.....	Jan. 18, 1956.....	Jan. 7, 1956.....
308-A	Leo Behrens.....	Jan. 11, 1956.....	do.....
309-A	G. A. Desmond (memo Jan. 7, 1956, re: Claude Dault).....		Jan. 7, 1956.....
310-A	John Kraemer.....	Jan. 14, 1956.....	Jan. 9, 1956.....
311-A	Raymond Phippen.....	Jan. 18, 1956.....	do.....
312-A	Gilbert Charles.....	Jan. 11, 1956.....	Jan. 10, 1956.....
313-A	Herbert Held.....	Jan. 20, 1956.....	Jan. 12, 1956.....
314-A	Raymond Phippen.....	Jan. 18, 1956.....	do.....
315-A	Oliver Ter Maat.....	Jan. 16, 1956.....	Jan. 13, 1956.....
316-A	Lloyd Thompson.....	Jan. 14, 1956.....	do.....
317-A	Phillip Schneider.....	Jan. 18, 1956.....	Jan. 15, 1956, and J. 1956.....
318-A	Francis J. Drollinger.....	do.....	Jan. 17, 1956.....
319-A	Reuben Poppenhagen.....	Jan. 25, 1956.....	Jan. 18, 1956.....
320-A	Wesley Williams.....	Jan. 23, 1956.....	Jan. 19, 1956.....
321-A	Delano Dohr.....	Jan. 25, 1956.....	Jan. 21, 1956.....
322-A	Albert Miesner.....	Jan. 26, 1956.....	do.....
323-A	Armin Neuhaus.....	Jan. 27, 1956.....	do.....
324-A	Edwin Doersch.....	do.....	Jan. 23, 1956.....
325-A	Norbert G. Fleisner.....	Jan. 25, 1956.....	do.....
326-A	Edward Markwardt.....	do.....	do.....
327-A	Alice B. Schwandt.....	Jan. 27, 1956.....	Jan. 24, 1956.....
328-A	Melroy Stiebs (Mayme Fabl, memo, June 11, 1956, to G. A. Desmond).....	Jan. 31, 1956.....	do.....
329-A	William Diehlman.....	Jan. 27, 1956.....	Jan. 25, 1956.....
330-A	Leland Stokdyk.....	do.....	do.....
331-A	Robert E. Woods.....	Feb. 1, 1956.....	do.....
332-A	Albert Bassler.....	Jan. 31, 1956.....	Jan. 27, 1956.....
333-A	G. A. Desmond (memo 1-31-56 re: Ben Zantow).....		do.....
334-A	William Gier.....	Feb. 7, 1956.....	do.....
335-A	Willis Knocke.....	Jan. 31, 1956.....	do.....
336-A	Leonard Kujawa.....	Feb. 2, 1956.....	do.....
337-A	Frank Lindsay.....	Feb. 1, 1956.....	do.....
338-A	Willard Clevers.....	do.....	Jan. 28, 1956.....
339-A	Edgar J. Conrad.....	Jan. 31, 1956.....	do.....
340-A	Jacob Den Boer.....	do.....	do.....
341-A	Daniel Murray.....	do.....	do.....
342-A	John Roszak.....	do.....	do.....
343-A	Joseph Born.....	do.....	Jan. 29, 1956.....

Window and storm window in home broken by a half brick; damage to interior of home.
2 flat tires, southeast gate, roofing nails.
Car windows broken and car body dented.
Car window shattered at home.
Car window cracked at southeast gate.
Thermopane window in home broken by rock, damaging interior.
Thermopane window in home broken by large rock.

Asbestos shingle on house broken by steel ball.
Porch window in home broken by marbles.
Living room window and storm window in home broken by steel ball.
Thermopane window and sun porch window in home broken by rocks, damaging interior.
3 windows and storm windows in home broken by rocks the size of grapefruits.
Living room window in home broken by half a brick.
Car windows and headlights smashed while car was parked in front of home.
Employee's pigs poisoned, 1 dead; 3 additional pigs dead from poison.

Car window cracked at southeast gate.
Window of Kohler Co. truck broken by pickets at northeast gate.
Car fender dented at home.
Car scratched.
Car dented right side, northeast gate.
Grease smeared on car and chrome strip bent by pickets at northeast gate.
2 flat tires, northeast gate, roofing nails.
Flat tire, northeast gate, roofing nail.
Windows of nonstriker's home shot at and damaged.
Flat tire, 3 roofing nails, northeast gate.
Sugar in motor of car.

Flat tire, roofing nail.
Flat tire, 2-inch roofing nail.
Flat tire, northeast gate, roofing nail.
Dining room window and storm window in home broken by slug.
Deep dent in porch pillar of home caused by lead slug.

Thermopane window in home broken by 2 ball bearings.
Thermopane window in home broken by ball bearing.
Flat tire.
Flat tire, northeast gate, roofing nail.
Car scratched and aerial damaged while car was parked at home.
Car window shattered and body scratched and dented at northeast gate.
Living room window and storm window in home broken by steel ball bearing.
Bedroom window in home broken by steel pellet.
Side of house dented by ball bearing.
Dent in house between front door and window by lead pellet.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Con.

No.	Name	Affidavit date	Date of incident	Description
344-A	Elroy Biederwolf	Feb. 1, 1956	Jan. 30, 1956	Thermopane window in home broken by bearing the size of a softball.
345-A	Edward Gehrke	Jan. 31, 1956	do	3 Thermopane windows in home and 3 garage windows broken by rocks the size of coconuts.
346-A	Herbert C. Held	do	do	Porch window and storm window broken by slug.
347-A	Bert Sanville	do	do	Thermopane window and side window in home broken by rocks.
348-A	do	do	do	Every window in car smashed while parked at home.
349-A	Alan Meyer	Feb. 2, 1956	Jan. 31, 1956	Spark plugs, headlight, and horn wires on car removed.
350-A	Howard J. Leverenz	Feb. 3, 1956	Feb. 2, 1956	Car window shattered, southeast gate.
351-A	Mrs. Joanne V. Post	Feb. 6, 1956	do	Car window broken and fire in front seat while car was parked in a Sheboygan parking lot.
352-A	Harry Froehlich	Feb. 7, 1956	Feb. 3, 1956	Car windows knocked out while car was parked on a Sheboygan street.
353-A	Oscar H. Hildebrandt	Feb. 8, 1956	do	Flat tire, northeast gate, roofing nail.
354-A	Roger Hanson	Feb. 10, 1956	Feb. 4, 1956	Car door and fender dented, northeast gate.
355-A	Carl Hesselink	Feb. 8, 1956	do	Car window shattered, northeast gate.
356-A	Carl Zillier, Jr.	Feb. 10, 1956	do	Lug nut thrown at car, northeast gate.
357-A	Raymond Schneider	Feb. 8, 1956	Feb. 5, 1956	Flat tire, roofing nail.
358-A	Emery A. Lau	Feb. 16, 1956	Feb. 8, 1956	Flat tire, new roofing nail.
359-A	Roman Andrew	Feb. 15, 1956	Feb. 11, 1956	Car window shattered, southeast gate.
360-A	Harry P. Czarniecki	Feb. 17, 1956	do	Car window shattered, northeast gate.
361-A	Edwin L. Fisher	Feb. 21, 1956	do	Flat tire, northeast gate, roofing nail.
362-A	Claude Dault	Feb. 17, 1956	Feb. 14, 1956	Thermopane window in home broken.
363-A	Bernal E. Lang	Feb. 20, 1956	do	Do.
364-A	Walter Landwehr	do	do	Hole 1 inch in diameter in outer pane of thermopane window in home.
365-A	Herbert E. Krutzinger	Feb. 17, 1956	Feb. 15, 1956	3 tires cut on sidewalk.
366-A	Harvey Van Der Weele	do	Feb. 16, 1956	Car window shattered, southeast gate.
367-A	Wayne R. Woelffer	do	do	Do.
368-A	Andrew L. Korb	Feb. 21, 1956	Feb. 17, 1956	Sugar in gas tank of car.
369-A	Donald R. Schilling	Feb. 24, 1956	Feb. 21, 1956	7 nails pulled out of tires; 2 tires went flat; handful of roofing nails found in driveway.
370-A	Howard J. Voelker	Feb. 28, 1956	Feb. 22, 1956	Sand in transmission of car.
371-A	Ambrose O'Reilly	Feb. 29, 1956	Feb. 24, 1956	Flat tire, piece of metal.
372-A	Herbert C. Held	Mar. 2, 1956	Feb. 26, 1956	Oil filter tube in car damaged, causing loss of motor oil.
373-A	Elmer C. Hermann	Feb. 29, 1956	Feb. 27, 1956	Paint splattered on car.
374-A	Bernal E. Lang	Mar. 3, 1956	Feb. 29, 1956	Combination television, radio, and record player smashed in home.
375-A	Warren D. Preder	do	do	Jars of paint thrown through window of nonstriker's home, damaging interior and exterior.
376-A	William Schroeder	do	do	5 jars of paint thrown against thermopane window of nonstriker's home.
377-A	Mrs. Margaret A. Ten Pas	do	do	Living room window and storm window of home broken by stone.
378-A	Marvin R. Claus	do	Mar. 1, 1956	Jars of paint thrown against nonstriker's home.
379-A	Clarence A. Refneking	Mar. 7, 1956	Mar. 3, 1956	Paint on hood of car.
380-A	Robert L. Schroeder	do	do	Car scratched and aerial damaged.
381-A	Justin Strace	Mar. 13, 1956	Mar. 8, 1956	Thermopane window in home broken by whiskey bottle.
382-A	Roy Meissen	Mar. 22, 1956	Mar. 9, 1956	3-inch cut in tire.

383-A	Arthur Black.....	Mar. 13, 1956.....	Mar. 10, 1956.....
384-A	Alvin F. Suemnicht.....	Mar. 21, 1956.....	do.....
385-A	Mrs. Maudie Hartmann.....	Mar. 15, 1956.....	Mar. 13, 1956.....
386-A	Roman H. Schuessler.....	Mar. 17, 1956.....	do.....
387-A	Gerald H. Emley.....	Mar. 20, 1956.....	Mar. 17, 1956.....
388-A	Mrs. Elaine Fahl.....	do.....	do.....
389-A	Harold M. Gollhardt.....	Apr. 2, 1956.....	Mar. 20, 1956.....
390-A	Raymond Phippen.....	Mar. 23, 1956.....	do.....
391-A	Clarence E. Renzelmann.....	do.....	do.....
392-A	Carl M. Yerkmann.....	Apr. 4, 1956.....	do.....
393-A	Victor Fraenfeld.....	Apr. 2, 1956.....	Mar. 23, 1956.....
394-A	Jerome F. Henschel.....	do.....	do.....
395-A	John Kraemer.....	do.....	Mar. 24, 1956.....
396-A	Harvey T. Nussbaumer.....	Mar. 26, 1956.....	do.....
397-A	Theodore H. Becker.....	Apr. 2, 1956.....	Mar. 25, 1956.....
398-A	Michael Reinholdt.....	do.....	do.....
399-A	Ernest Beiersdorf.....	Apr. 3, 1956.....	Mar. 29, 1956.....
400-A	Elmer O. Wentz.....	Apr. 2, 1956.....	do.....
401-A	Harvey Schmidt.....	Apr. 7, 1956.....	Apr. 3, 1956.....
402-A	Mykolos Dobrovolskis (Apr. 23, 1956, memo from legal department to W. J. Ireland).....	-----	Apr. 19, 1956.....
403-A	Charles Hein.....	Apr. 20, 1956.....	do.....
404-A	Royal W. Becker.....	Apr. 25, 1956.....	Apr. 20, 1956.....
405-A	Jerome C. Behnke.....	Apr. 26, 1956.....	Apr. 21, 1956.....
406-A	Raymond Phippen.....	do.....	Apr. 24, 1956.....
407-A	Stephan Herm.....	May 2, 1956.....	Apr. 26, 1956.....
408-A	Edgar A. Eslinger.....	May 11, 1956.....	May 1, 1956.....
409-A	Stephan Herm.....	do.....	May 8, 1956.....
410-A	Howard Mason.....	May 18, 1956.....	May 9, 1956.....
411-A	Gottlieb Hense.....	May 14, 1956.....	May 10, 1956.....
412-A	Jerome C. Behnke.....	May 23, 1956.....	May 11, 1956.....
413-A	Raymond F. Dederig.....	June 8, 1956.....	do.....
414-A	Daniel Murray.....	June 6, 1956.....	June 3, 1956.....
415-A	Elwin Taubenheim.....	June 19, 1956.....	June 17, 1956.....
416-A	Fred Oliver.....	Aug. 7, 1956.....	Aug. 1, 1956.....
417-A	Wallace Miesfeld.....	Oct. 3, 1956.....	Aug. 4, 1956.....
418-A	Gilbert Charles.....	Aug. 16, 1956.....	Aug. 15, 1956.....
419-A	Thomas W. Wolfert.....	do.....	do.....
420-A	Clement B. Schoenborn, Sr.....	Aug. 18, 1956.....	Aug. 16, 1956.....
421-A	Daniel J. Seidlitz.....	Aug. 20, 1956.....	do.....

Car windows broken, southeast gate.
4-inch cut in tire.
Thermopane window in home broken by milk bottle.
Large living room window and storm window in home broken by milk bottle.
Car window broken, southeast gate.
Do.
Salt in gas tank of son's car.
2 glass jars filled with paint hurled through windows of home, damaging interior.
Pint jar of paint thrown through window of home, damaging interior.
2 pint jars filled with paint, oil, and turpentine hurled through windows of home, damaging interior.
Tire slashed.
Bedroom window and storm window in home broken by milk bottle
Living room window and storm window in home broken by milk bottle.
Bedroom window and storm window in home broken by bottle.
Roofing nail in tire.
Car window broken, northeast gate.
Thermopane windows hit by glass containers filled with paint, damaging exterior of home.
Windows in home broken by glass jars filled with paint.
Living room windows and storm windows in home broken by large olive jar filled with soot, leaving a black, greasy film on carpeting, drapes, furniture, and walls.
Bedroom and kitchen windows in home broken by rocks.

Car windows broken.
Flat tire, southeast gate, 3 roofing nails; 7 roofing nails found in two other tires.
Roofing nail and screw found in tire, southeast gate.
Window and storm window in home broken by rocks.
Glass jar thrown through window of home.
Car window hit by object, damaged, northeast gate.
Glass jar filled with bluish black substance thrown against home.
15 holes in sidewall of tire and V-shaped cuts in tires.
Dent in porch of home, beer bottle hurled against house.
Flat tire, southeast gate, roofing nails in 2 other tires.
Foreign substance in oil in car.
Canvas top on convertible cut while car was parked on city street in Sheboygan.
Screen and glass in door, and livingroom window in home broken by peanut butter jars.
Jackknife blade found in tread of tire.
Car windshield broken, canvas top slashed.
2 windows in home broken by stones.
Roofing nails in 2 tires, northeast gate.
Employee's wife's dresses slashed when left at dressmaker's for alterations.
3 nails in 2 tires, southeast gate.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Con.

No.	Name	Affidavit date	Date of incident	Description
422-A	Les Quasius.....	Sept. 1, 1956.....	Aug. 31, 1956.....	Nonemployee contractor performing construction work at Kohler Co.: 5 stones and 4 pint jars of paint thrown through windows in office building, damaging interior.
423-A	Arthur Muetzelburg.....	Oct. 2, 1956.....	Sept. 26, 1956.....	Flat tire, northeast gate.
424-A	Wallace Miesfeld.....	Oct. 3, 1956.....	Sept. 27, 1956.....	Wires to electrical apparatus in car jerked out.
425-A	Henry Otto Polster.....	Dec. 3, 1956.....	Nov. 23, 1956.....	Wires to distributor and other parts cut.
426-A	Jack Strace.....	Nov. 30, 1956.....	Nov. 26, 1956.....	Thermopane window in living room and kitchen window in home broken by milk bottles.
427-A	Mykolos Dobrovolskis (Dec. 6, 1956, memo from legal department to W. J. Ireland).		Dec. 4, 1956.....	Bedroom window in home broken by milk bottle.
428-A	Frederick Kuehlmann.....	Dec. 26, 1956.....	Dec. 21, 1956.....	4 jars filled with paint thrown through windows, damaging interior of home.
429-A	John Koehn.....	Jan. 9, 1957.....	De. 28, 1956.....	Flat tire, 4 inch nail.
430-A	Marvin Klemme.....	Jan. 23, 1957.....	Jan. 19, 1957.....	3-inch slash in tire.
431-A	Clarence Hartung.....	do.....	Jan. 21, 1957.....	Thermopane window in home broken.
432-A	William Helms.....	Jan. 28, 1957.....	Jan. 22, 1957.....	Window in Lindemann's Grocery Store (owned by William Helms) broken by piece of coal.
433-A	Albert Bassler.....	Jan. 30, 1957.....	Jan. 27, 1957.....	Paint splattered on outside of home.
434-A	Gordon McChain.....	Apr. 2, 1957.....	Jan. 29, 1957.....	Employee's heifers poisoned, 3 heifers died.

INDEX TO SEPARATE VIEWS OF SENATORS CAPEHART, CURTIS, GOLDWATER, AND MUNDT

	Page
Report and summary-----	320

THE KOHLER STRIKE—APPENDIX B

I. The real issues in the strike-----	334
II. UAW responsibility for strike violence-----	335
III. Denial of rights of both employer and employee-----	339
IV. UAW use of riots and boycotts-----	342
V. UAW's vilification and character assassination of public officials who oppose the UAW's methods-----	361
VI. The UAW's philosophy in action-----	365
(A) The "germs," "traitors," and "enemies of progress"-----	368
(B) Those who "helped build America"-----	378
(C) UAW corruption of public officials-----	380
VII. Record of vandalism-----	462

THE PERFECT CIRCLE STRIKE—APPENDIX C

I. The issues-----	384
II. The strike vote-----	385
III. Supervised riot plans-----	385
IV. The mobbing of Hagerstown-----	387
V. The terrorization of New Castle-----	388
VI. List of violations of law-----	396
VII. Picture descriptions-----	400
VIII. UAW philosophy in action-----	401

THE RICHARD T. GOSSER AFFAIR—APPENDIX D

I. The nature of the hearing-----	404
II. The Reuther board exoneration of Gosser-----	412
(A) Background information on Gosser-----	412
(B) The 28 charges-----	413
(C) Gosser's domination of local 12 and denial of union democ- racy:-----	
1. Political activities: Use of union automobiles and manpower to influence elections-----	415
2. How dissidents are eliminated: The expulsion of Cyrus Martin-----	419
(D) Gosser's conflicts of interest-----	423
III. UAW "flower funds"-----	437
IV. Slot machine proceeds-----	450
V. The Elliott Co. bribes-----	456

