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INVESTIGATION OF IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD

HEARINGS

BEFORE THE

SELECT COMMITTEE

ON IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD

EIGHTY-FIFTH CONGRESS

SECOND SESSION

PURSUANT TO SENATE RESOLUTIONS 74 AND 221, 85TH CONGRESS

MARCH 31 AND APRIL 1, 1958

PART 26

Printed for the use of the Select Committee on Improper Activities in the
Labor or Management Field



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CONTENTS

UNITED AUTOMOBILE WORKERS, AFL-CIO, AND PERFECT CIRCLE CORP.	Page
Appendix.....	
Testimony of—	
Baer, Robert G.....	10267
Berndt, Raymond H.....	10282, 10309, 10321
Carper, Paul.....	10363, 10375
Crum, Paul.....	10339
Fromuth, Allen.....	10339
Griffin, Kenneth.....	10327
Hoffman, Clyde.....	10270, 10350
Miles, Lynnville.....	10308, 10320
Prosser, William.....	10258, 10269, 10373

EXHIBITS

	<i>Introduced on page</i>	<i>Appears on page</i>
1. Map showing location of Perfect Circle plants at Hagerstown, New Castle, and Richmond, Ind.-----	10259	10381
1A. Affidavits of George Waters, Ray Anderson, Harold Wantz, Leslie King, Chalmer Juday, Merrel Beyer, John Metzker, Walter Grunden, Esther Mitchener, and Herschel Bollinger, employees or supervisors of Perfect Circle Corp.-----	10259	(*)
1B. List of incidents of violence at New Castle Foundry during Perfect Circle strike of 1955.-----	10259	(*)
1C. List of criminal and civil causes growing out of Perfect Circle strike of 1955.-----	10259	(*)
1D. Affidavit of Paul Crum, Ray Hail, Paul Reed.-----	10259	(*)
1E. Plat showing Perfect Circle property line.-----	10259	(*)
1F. List of incidents of violence at Hagerstown and Richmond during Perfect Circle strike of 1955.-----	10259	(*)
1G. Affidavits in case No. 35-CA-654 before the National Labor Relations Board concerning the discharge of strikers at the Richmond machining plant of the Perfect Circle Corp.-----	10259	(*)
2. Letter dated November 12, 1948, to National Labor Relations Board, Cincinnati, Ohio, from John Bartee, international representative, region 3, UAW-CIO.-----	10286	10382
3. Letter dated July 11, 1955, to all Perfect Circle UAW-CIO members from Raymond H. Berndt, director, region 3, UAW-CIO.-----	10288	10383
4A. Special notice, "Strike vote date".-----	10288	(*)
4B. Notice, "Important special meeting for local 156 membership".-----	10288	(*)
4C. Notice, "Strike vote".-----	10288	(*)
5. Article from the United Automobile Worker of September 1955.-----	10289	(*)
6. Article from the United Automobile Worker of October 1955.-----	10289	(*)
7. Full page ad "UAW-CIO agrees" which appeared August 29, 1955, in the Indianapolis Times, Indianapolis Star, Indianapolis News, New Castle Courier-Times, and Richmond Palladium Items.-----	10290	(*)
8. Report of the Chief of Police of the City of New Castle listing names of people and gun permit numbers.-----	10291	
9. Press release incorporated in New Castle Courier-Times article, July 22, 1955, stating the management's position.-----	10292	(*)
10. Photograph showing a group of people marching down the middle of the street in front of the Perfect Circle plant.-----	10293	(*)
11. Photograph of Robert Ford, victim of shooting, and his wife, taken 1 day after the shooting.-----	10294	(*)
12. Photograph of Paul Carper immediately after having been shot.-----	10294	(*)
13. Photograph showing someone shooting from the top of the fire escape at the plant.-----	10294	(*)
14. Photograph of Henry Gibson after being hit by a charge of buckshot.-----	10294	(*)
15. Photograph of the inside of the room in which a bullet emerged from the wall after hitting the outside of the house.-----	10295	(*)
16. Photograph of the State Police entering the plant.-----	10296	(*)
17. Photograph of guns being taken from the plant by the State Police.-----	10296	(*)

	<i>Introduced on page</i>	<i>Appears on page</i>
18. Telegram sent to Indiana Governor George N. Craig on October 7, 1955, by UAW-CIO Region 3 Director Raymond H. Berndt.....	10296	(*)
19. Copy of telegram dated October 18, 1955, addressed to Hon. George Craig, Governor of Indiana, signed by Walter Reuther.....	10297	(*)
20. Rough draft of statement of Carl Batchfield, president of local 370, presented to the membership.....	10298	(*)
21. Photograph of damage done to the house of Kenneth Griffin.....	10338	(*)
22. A group of photographs showing vandalism done to the property of several employees during the Perfect strike.....	10347	(*)
23. A group of photographs of mass picketing during the early stages of the Perfect Circle strike.....	10348	(*)
24. A group of photographs taken during the raid of August 15, 1955, showing cars being turned over.....	10348	(*)
25. Plat showing the entrance to the Perfect Circle plant.....	10352	(*)
26. A group of photographs taken October 5, 1955, showing a large group of demonstrators near the main gate entrance to Perfect Circle plant.....	10356	(*)
Proceedings of—		
March 31, 1958.....	10257	
April 1, 1958.....	10327	

*May be found in the files of the select committee.

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

MONDAY, MARCH 31, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES,
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 11 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in room 357, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan and Curtis.)

The CHAIRMAN. We start this morning an investigation into the Perfect Circle difficulty.

I am going to ask the chief counsel to make a brief statement of the case for the record.

Mr. KENNEDY. Mr. Chairman, we are looking into the matter of the strike by the UAW against the Perfect Circle Co. during 1955, and the violence that occurred in this strike.

We are going to inquire into the violence that occurred during the strike and try to determine how much violence there was, and the responsibility for it.

According to our preliminary investigation, there was a good deal of violence, including some shooting at strikers as well as people within the plant; and in addition to that, most of it directed against nonstrikers and people associated with the company.

We are going to examine into that, and we have called, as our first witness, Mr. William Prosser, who is president of the Perfect Circle Corp. We expect to develop some testimony with him this morning, and then we will have some direct testimony from a union representative this afternoon, and then Mr. Prosser or a representative of the company will be recalled for some cross-examination as well as the union member will be recalled for cross-examination.

We also expect to call a number of witnesses, Mr. Chairman, 2 or 3 possibly, who personally experienced or were recipients of violence or vandalism, or their homes were the recipients of vandalism.

The CHAIRMAN. Is there anything further?

Mr. Prosser, will you be sworn, please?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PROSSER. I do.

TESTIMONY OF WILLIAM PROSSER, ACCOMPANIED BY CLYDE HOFFMAN, COUNSEL

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. PROSSER. My name is William Prosser. I am president of the Perfect Circle Corp., Hagerstown, Ind.

The CHAIRMAN. Do you have counsel representing you today?

Mr. PROSSER. Yes; Mr. Hoffman.

The CHAIRMAN. Will you identify yourself for the record, please?

Mr. HOFFMAN. My name is Clyde Hoffman, and I am counsel representing the company here.

The CHAIRMAN. Mr. Prosser, I believe you have a prepared statement.

Mr. PROSSER. Yes, I do.

The CHAIRMAN. Was it filed within the rules?

Mr. KENNEDY. I am afraid because of the difficulty we had definitely scheduling the hearings, that I told Mr. Prosser if he could get his statement in this morning it would be satisfactory, which he did.

The CHAIRMAN. Do you have extra copies of it?

Mr. PROSSER. Yes, sir; we do.

The CHAIRMAN. May I have one so that I may follow it when you read it?

Mr. KENNEDY. I also want to straighten out another matter for the record at this point.

I had stated, on page 9059 of part 22 of the Kohler hearings, when Mr. Mazey was testifying, that we had uncovered a good deal of paint bombing done to the homes during the Perfect Circle strike. I was mistaken on that.

There was vandalism, but as far as the paint bombing was concerned, paint being put into light bulbs and being thrown into homes, I was mistaken in my remarks, and I would like to get the record straight on that, or as far as that is concerned.

The CHAIRMAN. All right, shall we proceed?

All right, Mr. Prosser.

Mr. PROSSER. At the time under consideration, I was vice president and general manager of the corporation.

The CHAIRMAN. You will have to speak a little louder, I can't hear you.

Mr. PROSSER. At the time under investigation, I was vice president and general manager of the company, and I might say that I am greatly interested in the objectives of your committee, and I will be very happy if my testimony contributes in any way to the solution

of the problems involved in working out fair and equitable legislation on this problem of labor-management relations.

I have additional material here with me, including the chronology memorandums of the strike, a transcript of the arbitration hearings, list of the criminal and civil cases resulting from the strike, and a list of incidents of violence at the three plants, and various affidavits supporting our testimony.

The CHAIRMAN. As we go through your prepared statement, I suppose you will refer to these documents, and we can make them an exhibit at that time.

Mr. PROSSER. I will present those for exhibits now.

The CHAIRMAN. Well, let me get them identified.

I will let them all be filed in bulk at this time, as exhibit No. 1, and we can mark them appropriately, 1-A, 1-B, and so forth, as we go along, so as to pick them up later.

We can distinguish one from the other in that way.

You may proceed.

(The documents referred to were marked "Exhibit Nos. 1, 1-A, 1-B, 1-C, and so forth," for reference, and may be found in files of the select committee.)

Mr. PROSSER. On July 25, 1955, the UAW-CIO called strikes at the four Indiana plants of Perfect Circle for which they had bargaining rights. These include our main plant at Hagerstown, a foundry at New Castle, and two plants at Richmond, Ind.

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.

In the closing days of negotiations before the strike began, Mr. William Caldwell, the union international representative, warned us that if we had a strike it would be a dirty one. Mr. Carl Evans, president of the Hagerstown local of the union, made the following statement to Mr. Paul Crum, personnel manager, several days before the strike—

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.

It will not be like the 1948 strike. This time we (the union) will have enough to keep everybody out.

Mr. Carl Batchfield, president of the New Castle local, said they would strike unless they got the union shop and added that they had to have a union shop because they couldn't persuade enough employees to join the union voluntarily, so they had to have a means of forcing them.

Attached are the statements of members of the union who attended meetings prior to the strike and withdrew from the union because of intended violence.

The CHAIRMAN. Is that a part of the documents that you have submitted?

Mr. PROSSER. Yes. That is not a part of the material I just gave you, it is attached to the copies of the statements which I gave you.

(At this point, Senator Mundt entered the hearing room.)

Mr. PROSSER. The membership of the union in the 4 plants concerned did not represent a majority of all of our employees in those 4 plants, and in each of the 3 plants at Hagerstown and Richmond the union memberships did not represent the majority of the employees in the respective plants.

Furthermore, we did 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 this strike.

Naturally, we did not wish to lose our customer business in our highly competitive industry. For these reasons, we decided to continue to operate the plants.

And, thus, it was that the stage was set for a strike, marred with over 200 incidents of violence, violence which began with hundreds of irresponsible imported pickets who swarmed around our plants in an effort to keep workers away, then moved into the communities where workers lived, to intimidate them and their families.

The objectives of this violence were to keep employees from working and to keep the company from operating.

On July 26, 1955, the first day of the strike at the Hagerstown plant, 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, in the early hours of the morning, prior to the commencement of the first shift, and massed in front of the entrances to the plant.

As nonstriking production workers and management and office personnel approached the plant these demonstrators blocked their way, and by threat of force and violence prevented them from entering the plant. There were numerous instances of violence on this morning, and it was apparent that any attempt to gain entrance to the plant could only result 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 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.

On July 28, 1955, 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.

This brought an end to mass picketing and demonstrations in these two areas.

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.

After months of delaying techniques by the union the elections were held, and by a vote of almost 2 to 1 the UAW was voted out, and is still out.

It was a different story in New Castle. The union apparently decided to concentrate their efforts on cutting off the supply of castings for our machining plants. If they could do this they would close the plants in Hagerstown and Richmond.

They contacted our outside sources, Liberty Foundries, at Rockford, Ill., and the Sparta Foundry, at Sparta, Mich., in an effort to stop shipments. They were successful in stopping shipments to Hagerstown and Richmond.

The union also tried to induce several of our larger customers not to install our rings during the strike. This effort was not very successful. At New Castle the union continued from time to time to put on mass demonstrations and shows of force and violence in the area of the New Castle plant in defiance of a restraining order issued by the circuit court of Henry County on August 1, and of the law enforcement agencies.

On August 5, 1955, a large group of union demonstrators, including the director, Raymond Berndt, and other officials of region 3 of the United Automobile Workers, gathered on the approaches to the plant and menaced nonstriking workers and management personnel on their way to work.

On this morning automobiles of the workers were damaged by stones hurled at them by the demonstrators and employees were otherwise menaced and intimidated and stones and chunks of concrete were thrown through windows at the plant.

On the morning of August 15, 1955, 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 nonstriking workers to the plant.

The bus was stoned and several workers on the inside sustained minor injuries. The bus proceeded on to the plant. A group of the demonstrators followed within the plant enclosure and further damaged the bus and turned over four cars parked within the fenced-in area.

The local international representative and an international representative from the office of region 3 of the union were present on this occasion. The latter was one of the group that entered into the plant enclosure, and participated in the violence.

This demonstration was publicized in the newspapers of this country and in the foreign press. The overwhelming majority of the persons participating in all these demonstrations were not strikers but strangers.

On September 10, 1955, three employees en route to the home of one of them some distance in the country from New Castle, were ambushed by a group of 15 or 20 masked men. These three employees got away, but it is reasonable to assume that the results would not have been pleasant had the attackers gotten ahold of these men. This incident

created considerable tension among the nonstriking workers as well as in the community as a whole.

By this time the acts of vandalism on the part of strikers had become a formidable and alarming total. Windows in the homes of non-strikers had been broken, their cars had been damaged and they had been ambushed and slugged.

The nonstrikers, particularly those who lived outside of the city limits of New Castle, did not have police protection. They had fear for their safety and the safety of their families. They wanted to know what kind of protection could be given them. As a result of their concern, an appeal was made to Governor Craig for State police assistance to protect against vandalism, but State police assistance was not forthcoming.

On the morning of September 19, 1955, a large number of pickets massed at the entrance of the New Castle plant. It became apparent early in the morning that the pickets were not going to permit anyone to enter the plant.

Officials of the union informed police authorities that if any attempt was made by anyone to enter there would be bloodshed. As a result of this show of force and threats of violence, the union kept the plant closed until September 27, 1955, at which time the New Castle police force broke up the picket group, and arrested 48 of the pickets.

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 cutoff. 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 in to 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, 4 of them from the New Castle plant and 4 of them from the Hagerstown plant, and they stayed in the plant during the night of October 4.

Senator CURTIS. Can we have a little better order; I can't hear?

The CHAIRMAN. I know that we are not very comfortable in this small committee room, and we hope this afternoon that we can get the caucus room back. So be as careful as you can about noise.

It is a little difficult to hear the witness. I wouldn't be able to hear him except that I am able to follow here as I read his prepared statement. Be as quiet as you can.

Mr. PROSSER. 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 instructions 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 high. I was not present at the time of the mass demonstrations at Hagerstown and Richmond.

Mr. Hoffman, who was in the New Castle plant on October 5, and eye witnesses to the other demonstrations, are better qualified than I to answer your questions on the details.

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.

(At this point, the following members were present: Senators McClellan, Mundt, and Curtis.)

After the National Guard was brought in and order restored in New Castle, the plant was again opened and continued to operate. On November 29, 1955, after 4 months and 4 days of union-inspired violence and lawlessness, the strike was settled.

It was settled on essentially the same terms as had been offered the union 4 days before the strike began and upon which agreement had been reached at that time with another CIO union, a steelworkers union, at our Tipton plant. This agreement, I should like to emphasize, did not include the union shop.

To repeat, there is no question in my mind but that our strike was instigated by the international union to force us into a union-shop agreement. They expected us to be a pushover and became desperate when the majority of our employees refused to support them and the company could not be intimidated.

Our company is not antiunion. We do not fight unionism. We actually accepted unionism willingly and without any controversy, having recognized the New Castle local in 1937 without an NLRB election. We only fight what we consider to be union abuses.

It is important to note that during this entire strike not one of the many unfair-labor-practice charges made by the union was upheld by NLRB. Generally speaking, our relations with the local unions have been good ever since we first voluntarily recognized the New Castle UAW local. The exceptions have been when the international has tried to force a union-shop agreement.

In fact, during the trouble at New Castle, Mr. Carl Batchfield, president of the local there, stated in a letter to the New Castle Courier-Times, September 3, 1955:

At our Perfect Circle foundry at New Castle, although we have had good relations, we have not had a good contract.

Our offense so far as the UAW-CIO was concerned was that we would not accept compulsory unionism and that we refused to be frightened into submission.

Evidences of the occurrences and the pattern of force and violence followed by the union during the strike of 1955 is well documented in the investigation by the National Labor Relations Board, the arbitration of discharged strikers, and in the hearings on unemployment compensation. Most of the evidence has been presented to this committee in the form of testimony and affidavits.

From this evidence, it is apparent that the union had a strike plan involving the use of outside help and such force and violence as might be necessary to prevent the struck plants from operating. It was also apparent that the international union was instrumental in the devising of this plan.

The active leadership of the international representatives of the union in the demonstrations and their participation in the conduct of the strike clearly established the responsibility of the international union for the unlawful acts of the strikers.

We have heard officials of the international union claim in connection with the Perfect Circle strike and other strikes, that they did not approve of violence, and disclaim responsibility for it.

We believe that the United Automobile Workers International Union is a responsible organization and that it has ability to curb abuses within the union.

It has the ability to prevent violence of the sort that occurred over a 4-month period in the Perfect Circle strike.

To merely denounce such violence, in the face of its long continuance, and to disclaim responsibility is but to encourage it.

The fact that William Caldwell is still the international representative dealing with our New Castle plant, indicates that his superiors were not greatly disturbed over his encouragement of the unlawful violence during our strike.

We believe that there is need for legislative measures which will clearly define to the union, the employees, and management the nature of unlawful violence, the responsibilities for it, and which will provide adequate penalties. Unlawful demonstrations, mass picketing, and violence would soon cease to be the pattern in labor disputes if the employees believed their jobs were in jeopardy when they occurred.

Until steps are taken in this direction, violence will continue in labor disputes and unions will attempt to evade responsibility with glib words of abhorrence against violence and the claim that it does not stem from union orders.

It is to be hoped that this and other investigations will throw some light on the subject of violence in labor disputes and may result in constructive legislation to help prevent the recurrence of experiences such as ours.

I would like to read excerpts from three of these affidavits in support of some of the statements I have made.

The CHAIRMAN. What you are reading is excerpts from affidavits before the National Labor Relations Board and are now official documents?

Mr. PROSSER. That is correct. This is an excerpt from a statement of Joseph H. Bales on Plan of Union To Use Force and Violence, from an affidavit in National Labor Relations Board investigation:

I attended 3 or 4 union meetings in the month or 6 weeks just prior to the start of the strike on July 26, 1955. At these meetings Bill Caldwell was in charge and when he discussed the possibility of a strike he assured us that it would not be like it was in 1948; 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.

Also excerpts from a statement of Kenneth McCarty on Plan of Union To Use Force and Violence.

A day or so before the union meeting held to take a strike vote, Kenny Ammerman, then chairman of the bargaining committee, told me that they (the union) were intending to bring in thugs to do their dirty work. He said he did not go for that kind of stuff. He mentioned that the thugs were to be brought in from all over if the strike should start.

I should like to mention that Mr. Ammerman resigned from the strike committee and took a job outside and worked during the entire period of the strike.

Also from a statement by Clyde Wisener on Plan of Union To Use Force and Violence.

In the final planning Bill Caldwell told us that if it was necessary we might have to knock them in the head to keep them out. He went on to tell us that he would get us out of jail if we were put in for knocking heads and that we would have plenty of help to keep the plant shut down and there would be plenty of money if it was needed.

That concludes my testimony, gentlemen. Thank you.

The CHAIRMAN. As I understand your testimony, the real issue was the union shop?

Mr. PROSSER. Yes, sir.

The CHAIRMAN. You had no serious problem involving wages or working conditions?

Mr. PROSSER. That is correct.

The CHAIRMAN. And the strike was called according to your testimony and the supporting documents with approval of the international union?

Mr. PROSSER. That is correct.

The CHAIRMAN. And the international union representatives directed the strike?

Mr. PROSSER. That is correct.

The CHAIRMAN. They predicted violence and announced there would be violence before the strike was called?

Mr. PROSSER. That is correct.

The CHAIRMAN. Do you know what the strike vote was?

Do you have that information?

Mr. PROSSER. No. We don't have any knowledge of the number of people that attended the strike vote or the nature of the vote.

The CHAIRMAN. Do I understand that they did not have, the union did not have, a majority membership of your employees at the time the strike was called?

Mr. PROSSER. They did not have a majority, taking all four plants together.

The CHAIRMAN. Did they strike all four plants?

Mr. PROSSER. Yes. They did not have a majority in any of the three plants at Richmond or Hagerstown. They did have a majority in the New Castle plant.

The CHAIRMAN. In other words, in 1 of the 4 plants they did have a majority of the employees as members of the union?

Mr. PROSSER. That is correct.

The CHAIRMAN. At three they did not have a majority and in the overall they did not have a majority?

Mr. PROSSER. That is correct.

The CHAIRMAN. Have you made a contract with the union since?

Mr. PROSSER. For the New Castle plant.

The CHAIRMAN. For the one plant where they had a majority?

Mr. PROSSER. That is right.

The CHAIRMAN. You do not have a contract with them at the other three plants?

Mr. PROSSER. That is correct.

The CHAIRMAN. Do they still maintain or operate unions at the other plants?

Mr. PROSSER. We have an independent union at the Hagerstown plant and no unions at the two Richmond plants.

The CHAIRMAN. Were you present on the picket line or did you observe the picket line yourself at different times?

Mr. PROSSER. Toward the end of the New Castle affair I was. I was not there during the demonstrations at Hagerstown or at the time that the strike started.

The CHAIRMAN. Did you observe any representative of the international present?

Mr. PROSSER. Personally?

The CHAIRMAN. Yes, sir.

Mr. PROSSER. No, sir.

The CHAIRMAN. You couldn't say, then, from your personal knowledge, whether the picket lines and the things that were occurring on the picket line and around and about the plant, you could not say of your personal knowledge whether that was directed by an international representative?

Mr. PROSSER. That is correct. However, I believe we have affidavits from other people who can substantiate that fact.

The CHAIRMAN. How long did the violence continue?

Mr. PROSSER. I would say that it started on the morning of the 26th, when the strike started, and it continued during the entire affair.

The CHAIRMAN. Over what period of time?

Mr. PROSSER. Four months.

The CHAIRMAN. How was the strike settled?

Mr. PROSSER. Well, it was settled after the three plants at Richmond and Hagerstown had the union decertified, leaving only the New Castle plant. At that time, the National Guard was in the New Castle area. The union refused to bargain under those conditions, so we actually met in Chicago and settled the strike in Chicago.

The CHAIRMAN. You only made a contract for one plant?

Mr. PROSSER. That is correct.

The CHAIRMAN. You read somewhere in your statement, I believe, that it was settled on substantially the same basis you had offered to settle it before the strike occurred?

Mr. PROSSER. That is correct.

The CHAIRMAN. There may have been some minor differences, according to your statement, but what were the differences between your proposal prior to the strike and the basis upon which you actually settled it?

Mr. PROSSER. Mr. Baer handled those negotiations. I will have to ask them. They were not of sufficient significance that I can remember them.

The CHAIRMAN. You will have to be sworn, sir. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. BAER. I do.

TESTIMONY OF G. ROBERT BAER

The CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. BAER. My name is G. Robert Baer. I reside in Hagerstown, Ind. I am general manager of the Perfect Circle Corp.

The CHAIRMAN. Did you participate in the settlement of the strike?

Mr. BAER. Yes. I was chairman of the negotiating committee that arranged for the settlement of the strike and the conclusion of the contract with the New Castle local of the United Auto Workers. The essential difference of the settlement over what had been offered prior to the strike was contract duration. Normally our contracts were for periods of 1 year, generally from July to July. However, we had spent 4 months of that first year in negotiating, so rather than have just a 1-year contract both the union and the company agreed to make it a year-and-a-half contract, to run until July of 1957.

In connection with that, a prearranged wage increase was agreed upon to be made effective July 1, 1956, when under normal circumstances we would have been negotiating a new contract. Those are the essential differences between what the settlement was and what had been offered.

The CHAIRMAN. That contract only applied to one plant?

Mr. BAER. Yes.

The CHAIRMAN. How was the strike settled with respect to the other three plants?

Mr. BAER. The strike was settled when the National Labor Relations Board decertification elections resulted in the locals being decertified at the Hagerstown and the two Richmond plants.

The CHAIRMAN. So the union could no longer contend that it was the chosen representative, bargaining representative, of the employees of those plants?

Mr. BAER. That is correct.

The CHAIRMAN. That automatically settled the strike insofar as you having further to negotiate with the union.

Mr. BAER. That is correct.

The CHAIRMAN. What happened to the strikers at those plants? Did they return to work?

Mr. BAER. When the decertification elections were over, virtually all of the strikers applied for reinstatement. There were a group of strikers at the Hagerstown plant and the Richmond machining plant, who were denied reinstatement because of unlawful activities during the strike.

The CHAIRMAN. What was the total damage done to the plant as a result of the violence and vandalism, at all of your plants?

Do you have an estimate of the total damage?

Mr. BAER. I don't know that we ever did make an estimate of the total damage. I don't know of any such estimate that was made.

The CHAIRMAN. There was damage done, as I understand.

Mr. BAER. Yes.

The CHAIRMAN. To the plant?

Mr. BAER. To the New Castle foundry, particularly. Almost entirely at the New Castle foundry, windows broken, that was the main damage.

The CHAIRMAN. Have you had any trouble since the strike was settled?

Mr. BAER. No, our relationship with the UAW at New Castle has been very satisfactory since that time. We concluded contract negotiations last July satisfactorily.

TESTIMONY OF WILLIAM B. PROSSER—Resumed

The CHAIRMAN. Is it your contention, Mr. Prosser, that all of this trouble was caused by the international union, in meeting and directing the local union there to this activity?

Mr. PROSSER. That is a rather difficult question to answer yes or no, Senator. I don't believe that our employees, as a group, were interested in the main issue. If you remember correctly, about that time several companies had recently given in on the union shop issue, and I think that the local international representative believed that he could put on a successful strike, and that because of that the international decided that this was the time to get a union shop out of the Perfect Circle Corp.

The CHAIRMAN. Do they have a union contract at the shop where you made a contract?

Mr. PROSSER. I beg your pardon?

The CHAIRMAN. Did you give in and do you have a union shop at the plant where you have a union contract with them?

Mr. PROSSER. No, sir. We settled the strike without having a union shop.

The CHAIRMAN. Without having a union shop?

Mr. PROSSER. That is correct.

The CHAIRMAN. Have you had any trouble in negotiating a contract since then?

Mr. PROSSER. Nothing unusual.

The CHAIRMAN. I mean no particular trouble. You have been able to do it?

Mr. PROSSER. Yes, sir. In fact, sir, we contend that our labor relations have always been good. Once in a while we have had a strained union relation, but I would like to draw a distinction between employee relations and union relations.

The CHAIRMAN. All right, Mr. Counsel, I was just trying to get my bearings.

Mr. KENNEDY. I don't have any questions at this time.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. There are just one or two things that I think maybe the record ought to be clearer on. In reference to these papers that were handed up as exhibits, I hold in my hand a group of affidavits numbered 1A. It is not my purpose to read any part of them into the record, but I want to identify them as exhibits. They appear to be the affidavits of George F. Waters, Ray Anderson, Harold Wantz, Leslie King, Chalmer Juday, Merrel Beyer, John Metzker, Walter Grunden, Esther Mitchener, and Herschel Bollinger.

Can one of you witnesses tell me in a general way what those affidavits are about?

Your associate could be sworn.

Mr. PROSSER. I would prefer that Mr. Hoffman answer the question if he can be sworn.

The CHAIRMAN. All right.

You do solemnly swear the evidence you shall give before the Senate Select Committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. HOFFMAN. I do.

TESTIMONY OF CLYDE HOFFMAN

Mr. HOFFMAN. Those affidavits——

Senator CURTIS. First perhaps you better state what your position is with the company.

Mr. HOFFMAN. My name is Clyde Hoffman. I am an attorney in this matter, counsel for the company. All of those affidavits pertain to the break-in of the gate, and the entrance into theyard and turning over the car, and approach to the plant entrance on the 5th of October.

Senator CURTIS. Are the affiants employees, management, or both?

Mr. HOFFMAN. All of those are employees. Well, most of them are supervisors. Most of them are not workers in the shop.

Senator CURTIS. This one lady who gave an affidavit, Esther Mitchener, is she part of management?

Mr. HOFFMAN. No, she is a worker in the shop.

Senator CURTIS. Is she the lady who was shot inside?

Mr. HOFFMAN. That is right, she is the one that was shot.

Senator CURTIS. I hold in my hand exhibit 1-B, which is entitled "Incidents of violence at New Castle foundry during Perfect Circle strike."

How was that list tabulated and by whom?

Mr. HOFFMAN. That list, the tabulations weremade by the personnel manager at that plant, and were made as the incidents were reported to him by the persons involved.

Senator CURTIS. What is the personnel manager's name?

Mr. HOFFMAN. Allen Fromuth.

Senator CURTIS. Do you know whether or not he received direct information from someone involved before they were listed on here?

Mr. HOFFMAN. I would say that either he or persons working with him received that information.

Senator CURTIS. Under his direction?

Were statements taken from any of these people? Do you know that?

Mr. HOFFMAN. Recently, no.

Senator CURTIS. No, I mean at the time this list was tabulated.

Mr. HOFFMAN. No, there were no statements taken at that time. Notes were kept on it.

Senator CURTIS. Notes were kept of the individuals?

Mr. HOFFMAN. That is right.

Senator CURTIS. Are those notes still in existence?

Mr. HOFFMAN. I believe Mr. Fromuth has a complete record of those.

Senator CURTIS. They are not numbered, but how many incidents are supposed to be set forth here?

Mr. HOFFMAN. Well, I can't say as to the one list. As I recall, there is between 180 and 190 on the two lists. There is also a list for the Hagerstown and the Richmond area.

Senator CURTIS. I hold in my hand exhibit 1-C, which is entitled "Criminal and civil causes growing out of Perfect Circle strike of 1955."

Do you know about that list?

Mr. HOFFMAN. Generally, yes.

Senator CURTIS. What is it and how is it tabulated?

Mr. HOFFMAN. Well, that was a list, taken from a record kept as the cases were filed or cases were brought in the courts.

Of course, the list, the long list there, is a list of 48 pickets that were arrested at the time of the mass picketing was broken up on the 27th of September.

Senator CURTIS. And this list shows the date of the action, who the defendant was, and what the offense is.

I notice here some disorderly conduct; throwing rocks at some one's car, and another one, "malicious trespass," and "throwing rocks at bus."

Do you know who compiled that?

Mr. HOFFMAN. Offhand, I cannot say.

Senator CURTIS. Do you know how many criminal cases arose out of this that were actually handled by the courts?

You can supply that. Is that all right?

Mr. HOFFMAN. Offhand, I can't say.

Senator CURTIS. It says, "Criminal cases in city court." What city was that?

Mr. HOFFMAN. City of New Castle.

Senator CURTIS. And then there is another list here, which says, "Criminal contempt suits in Henry Circuit Court." Where is that court located?

Mr. HOFFMAN. The Henry Circuit Court is located in New Castle. New Castle is the county seat of Henry County.

Senator CURTIS. Then there was one civil case that is referred to on this list.

Mr. HOFFMAN. Yes.

Senator CURTIS. I hold in my hand exhibit 1-B which appears to be the affidavit of one Paul C. Crum. Do you know about that?

Mr. HOFFMAN. Yes, that is an affidavit. His affidavit is also included in the NLRB affidavits.

This is a short-end form of that affidavit, pertaining to the mass demonstration and violence at the Hagerstown plant on the 26th of July 1955.

Senator CURTIS. Now, who is Paul Crum?

Mr. HOFFMAN. Paul Crum is the personnel manager at the Hagerstown plant.

Senator CURTIS. And it recites his personal observations?

Mr. HOFFMAN. His personal observation of what went on there that day.

Senator CURTIS. He was there?

Mr. HOFFMAN. What did you say?

Senator CURTIS. He was present?

Mr. HOFFMAN. Yes, he was present; and he is present now in the room.

Senator CURTIS. And this affidavit is an abbreviated form of an affidavit that is a part of the NLRB proceeding?

Mr. HOFFMAN. Of their hearings, yes, sir.

Senator CURTIS. Now, I hold in my hand exhibit 1-F which says, "Incidents of violence in Hagerstown and Richmond during the Perfect Circle strike." By whom was that compiled?

Mr. HOFFMAN. Offhand, I cannot say. There is a party in the room that can, I believe, tell how that was compiled. I believe he was responsible for it.

Senator CURTIS. But it is similar to the list that we referred to a bit ago? It is similar to the list in regard to New Castle, only it pertains to two other locations, Hagerstown and Richmond; is that right?

Mr. HOFFMAN. That is right. The records were similarly kept, but in two of the plants, I don't know who did keep the records.

Senator CURTIS. And it is your understanding that interviews were had and notes made and the list tabulated?

Mr. HOFFMAN. That is right.

Senator CURTIS. I just have one question. Is there any one here who can tell what international representatives were present at any time at any of these plants?

Mr. HOFFMAN. Yes. Mr. Crum for Hagerstown, and Mrs. Fromuth at New Castle, I believe, can identify most of the international representatives.

Senator CURTIS. They are here?

Mr. HOFFMAN. Yes, they are here.

Senator CURTIS. Mr. Chairman, that is all I have at the present time. Have these been received?

The CHAIRMAN. They have been received.

Senator CURTIS. That is all.

Senator MUNDT. Mr. Prosser, you have made a most distressing and disturbing report of conditions especially at New Castle, in view of the testimony which we have had from various people in the UAW to the effect that violence in unionism is a page out of the past, out of the twenties, and the thirties, and the forties, and that it has not been occurring in recent years.

Your testimony is a much more direct and specific indictment of the UAW in this area than any of the testimony we received in connection with the Kohler strike.

I wish we had had it before us prior to the testimony of Mr. Reuther, because I would have liked to have asked him some questions about it.

I presume that there will be UAW witnesses, however, who can present the other side of that picture, because if what you say stands up by testimony of eyewitnesses, it seems to attach a considerable degree of violence to officials of the UAW.

Are the affidavits which you have submitted and about which Senator Curtis has questioned you, supportable by witnesses who are alive and available to this committee?

Mr. PROSSER. Yes.

Senator MUNDT. All of this evidence that we have, if it is challenged, can be supported by living witnesses?

Mr. PROSSER. I believe so; yes, sir.

Senator MUNDT. On page 2 of your statement, after mentioning 200 acts of violence by what you call hundreds of irresponsible imported pickets, you then say that on July 26, the 1st day of the strike, at Hagerstown, a large group of strangers, seven or eight hundred in number, led by international representatives of the union, descended upon Hagerstown, a town of 1,800 population.

Now, my question grows out of a question that I asked Mr. Reuther with regard to Clinton, Mich., where substantially only half of that number, about 400 outsiders, were led into Clinton, Mich., by Mr. Mazey, and Mr. Reuther said that this was one case that had happened.

He said as far as he knew there only were 1 or 2 other cases of record where that type of thing occurred, and he agreed with me that that would not be a proper type of activity in which the international representatives of the UAW should engage.

I am curious to know whether you can speak out of first-hand knowledge as to the verification of this statement, or whether you have some other witness in the room who can speak from first-hand knowledge, No. 1, that there were seven or eight hundred outsiders brought in to conduct this strike and to reinforce the strike, and whether in fact it is demonstratable that they were led by international representatives of the UAW, despite the testimony that we had last week on the very same subject.

Mr. PROSSER. I notice I point out that Hagerstown is a town of 1,800 population. That is a pretty small community.

Senator MUNDT. That is right, and Clinton, Mich., was 1,600 population, and also a small community, and at that time Mazey, presumably at a low boiling point, according to his statement of expression, had said, "We are going to show these employers in small towns that they can't fight a strike."

Mr. PROSSER. That is right.

Senator MUNDT. I am startled to find this same kind of testimony coming now in a town of about the same size, and it is very important that we know or we are sure whether or not there were in fact seven or eight hundred outsiders, and especially whether they were, as stated here, led by international representatives of the union.

I want to find out whether you can verify that as a personal observer, or if not, who you can call who can substantiate it.

Mr. PROSSER. I don't think anybody can say definitely that there was between 700 and 800. That is the figure commonly estimated by the people present at the time.

Mr. Crum is one of our witnesses here today, and he is in the room, and he was outside in this crowd, and I would say also, that the sheriff of Wayne County was there at that time, and would confirm that estimate of seven or eight hundred.

Senator MUNDT. If this statement is challenged, and if it is not challenged we can accept it as fact—but if it is challenged by a UAW witness, we could then call the Sheriff of Wayne County or Mr. Crum for personal testimony on this point; is that right?

Mr. PROSSER. That is correct.

Senator MUNDT. That is all.

Mr. PROSSER. I could give you the names of the two international representatives who were there, if you think that is important.

Senator MUNDT. That would be very helpful, if you will do that.

Mr. PROSSER. Mr. William Caldwell was definitely there.

Senator MUNDT. He is the man that you referred to previously in your testimony?

Mr. PROSSER. That is correct.

I would like to qualify this next one, because of the circumstances surrounding it. I understand that he was not known to anybody in Hagerstown on that day, but he was identified the following day, and that is a man from, I believe, Detroit, by the name of Neal Edwards, or from Anderson, I beg your pardon, from Anderson, Indiana.

The CHAIRMAN. What is the name?

Mr. PROSSER. Neal Edwards.

Senator MUNDT. From Anderson, Indiana?

Mr. PROSSER. That is correct.

Senator MUNDT. And the following day he was identified as having been there on the day that these seven or eight hundred outsiders were being brought in?

Mr. PROSSER. If I remember correctly, he drives a green Mercury.

Senator MUNDT. I can understand nobody was sitting out there with a counting machine, counting whether you had 727 or 842, but someone made the estimate. That was made by the sheriff, was it, and by Mr. Crum?

Mr. PROSSER. Mr. Crum, I would say, was responsible for the figure that I used here.

Senator MUNDT. For the figure?

Mr. PROSSER. Yes.

Senator MUNDT. How did you know that they were outsiders instead of strikers? Was Mr. Crum in a position to know who worked in the plant?

Mr. PROSSER. He has lived in Hagerstown for many years and our plant has been there for 65 years, and I would say that our employees know the people in Hagerstown by sight.

Senator MUNDT. And the sheriff would be familiar with the people who work in the plant?

Mr. PROSSER. To a lesser degree; yes, sir.

Senator MUNDT. But would know the people in the community, probably?

Mr. PROSSER. That is right.

Senator MUNDT. On page 3 you touch on what may or may not have been a boycott activity, and I don't quite understand it.

You said, speaking about this, that the union cut off your supply of castings. You say—

They contacted our outside sources, Liberty Foundries, at Rockford, Ill., and the Sparta Foundry at Sparta, Mich., in an effort to stop shipments.

Is that a statement you can prove?

Mr. PROSSER. I believe so.

Senator MUNDT. How would you go about it?

Mr. PROSSER. Well, I personally had several conversations with the management of those plants, and I would have to depend on their statements as to what they were told.

I would like to point out, Senator, that both of these foundries were sources of supply prior to the strike. At that time our business was such that we were not able to produce enough castings in our own foundry, and we were buying outside castings.

In the case of liberty, they were told by an international representative whom I can't name that our Tipton plant was on strike and that it was a UAW plant. Of course, we had told the management it was not a UAW plant, and they told the union, their local boys, so the president of that union and 2 or 3 of his associates came down to Tipton to investigate the situation and they found that it was a steelworkers' plant, and it was not on strike.

They went back and told us that they would produce all of the castings that we wanted as long as we did not transfer them to any of the UAW plants which were on strike. So they did take care of

that. In the case of Sparta, their president at that time, Harold Vaughn, told me that he was told by his union that if he shipped any castings to our plants that his place would be closed down.

He said that he was told it would not be closed down for that reason, "But we will find another good reason that you won't operate."

He said that he felt that they had an obligation to keep the industry going, being one of the large original equipment customers, and so they agreed to ship castings to our Tipton plant and also to our Canadian plant which also has a steelworkers union, and so both sources continued to ship castings to our plants which were not on strike. That was of great assistance to us because it enabled us to supply the other two plants entirely from the New Castle plant.

Senator MUNDT. Did both or either of them discontinue shipping castings to the plants which were on strike?

Mr. PROSSER. They both did.

Senator MUNDT. They both did?

Mr. PROSSER. That is correct.

Senator MUNDT. How do you keep a plant operating without castings?

Mr. PROSSER. We operated our own plant at New Castle at a high enough rate of capacity to keep the other two plants operating.

Senator MUNDT. I see. You had to rely on your own sources of supply at the New Castle plant, which was the one that they ultimately stoned?

Mr. PROSSER. That is correct.

Senator MUNDT. Was this a UAW union at the Sparta plant?

Mr. PROSSER. Yes.

Senator MUNDT. Was it also UAW union at the other plant?

Mr. PROSSER. Yes, it was.

Senator MUNDT. So that they were working with members of their own union in other plants to shut off your supply as a means of bringing you to your knees, if it could work?

Mr. PROSSER. That is correct.

Senator MUNDT. Precisely, when you say the point of dispute was a union shop, did that mean that they were trying to establish in your plant a contract whereby you could employ only union men or did it mean that you could employ union men or nonunion men provided after a certain stipulated time they joined the union?

Mr. PROSSER. The latter case.

Senator MUNDT. The latter case?

Mr. PROSSER. Yes, sir.

(At this point, the following members were present: Senators McClellan, Curtis, and Mundt.)

Senator MUNDT. How long did they work before they belonged to the union?

Mr. PROSSER. 30 days.

Senator MUNDT. What they were trying to establish by this strike was a situation so that no employee not a member of the union could be employed by you for longer than 30 days?

Mr. PROSSER. That is correct.

Senator MUNDT. On page 4—

Mr. PROSSER. I might also say, Senator, for the benefit of the UAW, as long as the present management is in control of our company, that

will continue to be our policy, because we oppose compulsory unionism as a matter of principle.

Senator MUNDT. I believe since that strike the legislature of the great State of Indiana has taken that same position, if I understand what I read in the papers correctly.

Mr. PROSSER. That is correct.

Senator MUNDT. So you have some reinforcement for your position now.

Mr. PROSSER. That is right.

Senator MUNDT. On page 4 you say—

On August 5, 1955, a large group of union demonstrators, including the director, Raymond Berndt.

Who was Raymond Berndt, and he was director of what?

Mr. PROSSER. He is director of region 3, and I believe is going to be the next speaker.

Senator MUNDT. He is an international—

Mr. PROSSER. He is the regional director in Indianapolis, for the State of Indiana, and I believe part of Kentucky.

Senator MUNDT. He wasn't mentioned before. You mentioned Caldwell and you mentioned somebody from Anderson, Ind. This is a third international representative?

Mr. PROSSER. That is right.

Senator MUNDT. I wasn't sure whether he was a director of some local situation, but he is an international director.

Mr. PROSSER. A regional director.

Senator MUNDT. Further down in the page you say—

The local international representative and an international representative from the office of region 3 of the union were present on this occasion.

Can you identify those?

Mr. PROSSER. The local international representative would be Caldwell and the other gentleman is John Bartee.

Senator MUNDT. John who?

Mr. PROSSER. Bartee.

Senator MUNDT. Is this a fourth international representative now?

Mr. PROSSER. Well, he is another international representative. I believe he is located in South Bend. He is under the same regional director.

Senator MUNDT. How do you spell Bartee?

Mr. PROSSER. B-a-r-t-e-e.

Senator MUNDT. This is a fourth international representative that you have now cataloged?

Mr. PROSSER. Yes.

Senator MUNDT. Up to August—

Mr. PROSSER. We have pictures of him inside the fence, if you would like to see them.

Senator MUNDT. If it becomes a point of controversy, we may want to see them. Maybe he will deny he was there. If he denies it, a picture would be interesting evidence, of course.

On August 15, when you are describing violence, I would like to ask you whether there have been any violent acts on the part of the company up to this time. One of the positions that the UAW witnesses have taken which impressed me with some validity was violence against violence and that the UAW has been using violence as a

retaliatory tactic. I would like to know up to August 15, 1955, if there had been any acts of violence against strikers, union officials, or against union members.

Mr. PROSSER. I know of none, and you can extend that date up to the settlement of the strike. I know of no violence on the part of the company.

Senator MUNDT. There were no charges of violence with the company against the NLRB?

Mr. PROSSER. Unless you include the October 5 incident.

Senator MUNDT. That is where you were being attacked and trying to defend your plant.

Mr. PROSSER. That is right.

Senator MUNDT. How about prior to the October 5 incident?

Mr. PROSSER. I know of no violence.

Senator MUNDT. If there was in fact violence, it would not be retaliatory to other violence prior to October 5?

Mr. PROSSER. That is right.

Senator MUNDT. On page 5 you say—

On the morning of September 19, 1955, a large number of pickets massed at the entrance of the New Castle plant.

That would be indicative to me that that was mass picketing on that occasion; is that correct?

Mr. PROSSER. That is correct.

Senator MUNDT. I think you said you had secured a court order against mass picketing prior to that time.

Mr. PROSSER. That is correct.

Senator MUNDT. So this would be in direct violation of the law.

Mr. PROSSER. That is correct.

Senator MUNDT. I believe about a week after that, as a matter of fact, the police, acting in conformity with the court order, broke up that illegal picket line and arrested 46 of the pickets?

Mr. PROSSER. That is correct.

Senator MUNDT. Were any of them convicted?

Mr. PROSSER. Not to my knowledge.

Senator MUNDT. What happened to the case?

Mr. PROSSER. I don't know.

Senator MUNDT. Does anybody know?

Mr. HOFFMAN. I believe that there were—no; on this I do not believe any were convicted on this charge. It seems that the local prosecutor or officials felt that the charges that were brought, the manner in which the charges were brought, were not well taken, and for that reason I believe the cases were thrown out.

Senator MUNDT. Since they did not return to a mass picket line, they simply let the cases expire?

Mr. HOFFMAN. We can only assume that.

Senator MUNDT. On page 6, you talk about Mr. Juday, and he came into the plant area in a helicopter to provide supplies for the men who were guarding the property, and you say he also took shotguns into the plant.

Was September 25 the first time that the company armed itself with shotguns as a defensive gesture?

Mr. PROSSER. September 26, yes.

Senator MUNDT. 25 or 26.

Mr. PROSSER. The guards in that plant are more of the night watchmen variety and have never carried arms or haven't carried arms for years. I don't know if they ever did or not.

Senator MUNDT. So September 25 or 26 was the first time that you had armed your people inside the plant with shotguns?

Mr. PROSSER. That is correct.

Senator MUNDT. We cannot hear testimony, then, in this case as in the Kohler case, that one of the reasons for violence was in anticipation of the fact that shotguns which had been put into the plant might be used. This came after these acts of violence and some of the arrests had been made.

Mr. PROSSER. Well that, you must remember, followed the period when there were so many rumors about the destruction of property. During that time, from September 19 to September 25 the plant was entirely unprotected.

Senator MUNDT. And it also followed the occasion when the police had arrested the strikers?

Mr. PROSSER. No. It was prior to that. You see, that is when the men got out of the plant, was after those pickets were arrested.

Senator MUNDT. One day after that.

That is right. It followed the September 19 situation where you had this mass of picketing at the entrance of the New Castle plant, however?

Mr. PROSSER. That is right.

Senator MUNDT. You keep talking a lot about rumors, that your plant was going to be dynamited, that it was going to be attacked, they were going to move in and destroy the machinery in the foundry, which was helping to keep the other plants up. Where did you pick up these rumors? What kind of rumors were they? Did they seem to be substantiated well enough to take action on them? You can hear a lot of rumors in a town of 1,800 people.

Mr. PROSSER. Well, they were significant enough that when the National Guard was in there, I believe on three different occasions, they brought in demolition people and had the plant searched themselves because they had heard there was dynamite in that plant.

Senator MUNDT. So there would seem to be some substantiation for the rumors?

Mr. PROSSER. Well, just that they were prevalent. I don't know how you would pin down where they started.

Senator MUNDT. This is one way to test a rumor. Ultimately, did anything happen in the nature of a mass demonstration or an attack upon the plant which pretty well corresponded with the rumors you had heard as to the type of activity or as to date or any other thing?

Mr. PROSSER. Well, the October 5 riot was rumored the day before, and employees were called up by some of their friends in other plants and advised not to go to work. A man here in the room, Mr. Fromuth, who was in management, received two calls personally advising him not to go to work.

Senator MUNDT. Specifying the date?

Mr. PROSSER. Specifying October 5.

Senator MUNDT. And on October 5, the results of that day tended to shore up that rumor?

Mr. PROSSER. That is correct. I might also say that Captain Dillon of the State police had reports from over Indiana that there would be a mass demonstration the following day.

He discussed it with Mr. Justice, the chief of police, and also Mr. Hoffman, the day before it occurred.

Senator MUNDT. What is Captain Dillon's first name?

Mr. PROSSER. Captain Dillon? Robert Dillon.

Senator MUNDT. Capt. Robert Dillon. On page 8, you say:

It is important to note that during this entire strike, not one of the many unfair labor practice charges made by the union was upheld by the NLRB. Generally speaking, our relations with the union have been good—

and so forth.

The exceptions have been when the international union has tried to force a union shop agreement.

On what do you base your testimony that it was the international union that was attempting to force the union shop agreement?

Mr. PROSSER. I would prefer to have Mr. Hoffman or Mr. Baer answer that in detail. The reason I make the statement is because of the introduction of that into a previous strike, and the fact that in 1953 there was considerable agitation for a strike by the international representative, but that the local officers would not support him and he had to abandon the idea.

Senator MUNDT. If either Mr. Baer or Mr. Hoffman cares to delineate further on that, I would be happy to hear them.

Mr. HOFFMAN. I might say that in 1958 I happened to be counsel for the corporation at that time, and for an interim period in charge of the negotiations, handled the negotiations.

We had a strike that has had 8 weeks. It was a wage reopening, and legally the union could not raise other issues under the contract, but they did raise the union shop issue, and the strike was over the union shop issue.

At that time, two international representatives were in charge of the negotiations and the strike, and it was very evident that they were the ones that were pushing for the union shop in all the negotiations, and in any contacts with the international representative at that time it was the international representatives that were actively pushing the union shop.

Again, in 1953—

Senator MUNDT. At that point, let me ask you: Is there any evidence that international representatives in pushing for the union shop were merely carrying out the desires or the wishes of the union members who worked in the shop, the local people?

Mr. HOFFMAN. That is pretty difficult to delineate, other than to say that in the atmosphere and the activity present it appeared to us very strongly that the international representatives were the ones that were pushing for the union shop.

I don't believe the employees alone would have risked contract violation under those circumstances.

When conciliation came in, in the final stages of that strike, the conciliator told them, told the union, that they were definitely in an illegal position in that strike. The strike was somewhat like this one. From 65 to 70 percent of the employees continued to work throughout

the strike in the Hagerstown plant. Richmond at that time was not organized.

The foundry continued to operate under similar conditions.

It did not have the big demonstrations in the areas of the plant, but there was a lot of the vandalism and violence to the persons and properties of employees at that time. Then in 1953, during contract negotiations, the union shop issue was raised. In final stages of that it appeared that there would be a strike. We understood that a strike vote had been taken. At that time Mr. Caldwell appeared to be strongly in favor of a strike, and certainly the principal issue, one of the principal issues, was the union shop. Fortunately, we were able, in conference with the president of the local union and chairman of the bargaining committee, I believe, to convince them that they should not strike over the issue.

In the final meeting, the president of the local, 370, in New Castle, took a position against the strike, and that avoided the strike in 1953.

So all during that period, the three strikes that were had, we can say at least the international representatives were very conspicuous in their demands for the union shop.

Senator MUNDT. Mr. Prosser, on page 9, you say :

It is apparent that the union had a strike plan involving the use of outside help and such force and violence as might be necessary to prevent struck plants from operating. It was also apparent that the international union was instrumental in the devising of this plan.

As I understand it, you have witnesses who were at meetings, present in being, who heard Mr. Caldwell make those statements, and you can produce them if your statement is challenged?

Mr. PROSSER. That is right. Those were the affidavits that I read after my statement.

Senator MUNDT. I may have some questions growing out of a study of the affidavits, which, of course, I have not had a chance to look at. But I wanted to find out for the record whether or not, if that statement is challenged, if the statement is challenged that the international union was instrumental in the devising of this plan, including the use of outside help, including the use of violence and force, whether you had in being, witnesses who were present who could testify that they heard Mr. Caldwell make those statements.

Mr. PROSSER. They are available.

Senator MUNDT. And you say also on page 9 :

To merely denounce such violence in the face of its long continuance and to disclaim responsibility is but to encourage it. The fact that William Caldwell is still the international representative dealing with our New Castle plant indicates that his superiors were not greatly disturbed over his encouragement of the unlawful violence during our strike.

You use the words there "encouragement of the unlawful violence during our strike" and on that point, I take it, you also have witnesses available if that statement is challenged?

Mr. PROSSER. Well, I believe the same witnesses would tell about his promotion of the idea of using violence. You will remember he was present most of those times. He wasn't on October 5. He was in court at that time being tried.

(The witness conferred with his counsel.)

Mr. PROSSER. I beg your pardon. He was just sitting there.

Senator MUNDT. Sitting in court.

Mr. PROSSER. I want to point out, and I think it is significant, in this statement of Kenneth McCarty where he says that Mr. Ammerman, who was chairman of the bargaining committee and carried on negotiations, that Ammerman told him that they were intending to bring in thugs to do their dirty work.

He said he did not go for that kind of stuff. As a matter of fact, Mr. Ammerman resigned from the bargaining committee and accepted a job outside of the bargaining committee, and, as a matter of fact, he went on our guard force and was on the guard force and worked during the entire strike.

Senator MUNDT. I remember your reading that excerpt from the affidavit and I thought it was pretty impressive. I am wondering whether Mr. Kenneth Ammerman is available, should his statement be challenged and he should be needed as a witness.

Mr. PROSSER. He is still working for us.

Senator MUNDT. Those are all the questions I have, Mr. Chairman, except I may have some growing out of the affidavits.

But those are all I have growing out of the testimony.

Senator CURTIS. I have one or two very brief ones.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Prosser, concerning the violence that occurred, there were two types of or two areas of violence, were there not, one at the plants in the picket line and related thereto, and then you also had violence on homes and highways, is that right?

Mr. PROSSER. That is correct.

Senator CURTIS. Who were the victims of the home violence? Were they your employees?

Mr. PROSSER. Yes. They were the nonstriking workers.

Senator CURTIS. The nonstriking workers?

Mr. PROSSER. That is right.

Senator CURTIS. Do any of the three of you who have been sworn there know what kind of violence would be perpetrated at these homes?

Mr. HOFFMAN. It would be shotgun blasts into the house—

Senator CURTIS. Into the side of the house or windows?

Mr. HOFFMAN. Windows, inside the house, and there were cases where it went clear through the siding. There are pictures, I think the staff have pictures and we also have pictures, of what occurred. There were also along toward the end of the strike, and that was after October 5, it stepped up a bit and it became rifle shots instead of shotgun blasts and stones.

Senator CURTIS. About how many people's homes were molested?

Mr. HOFFMAN. There were, I would say, in the neighborhood of between 190 and 200.

Senator CURTIS. Incidents of—

Mr. HOFFMAN. Well, no, that included ambushes and molestations on the streets, and all types of violence to the persons or property, cars and otherwise.

Senator CURTIS. Approximately how many homes were molested?

(The witness conferred with his counsel.)

Mr. BAER. I will have to count them.

Senator CURTIS. What would they do at these homes besides shoot in them with a shotgun and later on a rifle?

MR. HOFFMAN. That was mainly it, there was some paint, not too much, there was paint thrown on stone houses.

Senator CURTIS. On the outside of the house?

Mr. HOFFMAN. Yes.

Senator CURTIS. Do you know of any paint thrown on the inside?

Mr. HOFFMAN. Yes, there were instances of paint being thrown on the inside.

Senator CURTIS. Could you name those instances?

Mr. BAER. Geneva Landrith—

Senator CURTIS. What is her address?

Mr. BAER. That was a house that was ransacked. That is not the one. Gladys DeCorci had the outside of her home smeared with paint. I don't have those addresses here. Mary Murray had her car and house smeared with paint.

Margaret Starbuck had a bottle of paint thrown through the window of her home and paint splattered over the room. We have a picture of that.

Senator CURTIS. You do have a picture of that?

Mr. BAER. Yes.

Senator CURTIS. What is her address?

Mr. BAER. I don't have her address.

Senator CURTIS. You don't even know what town it is?

Mr. BAER. It can be—

Senator CURTIS. It can be furnished?

Mr. BAER. Yes, it can be.

Senator CURTIS. I believe that is all.

The CHAIRMAN. I think we will be able to occupy the caucus room this afternoon. There is a meeting being held here which is expected to conclude by 2:30. So for that reason, we are recessing until 2:30 this afternoon, and we will reconvene in the caucus room.

(Whereupon, at 12:35 p. m. a recess was taken until 2:30 p. m. of the same day, with the following members present: Senators McClellan, Curtis, and Mundt.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan, Mundt, and Curtis.)

The CHAIRMAN. Mr. Prosser, will you stand by, and we will want further testimony from you later.

Call the next witness.

Mr. KENNEDY. Mr. Ray Berndt.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERNDT. I do.

TESTIMONY OF RAYMOND H. BERNDT, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. BERNDT. Mr. Chairman, my name is Raymond H. Berndt. I reside at 2105 South Walnut Street, at South Bend, Ind., and I am

the director of UAW region 3, which comprises the States of Indiana and Kentucky.

The CHAIRMAN. All right, sir, you have counsel? Mr. Rauh is appearing for you?

Mr. BERNDT. Mr. Rauh is appearing as counsel.

The CHAIRMAN. Do you have a prepared statement?

Mr. BERNDT. Mr. Chairman, I have a prepared statement, and I would just like to say that there are a few typographical errors in the statement, and I wish the committee would make such corrections in the statement.

The CHAIRMAN. Was the statement submitted in time?

Mr. KENNEDY. I don't think so.

The CHAIRMAN. I understand this statement was not submitted within the rule, but there is a circumstance attending this particular hearing where we feel we should waive the rules, because we have all been under such pressure of haste and so forth that it hasn't been convenient to do it.

Without objection, the rule will be waived, and you may proceed to read your statement, Mr. Berndt.

Mr. BERNDT. On Thursday, March 27, 1958, local 370, UAW, assigned a supplementary agreement with the Perfect Circle Corp., providing for a 5-cent-an-hour wage increase for its 245 employees at the New Castle, Ind., plant for which the UAW is collective bargaining agent.

The local 370 negotiating committee and representatives of the international union participated in these negotiations under a wage-reopening clause in our current contract with the Perfect Circle Corp., and I signed the agreement on behalf of the international.

The contract containing this wage-reopening clause was negotiated—without a strike—in July 1957.

In other words, since the 1955 strike, UAW local 370 and the responsible representatives of the international union involved in these negotiations have successfully sat at the bargaining table with the representatives of the Perfect Circle Corp. on two occasions and reached agreements without the necessity for strike action.

I cite these facts to make clear to this committee that while relations between UAW local 370 and the Perfect Circle Corp. 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.

This committee should bear in mind that the Perfect Circle situation in 1955 was in no sense representative of the UAW.

The 646 members of the UAW employed in the four Perfect Circle plants in 1955 represented less than one twenty-fifth of 1 percent of the 1,500,000 members of our union.

The contract was one of 2,600 that our union negotiates periodically. The violence which occurred was an isolated instance provoked by the hostility of an untypical company not yet fully accepting in good faith its collective bargaining responsibility.

Even taking as limited a sample as Indiana, for purposes of comparison, this single strike must be weighed against the 112 collective bargaining agreements arrived at in Indiana without strikes in 1955

and the 5 UAW strikes in that State in that year, none of which resulted in any violence whatsoever.

The members of our union hold strong views both as to our current differences on economic questions with the Perfect Circle Corp. and as to the merits of the dispute which led to bloodshed in 1955.

The ugly wounds ripped open at that time heal slowly. The UAW member who carries a bullet wound inside his chest today and those whose scar tissue bears physical proof of the 1955 violence cannot easily wipe out the memory of that nightmare.

But even the worse wound is covered over and begins to heal after 30 months. With the passage of time, the desire to forget makes it easier to forget.

The fact that new contracts have been negotiated with only verbal exchanges across the bargaining table and that grievances and day-to-day problems in the plant have been processed over a 2½-year period indicates that a climate is beginning to develop in which some day mutual trust and confidence can emerge.

In view of these facts, the members and leadership of local 370 and of the UAW International Union deeply regret that this committee has seen fit to investigate the Perfect Circle strike of 1955.

I hope and pray that it will not rekindle fires which have ebbed or died.

On our part, we pledge that while we will give the full facts as we understand them concerning the 1955 strike, we shall exercise restraint so that recrimination and assessment of blame do not erode the fragile bridge of understanding which we have begun to erect between local 370 and the Perfect Circle Corp.

I hope and pray that the company's representatives will do likewise and that the members of this committee will give full consideration to the need for constructing harmonious labor-management relations, rather than destroying the beginnings that have been made.

I hope, too, that this committee will bear in mind the fact that the current contract between Perfect Circle Corp. and local 370 expires on July 1, 1958, and that within 60 days the men in this room representing the union and those representing the company must again sit down at the bargaining table to negotiate a new contract.

Let me state at the outset of my testimony concerning the 1955 strike, as President Reuther did before this committee, that our union, like the company, is composed of imperfect human beings. We do not claim perfection—either now or in 1955.

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.

So far as it is possible for one human being to do so, I shall outline for you the background and conduct of the 1955 strike, omitting neither the justice of our fight nor the faults we may have committed.

The principal points I shall make may be summarized in the following manner:

1. The Perfect Circle Corp. had a long history before the 1955 strike of resistance to unionization of its employees, and frequent challenges of the union's right to represent its employees in collective bargaining.

2. The Perfect Circle Corp. forced its employees to strike for contractual provisions and benefits its chief competitors and customers were already paying.

3. The Perfect Circle Corp. 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.

4. The Perfect Circle Corp. imported shotguns, high-powered rifles, and other weapons into its plant.

5. The Perfect Circle Corp. attempted to operate its plants during the strike, using strikebreakers and scabs to replace the striking workers who had up to 27 years of seniority.

6. The Perfect Circle Corp. committed many acts to provoke resentment and retaliation by the striking employees.

7. The Perfect Circle Corp. shot unarmed strikers and UAW members while they were marching outside the company's gates, while the UAW sought to discourage violence.

8. The Perfect Circle Corp. had no need for importing arms or shooting in alleged self-defense, since it already enjoyed the overly friendly cooperation of public officials including members of the police force.

9. Although Perfect Circle Corp. instigated this strike, prolonged it unnecessarily by refusing to arbitrate, instigated violence by its actions and ousted the UAW from 3 of its 4 plants, the strike of local 370 had to be settled eventually at the collective bargaining table.

Let me now sketch in the details of this corporation's antilabor policies:

1. The Perfect Circle Corp. had a long history before the 1955 strike of resistance to unionization of its employees and frequent challenges of the union's right to represent its employees in collective bargaining:

Before the 1955 strike, the Perfect Circle management had challenged the UAW in 10 different representation or decertification elections at the 4 Indiana plants and had forced its employees to strike 3 times for economic justice and union recognition.

During the period prior to 1955, the company had apparently used Anthony Doria's notorious UAW-AFL and was found guilty by the NLRB of unfair labor practices.

Let me recite briefly the history of anti-UAW tactics employed by Perfect Circle prior to the 1955 strike. There were 4 UAW locals involved at the company's 4 Indiana plants—local 370 at New Castle, 156 at Hagerstown, 832 at the Richmond machine plant, and 1203 at the Richmond foundry.

Perfect Circle workers voted to organize UAW local 370 at New Castle in 1937 but were forced to strike to win recognition. This was during the period when many employers were resisting NLRB elections in the hope that the Wagner Act might be declared unconstitutional.

Next the company at New Castle nurtured an independent union, the Perfect Circle employees union, which on November 10, 1941, petitioned for an NLRB election. This company union beat the UAW by 18 votes (138 to 120).

However, the employees at New Castle soon realized their mistake. Stuck with the company union for 1 year by terms of the law, they voted 83.13 percent in favor of the UAW on November 5, 1942.

The UAW (local 370) was certified as the collective bargaining agent on November 11, 1942, and has not been challenged in an NLRB election since that time.

I would like to add without the union shop which Mr. Prosser opposed, we still have today a membership between 90 to 95 percent of local 370 in New Castle.

The CHAIRMAN. How many employees are there in that plant now?

Mr. BERNDT. To the best of my knowledge, approximately 240.

The CHAIRMAN. Two hundred and forty there?

Mr. BERNDT. Yes, sir.

The CHAIRMAN. All right.

Mr. BERNDT. On the same date, that the UAW won the NLRB election to represent the Perfect Circle employees at New Castle, it also won a separation election by a 56.6 percent margin at Hagerstown, where local 156 was established as the bargaining agent on November 11, 1942.

With the help of Anthony Doria's UAW-AFL, the Perfect Circle management began its drive to replace the UAW-CIO in 1951. On February 19, 1951, the corporation filed for an NLRB election to decertify the UAW as collective bargaining agent for the Hagerstown employees.

Perfect Circle claimed that Doria's union appeared to represent a majority of the employees and only an election could settle the issue.

It refused to negotiate a new contract until the vote was taken. When the election was held, with 608 employees eligible to vote, the Doria union received 16 votes to 406 for the UAW.

At the Richmond foundry, UAW local 1203 was first certified as the collective bargaining representative in an election held June 12, 1952. Of 109 employees eligible to vote, 67 voted for UAW and 37 for no union.

Once again the company instigated a Perfect Circle independent union to petition the NLRB for a new election on October 11, 1954. This time the UAW defeated the independent company union 41 to 23, with 7 votes for no union.

At the Richmond machine plant, UAW local 832 lost the first NLRB election on November 3, 1948, as a result of unfair labor practices committed by the Perfect Circle Corp. The UAW lost by 9 votes, 77 to 86, and objected to the election.

Mr. Chairman, I would like to enter exhibit No. 1 which is the letter to the NLRB, dated November 12, 1958, relative to this decertification election.

The CHAIRMAN. Just a moment. Are you introducing a document?

Mr. BERNDT. It is our exhibit No. 1.

The CHAIRMAN. This November 12 letter, 1948, to the National Labor Relations Board, from John Bartee, may be made exhibit No. 2.

(Document referred to was marked "Exhibit No. 2," for reference and will be found in the appendix on p. 10382.)

The CHAIRMAN. All right.

Mr. BERNDT. The NLRB found the company guilty of improperly influencing the vote and ordered a new election 5 months later. By the time the second election was held, on April 1, 1949, the company was able to get a majority of the machine plant employees at Richmond to vote against the UAW.

Finally, however, on March 30, 1951, the UAW was able to get a third NLRB election at this plant. This time, with 237 employees eligible to vote, the UAW won with 117 votes to 112 for no union.

On top of the representation elections, the Perfect Circle Corp. had forced its employees to go on strike 3 times before 1955 to win economic justice.

The first strike waged by the UAW against the Perfect Circle Corp. was in 1937, when the Hagerstown plant was forced to strike to win recognition of the union.

In 1945, the foundry workers at New Castle had to strike for 8 weeks over company attempts to reclassify jobs.

Another 8-week strike was waged by the UAW at both the New Castle and Hagerstown plants beginning on November 9, 1948, and extending to January 1949.

Over 87 percent of the membership voted for the strike. The chief issues then, as in 1955, were wage increases, union security, pensions, and group insurance improvements.

It wasn't until the very end of the 1955 strike—in November 1955—that the Perfect Circle Corp. management was successful in ousting the union at the three plants where it had failed before the strike.

It is interesting to note that at the fourth plant (at New Castle, Ind.) where most of the company-instigated violence took place, the company was not successful in ousting the UAW, which still represents the workers there today.

Not only did the company have a long history of antiunionism before the strike, but its conduct of negotiations before and during the strike clearly indicated its intention of provoking a strike and of challenging the union's right to represent Perfect Circle employees in collective bargaining.

Sixty days prior to the July 25, 1955, expiration date of the collective bargaining agreement between the UAW and the Perfect Circle Corp., the presidents of each of the four Perfect Circle UAW local unions received a letter from the corporation, giving the necessary 60-day notice of intention to terminate the contract.

In its letter, the company asserted that "our decision to take this action stems from the substantial increase in dues recently instituted by your international union."

This issue was raised by the company in an obvious attempt to evade collective bargaining in good faith. It was another attempt to stir up dissension in the UAW.

The increase in dues referred to by the company was a \$5 temporary increase for a 4-month period that had been overwhelmingly voted in April 1955, by the 3,000 delegates to the UAW's 1955 International Convention in Cleveland, Ohio.

Every UAW member in the United States and Canada who earned more than \$200 a month paid the \$5 dues increase during the 4-month period which ended in August 1955, at which time the dues reverted to the normal monthly amount which, in most cases, was \$2.50 per month.

(At this point the following members were present: Senators McClellan, Mundt, and Curtis.)

During the 60-day period preceding the strike, some 16 meetings were held between the Perfect Circle management and the joint union committee representing the four Perfect Circle locals.

At the final negotiating session on July 21, 1955, the issues remaining unresolved were wages—(the company offered a 10-cent per hour package against the union's request for the standard industrywide package of 21 cents per hour); compulsory arbitration, supplemental unemployment benefits, union shop, retirement and insurance benefits, wage inequities and several individual plant issues.

Mr. Chairman, I would like to insert at this point that Mr. Prosser made quite a point this morning of saying that the union shop was the only point at issue. I think that Mr. Prosser has every right to believe that, but this was our economic package at that time. These were the issues yet remaining unsolved. I would like to at this point introduce another exhibit. It is a letter by myself to all the Perfect Circle-UAW members, mailed to their homes under date of July 11, 1955, setting forth the issues that were presently under negotiations at the bargaining table.

The CHAIRMAN. That may be made exhibit 3.

(The document referred to was marked exhibit 3 for reference and will be found in the appendix on p. 10383.)

Mr. BERNDT. In all four UAW local unions during the week before the strike, the company's final proposals and the union's demands were outlined to the membership. In each case, the members voted overwhelmingly by secret ballot to strike on July 25, 1955, when the contract expired.

Mr. Chairman, I would like to enter as evidence the notices that called for the secret strike vote meetings in the various local unions.

The CHAIRMAN. They may be made exhibit 4A, B, and C.

(The documents referred to were marked exhibits 4A, B, and C for reference and may be found in the files of the Select Committee.)

Mr. BERNDT. Thank you, Mr. Chairman. At local 156, Hagerstown, the strike vote was 131 for, 43 against.

In local 370, New Castle, the vote was 134 for strike action, 9 against.

At local 832, Richmond, the strike vote was 63 to 20 against.

At local 1203, Richmond, the strike vote was 16 to 3 against.

Thus, with 656 employees eligible to vote, 415 or nearly 66 percent participated in the strike votes. Of those participating, 82 percent (340) voted in favor of a strike and only 18 percent (75) against.

A month after the strike had started, on August 25, 1955, the company again made clear its intention of wiping out the union.

On that date, representatives of the State labor commission called both sides to a negotiation session at the Warren Hotel in Indianapolis. The union was represented by the presidents of the four AWW Perfect Circle locals, International Representative William Caldwell and myself. The company insisted that the UAW could bargain only for employees of the New Castle foundry, since petitions for decertification of the UAW at the Richmond and Hagerstown plants had been filed with the NLRB during the preceding weeks by various individuals employed by the company.

Since negotiations had begun jointly for the four Perfect Circle plants, the company's insistence on bargaining only for the New Castle foundry, let to the breakdown of negotiations.

Although the UAW at this point was still the legally designated bargaining representative for all four plants, the company took a position once again which it knew would disrupt bargaining and prevent a solution to the dispute.

2. The Perfect Circle Corp. forced its employees to strike for contractual provisions and benefits its chief competitors and customers were already paying.

Perfect Circle manufactures piston rings, which it sells mainly to the major auto corporations.

Prior to the July 25, 1955, strike at Perfect Circle, the UAW had already reached agreement, without the necessity of a strike, with the major auto corporations and hundreds of other supplier firms on the same basic benefits for which the Perfect Circle Corp. forced its employees to strike.

The September 1955 issue of the United Automobile Worker newspaper reported that companies employing more than 822,500 UAW members had agreed to new contracts including supplemental unemployment benefits and other improvements.

I would like to at this time introduce another exhibit which is a copy of the newspaper article that I just referred to.

The CHAIRMAN. That may be made exhibit 5.

(The document referred to was marked exhibit 5 for reference and may be found in the files of the Select Committee.)

Mr. BERNDT. Thank you, sir.

Before the strike erupted at Perfect Circle, the Sealed Power Corp. of Rochester, Ind., and Muskegon, Mich., Perfect Circle's competitor company, had already signed a contract providing the same benefits for which Perfect Circle forced its workers to strike.

Mr. Chairman, I would like to enter as an exhibit an article on the signing of the Sealed Power agreement referred to in this article.

The CHAIRMAN. That may be made exhibit 6. All of these exhibits are just for reference.

(The document referred to was marked exhibit 6 for reference and may be found in the files of the Select Committee.)

Mr. BERNDT. For example, the new 3-year contract, negotiated in September 1955, and signed October 1, 1955, with the Sealed Power Corp. provided for a package increase estimated at 20.9 cents per hour at the Muskegon plant and 22.1 cents per hour at the Rochester, Ind., plant.

The Rochester, Ind., plant contract provided for a supplemental unemployment benefits plan, with company contributions starting in September 1956 and benefits payable in 1957.

It also provided for an 8-cents-per-hour general wage increase, a 6-cents-per-hour annual improvement factor, an improved cost-of-living factor, an extra paid holiday, and a pension plan conforming to the industry pattern. The Muskegon improvements were similar.

Mr. Prosser has raised that the Perfect Circle Corp. were already ahead, but as I indicated earlier, these were our contract demands at that time, and if they were contract demands they were evidently not in the agreements since they were contract demands.

Three, the Perfect Circle Corp. 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.

Apart from the various economic issues, the major deterrent to a contract was the company's refusal to agree to a provision in the contract for compulsory arbitration. The union proposed that the losing side in an arbitration case pay the cost of the arbitrator. The company refused to agree to inclusion of a compulsory arbitration clause, insisting upon retention of a veto over the questions that might be arbitrated.

After the strike had been underway for nearly a month, the Indianapolis News said in an editorial:

The differences are not so great but that they could be settled around the arbitration table.

On behalf of the UAW, I immediately accepted this offer. In a full-page advertisement in five leading Indiana newspapers—the Indianapolis Times; the Indianapolis Star; Indianapolis News; New Castle, Ind., Courier; and the Richmond, Ind., Palladium Item—I offered on behalf of the UAW to submit the strike issues to an impartial arbitrator.

I would like to offer this as an exhibit, the full-page ad that I referred to.

The CHAIRMAN. That may be made exhibit 7.

(The document referred to was marked exhibit 7 for reference, and may be found in the files of the select committee.)

(At this point, Senator Goldwater entered the hearing room.)

Mr. BERNDT. The ad, in part, says, and I quote:

The UAW-CIO will join you in selecting an arbitrator to decide the unsettled issues in the dispute, with the understanding that both parties will be bound by the decision of the arbitrator.

The UAW-CIO further agrees that if an arbitrator cannot be mutually agreed upon within 10 days, that the Secretary of Labor, James P. Mitchell, shall be requested to appoint an arbitrator whose decision shall be final and binding on both parties.

This offer to accept an impartial arbitrator designated by Secretary Mitchell was noteworthy because the president of Perfect Circle "on leave" at that time was Assistant Secretary of Commerce Lothair Teetor. Teetor's brother, Ralph, was acting president of the company in his absence.

But the Perfect Circle Corp. flatly rejected the offer to arbitrate, saying that arbitration was "against its principles."

This morning we heard from Mr. Prosser, who said that the union shop was against the principles of the corporation.

Little mention was made of the fact that it was against the principles of the corporation to arbitrate grievances, nor did the company suggest that we delete the union shop issue and arbitrate the balance of the disagreement between the parties.

The UAW again repeated its offer to arbitrate on September 22, 1955, in a letter I sent to Mr. Ralph Teetor. Once again the company said "No" for the same reason—matters of principle were involved and it couldn't submit matters of principle to an arbitrator. In other words, the Perfect Circle Corp. opposed impartial arbi-

tration—both as a means of administering the contract during its lifetime and as a means of arriving at a new contract.

4. The Perfect Circle Corp. imported shotguns, high-powered rifles, and other weapons into its plant.

I previously mentioned the second offer by the UAW to arbitrate the dispute, which was made on September 22, 1955; in my letter, I pointed out that I was renewing my appeal because the union had learned that the company was attempting to secure gun permits for those who were going through the picket line to work at the New Castle plant.

As a result of subsequent investigation, the union has learned that various company officials or members of their family obtained gun permits from the police department in the city of New Castle—all before the shootings of October 5, 1955.

Following is a list of the company personnel who obtained such permits, the date of the permit and the gun for which it was obtained:

Lester Juday (brother of plant manager); permit granted August 15, 1955; Harrington-Richardson .32 pistol.

Lester M. Juday (same); permit on September 10, 1955; Smith & Wesson .38 pistol.

Hilda Juday (Chester Juday's wife); September 12, 1955; Smith & Wesson .32 pistol.

Chalmer Juday (another brother of plant manager); August 27, 1955; High Standard .22.

Chalmer Juday (same); September 12, 1955; Smith & Wesson .38.

Hazel Juday (Chalmer's wife); September 20, 1955; Marieta .25 automatic.

Cecil Traxell (scab); September 21, 1955; Iver Johnson .32 (?).

Charles W. Hoover (scab); September 16, 1955; Colt .25 automatic.

I would like to enter as an exhibit at this time a report from the chief of police of the city of New Castle listing the names of the people and the permit numbers.

The CHAIRMAN. That may be made exhibit 8.

(The document referred to was marked "Exhibit No. 8" for reference and may be found in the files of the select committee.)

Mr. BERNDT. A minor incident before the shootings of October 5, 1955, illustrated the high emotional pitch which the company had created.

Robert Payne, a Perfect Circle minor executive, installed a spotlight in front of his house. One evening when the son of a local cemetery caretaker turned his car around in the driveway, shots rang out from the Payne house. Two hit the car, but narrowly missed the teenager inside.

It was reported, of course, that the company flew part of its arms cache into the plant during September.

After the shootings took place, October 5, 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.

In its own press release of October 6, 1955—the day after pickets outside the plant were shot from inside the plant—the company stated:

Plant and community officials had advance warning that this attack could be expected. Firearms to be used for protection were taken into the plant with the full knowledge of the local law enforcement agency.

5. The Perfect Circle Corp. attempted to operate its plants during the strike, using strikebreakers and scabs to replace the striking workers who had up to 27 years of seniority.

Instead of negotiating or arbitrating its differences with the UAW, the Perfect Circle Corp. made clear its intention of breaking the strike and the union.

Before the strike began, the company announced that it intended to keep the plant open and to continue operating during the strike.

The part of the press release that was incorporated in the Courier Times, in New Castle, Mr. Chairman, I would like to insert the press release as part of the management's position as indicated by the press.

The CHAIRMAN. That may be made exhibit No. 9.

(The document referred to was marked "exhibit No. 9" for reference and may be found in the files of the select committee.)

Mr. BERNDT. When the strike started the company hired new employees, used management and office personnel on production work, and kept those who went through the picketline at work.

Many of these company employees were armed and went through the picketline with full police protection.

6. The Perfect Circle Corp. committed many acts to provoke resentment and retaliation by the striking employees.

In addition to the company's intransigent attitude in collective bargaining and the incidents already related of the company's acts of provocation, the Perfect Circle Corp. carried on a broad campaign to create an atmosphere of resentment on the part of its striking employees.

During the strike the company used virtually every antiunion technique known to management.

Perfect Circle sent supervisors to the homes of strikers to attempt to intimidate or induce them to return to work.

Perfect Circle supplied its mailing list to the wives of 9 company officials and supervisory personnel, who sent 3 separate letters to the wives of the striking workers, urging a return to work. The letters attacked the union shop as "tribute without representation" and compared the practice to life under communism.

The company provoked an incident at the New Castle plant on August 15, 1955. Although the plant had been shut down from the beginning of the strike, the company announced that it intended to reopen the plant for work on August 15 and had hired new employees to replace strikers.

On the morning of August 15, 1955, there was a demonstration in front of the plant by about 150 UAW sympathizers. The demonstration was orderly until a bus chartered by the company and filled with scabs entered the Plum Street approach to the plant.

At this point, the anger of the crowd erupted spontaneously.

Stones, bottles, and bricks were thrown; windows of the bus were broken, but no one in the bus was injured.

Immediately following the bus incident, about 18 or 20 persons reportedly ran through the open gates of the plant and overturned several cars belonging to Perfect Circle supervisors and the company attorney.

Nine men were arrested and booked at police headquarters on disorderly conduct and malicious trespassing charges. They were later

released when the Henry County prosecutor, Fred Hall, refused to enter official charges against them.

Hall expressed irritation with the Perfect Circle Corp. because it would not file contempt of court charges against the persons previously enjoined by the local court from picketing activities.

Later, when several of the strikers and their leaders were cited for contempt, they were tried and found innocent.

On September 27, 1955, the entire New Castle Police Department, with the exception of one officer, led by Mayor McCormack and Police Chief Clarence Justice, descended on the picketline at Perfect Circle and arrested some 49 pickets.

On October 3, 1955, 35 members of the UAW, including the officers of the locals, received letters from the company notifying them of their discharge from the company due to their activity on the picketline during the strike.

These discharges, on top of the company-instigated arrests, importation of weapons into the plant, and other provocations, led UAW locals in New Castle and surrounding communities to sponsor a demonstration in front of the company's New Castle plant on October 5, 1955.

It was on this day that the company violence came to a head.

7. The Perfect Circle Corp. shot unarmed strikers and UAW members while they were marching outside the company's gates, while the UAW sought to discourage violence.

October 5, 1955, was a rainy, soggy day. The pickets and their fellow UAW members marched down the middle of Plum Street past the outside of the plant in a peaceful demonstration of trade union solidarity.

Mr. Chairman, I would like to offer a photograph to indicate the size of the group marching down the middle of the street, and certainly even Mr. Prosser this morning did not go so far as did Senator Mundt in saying that the mass of people rushed the plant gates. They are walking by the plant gates, as the photograph would indicate.

The CHAIRMAN. The picture may be made exhibit No. 10.

(The document referred to was marked "exhibit No. 10" for reference and may be found in the files of the select committee.)

Mr. BERNDT. Thank you, Senator.

Suddenly, an aerial bomb was fired into the air from the plant, followed by shots from the plant. The crowd ran for cover. The firing continued from inside the plant.

The company had, on various occasions after the October 5 incident, indicated through various press releases that they had fired into the crowd, and no mention had been made until this morning, when Mr. Prosser made the statement, that a shot other than from the company had been fired from outside the plant.

This is a new contention on the part of management, and certainly we are prepared to present people who will verify that from their point of view they heard no other shot until such time as the shots were fired into the crowd.

At least half a dozen demonstrators were wounded. Their shocked friends dragged them out of the line of fire; they gave them first aid.

The worst hit UAW member—Robert Ford—was rushed to a hospital. First rumored dead, he was actually wounded in the neck and chest by fire from a high-powered rifle from inside the plant.

The bullet struck his collarbone, where it became imbedded, thus saving his life. The bullet is still there today. Mr. Ford was to have been a witness but has been excused because of the recent tragic death of his wife.

Mr. Chairman, I would like to present this photograph of Ford the day after the shooting as an exhibit.

The CHAIRMAN. This is a photograph of the man that was shot, and his wife?

Mr. BERNDT. That is a photograph of the man who was shot, and his wife.

The CHAIRMAN. That may be made exhibit 11, for reference.

(The document referred to was marked "Exhibit No. 11" for reference and may be found in the files of the select committee.)

Mr. BERNDT. Thank you, Mr. Senator. A high-powered rifle bullet fired from inside the plant passed through both legs of Paul Carper, another UAW member from nearby Anderson.

Mr. Chairman, I would like to enter as an exhibit a photograph of Mr. Carper, immediately after having been shot through both thighs.

The CHAIRMAN. That may be made exhibit No. 12.

(The document referred to was marked "Exhibit No. 12" for reference and may be found in the files of the select committee.)

Mr. BERNDT. Thank you.

A UAW photographer, James Yardley, risked his life to photograph a company employee shooting at Carper from the plant. Buckshot peppered the legs of Henry Gibson, a UAW member in New Castle.

Mr. Chairman, I would like to enter this blown-up exhibit which has in the corner an enlarged segment of the center of the picture, showing a person shooting from the top of the fire escape at the plant.

The CHAIRMAN. That may be made exhibit 13.

(The document referred to was marked "exhibit No. 13" for reference, and may be found in the files of the select committee.)

Mr. BERNDT. Thank you, Mr. Senator.

From the exhibit just presented, the committee will notice that this is a riotous day on which people were attacking the plant and causing property damage. The blown-up photograph will show there are no broken windows in the plant, nor cars turned over. Buckshot peppered the legs of Henry Gibson, a UAW member in New Castle.

Mr. Chairman, I would like to present a picture of Henry Gibson immediately after being hit by a charge of buckshot.

The CHAIRMAN. That may be made exhibit 14.

Mr. BERNDT. Thank you, Mr. Senator.

(The document referred to was marked "exhibit No. 14" for reference, and may be found in the files of the select committee.)

Mr. BERNDT. A bullet and buckshot barrage emanating from the plant laid down a fusillade of fire all around the plant. A stray bullet crashed into the bedroom of a little girl who lived across the street from the plant. It narrowly missed killing her.

Mr. Chairman, I would like to enter an exhibit of the inside of the room in which this bullet emerged after hitting the outside of the house and the girl's room. The girl is in the picture.

The CHAIRMAN. That may be made exhibit 15.

(The document referred to was marked "exhibit No. 15" for reference, and may be found in the files of the select committee.)

MR. BERNDT. According to the company's press release the next day—

management personnel had to use shotgun fire to repel the rioters in order to protect the lives of those in the plant and to prevent the plant property from being overrun by the howling mob.

It is significant that in its first press release, the company admitted that it fired the first shots with weapons it had stored up previously, although it claimed this was done to protect property from a howling mob.

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.

The firing from the plant, unfortunately, provoked a few of the demonstrators into going to their homes and getting squirrel rifles or other small arms to return the fire.

UAW President Walter P. Reuther first entered personally into trying to resolve the dispute immediately after the shootings of October 5, 1955.

On October 5, 1955, a UAW international executive board meeting was underway in Detroit. The meeting had begun on October 3, and continued until October 7.

As a matter of the executive board, I received word during the board meeting of the New Castle shootings. As soon as I could get through to New Castle by phone, I relayed President Reuther's instructions to the strikers to refrain from retaliatory violence—no matter what the provocation.

I stressed President Reuther's strong instruction that retaliatory violence would solve nothing and that the issues would still have to be resolved at the bargaining table.

Within hours of the firing on October 5, President Reuther sent telegrams to Gov. George Craig and Secretary of Labor James P. Mitchell, calling upon both the Federal and State Governments to conduct a complete and thorough investigation to pin down the responsibility for the "merciless shooting of UAW-CIO members in New Castle, Ind.," and repeating the UAW offer to negotiate, mediate, or arbitrate the issues in dispute.

President Reuther's telegram of October 5 to Secretary of Labor Mitchell said in part:

The full moral responsibility for the unfortunate violence which occurred in New Castle must rest squarely on the shoulders of the management of the Perfect Circle Co., because of its refusal to negotiate, mediate, or arbitrate the present dispute.

Instead of meeting its responsibilities at the bargaining table the Perfect Circle management has armed strikebreakers and carried on acts of provocation and violence.

We call upon you, Mr. Secretary, to lend your good offices to put an end to the company provocation which brought about today's tragic incidents and to enforce upon this company enough sense of social and moral responsibility so

that the matters at issue can be settled through the normal processes of democratic collective bargaining.

We renew our earlier offer of arbitration of the issues, including our proposal that you shall name the impartial arbitrator in the event that the company and the union cannot jointly agree on a person to fill that post.

President Reuther's telegram to Governor Craig concluded by urging him—

to order a thorough and complete investigation to bring to justice those responsible for Wednesday's violence and to assist the Secretary of Labor in whatever way possible to resolve the issues in dispute.

A detachment of State police, under the command of Capt. Robert Dillon, entered the Perfect Circle plant a few hours after the shootings and removed "enough guns from workers inside the plant to fill four tabletops." This stopped the shootings and violence immediately.

Mr. Chairman, I would like to enter as an exhibit a photograph taken at the time of the State police entering the plant. The photograph shows the type of guns laying on the table inside of the Perfect Circle plant.

The CHAIRMAN. That may be made exhibit 16.

(The document referred to was marked "Exhibit No. 16" for reference, and may be found in the files of the select committee.)

Mr. BERNDT. Mr. Chairman, I would further like to enter an exhibit of the same guns being taken from the plant by the State police immediately after the photograph that I had introduced earlier.

The CHAIRMAN. That may be made exhibit 17.

(The document referred to was marked "Exhibit No. 17" for reference, and may be found in the files of the select committee.)

Mr. BERNDT. Thank you, Mr. Senator.

But Governor Craig, vacationing in Florida, ordered the Indiana National Guard into New Castle on October 6. Backed by Sherman tanks and machine guns, 600 members of the Indiana militia escorted through the 5-man picket line at the New Castle plant the same scabs and company supervisors who had fired on the pickets October 5.

When Indiana newspapers complained about the Governor's absence from the State, he flew back to Indianapolis. He claimed he wanted to arrange a truce and seek a settlement. The truce turned out to be another order by Craig, sending National Guard troops into all three towns where Perfect Circle had plants and keeping the plants open for scabs to enter.

On Friday, October 7, 1955, I wired Governor Craig protesting the dispatching of troops into New Castle and urging that the Governor convince the Perfect Circle Corp, "to settle this dispute by arriving at a fair agreement with UAW-CIO either by negotiations or arbitration."

Mr. Chairman, I would like to submit as an exhibit the full effect of the wire to Governor Craig.

The CHAIRMAN. That may be made exhibit 18.

(The document referred to was marked "Exhibit No. 18" for reference, and may be found in the files of the select committee.)

Mr. BERNDT. On Saturday, October 15, 1955, the Governor's executive secretary, Horace Coats, asked me to sign agreements setting forth these provisions:

1. Both the Perfect Circle management and the UAW-CIO would instruct and direct their employees and their members, respectively,

to refrain from any violence in the controversy at the Indiana plants of the Perfect Circle Corp.

2. That when the signature of both parties was secured to these agreements, martial law would be withdrawn and negotiations looking toward a settlement of the dispute would be resumed. These negotiations were to have been resumed at 10 a. m. on Tuesday, October 18, 1955.

I signed the agreements and I immediately again instructed and directed UAW members that they were to refrain from any kind of violent action—no matter what the provocation on the part of the management. When I signed the agreements, which Mr. Coats described as secret, I was speaking for the UAW International and for President Reuther.

On Monday afternoon, October 17, 1955, Governor Craig issued a statement to the press that President Reuther's personal commitment, which he already had through me, was necessary to prevent further violence in New Castle. The Governor also violated his pledge to secure a resumption of negotiations that would end the dispute and he did not withdraw the martial law from New Castle.

On Tuesday afternoon, October 18, 1955, President Reuther therefore dispatched a telegram to the Governor, in which he said in part:

The only assumption which I and my associates in the UAW-CIO, the Perfect Circle workers, and UAW-CIO members generally can draw from your actions is that you have suddenly seen an opportunity to use to your own personal political advantage a collective bargaining dispute that exists only because an irresponsible and recalcitrant management prefers violence and bloodshed to the peaceful and sensible procedures of industrial democracy.

We can only regard the about face in your pledge to see that negotiations were resumed on Tuesday—a pledge which was witnessed by two United States Federal labor conciliators—as a serious breach of good faith which in simple language represents a doublecross of the Perfect Circle workers and the people of Indiana out of your deference to this management and the lunatic fringe of reactionary industrialists which it represents.

Throughout the course of this dispute, the union has been ready at all times to mediate, conciliate, or arbitrate our differences. The management has rejected all such offers—from us or from any independent source. Any management which refuses to place its case before the judgment of an impartial third party obviously has little faith in the merits of his own case. Yet it is this kind of management which you chose to befriend in your public statement of yesterday which was also in violation of your pledge to see to it that negotiations were resumed today.

On the basis of the foregoing facts, it is the position of the UAW-CIO that the Perfect Circle management is solely responsible for the violence that has occurred, is solely responsible for the strike that exists, is solely responsible for the failure thus far to reach an agreement that would end this dispute, and that you have violated your word to our union to see to it that negotiations were to resume today.

However, in order that there be no misunderstanding on your part or on the part of the general public, I wish to inform you that I thoroughly and completely endorse the instructions and directions by Mr. Raymond Berndt to UAW-CIO members to refrain from any kind of violent action, regardless of any provocation by the company, and that I am issuing the same instructions to the officers and members of UAW-CIO Local 370 over my name.

I would like to, Mr. Chairman, offer as an exhibit the complete text of this telegram from which I have just read in part.

The CHAIRMAN. That may be made exhibit 19.

(The document referred to was marked "Exhibit No. 19" for reference, and may be found in the files of the select committee.)

Mr. BERNDT. Thank you, Mr. Senator.

At the same time, President Reuther telegraphed the president of UAW Local 370, Carl Batchfield, and the members of local 370, the full text of his letter to the Governor and called their attention particularly to the final paragraph of the wire.

The teletype on file at the UAW international headquarters in Detroit indicates that the text of the telegram was delivered to Mr. Batchfield in time to be read that night at a membership meeting of local 370.

Mr. BERNDT. No. 8 is the next number. I would like to offer this exhibit of the notes that were transcribed at the time of the transmission of the message to Carl Batchfield, for presentation to his membership.

The CHAIRMAN. They may be made exhibit 20.

(The document referred to was marked "Exhibit No. 20" for reference, and may be found in the files of the select committee.)

Mr. BERNDT. No. 8, the Perfect Circle Corp. had no need for importing arms or shooting in alleged self-defense since it already enjoyed the overly friendly cooperation of public officials, including members of the police force.

The close tieup between Perfect Circle and the local public and police officials was clearly evident.

Mayor Lester Meadows in Richmond and Mayor Paul McCormack in New Castle continually played the company's game in their strike-breaking activities.

Councilman Chesley Juday of New Castle, who worked closely with Mayor McCormack was none other than the plant manager of the Perfect Circle Corp. plant in New Castle and the man responsible for amassing the arsenal.

The police moved a Christmas shanty from the town to the Perfect Circle employees parking lot and used it as a police headquarters. This was the same open parking lot outside the company's gates on which UAW members were later shot.

The company also supplied the police force with breakfast each day in the company cafeteria for a month. It even provided the policemen with goatskin gloves to wear while on duty at the plant.

Periodically, Plant Manager and City Councilman Juday met with Mayor Paul McCormack and Police Chief Clarence Justice at city hall to plan the joint police-company activities for that day.

A policeman who received full pay from the city during the period of the strike was also simultaneously employed by the corporation to fly a plane to observe and report on the activities of the UAW representatives.

For example, the plane would usually hover over the house of UAW International Representative William Caldwell, follow his car to the plant and also to any other plants he visited from Perfect Circle, reporting over the plane's radio to police vehicles on the ground.

It is interesting to note that an aroused public reacted sharply to the tactics of the Perfect Circle Corp.

The day after the shootings at New Castle, the administration in Washington announced that Lothair Teetor had resigned as Assistant Secretary of Commerce and returned to the Perfect Circle presidency.

A few days later, on October 10, 1955, Secretary of Labor Mitchell publicly criticized both the Kohler Co. and the Perfect Circle Corp..

with his statement that "those two are not typical attitudes of American management."

Mr. Chairman, it appears quite by coincidence that the committee has chosen these two particular companies as typical cases for UAW problems of violence.

I think that probably some members of the committee ought to discuss this with Secretary of Labor Mitchell since he has made the statement and the statement is not attributable to us.

In New Castle, Paul McCormack, the mayor who called for and directed the National Guard activities and directed local police in their procompany activities, was defeated by Democrat Sidney E. Baker in the November 1955 elections.

Chesley Juday, the Perfect Circle plant manager in New Castle who had been a member of the city council for two terms, sought reelection and was badly defeated. He ran last in a field of 18 candidates.

In Richmond, Mayor Lester Meadows, who had played the company game during the strike, was defeated by the first Democratic mayor to be elected in 35 years.

9. Although Perfect Circle Corp. instigated this strike, prolonged it unnecessarily by refusing to arbitrate, instigated violence by its action and ousted the UAW from 3 of its 4 plants, the strike of local 370 had to be settled eventually at the collective bargaining table.

Unfortunately, the Perfect Circle Corp. succeeded in its union busting. Under the notorious provisions of the Taft-Hartley Act, which permitted the nonunion scabs to vote, the UAW was decertified as collective bargaining agent at 3 of the 4 Perfect Circle plants on November 10, 1955.

Accordingly, the strike officially ended at the Hagerstown and Richmond plants on that day.

At the Richmond foundry, the vote to decertify was 35 for the UAW and 45 for no union, with 13 challenged votes out of 99 eligible to vote.

At the Richmond machine plant, where 248 were eligible to vote, the tabulation showed 96 votes for the UAW, 138 for no union and 4 challenged ballots.

At Hagerstown, the vote to decertify the UAW was 233 for the UAW and 475 for no union.

Negotiations to settle the Perfect Circle, New Castle strike were finally begun as a result of a series of telephone conversations between UAW Secretary-Treasurer Emil Mazey and James Mitchell, Secretary of Labor.

Negotiations took place in Chicago, on November 22, 26, 27, and 28, 1955.

A contract to terminate the strike was finally achieved on Monday, November 28, 1955. The contract was ratified by the membership of UAW Local 370 on Tuesday, November 29, by a vote of 86 to 72.

UAW Secretary-Treasurer Mazey personally appeared at the meeting and presented the terms of the settlement and argued for its acceptance.

The principal obstacle to obtaining membership approval of the contract was the fact that 7 of 37 leaders of the local union who had been discharged by the company, were to have their cases submitted to arbitration.

Twenty-two of the 37 discharges were reinstated immediately upon termination of the strike; 8 of the discharges were given 30-day suspensions.

There was a strong feeling in the local 370 meeting that the strike should not be terminated unless and until the company agreed to reinstate all of the discharged workers, including the seven whose cases were to be arbitrated.

Among the cases that went to arbitration was that of the president of the local union and the entire negotiating committee.

Of the 7 arbitrated cases, 3 resulted in reinstatement and 4 in discharge of strikers.

Mr. Chairman, in conclusion, thus ended the Perfect Circle strike. The entire episode, we believe, was best summarized by an editorial which appeared in the October 8, 1955, edition of the Louisville Courier-Journal, published in nearby Louisville, Ky. That editorial stated:

In its approach to the union's contract demands, the company seems to have returned to the lawless harshness of the twenties.

It openly recruited strikebreakers, previously stacking guns inside the plant. This was wanton provocation, in face of the mounting tension among New Castle workers, and management must be held mainly responsible for the serious shooting there.

More than a month ago the union offered to submit the dispute with its growing tension, to arbitration. The company refused on the ground that questions of principle cannot be subjected to possible compromise.

It also refused to continue negotiations until a decertification petition, filed by nonstriking workers at two plants, has been decided by the National Labor Relations Board.

This decision has not yet been made and the company made a bad matter worse by arming nonstrikers and reopening its plants.

State troopers and local police have been assigned in large groups to the strike-bound plants for weeks, although their services are badly needed elsewhere.

The Federal and State mediation services cannot intervene as long as the company will not talk to the union. But company spokesmen professed themselves stunned at Governor Craig's intervention when the Governor merely asked them to resume negotiations.

The UAW may not be blameless in the violence that shocked New Castle this week, but to any fairminded person, the company seems to have acted with gross provocation, and the principle it claims as motivation looks suspiciously like the old-fashioned principle of union-busting.

We concede that in the emotion-packed atmosphere of New Castle in the summer of 1955 members of UAW may not have been blameless, but in view of the facts I have cited, and I would like to quote from the editorial, can "any fair-minded person," doubt that the company "acted with gross provocation, and the principle it claims as motivation looks suspiciously like the old-fashioned principle of union-busting."

The CHAIRMAN. You have made one statement, Mr. Berndt, that I have difficulty accepting, and I am not challenging it further than for explanation at the moment.

How can a company instigate a strike? You keep saying the company instigated the strike. I can understand that it could prolong it by refusing to negotiate, or by being arbitrary, but I don't see how it instigates a strike.

Mr. BERNDT. I would say, Mr. Chairman, that probably it is an ill use of words, and probably "provoke" would have been a much better word to use.

The CHAIRMAN. I can understand "provoke," but the "instigate" I couldn't.

Mr. BERNDT. Thank you.

The CHAIRMAN. All right, Mr. Counsel.

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 the 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 3 of its 4 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.

While we may talk to people about not doing anything in a retaliatory manner, you can't be at 4 places at one time, and you can't be at 4 plants at 1 time and you can't be at all gates at 1 time, seeing that each and every individual adheres to what could very well be said to be recognized as UAW policy.

Mr. KENNEDY. When we look at the list of those who were victims of violence, whose property was harmed or who were themselves physically assaulted, we see that it started well before the October 5 incident, and it was mostly, if not all, directed against nonstrikers.

For instance, on August 3 there was a car overturned and a car stoned, and going on, August 5, "auto glass hit by rock, rock thrown through windows at homes, slugged by pickets, rocks through windows at home," and we go on and on all through August there.

In September there were windows broken at homes and so on, and there was a good deal of violence that took place prior to the October 5 incident.

I am wondering if you are holding the company responsible for all of that. I can understand that there was bitterness perhaps in the company's not accepting the union's position or perhaps possibly not even bargaining in good faith, but the violence that took place was aimed at nonstrikers, and I am wondering if your position is that the company is responsible for all of that.

Mr. BERNDT. I would like to say at the very outset that any violence that might have occurred so far as the stoning of individuals' homes was not a part of a planned program by our union.

Certainly the individuals who took this on themselves, if they were union people who did all of these things, to do these things was not as a part of a planned program on the part of the union at the instruction of myself nor any representative in the area.

I would like to call your attention, of the numerous arrests made, and I think that out of in excess of 100 arrests, there were 13 convictions.

Mr. KENNEDY. Thirteen what?

Mr. BERNDT. There were 13 convictions during the period of the strike, out of more than 100 arrests made. All were misdemeanors.

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.

The CHAIRMAN. I am hopeful too, and I appreciated one thing you said here.

I don't want this committee to be responsible for provoking these incidents to occur again. In trying to investigate this, it is not to open up old wounds, and it is not to irritate a situation. It is pretty difficult for this committee, however—and I would much rather be into something else—to ignore these two most outstanding recent occurrences.

That was the Kohler situation, which is still unsettled, and this one that occurred 3 years ago where there was tremendous violence and vandalism.

If we are going to enact laws to improve these situations, and to eliminate improper practices, the committee I think would be derelict in its duty if it didn't look into these most flagrant cases.

Now, I hope what this committee does will not serve to inspire any further improper conduct.

We want to get facts. We want to get just what happened, to take a look at it and then try to meet our responsibilities with respect to legislative requirements to prevent it in the future.

I trust that both those of you in the union and in the company, the representatives here and those who were here, will try to be helpful to us in trying to give us the facts.

Wherever you have made mistakes, and wherever you have obviously done wrong, say so. I appreciated that about Mr. Reuther.

He came in here the other day and he said it was wrong. Well, if it is wrong, and we know it is wrong now, then I think it is incumbent upon the union to try to control their people and make them understand that when they do these things they are actually hurting unionism. They are not helping it.

It causes wonder and feeling among the people, and they say, "Have the unions just proposed to go out and by force compel people to accept their terms?"

The same would apply to the company. If a company goes out and arms itself and says they are not going to tolerate anything or try to negotiate or try to settle, the company is just as wrong.

All right, proceed.

Mr. BERNDT. Mr. Chairman, I would like at this point to heartily endorse your remarks and those of President Reuther.

However, I would like to emphasize one point that is embodied in this statement of mine, and that in this same State we consummated 102 agreements in 1955 without a strike, and we conducted 5 other strikes besides the Perfect Circle strike in that same year without any violence whatsoever.

The CHAIRMAN. I notice you stated that, but that still doesn't—

Mr. BERNDT. It is a 5-to-1 case, which would indicate it is not a pattern for us to follow.

The CHAIRMAN. That is somewhat at issue here. Whether it is a pattern or not for the UAW, that is one of the charges, at least by implication, if not a direct charge, that it has become a pattern of the UAW to carry on its negotiations by vandalism and violence.

In other words, it is to undertake to persuade in that manner rather than by argument around the collective bargaining table. It is a very sad thing to find a condition like this prevails in a civilized country and whoever is responsible ought to certainly bow their heads in shame, as far as I am concerned.

Mr. BERNDT. Mr. Chairman, I would like to just add that I hope in the committee's final analysis, their efforts are not bent toward devising laws that will handle the problems of two untypical corporations as Secretary Mitchell has referred to both the Kohler and Perfect Circle companies.

The CHAIRMAN. I think those things have to be dealt with. You don't pass laws against larceny affecting a majority of the people. The majority of the people are not thieves. But you have to pass laws to prevent those acts that are committed by a minority sometimes.

Now, these you say are isolated instances. Well, maybe so, but they ought not to be permitted to occur. If we are to have law and order in this country and civilized transactions and get away from the law of the jungle, then I think it is incumbent upon the Congress to deal with problems like this.

(At this point, the following members were present: Senators McClellan, Mundt, Curtis, and Goldwater.)

Mr. KENNEDY. On this question of violence, did the union or did you personally take any steps to try to prevent these acts of vandalism or any violence taking place?

Mr. BERNDT. At every point, I did everything humanly possible to prevent any type of violence that might arise.

Mr. KENNEDY. What about the local union officials? Were they also taking steps to try to prevent violence?

Mr. BERNDT. They were requested to watch and see that no violence occurred.

Mr. KENNEDY. At that point, and then I want to take it beyond that to the vandalism, we had some affidavits that were submitted to the committee, affidavits that had originally been submitted to the National Labor Relations Board.

One is a statement by Joseph H. Bales, which states that at a meeting Mr. Bill Caldwell, a union official, stated:

We would have plenty of help and no one would go in and out of the plant while the strike was going on.

He said that the strike would be well organized and that the weak ones might as well forget about going to work. That those who might think of going to work should remember that accidents sometimes happen on dark streets and things like that, and on dark roads.

He said that if anyone needed their heads to be bashed in, there would be someone to take care of them.

If this affidavit is accurate, it hardly seems conducive to preventing violence.

Mr. BERNDT. I cannot judge the accuracy of that statement. I don't know the individual. All I can say is I know the individual about whom the statement was made. I have known Caldwell for over 10

years, and that doesn't even sound like Caldwell's type of language that he would use at a particular membership meeting.

Mr. KENNEDY. In another affidavit by Kenneth McCarty, which was also submitted this morning, it states that—

The chairman of the bargaining committee told me that this union intended to bring in thugs to do their dirty work.

He said he did not go for that kind of stuff.

Do you know anything about that?

Mr. BERNDT. I know nothing about it, except that the statement was attributed to Kenny Ammerman, chairman of our bargaining committee of local 156, and before the strike had terminated he was on the company payroll as a guard, working for the management side of the table. This statement is not attributable to Caldwell, but is attributed to Ammerman. I don't know who he is referring to when he says that "They said they intend to bring in thugs to do their dirty work."

Mr. KENNEDY. There was a third affidavit about Bill Caldwell.

In the final planning, Bill Caldwell told us that if it was necessary we might have to knock them in the head to keep them out. He went on to say that 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 and there would be plenty of money if it was needed.

Do you have an explanation for those affidavits?

Mr. BERNDT. I reiterate what I said about Caldwell's language. He might have referred to finances needed to finance a strike; yes. But not in conjunction with the bashing in of heads.

Mr. KENNEDY. Taking it one step further, once the picketing started there was, on 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 4 or 5 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 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 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.

Mr. KENNEDY. Mr. Bill Caldwell, of whom you spoke, who you said would be the type of person that would deplore violence, did he take any steps to end the mass picketing that was occurring?

Mr. BERNDT. I am of the opinion, frankly, that if it hadn't been for Bill Caldwell there would have been much more violence. I think Bill has done a tremendous job in the face of the problems that he was confronted with, trying to handle a strike in 4 plants in 3 different cities and being between all of them, plus negotiations in 6 other plants, plus handling a Chrysler plant in Indianapolis at the same time.

Mr. KENNEDY. I would think that in a union such as the UAW, it would be certainly possible if they wanted to prevent this kind of activity from taking place, that it would be possible for them to issue instructions that would prevent it from taking place.

Mr. BERNDT. Our strikes are run by a local strike committee; all we can do is try to supervise and assist through the representative assigned to the area. Occasionally we try to get additional representatives who might have an open day on their schedule to go in and assist and try to help them in their financial problems and other things.

They most certainly are talked to about the possibility of violence because we are well aware of the fact that once violence starts in a plant we are not going to get the kind of publicity we need to settle that contract the way we would like to get it settled.

Mr. KENNEDY. What specific steps did the UAW, you as the representative or other international representatives, take to prevent the mass picketing that occurred?

Mr. BERNDT. Constantly reminding the locals that they were in violation of the law, and requesting that they stop the idea of mass picketing.

Mr. KENNEDY. Yet they disobeyed your instructions and continued to do it?

Mr. BERNDT. They are not under obligations to follow. I have not the authority to command.

Mr. KENNEDY. Wasn't it a fact that on some occasions, or at least one occasion, employees from other UAW plants, came in and massed themselves in front of the New Castle plant?

Mr. BERNDT. Yes, there were a few of those occasions, when other people in surrounding areas—and you have to understand that in the city of New Castle we have under contract some 7 UAW plants, some 7 plants under UAW contracts.

It is always possible to have somebody who is on an off-shift walking on somebody else's picket line in that particular city.

Mr. KENNEDY. You had large numbers on occasion, did you not, well over several hundred people?

Mr. BERNDT. There were over several hundred on a few occasions.

Mr. KENNEDY. How could that be permitted if you were in fact attempting to stop the mass picketing from going on?

Mr. BERNDT. I think that if a request is made by a local union of other union members within the area, to show a solidarity on the picket line, show a solidarity of purpose, and a peaceful demonstration, that very few people might be able to get in the way and talk them out of such a thing as having a peaceful demonstration, to show that other plants and other individuals are interested in a just settlement of that particular strike.

Mr. KENNEDY. What I am trying to establish is that you make statements about being against violence now and about being against violence at that 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 doesn't seem to me that all those activities—it seems to me that those actions speak louder than your words saying "We are against violence."

Mr. BERNDT. I think there is quite a bit of difference between having people brought into a strike situation or people voluntarily from one plant in their off-hours walking the picket line of another plant, or people voluntarily taking off from their plant in a city some 12 or 15 miles away coming over to walk a picket line with another member.

Certainly there were a small number of these incidents of mass picketing. Even though you talk against them, they get up at a meeting and make a report that they have been off so many weeks and on strike, and so many of their people have been arrested, although the convictions weren't there, so many people were discharged, and they asked:

If anybody has any free time come on over and join us on the picket line and walk around with us, to show Perfect Circle and everybody else that we are not alone

that everybody else is interested in our particular membership getting what other people have.

I don't see how you can stop a request for voluntary assistance or a voluntary move on the part of individuals to walk a picket line.

Mr. KENNEDY. I can understand. I am not finding fault with their coming over, except in the fact that once they got over there it was in violation of the law. You might want to put on an exhibition of solidarity, but the point is that at that time the mass picketing was going on, that was keeping the nonstrikers out of the plant, bringing these other people over merely added to the problem and the difficulty that already existed.

Then, of course, although the responsibility is not fixed, during this period of time those who did go to work, a good number of them, were subjected to personal acts of violence.

For instance, rocks were thrown at their windows, and paint was thrown at their homes, and the windows of their cars were cracked.

It seems to me that the union had to take some positive steps rather than merely saying that they were against violence and saying some 2 years later that they were against violence.

Do you have any comment on that?

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. I have been opposed to the mass picketing of the various plants that have been on strike, because during a period of mass picketing or demonstrations, somebody may do something and everybody gets blamed for what happens, that somebody from outside of that particular plant has done. There is no possible chance to lay the blame.

There is always a dynamite of mob reaction if some incident happens. An executive driving too close to one of the pickets or making him jump out of the way might excite a crowd, and if you get a crowd, this is the kind of thing we have been opposed to doing because anything can touch off a fire and we are opposed to mass picketing on that basis, even besides the fact it would be contrary to injunction already laid down.

Mr. KENNEDY. That is exactly what happened in this case on October 5.

Mr. BERNDT. I would assume it was, yes.

Mr. KENNEDY. Somehow there was a spark set off and people were shot, and two, at least, came very close to being killed, isn't that right?

Mr. BERNDT. That is correct.

Mr. KENNEDY. That is all.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Counsel was inquiring about the number of arrests and convictions in connection with the vandalism of property and destruction on this strike. I think you said there were 13 convictions. Am I right about that?

Mr. BERNDT. To the best of my knowledge.

Senator MUNDT. Were those convictions all against strikers or were some of these against nonstrikers?

Mr. BERNDT. I would have to check the record. I don't know whether there was any of those that were strikers or sympathizers or what the degree was. To the best of my knowledge there were 13 people against whom convictions had been handed down.

Senator MUNDT. It would seem to me that the pertinent part of that inquiry is who were these 13?

Are these just lawless people in the New Castle area, or were they people who belonged to the union who were attacking strikers who were working in the plant, or who were these 13? There must be somebody who can shed some light upon that.

Mr. BERNDT. Just checking here I don't have the list here, but I can furnish the list of the names of the 13 people and identify those people.

Senator MUNDT. You can, you say?

Mr. BERNDT. I can, yes.

Senator MUNDT. Will you submit that for the record?

Mr. BERNDT. I will be glad to.

The CHAIRMAN. It will be placed into the record at this point

I think, Senator Mundt, you wanted him to identify whether they were strikers or nonstrikers

Senator MUNDT. Yes.

(The document referred to follows:)

Convictions of UAW members growing out of Perfect Circle strike in 1955

WAYNE COUNTY CONVICTIONS

Roy L. Cantrell, international representative, assault and battery, \$25 and costs.

Bob Winebarger, Non-Perfect Circle, public intoxication, \$5 and costs.

Preston Snyder, Non-Perfect Circle, public intoxication, \$5 and costs.

William K. Davies, Non-Perfect Circle, disorderly conduct, \$15 and costs.

Donald H. Cook, Non-Perfect Circle, disorderly conduct, \$15 and costs.

James M. Courtney, Non-Perfect Circle, disorderly conduct, \$15 and costs.

Betty Carlson, Perfect Circle, malicious trespass, \$50 and costs.

James Ferguson, Non-Perfect Circle, resisting arrest, \$5 and costs.

Harold J. Roberts, Non-Perfect Circle, disorderly conduct, \$5 and costs.

HENRY COUNTY CONVICTIONS

Loren Asberry, Perfect Circle, malicious trespass, \$16.

Tex O. Wages, Perfect Circle, malicious trespass, \$16.

Alva Harrison, Perfect Circle, malicious trespass, \$16.

Hilva Turner, Perfect Circle, disorderly conduct, \$16.

Senator MUNDT. Did the union fight the injunction proceedings in court before the case was handed down against you?

Mr. BERNDT. I would like to have that report given by the regional attorney who acted for us in that particular case.

You will be talking about legal terms and I know nothing about it.

Senator MUNDT. Is he here?

Mr. BERNDT. He is here.

Senator MUNDT. Would you swear him, Mr. Chairman, and let him answer that question?

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before the Select Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MILES. I do.

TESTIMONY OF LYNNVILLE MILES

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. MILES. My name is Lynnville Miles, attorney, Indianapolis.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Did you represent the UAW in these injunction proceedings on these picket lines?

Mr. MILES. Yes, sir, I did.

Senator MUNDT. Did you present evidence, facts, arguments in opposition to the injunction?

Mr. MILES. No, sir, we did not, because we never in the injunction procedure ever were given an opportunity to be heard on the merits. The injunctions were handed down in two different circuit courts. One was in the Wayne Circuit Court, which would cover the plants of the company at Hagerstown and at Richmond, Ind. The other was an extremely confused situation, but essentially the injunction was issued out of the Henry Circuit Court, with the county seat at New Castle, although it was issued by a judge of an adjoining circuit.

Both these injunctions were issued, as we say, ex parte, merely on the testimony or affidavits of the employer without anyone else being present.

I thereupon entered appearances for the union. We entered pleas to these injunctions, basically to the jurisdiction.

They were not proper complaints. That contention was upheld in the Wayne Circuit Court. We were still on preliminary pleadings some 4 months later or 5 months when the company dismissed their complaint, and we have never had a hearing on the merits.

Senator MUNDT. Are you a regular staff lawyer of the UAW, or were you employed for this particular purpose, as part of a general practice?

Mr. MILES. I am in the general practice, although I am on retainer with the UAW but they are just one client of others.

Senator MUNDT. So they retained you to oppose the injunction, as I understand it. The injunction was issued and before you got to carry it through the legal processes, it ceased to be a pertinent question and was dropped?

Mr. MILES. That is correct, Senator.

Senator MUNDT. Who employed you?

Mr. MILES. Well, I was, I think, originally employed—

Senator MUNDT. I will put it this way: Who asked you to participate in the injunction case?

Mr. MILES. I couldn't now recall. I would presume it to be Mr. Berndt, but I don't have any actual recollection of it.

Senator MUNDT. Was it you, Mr. Berndt?

Mr. BERNDT. Frankly, Senator, I don't have any recollection at this point whether it was by the local or by myself. But Mr. Miles does work for the locals within the region as such without authorization from my office as a practicing attorney.

Senator MUNDT. Who compensated him for the court costs and his fees?

Mr. MILES. The international union.

Senator MUNDT. The international union?

Mr. MILES. Yes, sir.

Senator MUNDT. Through Mr. Berndt's office or Detroit?

Mr. MILES. My billings go through the regional office and are then sent to the international.

Senator MUNDT. That would be Mr. Berndt's office.

Mr. MILES. Yes, sir.

Senator MUNDT. That is all the questions I have of you.

TESTIMONY OF RAY BERNDT—Resumed

Senator MUNDT. I was wondering how you square that fact with what you said to counsel a little while earlier, that you were trying to discourage mass picketing, you were trying to discourage violence, you were trying to discourage activities on the part of the strikers which could lead to trouble. I wondered why, then, you employed an attorney and paid for the court costs to fight a court action which was the most effective means at hand to prevent the kind of mass picketing which inevitably does lead to violence.

Mr. BERNDT. Frankly, Senator, we were of the opinion that nothing had transpired up to that point to cause an injunction to be handed

down against our union. In fact, we had been told by some people the company had requested that they create an incident outside of the plant so as to procure this injunction. Being that what it was, evidently between the local and myself, and if we paid the bill evidently he was working directly for us, but all the bills during a strike are paid by the international union anyway, but the local could still have asked him to appear for them.

Senator MUNDT. I always assume that the person paying the bill has something to do with employing him.

Mr. BERNDT. I assume so; yes.

Senator MUNDT. I share with the chairman the feeling that we have to find a way to discourage violence. While we take cases which are outstanding, we take those only because by pursuing the evidence there and try to get to the facts, we can best determine whether the present laws are adequate. There is no use to go into a situation where there is no trouble.

You don't have to have a law to keep trouble from occurring where there is no trouble. It is this kind of thing which flares up which creates public concern and becomes a responsibility of the legislature at a national level.

It is hard for me to equate your protestations of trying to discourage violence, trying to discourage anything illegal happening.

But the fact when the court steps in and says you have an injunction against mass picketing, because mass picketing invariably leads to violence, you move in with the law and you move in with your attorneys and the treasury of your union to fit that kind of protective proceeding. It is pretty hard for me to understand how both of them can be said by the same man and be consistent.

Mr. BERNDT. Senator, I suppose I would be asking you to judge character if I looked like a fellow that would invite violence. But by the same token—

Senator MUNDT. I am not using you as an individual. When I say you, I am referring to the union and not you as a human being.

Mr. BERNDT. But by the same token, when you are brought into court and accused of anything, I think you should be prepared to defend your position.

Asking for and the granting of an injunction would indicate that the union was doing something—

Senator MUNDT. Well, that fact does not seem to be in dispute here. You have said that the pickets lined up in Massachusetts and the company has said, and the pictures you presented disclosed certainly there was a mass picket line there.

That doesn't seem to be debatable. At least, if it is, no witness has come in to deny it.

Mr. BERNDT. At the time of the injunction, it was very early a couple of days after the strike. This is what I am saying, that nothing happened at that point to indicate that peaceful picketing was not transpiring. People were going in and out of the plant at the time injunction was issued.

Senator MUNDT. Had there been any mass picketing at the time the injunction was issued?

Mr. BERNDT. Not to my knowledge.

Senator MUNDT. You get an injunction in Indiana just against anticipated contingencies?

Mr. BERNDT. I think the attorney ought to answer that one as to what had transpired so far as the injunction was concerned.

Senator MUNDT. Let me ask the attorney this: You were present in the courtroom. What representation did the company make?

Did they allege that there had been mass picketing, or did they say "We better get an injunction because if we don't have one, there is liable to be mass picketing by and by?"

Mr. MILES. That is the point. We were not in the court room. This injunction was obtained without notice to the union, and we never had a hearing. That can be done. We operate in Indiana under a counterpart of the Norris-LaGuardia Act, and you can get a temporary restraining order, valid for only five days, without notice to the other party.

We never had the hearing which was required to continue the injunction. So as a matter of law, I was contending when they dismissed the action that they didn't have a valid injunction, and I still don't think they did.

Senator MUNDT. Did the injunction run out in 5 days?

Mr. MILES. The act says "shall become void." It is the strongest language that can be written. By my advice, nonetheless to my clients, was that they should obey it in spite of a fact that as a legal opinion I would have to say it followed the language of the statute and was void. But while we were in court, nonetheless, I advised they keep their five pickets at the gate.

Senator MUNDT. If I understand your testimony, then, the company got an injunction in anticipation of the fact that there might be some mass picketing, none of which occurred at the time they got the injunction.

They got the injunction for 5 days only, so the injunction expires, was void, after 5 days, and these instances of picketing of which we have heard occurred after the injunction had terminated.

Is that correct?

Mr. MILES. I can't agree entirely.

I think at the Hagerstown plant there probably was mass picketing at the beginning of the strike, which would take care of the necessary allegations in Wayne circuit court.

However, it is my understanding, and I wasn't present, that in New Castle, which is the Henry circuit court, people did go through, went to work, from the beginning of the strike up to and including the day upon which the company obtained the injunction, but they obtained it not at the Henry circuit court. They went to another county to get their injunction.

Senator MUNDT. Let's limit our discussion here, Mr. Berndt, to the Hagerstown situation, where now it is established by your attorney that no mass picketing had occurred before the injunction was granted.

Don't you feel your position would be stronger as a man advocating peaceful settlement of strikes, and the elimination of violence, if, instead of resisting an injunction against mass picketing which has occurred, you would simply say, "Well, after all, we recognize that is the law. We are not going to resist, because to resist it effectively would be to precipitate violence rather than discourage it."

Mr. BERNDT. Senator, I want to correct an impression I made earlier. I wasn't thinking about the Hagerstown situation.

Senator MUNDT. I was, too. But this raises into focus the point I am trying to make. The chairman discussed the fact, and we all have, that the international union has certain authorities. Mr. Reuther said it is a democratic structure and there are certain things you can't do, I suppose, as international representative. You can't give orders all the time and expect to have them obeyed. But when as international representative you employ counsel to try to defeat an injunction against a situation which has existed, and which is dangerous, it seems to me then you do violence to your own procedure in trying to maintain a strike without violence.

Mr. BERNDT. I think, Senator, people basically defend themselves in court against the implications that might be involved if they accede to the fact that these things were supposed to have happened as might have been charged.

Of course, we haven't had any hearing on it. I don't know exactly what was charged, particularly the New Castle thing. I read Mr. Prosser's statement this morning of what transpired in Hagerstown. I don't agree there. I am positive I could throw some light on the size of the group there.

After all, there were almost 700 people in there from this particular plant. Since you wouldn't have 700 employees living in a community of 1,800, most certainly those employees are living outside of that particular community of 1,800.

Senator MUNDT. I am not going to argue that with you, except that I asked the question of Mr. Prosser and he said that he had witnesses who could come in and swear to the fact that these were strangers. You are not in a position to swear that they were strangers or not strangers. If you have witnesses who will come in and swear that these were all members of the plant, that would cast a different light on it. But strangers or not, even members of the plant, are prohibited under the law from mass picketing. My point is that we are trying to find a way within the law to discourage this mass picketing, and, if necessary, to pass new laws. It seems to me you international representatives, the president of the UAW, and the whole leadership echelon could do one thing very effectively in self-restraint in the direction of eliminating violence, and that is where there has actually been mass picketing, and the courts are going to enjoin against it, you should encourage it, rather than to try to defeat the injunctive process, because you know and everybody knows that where mass picketing continues, trouble breaks out.

That is why we have the law.

Mr. BERNDT. Senator, this happened in Hagerstown on the very first morning of the strike, and since we had been attempting to get the company to meet over the weekend to settle this prior to that particular Monday morning deadline, I would hardly consider that the first morning, when people came to find out that the settlement has not been reached and this is going to be officially a plant on strike, that we could hardly at this point consider that this was an organized effort for mass picketing in that particular light.

I would think that the fact that everybody came to the plant that morning, many of them living outside of Hagerstown, not knowing what transpired, to find out exactly what the situation was, I can't in my own mind believe that this would come under the idea of an

organized mass picket line, for which you have to have an injunction to prevent it in the future. This was not a planned organized program in that sense.

Senator MUNDT. Is that in the law that to be illegal a picket line has to be organized and directed, or is it that you just have them out there, each fellow following his own nose? But by the very fact that he is there and preventing other fellows from working, that also would be illegal, would it not?

Mr. BERNDT. I wasn't trying to say that. I was trying to differentiate between the first day of a strike and the normal strike procedures, the confusion that comes about on the first day.

Senator MUNDT. On page 3 of your testimony, Mr. Berndt, you say that the Perfect Circle Corp. had a long history before the 1955 strike of resistance to unionization of its employees.

Maybe you and the company are talking about the same thing. I don't know. When you say unionization, you use the word to be embracive enough to include this union shop, which seems to be, according to Mr. Prosser's testimony, the sticky part that kept you away from each other.

Mr. BERNDT. I would like to call to your attention, Senator, that prior to 1955, we had the bulk of our membership under modified union shops.

We did not have in our union a vast majority of union shop agreements. Union shop agreements, as such, become a major portion of a contract negotiation in 1955.

Senator MUNDT. As a result of what? Some action in the convention?

Mr. BERNDT. As a result of continued action by the convention, and the fact that other corporations, such as General Motors and Chrysler, had changed their modified to a full union shop in that particular year. It made this one of the various demands of the union, and it is indicated even by Prosser's own statement that this was a former request on the part of the local union years ago, where we had this as one of the items of the strike, and settled without the union shop.

Certainly if we go to the bargaining table and have 5 items and the union shop is 1 item, we will not say at the first session of the management "If we will settle all the other things, we will drop the union shop," because at that point we have dropped it without getting anything, in terms of contract alinement with other competitor plans. Certainly the fact that we held the union shop to the strike deadline, along with others, the arbitration of grievances, supplemental unemployment benefit plan, a request for a different program with respect to programs and insurance, the union shops still stayed in there because none of the other things had been satisfied, either.

Senator MUNDT. So you do use the word "unionization" then to include among other things the union shop?

Mr. BERNDT. That is right.

Senator MUNDT. Mr. Prosser had said in his statement that:

We do not think it was for the benefit of the workers that the unions wanted a union shop. Our wage offer was higher than any in the piston-ring industry. The wage and benefits our employees received is well above the average for the industry.

Have you figures to dispute that or do we accept that as uncontested testimony?

MR. BERNDT. We contest that statement. Otherwise we would not have had these demands on the table if they were already there, since these had already been given by other corporations, these packages as such in pensions and in insurance.

There is a price tag on these packages. They would not be in the collective-bargaining system and unsettled since their competitors already had them, if Perfect Circle had more than their competitors had at that point.

Senator MUNDT. Well, it could be under your previous philosophy, and I could understand why. You put a lot of things in the bargaining presentation because it is give and take, and you put unionization and union shop in there, and you present a package, and you don't get it all, but if you have quite a few things in there you have a few things to trade in and out. That is understandable, but when Mr. Prosser said that, "Our wage offer was higher than any in the piston-ring business: the wages and benefits our employees receive are well above the average for the industry," that is a pretty impressive statement.

MR. BERNDT. We do contest the phraseology of that, because they are giving, as I understand it, a slightly wrong impression.

While their wage offer at that particular time might have been higher than other wage offers made in that particular year, we believed and we still believe that Perfect Circle employees were behind wages in the other places, and it took more to bring them up to date with their competitors such as Sealed Power, and such.

I would like to submit to the committee, and I would like to go back and get the wage rates of the two corporations' employees of 1955, and show the committee on what basis we had made our demands for additional wages.

Senator MUNDT. I think you should be entitled to bring in some factual data if you have it on this point, because there it stands.

MR. BERNDT. I am more than happy to do so.

Senator MUNDT. Of course he is not comparing you with Sealed Power, but he said the average for the industry. But you should be able to do that, and the UAW I recall made such a presentation in the plumbing industry, and I presume you can do it here.

No. 4, on page 4, I find something over here. I am interested in the timing of these shotguns. You said the Perfect Circle Corp. instead of bargaining in good faith made preparations for a strike by importing shotguns, high powered rifles, and other weapons into its plant.

I specifically asked Mr. Prosser about that this morning when he said in his testimony, on page 6, that Mr. Juday coming in by helicopter on the 25th or 26th of September, took shotguns into the plant.

I said, "Is that the first time that you took shotguns into the plant preparatory to defending it, in your terms, against the possibility of a dynamite attack or a raid," and he said, "Yes."

Now is it your contention that they put shotguns in there before that?

MR. BERNDT. Mr. Senator, I would like to call to your attention the one correction I had made in presenting this, and I had restricted

the words, "instead of bargaining in good faith, made preparations for a strike," and I struck that because actually in preparing this I did not want to make that particular statement.

All we have said was the Perfect Circle Corp. imported shotguns and I dropped the rest of the language, because if you will look at page 15 we did not back up that particular statement in our arguments.

Now, on the other half of your question, did they prior to the September date bring guns into the plant, we were disturbed by the issuing of gun permits as early as August 15 to individuals who were relatives of the plant manager. I presume, and I would have to presume, that in this particular period that these gun permits were issued for a particular purpose, and they were to be carried into the plant.

Senator MUNDT. You have listed a lot of people who got guns including a lot of women. Were they working in the plant?

Mr. BERNDT. That is right. These are people from the plant.

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.

Senator MUNDT. That is understandable, but I asked Mr. Prosser directly when they took the guns into the plant, and he said September 25 or 26, and so I did not catch this deletion that you made on page 4.

As you stated it, it would have been a direct contradiction, and where you have changed it or modified it, of course, that is no longer true?

Mr. BERNDT. I tried to be as factual as I possibly could.

Senator MUNDT. As to this increase in dues that you talk about on page 8, the company said, "Our desire to take this action stems from the substantial increase in dues recently instituted by your international union."

As I understand it, your statement, your normal dues are \$2.50 a month?

Mr. BERNDT. That is correct, at that time.

Senator MUNDT. And they were increased by \$5. Would that be \$7.50 a month?

Mr. BERNDT. That is correct.

Senator MUNDT. That would be substantial, there is no question about it, and maybe there are some extenuating reasons, and will you tell us why that was done?

Mr. BERNDT. That was by action of our delegates in the 1955 convention, in April, which passed a resolution that a \$5 a month dues increase should take place for 4 months for the purpose of building up a strike fund in our international union.

Senator MUNDT. I assumed it was in connection with the strike fund and I was wondering whether that was intended in part for these strikes which were being anticipated at Perfect Circle?

Mr. BERNDT. No, it was strikes anticipated in the larger corporations over the 1955 demands.

Senator MUNDT. I can't see you, and I guess you are still there.

The CHAIRMAN. Don't obstruct the view of the Senator who is interrogating.

Senator MUNDT. Thank you. I did not get your answer. Was this in connection with the anticipated strikes in Indiana, a Perfect Circle strike, or was this a nationwide increase of \$5 per month for UAW members all over?

Mr. BERNDT. All of our members in the United States and in Canada, in preparation for our 1955 collective bargaining demands with the large corporations.

It would not have been necessary to raise this kind of a strike fund for a strike of this kind.

Senator MUNDT. You would not have raised so much money if you were just taxing the people in Indiana, and this was a national extra strike fund raising procedure?

Mr. BERNDT. That is correct, Senator.

Senator MUNDT. Turn to page 14. You say something there that disturbs me a little bit by its implications. It is the implication more than the language that disturbs me. In big bold headlines you say,

The Perfect Circle Corp. attempted to operate its plants during the strike.

Now, in union circles, or should I be specific, in UAW circles, 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.

Senator MUNDT. Well, Mr. Reuther and I almost agreed, and not quite, that this was bad on the side of both labor and management, that if we should let local people handle local strikes you probably would not have as much trouble as you have been having.

We did not quite agree, because I seemed to feel that you ought to let the labor pool of the local community participate, and he seemed to feel that you should have a few international "Reps" in there to kind of watch it, but we came pretty close to it.

But what you said is that,

The Perfect Circle Corp. attempted to operate its plants during the strike, and I just want to get it clear whether you as an international "Rep" felt that was bad, because Mr. Reuther did say he felt a man had as much right to work as he had to strike?

Mr. BERNDT. That is correct, Senator.

Senator MUNDT. If you hold to the position that the company has no right to try to operate, the poor fellow who wants to work has no place to work, and he has "done had it."

Mr. BERNDT. That is correct, Senator, except you will notice there is no period after the word "strike."

Senator MUNDT. That is right, I was coming to that. Now, I think I can go along with you, if a company is trying to operate its plant by bringing in strikebreakers, or scabs, or people from all over the country, and importing them in as what we call in the agricultural business, "wetbacks" from Mexico, for example.

That is not so good. Is it your allegation that Perfect Circle was doing that, and that they were importing workers from all over the country?

Mr. BERNDT. This was our understanding. It was our understanding that they had advertised in some papers because we had talked to a carload of people who came up to go to work at Perfect Circle only to find the plant was on strike. When we told them what the situation was, they said they were going to head back, and that they had been living in Kentucky and had picked up a Madison, Ind., newspaper, and they had noticed in there that Perfect Circle was in need of additional help.

They came up to New Castle and upon finding out what the situation was, had left town.

Senator MUNDT. Where did they come from?

Mr. BERNDT. From Kentucky.

Senator MUNDT. That is a neighboring State to Indiana, as I remember my geography?

Mr. BERNDT. It was the State south.

Senator MUNDT. It would not have to be far away to be in Kentucky but it would be across a State line. On page 16, you talk about what to me would be mass picketing, a demonstration in front of the plant by 150 UAW sympathizers. You say:

The demonstration was orderly until a bus chartered by the company filled with scabs—

and I would call them workers, but you call them "scabs," but filled with human beings—

entered the Plum Street approach to the plant. At this point, the anger of the crowd erupted spontaneously, and stones, bottles, and bricks were thrown, and windows of the bus were broken. No one in the bus was injured.

They must have ducked pretty fast. But that is a violation, is it not?

Mr. BERNDT. That is correct, Senator.

Senator MUNDT. That would be in violation of the law, that kind of mass picketing?

Mr. BERNDT. That is right.

Senator MUNDT. This was on August 15?

Mr. BERNDT. That is correct.

Senator MUNDT. This was after the injunction or prior to the injunction?

Mr. BERNDT. Evidently after the injunction.

Senator MUNDT. Do you remember, Mr. Attorney, what date that injunction was?

Mr. RAUH. It was after the injunction.

Mr. BERNDT. Yes; it was on August 1 that the injunction was granted.

Senator CURTIS. Mr. Chairman.

Senator McNAMARA. Senator Curtis.

Senator MUNDT. Are you sure you are qualified to be chairman?

Senator McNAMARA. I am certain that I am qualified. I am happy to have the permanent chairman back again now, however.

Senator CURTIS. I am delighted to be recognized by the distinguished Senator from Michigan and I was going to vote "no" against his resignation.

Senator McNAMARA. Thank you, Senator.

Senator CURTIS. Were you in New Castle at the New Castle plant in this morning of August 5?

Mr. BERNDT. I was.

Senator CURTIS. In 1955?

Mr. BERNDT. I was.

Senator CURTIS. Were you down there when the disturbance was going on?

Mr. BERNDT. I was there when a number of disturbances happened.

Senator CURTIS. Were you there? I am talking about the one in midmorning, the 9:30 or 10:30 a. m., were you in there, somewhere in there?

Mr. BERNDT. What page, Senator, are you referring to, of the testimony?

Senator CURTIS. In whose testimony?

Mr. BERNDT. Are you operating from Mr. Prosser's testimony?

Senator CURTIS. Just to fix the date is all.

Mr. KENNEDY. Did you mean August 5 or October 5?

Senator CURTIS. August 5, excuse me. I thank you, Mr. Counsel. I got my months confused.

What was the date of the greater outbreak down there, where the shots were fired? That was October 5?

Mr. BERNDT. October 5.

Senator CURTIS. Were you there that day?

Mr. BERNDT. I was not.

Senator CURTIS. Do you know what international representatives, if any, were present?

Mr. BERNDT. Yes; I would say there were 5 or 6.

Senator CURTIS. Who were they?

Mr. BERNDT. I am looking to see if I was there. I had a list prepared so I would not have to rely on my memory. I was in Detroit at the time attending an international executive board meeting, and my assistant, Mr. Kusola, was there, an international representative Murphy, and international representative Bartee, and international representative Nelson, an international representative Burdell, and international representative Young.

Senator CURTIS. If you think of more—

Mr. BERNDT. That is all I can think of.

Senator CURTIS. If it occurs to you that one of them was not there, you may correct it later.

Mr. BERNDT. Thank you.

Senator CURTIS. Now, in exhibit 1 "D," which was offered this morning, there are a number of affidavits that are quite the same. This one of George F. Waters, relating to October 5, 1955, at 9:30 a. m., or thereabouts, at the New Castle Foundry plant of Perfect Circle, he says among other things,

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.

Is the report you received from those present substantially the same as that?

Mr. BERNDT. The report I have is quite to the contrary. In having present Paul Carper, who was shot in this particular area, he has no knowledge of this particular incident as related there.

Senator CURTIS. Was the gate crashed?

Mr. BERNDT. Not to our knowledge.

Senator CURTIS. There were none of the demonstrators who got on the inside?

Mr. BERNDT. Not to our knowledge.

Senator CURTIS. You mean your personal knowledge?

Mr. BERNDT. That is right, or any witness that we would find that indicated that. Mr. Prosser's statement said they fired into the front of this group, and if that were true, if that was exactly the circumstances, these people were in the parking lot, and this is where Carper was when he was shot.

Senator CURTIS. Now, you were not there, and you are not stating that the gate was not crashed?

Mr. BERNDT. That is correct.

Senator CURTIS. Well, I should not take that up with you as a witness then.

On page 2 of your statement, you referred to 5 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.

Senator CURTIS. That was a right that they had to do, was it?

Mr. BERNDT. That is correct.

Senator CURTIS. It was not in violation of law?

Mr. BERNDT. That is correct.

Senator CURTIS. And you concur with Mr. Reuther in regard to that?

Mr. BERNDT. Absolutely.

Senator CURTIS. That the right to strike must carry the corresponding right, the right not to strike?

Mr. BERNDT. That is correct.

Senator CURTIS. And these rights belong to workers and not to organizations, isn't that correct?

Mr. BERNDT. That is correct.

Senator CURTIS. Now, was there mass picketing?

Mr. BERNDT. On a few occasions I believe there was, and in fact I know there was on a few occasion.

Senator CURTIS. Were cars turned over?

Mr. BERNDT. Based upon the information I have, I wasn't present, but there was on August 15.

Senator CURTIS. I am speaking of the whole period.

Mr. BERNDT. At the time of that mass demonstration of August 15, that turned into this stoning of the bus, there were cars overturned.

Senator CURTIS. There were some cars overturned?

Mr. BERNDT. That is correct.

Senator CURTIS. Were any homes vandalized, or damaged, or harassed during the entire period?

Mr. BERNDT. There were reports in the newspapers, and that is all I had from that. I saw no home from personal observation that had been subjected to vandalism. Certainly there were reports in the paper quite frequently.

Senator CURTIS. There were current reports of it?

Mr. BERNDT. That is correct.

Senator CURTIS. Were there any acts of violence on the highways?

Mr. BERNDT. Only one to my knowledge, and this knowledge is again not of my personal observation. This is newspaper reports again, going back to that.

Senator CURTIS. Did the UAW provide a defense by furnishing attorneys and other expense in the case of any arrests made throughout this strike?

Mr. BERNDT. For every arrest made.

Senator CURTIS. In how many cases did they provide a defense?

(The witness consulted with his counsel.)

Mr. BERNDT. There were slightly in excess of 100 cases, as the attorney advises me, that we handled. There were 1 or 2 that we dropped that we felt were part of an incident that somebody had gotten themselves into as a result of being in too many bars, and we felt they were not union connected and we dropped those cases.

We tried to ascertain whether or not they had been charged with anything in connection with the strike. That is where we were trying to draw the line of representation.

(At this point, the following members are present: Senators McClellan, McNamara, and Curtis.)

Senator CURTIS. In how many cases did you give some legal assistance to individuals that were arrested?

(The witness conferred with his counsel.)

Mr. RAUH. Would you care to have the attorney answer?

Senator CURTIS. Yes; he has been sworn.

It doesn't have to be exact, if there are 2 or 3 one way or the other.

TESTIMONY OF LYNNVILLE MILES—Resumed

Mr. MILES. I cannot give you an absolute number, but we made an appearance for all those that we thought were strike connected and legitimate. We made our investigation. Some were guilty of illegal conduct, and several of those I pleaded guilty.

Senator CURTIS. How many were there in total?

Mr. MILES. I think there were probably 100 arrests, roughly, and very few were either convicted or pleaded guilty.

Senator CURTIS. You mean 100 arrests that you gave some legal assistance to?

Mr. MILES. Yes, sir.

Senator CURTIS. That would vary because if the case didn't go to trial it wouldn't be as extensive help as if you went to court.

Mr. MILES. I think they all went to trial one way or another, either by a plea of guilty or by an actual trial.

Senator CURTIS. And these 100 were all UAW members?

Mr. MILES. As defense counsel, I don't think I necessarily determined whether or not they were UAW members.

Senator CURTIS. No doubt most of them were?

Mr. MILES. I think they were; yes, sir.

Senator CURTIS. Were any of them from outside the local community?

Mr. MILES. None were outside the employment community. I think the farthest away was Anderson, which, roughly, is 20 miles away, or 25.

Senator CURTIS. How many either pleaded guilty or were found guilty?

Mr. MILES. My memory, sir, is 13, roughly.

Senator CURTIS. In a general way, what were they guilty of?

Mr. MILES. Well, I recall one, malicious trespass; there was an assault and battery, unaggravated, a touching. I know this: they were all misdemeanors. There wasn't even a felony arrest.

Senator CURTIS. Was anyone arrested for turning over a car?

Mr. MILES. There were no convictions for that. Whether or not there was an arrest, I don't recall. I don't think there was. There might have been.

Senator CURTIS. Were any arrested for damaging property of any kind, like rock throwing?

Mr. MILES. Yes, sir.

Mr. CURTIS. Any convictions?

Mr. MILES. There were 14 arrests arising out of throwing rocks at a car in Richmond, 1 conviction out of the 14; there was a conviction in a city court of malicious mischief, and it was appealed and tried anew, and there was a hung jury and no decision.

Senator CURTIS. Mr. Berndt, during the entire period of the strike, which I understand was about 4 months—is that correct?

TESTIMONY OF RAYMOND H. BERNDT—Resumed

Mr. BERNDT. That is correct.

Senator CURTIS. What international representatives were in the area other than those that you mentioned in answer to a previous question?

Mr. BERNDT. During the entire 4-month period, probably 75 percent of the total staff had at one time or another spent a day on 1 of the 4 picket lines.

Senator CURTIS. 75 percent of the staff?

Mr. BERNDT. Yes; my staff at that time numbered 19 people, and probably during the course of that entire 4-month period, probably as many as 15 or 16 might have at one time spent part of 1 day on 1 of the 4 picket lines.

Senator CURTIS. Were there any international representatives besides your staff in there?

Mr. BERNDT. There was only one representative, Neil Edwards, who was a recent addition to the international staff on a temporary basis. He was assigned to the New Castle-Richmond-Hagerstown area to assist Caldwell wherever possible.

Senator CURTIS. Were there people brought in from other locals?

Mr. BERNDT. They were not brought in; no.

Senator CURTIS. Well, were they there?

Mr. BERNDT. Yes.

Senator CURTIS. From what locals?

Mr. BERNDT. Mainly from the cities of—well, it all depends, Senator; if we are going to talk about the New Castle situation—

Senator CURTIS. By "other locals," I mean locals other than those connected with Perfect Circle.

Mr. BERNDT. Then probably all of the UAW locals in New Castle had at one time been on the line. Locals from Connersville, which is close by, and locals from Anderson, which is close by, members had been in there from those locals, and probably from Richmond, which is where the one Perfect Circle plant was located.

We have other UAW locals.

Senator CURTIS. Were there any from out of State?

Mr. BERNDT. Not to my knowledge, unless there might have been at one time some local union member rode up with my representative stationed at Louisville, who was in at one time during the strike to my knowledge.

Senator CURTIS. What is the total number of employees in all four of the Perfect Circle plants at about this time?

Mr. BERNDT. Senator, that has been a debatable question. We do not have access to the company's records. We have to estimate.

Senator CURTIS. All right. What is your best estimate?

Mr. BERNDT. Our estimate was that there were about 1,100 employees in the 4 plants.

Senator CURTIS. 1,100?

Mr. BERNDT. Roughly 1,100.

There might have been a few more than that.

Senator CURTIS. And the number that voted for the strike was 340, is that correct?

Mr. BERNDT. That is correct, out of 646 that participated in the vote.

Senator CURTIS. 646. You got a little over half of your membership but about a third of the employees, grouping the four plants together?

Mr. BERNDT. I was trying to find the notes. There was 656 employees that were members of our union in the 4 plants.

Senator CURTIS. 656.

Mr. BERNDT. 656.

Senator CURTIS. And 340 of those voted to strike?

Mr. BERNDT. Voted in favor of the strike.

Senator CURTIS. And your estimate of the total number of employees was what?

Mr. BERNDT. Was approximately 1,100. Yes, approximately 1,100. I would be subject to correction by the company, who would have definite information.

Senator CURTIS. On page 15 of your statement, No. 6, you say—The Perfect Circle Corp. committed many acts to provoke resentment and retaliation by the striking employees.

Was there retaliation?

Mr. BERNDT. Evidently there was, Senator, by the mass picketing that evolved.

Senator CURTIS. What other retaliation?

Mr. BERNDT. Well, sufficient mass picketing to close the plant down for a week is indicated by Mr. Prosser's statement.

Senator CURTIS. Was there any damage done to the plant?

Mr. BERNDT. There were a few windows broken out of the plant, to my personal knowledge, some time prior to August 5.

Senator CURTIS. Was the gate broken down at any time during the 4 months?

Mr. BERNDT. Not to my personal knowledge; no.

Senator CURTIS. What is your best information on that?

Mr. BERNDT. My best information is that the only time a charge has been made that a gate was broken into was on October 5, and I find nothing to substantiate that.

Senator CURTIS. You don't think it happened?

Mr. BERNDT. Well, I have our people's word to me that it hadn't happened. And pictures also that indicate that the cars inside this very area were not overturned at a time when the company said the gate was opened and the cars were overturned.

Senator CURTIS. A dispute about the time?

Mr. BERNDT. I presume so.

Senator CURTIS. On page 20 of your statement, about the fifth, sixth, and seventh lines from the bottom:

The truce turned out to be another order by Craig—

meaning the Governor—

sending National Guard troops into all three towns where Perfect Circle had plants and keeping the plants open for scabs to enter.

Would these nonstrikers have been able to enter if the guard hadn't arrived?

Mr. BERNDT. Senator, I believe, except for the 1 period, the 1 week, in September, anyone afoot could have walked through the 5-man picket line except for the 2 or 3 times when mass picketing came about.

Senator CURTIS. But there were times that they couldn't get in?

Mr. BERNDT. That is correct.

Senator CURTIS. And do you make any charge that management had people in the mass picket line?

Mr. BERNDT. I don't quite follow your question, Senator.

(The witness conferred with his counsel.)

Senator CURTIS. Did management have anybody in the mass picket lines?

(The witness conferred with his counsel.)

Mr. BERNDT. I still don't quite understand your—

Senator CURTIS. You say that there were times, and I am not going to argue about how many days or how long, when the mass picketing was such that a worker couldn't get into the plant. What I am asking is: Was that your mass picket line or do you charge that that was management's?

Mr. BERNDT. No. It was UAW members.

Senator CURTIS. Now referring to your statement on page 25, at the bottom of the page, you speak of the vote at the Richmond Foundry.

The vote to decertify was 35 for the UAW and 45 for no union, with 13 challenged votes out of 99 eligible to vote. At the Richmond machine plant, where 246, 248 were eligible to vote, the tabulation showed 96 votes for the UAW, 138 for no union and 4 challenged votes. At Hagerstown, the vote to decertify the UAW was 233 for the UAW and 475 for no union.

When were these votes taken?

Mr. BERNDT. The petitions were filed—

Senator CURTIS. The voting.

Mr. BERNDT. November 10, I believe, is the correct date, 1955.

Senator CURTIS. When was that in reference to the end of the strike?

Mr. BERNDT. Approximately 19 days prior to the end of the strike.

Senator CURTIS. Prior to the end of the strike?

Mr. BERNDT. That is correct.

It ended in those plants on that day.

Senator CURTIS. I want to ask you something about exhibit 1-B and exhibit 1-F.

Mrs. Watt, would you see that he has a copy of each?

(Documents handed to the witness.)

Senator CURTIS. Exhibit 1-B purports to be incidents of violence at New Castle foundry during the Perfect Circle strike of 1955. It has a list of dates, and a list of the names, and an offense listed after the name. Fred Wilkinson, car overturned on Plum Street. Was he one of your members?

Mr. BERNDT. No; he was not.

Senator CURTIS. Walter — what I mean to say was if he was a striker, Wilkinson?

Mr. BERNDT. That I couldn't say. I am unfamiliar.

Senator CURTIS. Walter Almonette, car stoned.

Was he a striker?

Mr. BERNDT. I am not familiar with that name or the individual.

Senator CURTIS. You don't live right there, do you?

Mr. BERNDT. I think that is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

Senator CURTIS. I do have just one more thing, Mr. Chairman.

Mr. Prosser said: On August 5, 1955, a large group of union demonstrators, including the director, Raymond Berndt, and the other officials of region 3 of the United Automobile Workers, gathered on the approaches to the plant and menaced nonstriking workers and management personnel on their way to work. On this morning, automobiles of the workers were damaged by stones hurled at them by the demonstrators, and the employees were otherwise menaced and intimidated and stoned and chunks of concrete were thrown through the windows of the plant.

I believe you said you were there.

Mr. BERNDT. That is correct. I was there on that day.

Senator CURTIS. Were any stones and chunks of concrete thrown through the windows of the plant?

Mr. BERNDT. I say I saw no stones thrown through the windows of the plant on that day.

Senator CURTIS. Did you on any other day?

Mr. BERNDT. No. This is the only day I was there during the strike.

Senator CURTIS. Were automobiles of the workers damaged by stones?

Mr. BERNDT. There were two occasions where I noticed UAW members stopping cars on their ingress to the plant. I went over to them and requested they immediately release the cars, since this was highly improper and they were not to do any acts of this type. On two incidents I happened to be close enough to them to see them start and I went over and stopped these incidents.

Senator CURTIS. Acts of this type? What do you mean?

Mr. BERNDT. I mean stopping cars. Grouping up in front of the cars on the roadway so that they couldn't drive through into the plant.

Senator CURTIS. Were any stones hurled in that demonstration?

Mr. BERNDT. I did not see it.

Senator CURTIS. But you would say that your position is that there was some stoppage of cars and some harassment?

Mr. BERNDT. There were two stoppages of cars that I personally went and intervened in and asked them not to carry on this type of picketing.

Senator CURTIS. And you would agree that there was stoppage of workers coming in and some harassment, is that correct?

Mr. BERNDT. I am not positive about arrests that day.

Senator CURTIS. No; harassment.

Mr. BERNDT. Harassment, yes.

Senator CURTIS. But you disagree with Mr. Prosser as to the extent?

Mr. BERNDT. I don't disagree. I don't know.

Senator CURTIS. You don't know?

Mr. BERNDT. That is correct.

Senator CURTIS. You are not saying that this is not true?

Mr. BERNDT. That is correct. I was there only on the one day, and I made a tour of the situation. It was the first time I had had an opportunity to walk in and around the plant location. While on my tour of that plant location, I saw no stones thrown.

I did see two cars stopped in which I did intervene and did intervene and got the people to stop their program of stopping ingress to the plant by cars.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. The committee will stand in recess until 10 o'clock tomorrow, and we will reconvene in room 457.

(Whereupon, at 5:03 p. m. the hearing was recessed, to reconvene at 10 a. m. Tuesday, April 1, 1958, in room 457, with the following members present: Senators McClellan, McNamara, and Curtis.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, APRIL 1, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in room 457, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator John Kennedy, Democrat, Massachusetts; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; and Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Alderman, assistant chief counsel; John J. McGovern, assistant counsel; and Ruth Young Watt, chief clerk.

(At this point the following members were present: Senators McClellan, Goldwater, and Curtis.)

The CHAIRMAN. The committee will come to order. Call the next witness.

Mr. KENNEDY. Mr. Kenneth Griffin.

The CHAIRMAN. Mr. Griffin.

You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

TESTIMONY OF KENNETH GRIFFIN, ACCOMPANIED BY CLYDE HOFFMAN, COUNSEL

Mr. GRIFFIN. I do.

The CHAIRMAN. State your name and place of residence, and occupation, please, sir.

Mr. GRIFFIN. Kenneth Griffin, New Castle, Ind., rural route 4. I am supervisor of quality control, Perfect Circle foundry.

The CHAIRMAN. You have counsel present?

Mr. GRIFFIN. I do.

The CHAIRMAN. Counsel, identify yourself for the record, please.

Mr. HOFFMAN. Mr. Clyde Hoffman, Hagerstown, Ind.

Mr. KENNEDY. Mr. Griffin, you have been working for the Perfect Circle Co. now for some 15 years or 14 years?

Mr. GRIFFIN. About 14½, yes.

Mr. KENNEDY. You are now a supervisor, is that right?

Mr. GRIFFIN. That is correct.

Mr. KENNEDY. You were promoted to supervisor in 1946?

Mr. GRIFFIN. 1945 or 1946, along in there.

Mr. KENNEDY. Prior to that time you were a member of the UAW?

Mr. GRIFFIN. That is right.

Mr. KENNEDY. When you became supervisor, of course, you dropped out of the UAW?

Mr. GRIFFIN. At first I was the union time study man, and I still retained my union membership from that time.

Mr. KENNEDY. And you are supervisor of quality control at New Castle plant?

Mr. GRIFFIN. At the present time, yes.

Mr. KENNEDY. During the period of the strike, you were subjected to some violence?

Mr. GRIFFIN. Yes.

Mr. KENNEDY. I would like to have you relate that to the committee. I think first if you would start at the time that 3 or 4 nights after the strike started there were some rocks thrown at your home.

Mr. GRIFFIN. I think you have the wrong information there.

Mr. KENNEDY. Well, the shotgun blast, then.

Mr. GRIFFIN. The shotgun blast was around the 23d of November, just before the strike was settled.

Mr. KENNEDY. Did you have anything happen shortly after the strike began?

Mr. GRIFFIN. In September the 10th, I was ambushed.

Mr. KENNEDY. Would you relate that?

Mr. GRIFFIN. Yes. I have what you call a country route. I took several of the workers home, picked them up in the morning and take them home that evening. I was around 7 miles north of New Castle on a blacktop road, taking Cal Tinsley and Berlin Pate.

Mr. KENNEDY. T-i-n-s-l-e-y?

Mr. GRIFFIN. That is correct.

Mr. KENNEDY. And Berlin Pate.

Mr. GRIFFIN. Yes.

Mr. KENNEDY. The three of you were driving along?

Mr. GRIFFIN. That is right, in the car. We come to the 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 Studebaker 1954 or 1955—no, a 1954 Studebaker truck, about 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 rear-view mirror to see if I had anybody behind me so I could get out of his road.

Approximately 15 people with hooded masks come out of the side, from across the T.

Mr. KENNEDY. What do you mean by masks?

Mr. GRIFFIN. They had hooded masks over their head, clear down to their shoulders, black.

Mr. KENNEDY. Covering their whole face and head?

Mr. GRIFFIN. That is correct. Just the eye—

Mr. KENNEDY. They were not Ku Kluxes?

Mr. GRIFFIN. Ku Kluxes. Do they wear white?

The CHAIRMAN. They wear white. These wore black?

Mr. GRIFFIN. Black masks, yes.

Mr. KENNEDY. And right down to their shoulders?

Mr. GRIFFIN. Yes.

Mr. KENNEDY. With places for their eyes?

Mr. GRIFFIN. That is correct. It looked to me, of course, like they had rocks loaded from here [indicating] to their chins. Of course, they probably didn't have them that far up.

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.

Mr. KENNEDY. They had rocks in their hands as they were coming toward you?

Mr. GRIFFIN. That is right. 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. I couldn't tell you. So I seen then that they all run. 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. And I went up to Mr. Tinsley's home which is about a mile up the road and called the sheriff, first, and then also I called the plants, Mr. Juday, to tell him what happened. We turned around and went back down to where the ambush had happened.

The sheriff came along approximately 30 minutes later. Mr. Juday came along right after that.

Mr. KENNEDY. Who was Mr. Juday?

Mr. GRIFFIN. Plant manager of Perfect Circle. They were a farmer and his son that lived about a quarter of a mile up the road from where this happened. They saw it all, and told us that some of the boys didn't get away, that they were still in the cornfield. But we were not able to locate them.

Mr. KENNEDY. Was anybody ever arrested or were you able to identify any of the people that were involved?

Mr. GRIFFIN. I am not able to identify anybody because of the hooded masks. There were arrests made. A car was found a mile north of where the ambush took place, with a flat tire. Right away there was a call into the city police from an individual saying that his car had been stolen. But this individual was also seen coming back into New Castle with two of the other boys in a car just a few minutes after this happened, by my wife and by my son. They met him on the road. Also they were met by Mr. Juday as he was coming out.

Mr. KENNEDY. Was he arrested?

Mr. GRIFFIN. He was arrested, I think, for falsifying a report of a stolen car.

Mr. KENNEDY. What was the disposition of that case?

Mr. GRIFFIN. I don't know. I never heard.

Mr. KENNEDY. Was anybody ever arrested or charged in this masked ambush?

(The witness conferred with his counsel.)

Mr. GRIFFIN. Not to my knowledge, no. There were some investigations made. I don't know all the story on the investigations.

Mr. KENNEDY. Going on from that incident, did you have this shotgun blast just before the end of the strike?

Mr. GRIFFIN. I did.

Mr. KENNEDY. Will you relate that to the committee?

Mr. GRIFFIN. It was around midnight. I think it was on November 23 or 24. The reason I know is it was Tuesday night before the end of the strike which ended on Sunday, which was the 27th. We were sleeping in the back of the house. We live about approximately 120 feet from the blacktop road, 3 miles north of town. My daughter was sleeping in one end of the house, and my wife and I was sleeping in the other. I didn't hear the blast. My daughter woke us up and said we had been shot.

It hit the west end of our house where my daughter was sleeping.

It broke out one of our storm windows, and I had asbestos siding on my house and it splattered that pretty much. The sheriff's investigation the next day said he thought there were about two shotgun blasts on the house.

Mr. KENNEDY. Did they go right into the house?

Mr. GRIFFIN. No. I think probably it was so far away that the shotgun blast that broke the storm window didn't penetrate the window in the house.

Mr. KENNEDY. Then did you have rocks thrown at your automobile in addition to that?

Mr. GRIFFIN. No. I was very fortunate. I have seen guys ahead of me and behind me but I have never got hit myself.

Mr. KENNEDY. With rocks or tomatoes or anything?

Mr. GRIFFIN. No.

Mr. KENNEDY. So you had the two incidents of the ambush and then the shot fired into your home?

Mr. GRIFFIN. I had one night that they didn't hit anything. I don't know whether they were shooting to hit the house or just shooting to scare, but I did hear that one. I jumped out of bed in time to see the car take off down the road.

Mr. KENNEDY. When was that?

Mr. GRIFFIN. I couldn't tell you the date. It was along in the fall, because it was warmer weather when we had the windows open. Probably in September, along in September some time.

Mr. KENNEDY. Did you know many people that worked with you that were subjected to similar kinds of vandalism?

Mr. GRIFFIN. Yes. This Mr. Tinsley had his house shot into once or maybe twice. Audrey Cross, who was another guy that I picked up on the route was also subject to the same treatment.

Mr. KENNEDY. What about automobiles? Were there rocks thrown at automobiles? Do you know many people that that happened to?

Mr. GRIFFIN. Harold Hoover did. He had eggs thrown at him one night.

Mr. KENNEDY. He had what?

Mr. GRIFFIN. Rotten eggs. He was right ahead of me when it happened.

That is about the only car I saw. Well, I will take that back. Right at the start of the strike, it hadn't started very long, we went

up—I was in another car and we picked an individual up there on 25th Street and we had a rock hit the car. That was in that time.

Mr. KENNEDY. Did you feel that this vandalism that you and your friends were subjected to arose out of the strike?

Mr. GRIFFIN. I do.

Mr. KENNEDY. Had you been the recipient of anything like this prior to the time the UAW went out on strike?

Mr. GRIFFIN. No.

Mr. KENNEDY. Did you feel that those who were responsible were the ones who were trying to keep you out of the plant and away from working?

Mr. GRIFFIN. Of course, what they were trying to do to me was not keep me out of the plant, because I was supervisory, but because I was carrying other people, picking up other passengers and carrying them to the plant.

Mr. KENNEDY. The reason they subjected you to it was because you were associated with management, is that right?

Mr. GRIFFIN. I think so; yes.

Mr. KENNEDY. Is that how you feel?

Mr. GRIFFIN. Yes.

Mr. KENNEDY. And you never had anything like this happen to you before the strike or after the strike?

Mr. GRIFFIN. That is right.

Mr. KENNEDY. Just during this period of time?

Mr. GRIFFIN. That is right.

Mr. KENNEDY. And the same thing for your friends and associates who work for the company?

Mr. GRIFFIN. That is right.

Mr. KENNEDY. You were in the plant on October 4 and 5, were you?

Mr. GRIFFIN. I was.

Mr. KENNEDY. You were there when the firing took place between those outside the plant and those inside the plant?

Mr. GRIFFIN. I was.

Mr. KENNEDY. Did you have a gun, yourself?

Mr. GRIFFIN. I did.

Mr. KENNEDY. Had you brought a gun into the plant?

Mr. GRIFFIN. Yes, sir. It was my own 20-gage shotgun.

Mr. KENNEDY. Why did you bring your gun into the plant?

Mr. GRIFFIN. Because I was asked to bring in the night before and stand guard for the plant, on the 4th. I stayed all night there in the plant on the 4th.

Mr. KENNEDY. Were you instructed to bring a gun with you?

Mr. GRIFFIN. Yes.

Mr. KENNEDY. Who instructed you to do that?

Mr. GRIFFIN. The plant manager.

Mr. KENNEDY. Who was that?

Mr. GRIFFIN. Mr. Juday.

Mr. KENNEDY. What kind of a gun did you have?

Mr. GRIFFIN. I had a 20-gage, bolt action.

Mr. KENNEDY. Where were you stationed during October 5?

Mr. GRIFFIN. I was stationed at the north end of the plant on the second floor.

Mr. KENNEDY. Was there some firing from the north end?

Mr. GRIFFIN. There was.

Mr. KENNEDY. Was that from outside the plant?

Mr. GRIFFIN. It was.

Mr. KENNEDY. Did any of that hit the plant?

Mr. GRIFFIN. It did.

Mr. KENNEDY. Do you know if that was before or after the firing started at the south end?

Mr. GRIFFIN. I couldn't tell you exactly whether the firing had started at the south end before this happened or not.

My instructions were, when I saw the crowd coming, to get the women in the office and take them to the cafeteria in the basement, and then go to the north end. So as I saw the people, the mass of people coming across the field south of Plum Street, and out Belmont, which is approximately two blocks south of the plant, I did that. I went and got the girls and told them to go down to the cafeteria where we felt it would be safer if anything did happen, and then I went to the north end to watch the north of the plant where the railroad track it.

There was a person behind the house on North 27th the house next to the railroad track, closest to the plant, that was shooting at the plant with a rifle.

Mr. KENNEDY. Was that after you got back to the north end from taking the women—

Mr. GRIFFIN. He shot from there. He might have shot before I got there. I couldn't tell you. But after I got there, I did see him shoot.

Mr. KENNEDY. That was after you took the women down into the cafeteria?

Mr. GRIFFIN. Yes.

Mr. KENNEDY. Did you fire back at all?

Mr. GRIFFIN. I did not.

Mr. KENNEDY. Did you fire your gun at all?

Mr. GRIFFIN. I did not.

Mr. KENNEDY. Was there a kind of a bomb that went off after the shooting began?

Mr. GRIFFIN. I might have heard it but never thought anything about it.

Mr. KENNEDY. Was there any general instruction about firing your guns?

Mr. GRIFFIN. The general instructions of firing the guns was if they come over the fence to fire to scare them away, fire over their heads, and if they kept on coming to fire at their legs.

Mr. KENNEDY. Who did you receive those instructions from?

Mr. GRIFFIN. Mr. Juday.

Mr. KENNEDY. He is the plant manager?

Mr. GRIFFIN. That is right.

Mr. KENNEDY. Had he brought some guns in prior to that time and distributed them?

Mr. GRIFFIN. I think in the testimony yesterday there was six guns brought in; yes.

Mr. KENNEDY. They were distributed to guards in various sections of the plant?

Mr. GRIFFIN. To various supervisors, yes.

Mr. KENNEDY. How many women were there in the plant at the time? Just approximately.

Mr. GRIFFIN. I couldn't tell you offhand. The office personnel were there. I suppose there was 5 or 6 women out in the shop that done work back at inspection.

Mr. KENNEDY. And had you expected trouble on that day?

Mr. GRIFFIN. From all reports we did; yes, sir.

Mr. KENNEDY. Why were women brought in the plant?

Mr. GRIFFIN. I think that our main object was to operate as normal——

Mr. KENNEDY. As I understand you expected the plant possibly to be dynamited or attacked any way.

Mr. GRIFFIN. Well, the rumors was that they were going to make a march on the plant.

Mr. KENNEDY. Make a march on the plant?

Mr. GRIFFIN. Yes.

Mr. KENNEDY. Why were the women brought in if that was going to happen?

Mr. GRIFFIN. I couldn't tell you offhand.

Senator CURTIS. Mr. Griffin, how many people were outside the plant on October 5, when this trouble arose, this crowd some of whom came toward the plant, and maybe all of them did? About how many people were about, in your opinion?

Mr. GRIFFIN. Well, Senator, I didn't see them all, because as I stated I was at the south end of the plant watching, and I saw them coming across the field, a large mass of people coming across the field and down Plumb Street, and so I went to the north end after I took the women to the cafeteria, and I went to the north end to look out the window there, and approximately at north side, across on South 27th Street, I would say maybe 150 to 100 people there, but the majority of the people were south and west of the plant, and I didn't see all of them.

Senator CURTIS. You didn't see all of them, but you got a look at part of them?

Mr. GRIFFIN. Yes, sir.

Senator CURTIS. Well, in other words, you were there at the time and you saw one end quite well, and you saw the other end partly, and do you have an opinion as to how many people were out there.

Mr. GRIFFIN. In my opinion there were a couple of thousand.

Senator CURTIS. A couple of thousand?

Mr. GRIFFIN. Yes, sir.

Senator CURTIS. Now, during this entire strike period or any part thereof, did you see any strikers around there in the strike area?

Mr. GRIFFIN. Yes.

Senator CURTIS. How long have you lived in that community?

Mr. GRIFFIN. Forty years.

Senator CURTIS. How big is the town?

Mr. GRIFFIN. About 21,000, I think, the last census.

Senator CURTIS. Do you know where these strikers were from?

Mr. GRIFFIN. No.

Senator CURTIS. Were they there more than on one occasion?

Mr. GRIFFIN. Yes.

Senator CURTIS. How many?

(The witness consulted with his counsel.)

Mr. GRIFFIN. Well, the statement I made when I was riding in the car, and I wasn't driving, and I got hit by a rock, when I picked up the individual on 25th Street, which was along early in the strike, there were probably 100 people north of the railroad track there where I picked this individual up, or we picked this individual up.

I would say outside of 2 or 3, the rest of them were total strangers to me. And also, on August 15 when the bus was stoned, there were very few people that I recognized.

Senator CURTIS. You were an oldtimer there, and your own house was fired upon, and you had violence committed toward you, and you know the people around there. There were many acts of violence that occurred, and there was rock throwing or shooting at a house, or whatever it was, and were the victims strikers or nonstrikers?

That is, the victims of the violence.

Mr. GRIFFIN. Nonstrikers, and I never heard of any strikers getting hit.

Senator CURTIS. You never heard of any strikers being the victims of this violence, either on the streets or at their homes?

Mr. GRIFFIN. No.

Senator CURTIS. All you did know about, that came to your attention, were nonstrikers?

Mr. GRIFFIN. That is correct.

Senator CURTIS. That is all.

The CHAIRMAN. Are there any other questions?

What did the union officials do, the representatives of the union which you observed, if anything to try to prevent this violence and vandalism?

Mr. GRIFFIN. I never saw anything.

The CHAIRMAN. Do you know of any action they took whatsoever?

Mr. GRIFFIN. No.

The CHAIRMAN. Are you convinced it was the strikers or those who were sympathizing with them that were causing all of this trouble?

Mr. GRIFFIN. Well, I wouldn't say all of the strikers were causing the trouble.

The CHAIRMAN. What is that?

Mr. GRIFFIN. I wouldn't say all of the strikers were causing the trouble. That is, all of them. I think it was just a small percentage of them.

The CHAIRMAN. I did not say that they were all causing trouble, but the trouble that was caused, you think, was caused by strikers? That is not all of the strikers, but by people who were on strike and those sympathetic with them?

Mr. GRIFFIN. Some out of sympathy, and some were strikers.

The CHAIRMAN. You think the outside group that came in caused trouble?

Mr. GRIFFIN. I think so; yes, sir.

The CHAIRMAN. You think they were there to agitate the situation, and help participate in the vandalism and violence?

Mr. GRIFFIN. I do.

The CHAIRMAN. Can you identify any of those that came in from the outside or from other unions?

Mr. GRIFFIN. No, I cannot.

The CHAIRMAN. You can't give us their names?

Mr. GRIFFIN. No.

The CHAIRMAN. Were they in substantial numbers or only a few?

Mr. GRIFFIN. I would say substantial numbers.

The CHAIRMAN. What do you mean by substantial numbers, a dozen or a hundred?

Mr. GRIFFIN. A hundred.

The CHAIRMAN. A hundred?

Mr. GRIFFIN. Yes, or more.

The CHAIRMAN. Or more?

Mr. GRIFFIN. Yes, sir.

The CHAIRMAN. At one time there were some 500 or 600; or 600 or 700?

Mr. GRIFFIN. On the day of October 5, there were several hundred of them, yes.

The CHAIRMAN. On this day of October 5?

Mr. GRIFFIN. Yes, sir.

The CHAIRMAN. There were several of them?

Mr. GRIFFIN. Yes, sir.

The CHAIRMAN. And they were from outside of the community?

Mr. GRIFFIN. Well, I didn't know them, I will say that.

The CHAIRMAN. You did not know them, and they were not workers at the plant?

Mr. GRIFFIN. Oh, no; very few of the workers at the plant, that I observed on October 5 to be around there.

The CHAIRMAN. You only observed a few actual workers in the plant?

Mr. GRIFFIN. That is right.

The CHAIRMAN. The strikers?

Mr. GRIFFIN. That is right.

The CHAIRMAN. And these others were strangers and you did not know them?

Mr. GRIFFIN. That is correct.

The CHAIRMAN. Were they participating in the assault upon the plant?

Mr. GRIFFIN. Yes.

The CHAIRMAN. I assume that is what you would determine an assault upon the plant, they undertook to come in, they threw rocks and they shot?

Mr. GRIFFIN. That is right.

The CHAIRMAN. And overturned some cars?

Mr. GRIFFIN. That is correct.

The CHAIRMAN. I regard that as an assault upon the plant. Now, did you folks in the plant do anything to precipitate it?

Mr. GRIFFIN. Not as I know of.

The CHAIRMAN. There was a picture entered here yesterday, and I don't have it, showing a lot of guns that were accumulated or recovered from the plant at sometime, and I don't know whether we have that picture. That is exhibit 16. I cannot tell how many there are, but it looks like a dozen or more guns there.

Do you know anything about this picture?

Mr. GRIFFIN. Yes, sir.

The CHAIRMAN. Were you there when it was made?

Mr. GRIFFIN. I was not there when the picture was made, but my gun was probably in that group.

The CHAIRMAN. That was your individual gun?

Mr. GRIFFIN. That is correct.

The CHAIRMAN. How about the others, and were they all company-provided guns, or had people who were working there brought in their own guns for their protection?

Mr. GRIFFIN. Outside of the six shotguns that were brought in, I don't know of any company guns in that direction.

The CHAIRMAN. The company provided?

Mr. GRIFFIN. Yes, sir.

The CHAIRMAN. And the others were provided by the individual workers, as a matter of self protection?

Mr. GRIFFIN. That is correct.

The CHAIRMAN. I believe when you were ambushed you had a gun with you at that time?

Mr. GRIFFIN. I sure did.

The CHAIRMAN. Why were you carrying a gun then?

Mr. GRIFFIN. The reason I was carrying a gun then, there were several, I will say 2 or 3 incidents in the country of things happening like that, and Mr. Hoover, who is a supervisor there almost got blocked on a bridge, and he happened to see it in time and turned around and got away.

As to Charley Alexander, another supervisor, they had logs across the road that he was traveling on, and he saw it in time, and he got away.

The CHAIRMAN. You had heard of these incidents?

Mr. GRIFFIN. That is correct.

The CHAIRMAN. Had you been threatened?

Mr. GRIFFIN. No.

The CHAIRMAN. You had not been threatened directly, and it was just the whole atmosphere?

Mr. GRIFFIN. That is correct.

The CHAIRMAN. It was charged with the possibility of trouble?

Mr. GRIFFIN. Yes.

The CHAIRMAN. Is that correct?

Mr. GRIFFIN. That is correct.

The CHAIRMAN. Had the plant been threatened, and did you have any definite threats that the plant was going to be blown up or was going to be injured or taken?

Mr. GRIFFIN. Just rumors was all.

The CHAIRMAN. It was all rumor?

Mr. GRIFFIN. Yes, sir.

The CHAIRMAN. Nothing that you could be positive of?

Mr. GRIFFIN. No.

The CHAIRMAN. But the fact that some of these incidents occurred, you knew they had occurred where there were attempts made to ambush people and so forth which caused you to be disturbed, and apprehensive and therefore you carried your gun as a matter of protection?

Mr. GRIFFIN. That is correct.

The CHAIRMAN. Did others, who were working in the plant do the same?

Mr. GRIFFIN. On that day, yes.

The CHAIRMAN. On any other day?

Mr. GRIFFIN. Oh, yes; I think some of the boys that had these country routes picking up individuals, I think they carried guns for their own protection.

The CHAIRMAN. You think all of the guns shown in this picture are guns that belonged to the individual workers, save possibly six of them that the company had supplied?

Mr. GRIFFIN. That is correct.

The CHAIRMAN. And you think they were carrying their guns just for the same reason you were carrying yours?

Mr. GRIFFIN. That is right.

The CHAIRMAN. All right.

Are there any other questions?

Senator MUNDT. What do you think would have happened if you fellows in the plant at the time of this October assault just stood there and done nothing? What do you think would have been the outcome?

Mr. GRIFFIN. Well, we might not be here today to tell it.

Senator MUNDT. At least they were really bent on bodily injury?

Mr. GRIFFIN. Well you get a mob together, you don't know what is going to happen. Anything could tip it off.

Senator MUNDT. Apart from the fact that they might have used you fellows pretty roughly, what do you think they would have done with the plant?

Mr. GRIFFIN. They could probably have done a good deal of damage to the plant, yes.

Senator MUNDT. That big a mob, do you think they were violent enough so that they were really going to make a shambles in there if they got in?

Mr. GRIFFIN. Well, from the expressions on their faces, as I went out in the State police car, I would expect anything.

Senator MUNDT. They were souped up with something, is that right?

Mr. GRIFFIN. Yes, sir.

Senator MUNDT. How far did they actually penetrate the plant grounds?

Mr. GRIFFIN. That I am not able to tell you, because I was at the north end, where I did see the car that was overturned inside the company grounds, inside the fence, which is probably——

Senator MUNDT. The actual penetration or invasion was at another gate; is that right?

Mr. GRIFFIN. That is right, the south end of the plant, what we called the east gate. But I was at the north end when that happened.

Senator MUNDT. Do you know how they got in that gate?

Mr. GRIFFIN. That is a mystery. We thought the gate was locked with a chain, and they either had bolt cutters or someone failed to lock it, because they came through it pretty quickly, as the other people told me. I didn't see it.

Senator MUNDT. You were in the plant and those six shotguns were in the plant, and we had testimony that they were brought in by helicopter after there had been certain violence at the outside.

What instructions were given in connection with those six shot-guns, and did anybody say why they were there, or what the purpose was?

Mr. GRIFFIN. Nobody in particular told me.

Senator MUNDT. Did you know they were there?

Mr. GRIFFIN. Yes, sir.

Senator MUNDT. Did anybody tell you why they were there?

Mr. GRIFFIN. I don't know as they did.

Senator MUNDT. They just said there were six shotguns there?

Mr. GRIFFIN. I saw them, but nobody told me particularly what they were for, no.

Senator GOLDWATER. Mr. Griffin, how long were you a member of the UAW before 1946?

Mr. GRIFFIN. Well, the union went in in 1942, if I am not mistaken, and I was a member of the union then from about 1942 to 1946.

Senator GOLDWATER. Did you attend the meetings?

Mr. GRIFFIN. Yes, sir.

Senator GOLDWATER. Were there any strikes during the time you were a member?

Mr. GRIFFIN. There was.

Senator GOLDWATER. Do you recall any discussions about the strike at the local meetings?

Mr. GRIFFIN. Yes, sir. In the 1945 strike, at that time the contract we had with the union at that time called for a union time-study man, and I went to Hagerstown and took training for that.

In the 1945 strike, it was over a job that was combined. The job before the war was a combination job, but during the war with large aircraft rings it had to be split up, and after the war, with the aircraft rings out of the picture, and automotive engines coming back in, we had to combine the job again.

That strike was in 1945. At the union meeting that I attended, the representatives from Detroit were down on the local union and it was called a wildcat strike and they told them to go back to work.

Senator GOLDWATER. That was a wildcat strike?

Mr. GRIFFIN. There wasn't any grievance presented to the company before the strike, let us say that.

Senator GOLDWATER. Was there any discussion of possible violence during the period of this strike, at the local level?

Mr. GRIFFIN. No.

Senator GOLDWATER. Thank you.

Mr. HOFFMAN. We wish at this time to introduce into the record an exhibit of Mr. Griffin's house.

The CHAIRMAN. Do you have a picture of your house, and the damage done to it?

Mr. GRIFFIN. Yes, sir.

The CHAIRMAN. That picture may be made Exhibit No. 21.

(Picture referred to was marked "Exhibit No. 21" for reference, and may be found in the files of the select committee.)

Mr. HOFFMAN. We would like also to introduce into the record, and we understand that possibly witnesses to these various incidents of damage and violence will not be called, and we would like to introduce a series of pictures on the various demonstrations and mass picketing.

The CHAIRMAN. Can the witness testify to the pictures?

Mr. HOFFMAN. Mr. Prosser has testified to all of these.

The CHAIRMAN. Mr. Prosser testified to them?

Mr. HOFFMAN. Yes, sir, the various incidents.

The CHAIRMAN. Well, he is going to be called back on the stand, and we can delay that.

We are trying to get them presented properly.

Mr. KENNEDY. As long as we are discussing some of this violence, Mr. Chairman, maybe the company has an individual or Mr. Prosser would know someone who could give us a little better information on these exhibits that were put in yesterday.

Senator CURTIS. Mr. Chairman, I understand that there is an individual here who assisted and directed in the compiling of exhibit 1-B, which is a list of incidents at New Castle, and then another individual compiled a list or directed it be done at Hagerstown.

I have spoken to counsel and I would like to ask a question or two because I am not quite clear as to what this shows.

The CHAIRMAN. Would you like to have the witness called?

Senator CURTIS. It will just take 4 or 5 minutes. They are here in the room. One was Mr. Crum and the other was another gentleman.

The CHAIRMAN. Come around, gentlemen.

(At this point, the following members were present: Senators McClellan, Mundt, Curtis, and Goldwater.)

The CHAIRMAN. Those that are going to testify, be sworn.

Do you and each of you solemnly swear the evidence you shall give before the Senate select committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. FROMUTH. I do.

Mr. CRUM. I do.

TESTIMONY OF PAUL CRUM AND ALLEN FROMUTH, ACCOMPANIED BY COUNSEL, CLYDE HOFFMAN

The CHAIRMAN. Starting on my left, give your name, your address, and your business or occupation, please, sir.

Mr. CRUM. Paul Crum, Hagerstown, Rural Route 2, personnel manager of the Hagerstown plant.

The CHAIRMAN. And you, sir?

Mr. FROMUTH. Allen Fromuth, personnel manager, New Castle foundry.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Crum, I will ask the clerk to hand you what has been identified as exhibit 1F, and you look at it, please.

(The document was handed to the witness.)

Senator CURTIS. This purports to be incidents of violence at Hagerstown and Richmond during the Perfect Circle strike of 1955. Was that list compiled by you or under your direction?

Mr. CRUM. It was under my direction.

Senator CURTIS. How did you secure the information in that list?

Mr. CRUM. Employees reporting of the incidents. We had our safety supervisor, Robert Beeson, investigate several of them.

Senator CURTIS. And was some notation made as you went along on this?

Mr. CRUM. Yes, sir.

Senator CURTIS. What sort of notation?

Mr. CRUM. Actually what you see here, the name of the person, the date it happened and what happened.

Senator CURTIS. One of the reasons I was afraid that we might give a wrong impression in the record is that in the first column, that is the date that the incident happened?

Mr. CRUM. That is right.

Senator CURTIS. In the second column, for instance, the first name, Paul Bodicker, and the third column says car smeared with paint. Are these names in the second column the victims or the person charged with the offense?

Mr. CRUM. They are the victims.

Senator CURTIS. I see. We go down here and someone on 6/16, Silas Johnson, car window broken. All of them are of that kind?

Mr. CRUM. That is right.

Senator CURTIS. Was any care extended to make sure these incidents didn't happen, or did you put down everything that you happened to hear about?

Mr. CRUM. As I say, we had our safety supervisor go out and see several of them.

Senator CURTIS. And these individuals actually reported it?

Mr. CRUM. Yes, sir. That is right.

Senator CURTIS. What is the other gentleman's name?

Mr. FROMUTH. Fromuth.

Senator CURTIS. Mr. Fromuth, I will have you look at what has been identified as exhibit 1B which purports to be incidents of violence at the New Castle foundry during the Perfect Circle strike of 1955. Did you have anything to do with the compiling of that list?

Mr. FROMUTH. Yes. I directed this part of it.

Senator CURTIS. How was it compiled?

Mr. FROMUTH. It was compiled by the individuals reporting to me, and in most cases we went out and took pictures of the violence that had occurred.

Senator CURTIS. That first column, 8/3, and so on, that means, for instance that first item on there, the third day of August, and they are all in the year 1955?

Mr. FROMUTH. Right.

Senator CURTIS. The names in the second column, they are the names of the victim, not the offender, is that right?

Mr. FROMUTH. That is correct.

Senator CURTIS. And the third column is how the offense was described?

Mr. FROMUTH. Right.

Senator CURTIS. Were some of those cases that ended up in court?

Mr. FROMUTH. I think the first one, when Fred Wilkinson's car was overturned on Plum Street, near 25th, I think that went to court. I think there were several people arrested. I don't know what happened to it.

Senator CURTIS. I will ask both of you to look at exhibit 1C. Can either of you men tell us about that list, what it is?

Mr. CRUM. What was the question, please?

Senator CURTIS. Did either one of you have anything to do with the compiling of that list?

Mr. FROMUTH. Not of compiling. I was present on September 27th, when all the people were arrested at the New Castle plant.

Senator CURTIS. Who made up this list? Mr. Hoffman, do you know about that?

Mr. HOFFMAN. No. I think that was made up by a local counsel from the court records.

Senator CURTIS. I see. You are attorney for the company?

Mr. HOFFMAN. That is right.

Senator CURTIS. Did you have it done?

Mr. HOFFMAN. I had it done.

Senator CURTIS. As attorney for the company, you knew about a number of these court actions?

Mr. HOFFMAN. I knew of practically every one.

Senator CURTIS. Have you read this?

Mr. HOFFMAN. Yes.

Senator CURTIS. Have you been sworn?

Mr. HOFFMAN. Yes.

Senator CURTIS. Is this a true list of all of the cases that ended in court, arising out of this?

Mr. HOFFMAN. Yes, I would say it fairly completely covers it. There might be an instance or two.

Senator CURTIS. Mr. Chairman, in the other strike, we did not put in all this bulk of affidavits, but they did submit a list. I ask unanimous consent that exhibit 1B, 1C, and 1F be printed in the record.

The CHAIRMAN. Without objection, they may be printed in the record.

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 Rateliff.....	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 Starnes.....	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 Rodefelf (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 Rodefelf.....	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.

*Incidents of violence at New Castle Foundry during Perfect Circle strike of
1955—Continued*

Date	Name	Incident
Aug. 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.
1	-----	Several cars hit with rotten egg s; 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 Libon 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.
5	-----	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—downton.
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.
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 Squaulding.....	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 Gunckel.....	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.
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.....	House 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.
27	Fred Johnson	Do.
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.

Criminal and civil causes growing out of Perfect Circle strike of 1955—Con.

CRIMINAL CONTEMPT SUITS IN HENRY CIRCUIT COURT

No.	Date	Title
11585	Aug. 23	<i>State of Indiana v. William F. Caldwell</i> , willful violation of restraining order.
11592	Aug. 29	<i>State of Indiana v. Richard Shoptaw</i> , willful violation of restraining order.
11594	Sept. 2	<i>State of Indiana v. Carl Batchfield</i> , willful violation of restraining order.
11599	Sept. 10	<i>State of Indiana v. Ruben Bertram</i> , willful violation of restraining order.

CIVIL CONTEMPT SUITS IN HENRY CIRCUIT COURT

30862	Sept. 26	<i>Perfect Circle Corp. v. Local 370, International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, et al.</i> (other defendants named above—persons arrested on Sept. 27, 1955).
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Senator CURTIS. What about these pictures?

Senator MUNDT. Before we leave the lists, I have a question.

Senator CURTIS. Excuse me.

Senator MUNDT. There is this difference, it seems to me, in the lists of vandalisms submitted here and the vandalism in connection with the Kohler-UAW situation: According to this document, these are the dates in the left-hand column on which the violence occurred, the vandalism occurred, not when the testimony was taken but when the vandalism occurred.

This seems, Mr. Chairman, to have been organized attacks of vandalism. On August 5, for example, there were 8 different instances of vandalism and again over on the 26th of August there were 7, all pretty much of the same kind, either eggs or rocks thrown at houses, trucks, and broken glass. It would not seem, certainly, that this is a spontaneous thing which would occur 7 times one day and 8 times another day, all the same kinds of vandalism.

Somebody apparently was out as a team or as a group, or under some kind of organized program, that so much of this would occur simultaneously around the area.

Any of the convictions that were secured by the law enforcement officers, did any of the convictions disclose any particular leadership or organization in connection with these acts of vandalism?

Mr. HOFFMAN. Actually, Senator, there were very few arrests in connection with the vandalism of the houses. There were some arrests of those who could be recognized on the 15th of August when they turned over the cars. They happened to be strikers from the Richmond plant. A large number of these arrests were incidents that occurred during mass picketing on the streets. They were picked up by the police at the time.

Senator MUNDT. I understood yesterday Mr. Berndt testified there had been 100 arrests and 13 convictions, but these were cases of personal violence when you had on the spot witnesses who could see it.

Mr. HOFFMAN. Yes.

Senator MUNDT. As I understand it, if a man runs out of his house after his house has been paint-bombed or stoned, and he didn't see any people, it is kind of hard to make an arrest of that nature.

Mr. HOFFMAN. I think most of them were minor, there was one case in which an international representative was arrested. He was convicted in municipal court.

Senator MUNDT. Who was that?

Mr. HOFFMAN. That was Mr. William Caldwell. That was appealed to circuit court, with a hung jury, and the case for retrial is pending at the present time, I understand. That is one.

Senator MUNDT. Is that the same Mr. Caldwell who is alleged to have made the statement about mashing in heads and so forth before the strike took place, in Mr. Prosser's testimony?

Mr. HOFFMAN. That is right.

Senator MUNDT. Are you planning on calling him as a witness?

Mr. KENNEDY. We can have him as a witness if you wish him as a witness.

Senator MUNDT. This is a pretty startling charge, if a UAW rep has been arrested for vandalism. That is something that we have not had before. I would think that Mr. Caldwell would be clamoring for a chance to be heard. We are trying to find out whether or not these things are planned at the UAW level at the top, or whether they grow out of ill tempers. There is a court record on an international representative of the UAW by the name of Caldwell?

Mr. HOFFMAN. That is right.

Senator MUNDT. And your name is what, sir?

Mr. HOFFMAN. Hoffman.

Senator MUNDT. That is still pending in court?

Mr. HOFFMAN. That is right.

Senator MUNDT. What was his offense?

Mr. HOFFMAN. He was charged with malicious trespass, for having thrown objects through the windows of the plant on the 5th of August, I believe it was.

Senator MUNDT. I would think, Mr. Counsel, this is the meat in the coconut that we are after. If Mr. Caldwell is available, from one member of this committee, and there is no reason why he should not be heard, I think he should be heard.

The CHAIRMAN. Was he convicted?

Mr. HOFFMAN. He was convicted in the municipal court, and it was appealed to the circuit court. It was tried in the circuit court and resulted in a hung jury. So it is subject to retrial.

Mr. KENNEDY. I think that is the situation, about the meat in the coconut, Senator. He says he is not guilty. I think that is what you are going to get. The man will come up and say he is not guilty just as he said before the court.

Senator MUNDT. I don't expect he is going to come up and say he is guilty.

The CHAIRMAN. There is another question. If he is under indictment, we would not compel him to testify regarding that particular incident.

Mr. RAUH. Mr. Chairman, Mr. Berndt was with Mr. Caldwell at the time of the incident, and is available for Senator Mundt's examination. He was actually side by side with him. Mr. Caldwell has denied this under oath, so there would be no problem. If Senator Mundt wants him, we will be happy to have him testify. He will testify that he did not do the incident. He has testified that in court twice. Mr. Berndt is here, he was with him, and can be cross-examined.

The CHAIRMAN. If Senator Mundt wants Mr. Caldwell we can get him here. How quickly could you get him here?

Mr. RAUHL. He has been excused. We were told he wasn't wanted. But we could get him back as fast as we can. Mr. Berndt was with him.

Senator MUNDT. There may be a court case going on, and that may be.

The CHAIRMAN. We were trying to abbreviate these hearings to some extent. It is not a question of trying to keep anyone from testifying. It is that we are trying to develop the pertinent facts as well as we can with the limited number of witnesses. The committee has been in session now, I believe, going on 6 weeks in these hearings. Of course, we can go further if any member of the committee desires.

We are trying to abbreviate this particular hearing because, as has been indicated, this strike has been settled and peace of a nature and harmony to some extent have been restored or are in process of being restored.

We wanted to simply get the highlights of what had occurred. The Chair is perfectly willing to go further into it if any member desires it.

Is there anything further with these witnesses?

Senator CURTIS. Who knows about those pictures?

Mr. HOFFMAN. Mr. Fromuth. We have one set of pictures here of the vandalism. Mr. Fromuth can generally identify these pictures. I think most of them are from the New Castle plant.

The CHAIRMAN. Do you identify those pictures, Mr. Fromuth?

Mr. FROMUTH. I think there are some Hagerstown in here.

Mr. HOFFMAN. Mr. Crum can identify those.

Mr. FROMUTH. After the vandalism occurred, we sent our photographer out to have the pictures taken, to identify all of the houses and everything, that is on the back of each picture.

The CHAIRMAN. Let me do it this way: Is that a group of pictures that were taken by your direction of vandalism that occurred?

Mr. FROMUTH. Yes.

The CHAIRMAN. And these pictures were made at the time and brought to you?

Mr. FROMUTH. Right.

The CHAIRMAN. They were taken under your direction?

Mr. FROMUTH. Yes, sir.

The CHAIRMAN. They may be made exhibit No. 22 in bulk for reference.

(The document referred to was marked "Exhibit No. 22" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Is there anything further?

Mr. HOFFMAN. At this time, since you have Mr. Fromuth on the stand, he is best able to identify these pictures, although the general subject was covered by Mr. Prosser. Mr. Fromuth can identify these pictures. There are several groups. You probably don't want to take the time to get into it, but he can identify international representatives in these pictures if you want it.

He can identify the various incidents of violence that these pictures cover.

Senator MUNDT. Are those pictures of mass picketing or violence?

Mr. HOFFMAN. They are pictures of mass picketing in the early part in the first week, when the New Castle plant was closed.

Senator MUNDT. I think he should go at least, then, as far as to identify the pictures in which you have international reps participating in mass picketing, if you have pictures of that kind.

Mr. HOFFMAN. Then we have a series of pictures on the 15th of August when the cars were overturned. Then we have a series of pictures on the mass picketing that closed the plant in September, from September 19 to 27. Then we have a series of pictures on the October 5 riot.

I believe Mr. Fromuth can identify these groups of pictures.

The CHAIRMAN. Can you identify those pictures, Mr. Fromuth?

Mr. FROMUTH. Yes, all except the October 5 riot.

The CHAIRMAN. Take those out. Pick up those pictures, Mr. Witness, and identify them in a group. Those you hold in your hand now represent what?

Mr. FROMUTH. This is the early stages of the strike, the first week, before we got our restraining order.

The CHAIRMAN. Those are pictures made of the strike, of the mass picketing and so forth, before you obtained your restraining order against it.

Mr. FROMUTH. And there are several in here just shortly after the restraining order.

The CHAIRMAN. That group may be made exhibit No. 23.

(The document referred to was marked "Exhibit No. 23" for reference and may be found in the files of the select committee.)

Senator MUNDT. If you will take that group back again, Mr. Fromuth, that is the group that has the international reps in the picket line? If so, I think you should identify at least by name those international reps of whom you have pictures engaging in illegal picketing if you have such pictures.

Mr. FROMUTH. It is the next series of August 15, where the international people are. There are several in here, but they are so far away it's a little hard to tell on them.

Senator MUNDT. We do not want them unless you can identify them.

Mr. HOFFMAN. The next group—

The CHAIRMAN. That group was made exhibit 23. The group now being presented to you, if you can identify them, will be made exhibit 24.

Mr. HOFFMAN. This series is on the raid of August 15, in which the cars were turned over.

Senator CURTIS. Mr. Chairman, I have one question.

The CHAIRMAN. Let me ask Mr. Fromuth if he can identify those pictures.

Mr. FROMUTH. Yes; I was in the guardhouse this morning.

The CHAIRMAN. They were pictures made under your direction, your supervision?

Mr. FROMUTH. Yes.

The CHAIRMAN. And you identify the pictures as scenes of the incidents that occurred?

Mr. FROMUTH. Right.

The CHAIRMAN. That group may be made exhibit No. 24.

(The document referred to was marked "Exhibit No. 24" for reference and may be found in the files of the select committee.)

The CHAIRMAN. I think you said some of the international representatives of the union are in those pictures.

Mr. FROMUTH. William Caldwell is in a picture, picture No. 30. They are numbered.

The CHAIRMAN. Sir?

Mr. FROMUTH. They are numbered in this series. Picture No. 30, dated the 15th of August, shows Mr. William Caldwell.

Senator MUNDT. Will you put some kind of a mark on it?

Mr. FROMUTH. There is a capital B on it.

Senator MUNDT. B for Caldwell?

Mr. FROMUTH. Well, that is a new way of spelling it.

The CHAIRMAN. He is identified by the letter B in the picture?

Fr. FROMUTH. Yes, sir.

The CHAIRMAN. Go right ahead.

Mr. FROMUTH. Then in picture 34, John Bartee is rushing in the plant gate, along with several others.

The CHAIRMAN. Picture No. what?

Mr. FROMUTH. Thirty-four. We will have to mark that. What initial do you want?

The CHAIRMAN. What is his name?

Mr. FROMUTH. Bartee.

The CHAIRMAN. Identify him by the first letter in his name.

Senator MUNDT. Mr. Chairman, why wouldn't it be good to follow the custom we had before? If they would put on the back of the picture what B stands for—you have a fellow by the name of D here, too, and a fellow by the name of O.

The CHAIRMAN. I cannot stop to have these pictures all done over again. They would be better that way, of course. But they are not that way.

Senator MUNDT. I think by the time we come in this afternoon, we could have the job completed. We will forget who B is, or might get him mixed up with someone else. I might look at B tomorrow and say that is Mr. Berndt, because his name starts with B, but he is not here. We do not want to get him involved. We do not want to get him involved where he is not involved.

The CHAIRMAN. We can do this to expedite the matter. After the men have testified, take these pictures where you can identify them, work with the staff and put proper identification on them. That will help us with our record. I do not want to take time to do it now.

Senator Curtis.

Senator CURTIS. I have one question about the pictures. Do you have any picture there that shows the location of the demonstrators on October 5 as to whether or not they are out in the street or whether the gates were crashed down and they came inside?

Mr. HOFFMAN. We do not have any picture. We have a picture showing the large mob, but the large mob of people on that morning were located in one area, and the group that broke into the fence were clear down the fence line at this east gate, approximately 250 feet away.

Senator CURTIS. Is that where those who came through that you charged overturned the cars?

Mr. HOFFMAN. Yes.

Senator CURTIS. Do you have any pictures showing the gate was smashed and the cars were turned over?

MR. HOFFMAN. No. We have no pictures of that for the simple reason that, taking the pictures, it was impossible for the photographer to be many places at once.

Senator CURTIS. Not as it happened, but after it happened. Have you any pictures of the overturned cars?

MR. HOFFMAN. No. The National Guard came in and turned that car up before management ever got back in the plant. But the police have a record of it.

Senator CURTIS. I see. All right.

That is all, Mr. Chairman.

The CHAIRMAN. Have you some more pictures there? Is that another series of pictures?

MR. HOFFMAN. These are of October 5. Senator, I have a prepared statement on the October 5 deal. I was an eyewitness to it, to the crash into the gate. I think when I make that statement I can sufficiently identify these pictures.

The CHAIRMAN. Why don't you make it right now? File your statement and then just highlight it, if you will, and you can introduce the pictures as you do so.

MR. HOFFMAN. Do you mean introduce the pictures now?

Senator CURTIS. As you testify. You said you have a prepared statement on the incidents of that date.

MR. HOFFMAN. That is right.

The CHAIRMAN. All right. Read your statement. Read your statement, and when you come to the proper place, introduce the pictures.

TESTIMONY OF CLYDE HOFFMAN—Resumed

The CHAIRMAN. All right, Mr. Hoffman, proceed.

MR. HOFFMAN. This is a statement that was really prepared to supplement Mr. Prosser's statement on the subject of the demonstration on October 5.

My name is Clyde Hoffman. I am a practicing attorney and I represented the Perfect Circle Corp. in matters during the strike of 1955 and afterward in matters growing out of the strike.

The principal reason for my making a statement here is that I happened to be in the foundry plant at New Castle, Ind., on the 5th of October 1955, and observed the demonstration and riot that occurred on that day.

The CHAIRMAN. Should that be the 1st day or the 5th day of October?

MR. HOFFMAN. It should be the 5th. It is a typographical error.

The CHAIRMAN. All right.

MR. HOFFMAN. Mr. Prosser has told you of the major incidents of violence occurring in the areas of the several plants on strike during the period between July 25 and October 5, 1955, and has pointed out to you the more than 200 incidents of violence on the persons and property of employees, most of which occurred in this period.

The people at the New Castle plant bore the brunt of the pressures of violence. As a result of this, tensions were built up and they feared for their safety and the safety of their families. By October 5, 1955, the people working in the plant were in a frame of mind to expect further and more drastic violence.

The period from September 19 to September 27, 1955, and the week following, had a particular effect upon the people working in the plant.

The rumors and threats of violence current during that time, the defiance of the law by the union and its apparent determination to stop production in the New Castle plant, brought tension and fear to a climax.

On Tuesday, October 4, 1955, there were strong rumors that on the following day there would be a big demonstration by the union; that demonstrators would be brought in from all over the State of Indiana and adjoining States.

The reports were that they would come into the plant, drag the people out, and destroy machinery and equipment. Employees were warned not to go into the plant on the following day by workers from other plants in the city, and police authorities had information that such a demonstration would occur.

Mr. Juday, the New Castle plant manager, and I conferred with Captain Dillon of the State police and Clarence Justice, chief of the New Castle police force, on the evening of October 4.

Captain Dillon told us he had information from various sources in the State that there would be a large demonstration on the following day.

He was of the opinion that the demonstration would be a peaceful one.

Chief Clarence Justice appeared to be greatly disturbed. He said he feared violence and that his police force of 20 men or so would be unable to handle the situation.

After this, it was decided to put 8 or 10 men in the plant that night and to arm them for protection against possible invasion of the plant during that night or on the following day.

This was done after we had been advised of the concern of the chief of police about the ability of his men to cope with the possible riotous situation.

The police were informed of this move. These men chosen were known as responsible men and were instructed not to use arms unless the demonstrators broke into the plant. So far as I know, only one of these men fired from the plant on October 5.

On the morning of October 5, 1955, between 8 and 8:30 a. m., unusual activity was observed in the south of the plant on A Avenue and 2 blocks to the west of the plant on 25th Street.

As time went on traffic in the area increased out of all proportion to normal conditions and by 9:30 a. m. the streets were congested for blocks by parked and slowly moving vehicles.

It was apparent that there was going to be a demonstration and that it would be a very big one. During this time tensions in the plant grew and were manifest in the grave concern of the employees.

Women employees were sent to the cafeteria in the basement of the building. The men gathered in groups and silently watched the activity on the outside. I believe that every person in the plant was extremely apprehensive and in fear of what was to come.

Groups of the demonstrators gathered at the intersection of 25th and Plum Streets—Plum Street leads up to the main entrance to the plant—and in Lowe Park, 2 blocks to the south of the plant, and a

group of the demonstrators gathered to the north of the plant and across the railroad track.

It is very difficult to get a picture of this situation without some outlay of the plant and plant area. Here is 25th Street, down here 2 blocks, about 2 blocks south, is A Avenue, and on south of that a little way is what is known as Lowe Park [indicating].

Here is the plant, here is the main entrance gate, and here is the east gate that has been talked about.

Here is the parking line for the cars [indicating]. The car turned over was about opposite this gate.

On the morning of the 25th, groups of demonstrators gathered at the intersection of Plum and 27th. This is Plum, the main street leading up to the entrance of the Perfect Circle plant [indicating]. And at Lowe Park, which I mentioned before, a group of the demonstrators gathered to the north of the plant and across the railroad track. That is back here [indicating].

The CHAIRMAN. Would you like to have that plat made an exhibit, the one from which you are now testifying?

Mr. HOFFMAN. Yes, we can have it made an exhibit.

The CHAIRMAN. It will be made exhibit 25.

(Plat referred to was marked "Exhibit No. 25" for reference and may be found in the files of the select committee.)

Mr. HOFFMAN. The group beyond the railroad track—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—that is here [indicating]—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 2 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 2 groups, some 3 or 4 blocks distant, were able to make their approach on the plant at the same time.

The 2 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 breakin, 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 these 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 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 City 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.

Mr. KENNEDY. The police officer is John Ray?

Mr. HOFFMAN. That is right.

This information came to me through the prosecutor. That is our line of information on it.

Mr. KENNEDY. We checked with John Ray.

Mr. Sheridan, did you speak to Mr. Ray?

Mr. SHERIDAN. Yes, I did, and he denied that he had hit anybody. He was shooting twice, once in the direction of what he considered to be a sniper, and once toward out in the street, but he denies hitting anybody. He denies having shot anybody.

Mr. HOFFMAN. I can't say as to that. We were given this information by the prosecutor for Henry County. I have not talked to Mr. Ray directly, but the prosecutor has said that he would testify to that.

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 breakin, 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 breakin.

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 marshal 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 of 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.

The CHAIRMAN. You have some pictures there; are you ready to identify those?

Mr. HOFFMAN. I am ready to identify this group of pictures as being pictures that were taken by the photographer located or there in the plant that morning.

The CHAIRMAN. The morning of what day?

Mr. HOFFMAN. October 5, 1955, and showing the large group of demonstrators congregated at and near the main entrance to the plant. They also show men hurling objects at the plant.

(At this point, the following members of the committee were present: Senators McClellan, Goldwater, Mundt, and Curtis.)

The CHAIRMAN. That group of photographs may be made exhibit 23.

(The document referred to was marked exhibit 26 for reference and may be found in the files of the select committee.)

The CHAIRMAN. Are there any further questions?

Senator GOLDWATER. I have just one question. I am not certain whether Mr. Hoffman is the one to which to direct this, and he might be.

On page 5 of your testimony, Mr. Hoffman, or rather on page 6, the second paragraph, you say, "Mr. Kusola said the union would be willing to go back to peaceful picketing if the management, city, and State police would cooperate and stop protecting nonunion workers."

Now, did you gather from that that there would be peace if you closed your plant?

Mr. HOFFMAN. Yes. It was pretty evident to us at this time, and for sometime prior that it was important to the union to get that New Castle plant closed. It was pretty apparent to us in this meeting prior to the statement of the Lieutenant Governor that if martial law would close the plants, that would not be objectionable to the union.

Of course, if the plant was closed, no one was there, the union had no reason to resort to anything other than peaceful picketing.

Senator GOLDWATER. Yesterday I believe Mr. Berndt testified to the effect that there were 5 strikes in Indiana I believe that year of 1955, that were peaceful ones, peaceful strikes, but all 5 of these plants closed down.

Mr. HOFFMAN. That is right.

Senator GOLDWATER. Did you hear that testimony?

Mr. HOFFMAN. Yes; I heard that testimony.

Senator GOLDWATER. How long have you been connected with Perfect Circle?

Mr. HOFFMAN. Well, I was counsel for the corporation from 1942 to 1952, that is I was employed by them full-time. Since that time I have been practicing outside the corporation, but I have advised with them on labor relations matters, and other matters as far as that goes.

Senator GOLDWATER. Have you gone through any other strikes of the UAW against Perfect Circle?

Mr. HOFFMAN. I was through the 1949 strike.

Senator GOLDWATER. That was a wildcat strike?

Mr. HOFFMAN. I had a great deal to do with the company's handling of it. In 1948 for a period I did handle the negotiations for the corporation, that is from about 1947 to 1949. I did negotiating and conducted the company's handling of the strike in 1948.

Senator GOLDWATER. Was there any violence or threat of violence in that strike?

Mr. HOFFMAN. In that strike there were no sizable demonstrations in the areas of the plants. There were some mass picketing, and we had to get a restraining order to get in the plant, in the New Castle plant in 1948, but there was considerable vandalism at the homes of employees and violence, and occasions of violence to people on their way to and from work.

Senator GOLDWATER. Do I gather from your testimony that you are a lawyer who practices in the field of labor?

Mr. HOFFMAN. No, I am not, and I do not practice in the field of labor, except over a period of 18 or 20 years I have been drawn into it occasionally.

Senator GOLDWATER. Have you had any other experiences with other companies in Indiana or surrounding States, if you practice outside of Indiana, involving strikes with the UAW?

Mr. HOFFMAN. No, I have had them with other unions, but not involving the UAW.

Senator GOLDWATER. Have you had instances of violence or threats of violence with the other unions you have had business with?

Mr. HOFFMAN. Yes, in some instances. There was one in particular where there was mass picketing and violence in the area of the plant.

Senator GOLDWATER. What union was that?

Mr. HOFFMAN. I believe I was just called in, in an advisory capacity on that, and I believe that was the International Furniture Workers.

It was the International Furniture Company at Russiaville, Indiana.

Senator GOLDWATER. That is all, Mr. Chairman, thank you.

The CHAIRMAN. Thank you very much.

Senator MUNDT. In one or two places, Mr. Hoffman, your testimony conflicts with the testimony we had yesterday from Mr. Berndt who said in his testimony that there was no need for the men to carry arms, and no need for the company to bring in those six shotguns because the police were on top of the situation and controlled the situation, and the police in addition were friendly to the company.

Now, you say in here that there was a police force of 20 or so in New Castle. Is that the size of the police force?

Mr. HOFFMAN. Between 20 and 25, as I recall it.

Senator MUNDT. Do you live in New Castle?

Mr. HOFFMAN. I live in Hagerstown.

Senator MUNDT. Did you hear this chief of police, Chief Clarence Justice, and I presume that is the chief of police, make a statement that they could not control the situation, and they were afraid of trouble?

Mr. HOFFMAN. I heard him say that he feared that they could not control the situation. He made that statement the night before and I heard him also say, or make that statement earlier, prior to the time they broke up the picket line on September 27th.

Senator MUNDT. Quite apart from what you said, and quite apart from what he said, and quite apart from what Mr. Berndt said, there are some facts that it seems should be pretty obvious to anybody. There was on October 5th a mass demonstration at the front of the plant!

Mr. HOFFMAN. That is right.

Senator MUNDT. Was it part of the function of the police of New Castle to see when a mass demonstration takes place, there is no violence done to person or property?

Mr. HOFFMAN. Yes, the plant although it is on the edge of town and a lot of open area around it, is a pretty hard place to protect or guard from the outside, but it is in the city of New Castle.

Senator MUNDT. Did the police show up that day?

Mr. HOFFMAN. Yes. The police chief divided his men, and he put about 10 or 11 men at 25th and Plumb Streets. That is the police line that was broken through. He had the rest of them there at the plant entrance. When they broke through the police line, that separated the two, and I don't think any that were on the outside ever got back into the plant area.

Senator MUNDT. Where was the police line located?

Mr. HOFFMAN. That was at 25th and Plumb Streets, and that is a street about two blocks from the plant, and it leads right up and dead-ends at the main entrance to the plant.

Senator MUNDT. And the demonstrators broke through that line?

Mr. HOFFMAN. Yes.

Senator MUNDT. So that the police regardless of the testimony, on that particular line the police were not in control of the situation, and there were not enough police there and the mob was able to overcome it?

Mr. HOFFMAN. They were not enough to handle it. As a matter of fact, during the time that the house was on fire, when they set the house on fire, the fire department tried to get to that house, and the mob stoned them and I don't know whether they fired at them.

There are some statements that they fired at the fire engine, but the fire engine was never able to get up to the house to put the fire out.

Senator MUNDT. The mob was so great the fire engine could not get to the fire?

Mr. HOFFMAN. That is right, and the woman injured in plant was in there for nearly 2 hours, because they couldn't get the first-aid unit out of the plant to take her to the hospital.

Senator MUNDT. It would seem to me that the facts speak much more eloquently than the testimony of either you or the police chief or Mr. Berndt. If there are facts on the other side that the UAW can marshal and present, so be it.

But here we have a situation, and this isn't just a theory, and it isn't just somebody's conjecture about what might happen. Something did happen. The police were there, and it was their job to keep order, and they were trying to keep order and they were not there in numbers enough to do it.

They were there to protect life and property. The police were unable to keep the mob from moving into the plant in violent trespass, is that correct?

Mr. HOFFMAN. That is right.

Senator MUNDT. They got in and tipped over somebody's automobile?

Mr. HOFFMAN. The chief of police and some of his men were forced back into the plant, and I am sure that the chief could well tell you of one break into that plant, and the shooting and what went on in the plant that day.

Senator MUNDT. Is the chief going to be a witness?

Mr. KENNEDY. No, he is not.

Senator MUNDT. Do we have an affidavit?

Mr. KENNEDY. We can get an affidavit. We had an investigator talk to him, and he can testify in support of what this witness has told us.

Senator MUNDT. If we are not going to have him as a witness, it would be pertinent to have an affidavit, because this is one point in dispute between the two sets of witness. Looking at it from the standpoint everyone who wants to believe one side or the other, and looking at the facts which occurred, it would seem to me that either the police were not trying to do their duty or they were overpowered.

When you have arson and burn down a house, and you have a mob going through a picket line, and you have a mob invading private property to do violence, either police aren't on the job or it is overpowered, and one of those two things has to be true.

Mr. HOFFMAN. It is my considered opinion that the police force was overpowered.

Senator MUNDT. Well, as one member of the committee—

Mr. HOFFMAN. I would say in my opinion they did the best they could, and they tried to cope with the situation, but they were unable to.

Senator MUNDT. If all you say is true, and if the police chief is available to put it in affidavit form or testify, it would seem that Mr. Berndt is mistaken when he says the police were adequate to handle the situation.

It is your testimony on page 3 that the first shots were fired from across the railroad track, and that means that they were fired by company people or were they fired by people in the mob?

Mr. HOFFMAN. They were fired by demonstrators who were across the railroad some little distance, at the north end of the plant. Now, that is the back end of the plant.

Senator MUNDT. Was this firing before the time that they broke into the east gate, and the shotgun blasts were fired at either the people who came in or—

Mr. HOFFMAN. We have employees who were so located that they could identify the shooting in to the back end with the shooting at the front end. That is hard to do, it is a long plant, and Mr. Griffin testified that he could not tie the two in, but there are witnesses that can tie that in, men who were in the back of the plant and in a room where the bullets were coming in, and went to the front and heard the action in the front.

Senator MUNDT. I have no desire to prolong the hearing and spend an extra day on it or 2 days or a week, or call in any witnesses or secure any affidavits on testimony which is uncontested, but if there is a contest on this, and if there is dispute and there is disagreement and there are witnesses on behalf of the UAW who allege that the first shots were fired by the company, you tell us you have the witnesses available to testify that the first shots were fired by the mob?

Mr. HOFFMAN. That is right.

Senator MUNDT. Is that right?

Mr. HOFFMAN. I would say, just for clarification of the thing, that the company has never denied that the man stepped out on the platform

and fired in front of the people, and I think even the chief of police would testify that that was done, and they did not shoot directly or pointblank at the people.

Senator MUNDT. Is that in your statement?

Mr. HOFFMAN. That man did fire. Now, so far as my own recollection of the thing and knowledge of it, I did not know of any firing at the front end of the plant before that was done.

But here is the thing: They converged and they moved, and this all happened within seconds, and they hadn't reached 27th and Plum and there was just a matter of a few seconds that they were on down to this east gate, and crashed and came in.

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 and that turned them.

I have had police officers, State and local, tell me since that if they hadn't been run out at that time, they would have been all over the plant.

I think that was the consensus of those of us that were in there, and the consensus of the police that were on the outside.

Senator MUNDT. On page 4 you describe a woman who was shot in the upper left leg, and you describe a man shot in the abdomen, and in each case you used the word "bullet." To me that would mean rifle fire instead of shotgun fire.

Mr. HOFFMAN. Either rifle or a revolver, and it was not a shotgun.

Senator MUNDT. It was not just a shotgun pellet?

Mr. HOFFMAN. No.

Senator MUNDT. It was a bullet from a rifle or a pistol?

Mr. HOFFMAN. That is right.

Senator MUNDT. Because a rifle bullet would have to be used?

Mr. HOFFMAN. We recovered the bullet that came into the payroll room and hit the man in the abdomen.

Senator MUNDT. The point where there is confusion or contradiction between you and Mr. Berndt is the fact about the windows in the plant.

He displayed a picture yesterday and called attention to a man up there shooting a shotgun, and he also called attention to the fact that there are no windows broken in the plant.

You say the windows were badly demolished, and he said no windows were broken, and somebody is wrong.

Mr. HOFFMAN. That picture was taken right at the start of that, at the time of the break-in. They have got the picture of a man standing on the platform, and he was firing a shotgun, and he couldn't have hit Mr. Carper with a rifle bullet because at no time did he have a rifle.

I was right there, and I know what he had, and he was using a shotgun.

Now, that picture was taken——

Senator MUNDT. I think he said he was using a shotgun, there is no dispute about that. The question is whether the windows were broken, and he said, "look at the windows," and I looked and I couldn't see any broken.

Mr. HOFFMAN. That was taken in the first few seconds of the demonstration. It does not show, or the angle of it does not show the gate, and it does not show where the car would have been turned over. That is in the pictures that we have seen.

We have not seen this exhibit that is here.

Senator MUNDT. Have you any evidence other than your own opinion that there actually were a lot of things thrown through windows, and shotgun or rifle shots?

Mr. HOFFMAN. We could bring the chief of police, and the State police, and any number of them, and we could bring every employee that was in that plant and we could get newspapermen from all over who would tell you, and the National Guard, Lieutenant Governor Handley, or anybody that was there, except somebody that wasn't there possibly, that nearly every window in that front of that building was broken out.

Senator MUNDT. So Mr. Berndt was just showing us that there was a time in the history of the plant when the windows weren't broken?

Mr. HOFFMAN. That is right. That was the first few seconds, and before they started throwing the objects through the window, and then it lasted for an hour and a half.

Senator MUNDT. On that basis I can accept his testimony, but it certainly wasn't the impression he left with me from what he said about that picture.

Mr. HOFFMAN. I could bring in any number of people that could testify as to the windows and the conditions of that plant.

Senator MUNDT. Unless the UAW has something more convincing than a picture taken before the rioting starts, I think that settles that.

I assume the plant didn't always have broken windows and there was a time when it had glass in the windows.

Now, on page 6 you said that Mr. Caldwell said that if management only was allowed to enter the plant, the union would agree to peaceful picketing with five men on the line.

Does that imply that Mr. Caldwell said, "If the plant closes down, we will just have 5-man pickets"? Is that what that means?

Mr. HOFFMAN. That is right. That is what that means. I would take it to mean that.

Senator MUNDT. This was a long time after the courts of Indiana had issued an injunction against mass picketing in this strike?

Mr. HOFFMAN. That is right.

Senator MUNDT. Actually 2 months after?

Mr. HOFFMAN. That is right.

Senator MUNDT. Have you anybody else who could testify to the fact that Mr. Caldwell served such a shotgun notice on you at that time?

Mr. HOFFMAN. At this time of this hearing, you mean?

Senator MUNDT. That is right, and are you the only man?

Mr. HOFFMAN. The mayor was there, and I think—

Senator MUNDT. What is his name?

Mr. HOFFMAN. Paul McCormack.

Senator MUNDT. Did he hear him say it, and was he within hearing distance?

Mr. HOFFMAN. We were all in the city courtroom. He was right in the room, yes, and the Lieutenant Governor heard it.

Now, there were only two of us from the plant there, but I could show you any number of newspaper articles that covered it, and those were newspaper men that were there and covered it, and their statements of it.

Senator MUNDT. In other words, this ultimatum came a couple of months after the injunctive process had said mass picketing is illegal?

Mr. HOFFMAN. That is right.

Senator MUNDT. And it carried with it, as I understand your testimony in the next paragraph, the implication, "If you don't accept the ultimatum, more violence is going to take place"?

Mr. HOFFMAN. That is right.

Senator MUNDT. Others beside you heard him say this?

Mr. HOFFMAN. Yes, sir.

Senator MUNDT. This is an international representative?

Mr. HOFFMAN. That is right.

Senator MUNDT. Mr. Caldwell?

Mr. HOFFMAN. Yes, sir.

Senator MUNDT. The same man whom Mr. Prosser testified said that before the strike began, he was talking about bashing in heads and violence, and there was going to be rough stuff, and this was a strike they were going to win?

Mr. HOFFMAN. That is right.

Senator MUNDT. And I asked a question and I interrupted him in his testimony, "The international representative refused to give any assurance that there would not be any more violence, and that international representative was also Mr. Caldwell?"

Mr. HOFFMAN. That is right.

Senator MUNDT. The villain in this picture, if there is a villain, seems to be Mr. Caldwell. If he is available, I think we should have him.

Mr. KENNEDY. We can have Mr. Caldwell.

Senator MUNDT. I want him, just speaking as one member.

The CHAIRMAN. Is there some other man here that might testify on that?

Mr. KENNEDY. Mr. Berndt, who testified yesterday.

The CHAIRMAN. Who did you mention a while ago, Mr. Rauh, that is here?

Mr. RAUH. Mr. Berndt is here, and he was with Mr. Caldwell on the morning that Senator Mundt was talking about, and Mr. Carper is here, and he was shot at the October 5 incident, and Mr. Roberts is here, and he was on the side where the alleged first shot came from and can testify.

I do want to point out to Senator Mundt, if he will permit me, on that picture, which he said couldn't mean very much, that picture was taken at the time the company fired the first shot.

Now, they can't have it both ways. Either they fired a shot before windows were broken, or else this picture demonstrates that no windows were broken during the demonstration.

The CHAIRMAN. How soon can you get Mr. Caldwell here?

Mr. RAUH. He was dismissed yesterday, and he is on his way back to Indianapolis, and he was dismissed yesterday.

Senator MUNDT. He didn't testify, did he?

Mr. KENNEDY. I didn't feel that he was necessary.

Senator MUNDT. This is a man's name which has been mentioned most frequently, and I don't object to hearing Mr. Berndt again.

I know he is a pretty good fellow, and I doubt that he said it, but he was unwilling to deny whether he had said it, and I am not trying to go into this court case where he has been convicted in the municipal court, but I am curious about the fact that his name pops up time after time after time, and I would like to know what he has to say.

Mr. RAUH. We will be happy to bring him back, and there is no problem, and we will get him back as fast as we can.

We would be happy to bring everybody in, and there is no problem here. He was dismissed because he used Mr. Berndt as our principal witness, because he is Mr. Caldwell's boss. We would be happy to have him here.

The CHAIRMAN. We have been trying to shorten this hearing, and I take the full responsibility for it.

If anybody wants to blame somebody for trying to shorten it, blame me.

Now we will get him back here, and we have had this demonstration here of wanting him. Get him back.

Mr. RAUH. Yes, sir.

The CHAIRMAN. Period, and proceed.

Are there any other questions?

All right, thank you. Stand aside, and call the next witness.

(At this point, the following Members were present: Senators McClellan, Mundt, Curtis, and Goldwater.)

Mr. KENNEDY. Mr. Paul Carper.

The CHAIRMAN. Come forward, sir.

Do you solemnly swear the evidence you shall give before this select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. CARPER. I do.

TESTIMONY OF PAUL CARPER, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. CARPER. My name is Paul Carper. I live in Anderson, Ind. I am a member of local 662 of the UAW-CIO.

The CHAIRMAN. You have counsel, Mr. Rauh, representing you.

Mr. CARPER. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Carper, you have been a member of the UAW for about how long?

Mr. CARPER. Approximately 21 years.

Mr. KENNEDY. You were never an employee of the Perfect Circle Co.

Mr. CARPER. No, sir.

Mr. KENNEDY. You were present, however, on October 5, when there was shooting when the strikers and those were within the plant?

Mr. CARPER. I was there on October 5th, but I never saw any shooting.

Mr. KENNEDY. You were present on October 5th?

Mr. CARPER. That is right.

Mr. KENNEDY. Were you working in the Perfect Circle Corp. at that time?

Mr. CARPER. No, sir.

Mr. KENNEDY. Why were you present in New Castle on October 5th, if you were not working for the company?

Mr. CARPER. Well, sir, I am a delegate to the District Auto Council of the UAW, in region 3.

Mr. KENNEDY. Where were you employed at the time?

Mr. CARPER. What was that?

Mr. KENNEDY. Where were you employed?

Mr. CARPER. At Delco Remy, at Anderson, Ind., the General Motors Corp.

Mr. KENNEDY. How far is that from Perfect Circle?

Mr. CARPER. About 23 or 24 miles.

(At this point, Senator Mundt withdrew from the hearing room.)

Mr. KENNEDY. Delco Remy Co., is that right?

Mr. CARPER. That is right, Delco Remy Corp. It is a division of General Motors.

Mr. KENNEDY. Go ahead.

Mr. CARPER. At the District Auto Council meeting, in October, I believe the first and second, Saturday and Sunday, every other month we have a council meeting where all the delegates get together from the various locals in Indiana and Kentucky, and we discuss our problems, our grievances, our working conditions, our various committee reports are made, and during the process of the local unions' giving their reports, I gave a report of my local on the working conditions, and the delegates from local 370, Perfect Circle, gave their report. They reported that 35 members of their union, including all their officers, were discharged for activities on the picket line.

Well, we thought that was unjust, and we went ahead and proceeded with our meeting, as usual, the council. 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 the same as we had at General Motors.

We had a 1-day strike and we got it settled peacefully.

Mr. KENNEDY. Was it suggested at this auto council meeting that representatives of these various locals go over to New Castle on October 5?

Mr. CARPER. No, sir; not at the meeting. It was just a group of our delegates got together after the meeting adjourned and we talked it over, and we went back to our locals and talked it over.

Mr. KENNEDY. How many locals were involved?

Mr. CARPER. Well, I would say there are 70 to 80 locals in the council. But there wasn't that many. There was only maybe 10 or 15 of us that discussed it after the meeting adjourned at the council meeting.

Mr. KENNEDY. And you all picked October 5 for a parade?

Mr. CARPER. Yes, we thought that 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.

Mr. KENNEDY. You declared a 1-day holiday from your plant?

Mr. CARPER. That is right.

Mr. KENNEDY. And all decided to go over there?

Mr. CARPER. Yes.

Mr. KENNEDY. How did you get over?

Mr. CARPER. We went in cars.

Mr. KENNEDY. How many went from your local?

Mr. CARPER. Well, I would say maybe 15 or 25.

Mr. KENNEDY. How did you select the ones to go?

Mr. CARPER. We just decided to go. I worked nights and I told some of the boys what we were going to do, we were planning on going over there, and asked some of the boys if they wanted to go with me. I got one of the boys in my plant and he said "Yes, we will go over there."

Mr. KENNEDY. Did you invite as many people as wanted to come?

Mr. CARPER. That is right.

Mr. KENNEDY. You told everybody to come that wanted to come?

Mr. CARPER. We just told everybody to come, that we would meet in a certain place and go over.

Mr. KENNEDY. Who would you report to when you got over there to organize the parade?

Mr. CARPER. We didn't report to nobody. We just went over as a mass parade, as a demonstration of the solidarity of our union members.

Mr. KENNEDY. What did you do once you got over there?

Mr. CARPER. When we first got to New Castle we paraded around a little bit through town, blowed 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 there, to show the city of New Castle and the workers of Perfect Circle that the UAW was 100 percent behind their demands.

Mr. KENNEDY. So you were touring the town of New Castle blowing your horns?

Mr. CARPER. That is right.

Mr. KENNEDY. Go ahead.

Mr. CARPER. Like if we win the basketball game, we blow our horns and have a lot of fun. That is Indiana basketball.

Mr. KENNEDY. That is Indiana basketball games?

Mr. CARPER. Yes. Well, anyhow, we went ahead, and I don't know how close we was, about 2 blocks, we parked our cars, and we walked over to where the group was.

Mr. KENNEDY. Did you have any guns in your car?

Mr. CARPER. No, sir.

Mr. KENNEDY. Did you have a gun with you?

Mr. CARPER. No, sir, I did not.

Mr. KENNEDY. Were you given a gun at the time you got there?

Mr. CARPER. Absolutely not.

Mr. KENNEDY. All right. Go ahead.

Mr. CARPER. We never had any guns. It is ridiculous to think about—

Mr. KENNEDY. After you finished blowing your horn, then what did you do?

Mr. CARPER. Then we went out to the plant. We went out to the plant. There was quite a few in the parade. 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 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.

Mr. KENNEDY. Started singing songs?

Mr. CARPER. Yes.

Mr. KENNEDY. In front of the plant?

Mr. CARPER. Yes, sir.

"Solidarity forever."

Mr. KENNEDY. How many of you were there at that time?

Mr. CARPER. In the group or from our local?

Mr. KENNEDY. Well, how many of you were in the group at that time?

Mr. CARPER. Well, I don't know.

Mr. KENNEDY. A couple thousand?

Mr. CARPER. Oh, Lord, no. I think you have pictures there that show probably 200 or 300, maybe 400 people.

Mr. KENNEDY. And then you were in front of the gate?

Where were you all standing at that time?

Mr. CARPER. Well, we marched toward—

Mr. KENNEDY. Have you got that last exhibit?

Mr. CARPER. We had a bunch of transformers there and we was—

The CHAIRMAN. Here is a plat of that plant and the streets leading to it. It has been made "Exhibit No. 25." Please examine it and point out where you were while you were tooting your horn?

Mr. CARPER. We was up town tooting our horn.

The CHAIRMAN. All right. Go ahead.

(Exhibit was handed to the witnesses.)

Mr. CARPER. This October 5 day was the first day I had ever been at the Perfect Circle plant. I had been at New Castle quite often with the Chrysler boys, but I had never been there before and never been there since.

The CHAIRMAN. One time was enough?

Mr. CARPER. One time; yes, sir. Whenever scabs shoot at you, 1 day is enough. We came down this street here, possibly, and we parked in here someplace, and walked down through here [indicating].

Mr. KENNEDY. Did you see the car overturned up there?

Mr. CARPER. No, sir; I never saw no cars overturned at all.

Mr. KENNEDY. You didn't participate in turning over a car?

Mr. CARPER. No, sir. We walked over in here, and around in here we saw quite a few men that I knew, a delegate that I met at the Auto Union Council, and various other men, and shook hands, and started singing songs, and we marched around in here [indicating] and there was quite a bunch of us in here singing "Solidarity forever." We were singing "Old scabs they never die," we were singing that, too.

Mr. KENNEDY. When did you come through the gate there?

Mr. CARPER. Well, that must have been around 9:30 or maybe 10 o'clock that we were right around through here [indicating]. I never remember seeing anybody pass these transformers.

Mr. KENNEDY. Did you see anybody climbing the fence there?

Mr. CARPER. No, sir.

Mr. KENNEDY. Did anybody go through the gate?

Mr. CARPER. I never saw anybody go through the gate.

Mr. KENNEDY. Did you go through the gate?

Mr. CARPER. No, sir.

Mr. KENNEDY. Are you sure you didn't go through the gate?

Mr. CARPER. I am sure I didn't go through the gate, because I got shot here someplace. That is as close as I could.

Mr. KENNEDY. Did you see the gate open?

Mr. CARPER. No, sir.

Mr. KENNEDY. You were just standing there singing "Solidarity forever" and somebody shot you?

Mr. CARPER. Well, I wasn't standing. I was marching around whooping it up a little bit.

Mr. KENNEDY. And suddenly you got shot?

Mr. CARPER. That is right.

Mr. KENNEDY. How many shots were fired prior to the time you got shot?

Mr. CARPER. I don't know. Maybe 3 or 4. I didn't hear too many shots. But when I got shot, they came over to me and carried me to the automobile and took me to the hospital.

Mr. KENNEDY. When you first heard the shots fired, what did you do?

Mr. CARPER. I don't know. Like I said, guys were shooting at us in there, and it wasn't a minute or two until I got hit. They didn't like my singing, I guess.

I was standing right in here [indicating] and I know dad-gone well that I was shot from here because I was standing there facing this way and they shot me in the right leg, clear through both legs, and I was standing about right in through here [indicating].

Mr. KENNEDY. You were not in the gate?

Mr. CARPER. No, sir; I was out in the parking lot close to the transformers.

Mr. KENNEDY. And you hadn't turned over any automobile or done any act of vandalism?

Mr. CARPER. No, sir. I was shot from inside the plant there.

Mr. KENNEDY. And the bullet went through both your legs?

Mr. CARPER. That is right.

Mr. KENNEDY. And they carried you off?

Mr. CARPER. Yes, sir.

Mr. KENNEDY. Did anybody around you have guns?

Mr. CARPER. No, sir. I never saw anybody with any guns.

Senator GOLDWATER. What caliber bullet hit you?

Mr. CARPER. I have no idea. I never saw it. The bullet went right through.

Senator GOLDWATER. Right through both legs?

Mr. CARPER. Yes, sir. It never stopped.

Senator GOLDWATER. Did it hit any bones?

Mr. CARPER. No, sir; it never did.

Senator GOLDWATER. Did it look like a .22?

Mr. CARPER. It might have been a .32, because it made a big hole there. That picture shows a lot of blood coming out of that hole there. It made a big hole in my left leg.

Senator GOLDWATER. Did you hear a shot?

Mr. CARPER. Did I hear a shot? Yes, sir; I heard it.

Senator GOLDWATER. How far away was the building from where they were shooting?

Mr. CARPER. I don't know. A couple of hundred feet maybe, a hundred feet. I don't know just how far it was. It happened so fast. They took me away and I did not see the rest of it.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Mr. Curtis.

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. You were just down there that 1 day?

Mr. CARPER. Yes, sir.

Senator CURTIS. And you took the time off from your plant?

Mr. CARPER. I did.

Senator CURTIS. How many other people in your plant took time off to go down there?

Mr. CARPER. I expect 20 or 25 of us out of about 12,000.

Senator CURTIS. 20 or 25. How many cars?

Mr. CARPER. I don't remember. I expect maybe 10 or 12 cars of us went over.

Senator CURTIS. Did you take a car?

Mr. CARPER. No, sir; I never.

Senator CURTIS. Who did you ride with?

Mr. CARPER. I don't remember. I think I rode with Ross Drennon and maybe Gene Pitts, who is president of our local. I am not sure.

Senator CURTIS. Do you know who paid for the gas?

Mr. CARPER. We paid for it.

Senator CURTIS. Who did?

Mr. CARPER. We did. We just went and got in the cars and went. I didn't pay for any gas myself.

Senator CURTIS. What happened that you all decided to go on the 5th?

Mr. CARPER. Well, at the district auto council meeting, after the meeting adjourned, a group of us talked together and thought it would be a good idea to pick the 5th. It was Wednesday.

Senator CURTIS. How many other locals sent people on the 5th?

Mr. CARPER. I don't have no idea.

Senator CURTIS. I thought you said there were 15 or 20.

Mr. CARPER. 15 or 20 from our local.

Senator CURTIS. No. How many other locals sent people in on the 5th?

Mr. CARPER. As far as I know, no locals sent them in. We just decided to go in our own own.

Senator CURTIS. From a lot of other locals, were there men there?

Mr. CARPER. I don't have no idea.

Senator CURTIS. You know there were some.

Mr. CARPER. I knew a lot of the Chrysler boys there. I knew some of them were there.

Senator CURTIS. Where did they come from?

Mr. CARPER. From New Castle.

Senator CURTIS. What other non-Perfect Circle people came there?

Mr. CARPER. Well, I can't recall.

Senator CURTIS. You can't recall?

Mr. CARPER. That has been almost 3 years ago, Senator; I don't know.

Senator CURTIS. The Chrysler people and the people from your plant, were they all of the outsiders?

Mr. CARPER. I expect they was more there, sure.

Senator CURTIS. Who were some of them?

Mr. CARPER. I don't know. Honest, I don't know. That has been 2½ or 3 years ago.

Senator CURTIS. I know, but something unusual happened to you that day which would fix things in your mind.

Mr. CARPER. There was a man there from Kokomo, one of the international PAC directors.

Senator CURTIS. What was his name?

Mr. CARPER. Dan Beidel.

Senator CURTIS. How many people were present after this meeting when you said you talked over and decided to visit New Castle on October 5?

Mr. CARPER. How many what?

Senator CURTIS. How many people were in this discussion where you decided you would visit New Castle on October 5?

Mr. CARPER. I think we talked to some of the New Castle delegates and the Perfect Circle boys and said we thought it would be a good gesture to build your morale over there and kind of have a parade.

Senator CURTIS. Where did that discussion take place?

Mr. CARPER. I think it was out in the lobby of, I believe, the Severin Hotel in Indianapolis.

Senator CURTIS. The Severin Hotel in Indianapolis?

Mr. CARPER. In the lobby.

Senator CURTIS. What sort of meeting had been held there before?

Mr. CARPER. The district auto council.

Senator CURTIS. How big attendance do they have?

Mr. CARPER. I expect around 100 or 110.

Senator CURTIS. Who had called that meeting?

Mr. CARPER. The chairman of the council. I don't know what his name was, right now.

Senator CURTIS. Were there some Kentuckians there?

Mr. CARPER. Yes, sir.

Senator CURTIS. Did some Kentuckians show up on October 5?

Mr. CARPER. I never saw any.

Senator CURTIS. But there were 10 or 12 cars coming from Anderson?

Mr. CARPER. That is right.

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. I am just a local union officer in my own local union.

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 O. K.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. What?

Senator CURTIS. You weren't surprised there was trouble?

Mr. CARPER. Yes; I was.

Senator CURTIS. How long had this strike gone on?

Mr. CARPER. I think they said about 4 months.

Senator CURTIS. At that time?

Mr. CARPER. No; I think it must have started around July or August. It was in October when we went down there, October the 5th.

Senator CURTIS. This was in October, and way back in August these sort of things had been happening, car turned over on Plum Street, car stoned, several windows broken out of foundry, broken auto glass, hit by a rock—these are what these people complained of—back glass of car broken, car hit with rocks, rocks thrown at windows in home, slugs by pickets, rock thrown through front-door glass of car.

I have just read 2 days of the violence that occurred around there. This is going on for about 4 months. That sort of thing, and masses of groups stopping folks on the highway, and then you come to town with 10 or 12 cars of outsiders from your own local, come in town, go around blowing horns and then advise this committee that it all just happened that way, and that it was all peaceful and content.

Mr. CARPER. That is right.

Senator CURTIS. Do you believe that?

Mr. CARPER. Why, sure I believe it. I wouldn't tell you if I didn't believe it. We never had no intention—it is nonsense to think that we was going to go over there to get shot or to have any violence.

Senator CURTIS. The testimony is they all ran when the shooting started.

Mr. CARPER. They was what?

Senator CURTIS. They all ran back when the shooting started.

Mr. CARPER. I didn't run. I was carried.

Senator CURTIS. Some people are more naive than others.

Mr. CARPER. I couldn't run.

Senator CURTIS. After 4 months of a reign of terror like that, and then outsiders come in and announce their arrival in town in the manner that you have testified to, and then go down there, it is difficult for me to believe that it was just coincidental that you came in there.

Mr. CARPER. Could I answer that?

Senator CURTIS. Yes.

Mr. CARPER. Thirteen years ago during the General Motors strike at Anderson we heard a rumor that there was going to a back-to-work movement in our local. Lo and behold, about 30 or 40 Chrysler boys come over and give us a little moral support. But there was no violence or anything.

Senator CURTIS. Don't those people have a right to go to work?

Mr. CARPER. Who?

Senator CURTIS. The strikers—

Mr. CARPER. Yes, sir; they have a right to go to work.

Senator CURTIS. Even while there was a strike going on?

Mr. CARPER. Yes, sir.

Senator CURTIS. You got people to come in and take folks' rights away from them?

Mr. CARPER. What do you mean?

I said they came in for some moral support, to back us up. I think if a lot of people see a lot of people on the picket line, it might discourage them from trying to go in there and take their jobs.

Senator CURTIS. I think the time has come in this country when we have to have equality of citizens.

Mr. CARPER. Don't you believe in peaceful picketing?

Senator CURTIS. That is not peaceful picketing, what was going on there. But I do not think that competitors can use these methods and force somebody else's business closed. I do not think trespassers, who are not connected with the union, would be permitted to damage property and to stop someone's business.

Mr. CARPER. I don't believe so either.

Senator CURTIS. And this different treatment or different concept of the law for union people is wrong. It is going to hurt all the working folks in the country, because they do not believe that. But this design, carried on by the union leadership, is bad.

Mr. CARPER. Well, I told you the union leadership didn't order us down there.

Nobody ordered us.

Senator CURTIS. I expect it was all accidental. We heard a lot of things in Kohler were accidental, but still they invested \$10 million, that is all.

The CHAIRMAN. When you came down the street and turned on Plum Street to go to the plant, did you see any local police officers?

Mr. CARPER. I don't remember whether I did or not.

The CHAIRMAN. Well, try to remember.

Mr. CARPER. I believe there was some around there.

The CHAIRMAN. There were some there, were there not? They tried to keep you back, didn't they?

Mr. CARPER. They did not.

The CHAIRMAN. And you overpowered them and went on through?

Mr. CARPER. I am not a very big man. I never tried to overpower anybody. I never saw anybody try to overpower anybody.

The CHAIRMAN. You got overpowered before you got through. You couldn't ambulate.

Mr. CARPER. We walked down there peacefully singing songs and nobody tried to stop us or obstruct us at all.

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.

The CHAIRMAN. And you saw them try to go through the gate?

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.

Mr. CARPER. Well, I believe you do.

The CHAIRMAN. Are there any other questions.

The committee will stand in recess until 2 o'clock. We will resume hearings in the caucus room at 2 o'clock this afternoon.

(Whereupon, at 12:20 p. m., the hearing recessed, to reconvene at 2 p. m. in the caucus room, with the following members present: Senators McClellan, Curtis, and Goldwater.)

AFTERNOON SESSION

(At the reconvening of the session in the caucus room, the following members are present: Senators McClellan and Curtis.)

The CHAIRMAN. The committee will come to order.

Call another witness.

Mr. KENNEDY. Mr. Prosser, please.

TESTIMONY OF WILLIAM B. PROSSER (Resumed), ACCOMPANIED BY
G. ROBERT BAER, COUNSEL

The CHAIRMAN. You have been previously sworn, Mr. Prosser. I understand you have some statement you wish to make.

(At this point, Senator Goldwater entered the hearing room.)

Mr. PROSSER. Yes, Senator. I will make my comments rather brief. There were a couple of points in Mr. Berndt's statement yesterday that I want to clarify. On page 4, item 3, he said the Perfect Circle Corp. refused to include provisions for effective arbitration—

The CHAIRMAN. Speak a little louder, please.

Mr. PROSSER. Very well. On page 4, paragraph 3, Mr. Berndt's statement reads—

The Perfect Circle Corp. 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.

It seems to me that there is a lot of confusion in people's minds about arbitration and mediation. 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 3 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. We offered to allow the representatives from the other plants to sit in those negotiations if they wished to, but we would not agree to contract for the other plants until the decertification was settled.

I would like to also point out that in our case there were no strike breakers employed. We hired people during the strike, but it happened that the strike was at a time of the year when we had a good many college students returning to school, and we hired people during the strike. We did not hire anyone from 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. We did not advertise for any help at any time. At the close of the strike, we did not refuse reinstatement to anybody, and everybody that was on strike, except those who were discharged, came back to work. So there were no strikers replaced.

That is one of the advantages of keeping a strike on the basis of an economic strike instead of an unfair labor practice strike.

The other point I would like to clear up for Mr. Berndt is to give him the figures on the actual employment in these plants at the time.

In Hagerstown, there were 728 people in the bargaining unit. He

said that 131 voted for a strike. That means that 18 percent of the people in the bargaining unit voted for the strike. In New Castle, there were 259 in the bargaining unit. He said that 130 voted for the strike. That is approximately 50 percent. At Richmond machining plant, there were 246 in the bargaining unit, and 63 voted for the strike. That is 25.5 percent. In the Richmond sleeve-casting plant there were 89 in the bargaining unit and 16 voted for a strike. That is approximately 20 percent. The total being out of 1,322 employees, 340 voted for the strike. That is approximately 25.5 percent..

Those were the points I wished to clear up on Mr. Berndt's statement.

The CHAIRMAN. Those voting for the strike—was that an average vote of those who attended the meetings? I mean in taking a strike vote, it is not general practice, I assume, that all members of the union vote in it.

Mr. PROSSER. I was only clarifying the point with reference to Mr. Berndt's figures.

The CHAIRMAN. In other words, he gave percentagewise of those who voted.

Mr. PROSSER. That is right.

The CHAIRMAN. You are showing percentagewise of the overall voting strength.

Mr. PROSSER. No; a lot of those people didn't belong to his union. I am talking about those who were in the bargaining group, and who would be affected by the strike.

The CHAIRMAN. They were employees of the plant?

Mr. PROSSER. That is correct.

The CHAIRMAN. But not in his union?

Mr. PROSSER. That is correct.

The CHAIRMAN. And, therefore, he probably got a larger percent of a majority percentagewise of those in the union.

Mr. PROSSER. That is right.

The CHAIRMAN. They probably voted—

Mr. PROSSER. I am not questioning the figures that he gave on the percentages that voted who were there. I only point out that when we are accused of not being willing to arbitrate a matter, that in the Hagerstown plant, for instance, there were 728 people involved and only 131 of them had voted for the strike in the first place.

I know that after the strike started, their membership dropped materially.

The CHAIRMAN. Do you mean folks left the union because of the strike?

Mr. PROSSER. Yes. I am only pointing out that regardless of our feelings on the matter, purely from the standpoint of being a practical person, you wouldn't sell 82 percent of your people down the river to satisfy 18.

The CHAIRMAN. Are there any other questions?

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. I took down those figures the other day. If I understand, the only figure you are correcting is that he estimated the total number of employees around 1,100 and your figures make it 1,322.

Mr. PROSSER. That is correct. Except I also gave it to you by plants.

Senator CURTIS. Yes.

Mr. PROSSER. That is right.

Senator CURTIS. You are speaking of the time when they took this vote where they got the total of 340 votes for a strike.

Mr. PROSSER. That is correct.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much.

Are there any other witnesses?

Senator CURTIS. Is Mr. Carper in the room? I would like to ask him a question.

The CHAIRMAN. Come forward, Mr. Carper.

TESTIMONY OF PAUL CARPER, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL—Resumed

Senator CURTIS. I have just this one question, Mr. Carper.

On October 5, 1955, when you went over to the Perfect Circle strike area, did you draw any pay that day from a lost-time account or from any other account, or from any person whatsoever?

Mr. CARPER. No, sir; I never.

Senator CURTIS. Did any of the men?

Mr. CARPER. Not that I know of.

Senator CURTIS. That is all.

The CHAIRMAN. 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.

Mr. CARPER. Mr. Chairman, I appreciate your statement there. I am a trustee in my church at home at Anderson, at the Church of the Nazarene, and I am also a past Sunday school teacher.

The CHAIRMAN. I don't question your general honesty and integrity. It is just that your story didn't add up to me this morning.

I will point out again that I don't want to be unkind or unfair where it is not justified. We are doing a tough job here trying to get the facts and get the truth. I have heard others testify, some of them on the other side, and I didn't believe what they said either.

Mr. CARPER. I have 8 children. I had no intention of going to New Castle if I thought there would be violence. We went over there peacefully, for a demonstration, to show there was solidarity, and help build up the morale of the workers at New Castle.

The CHAIRMAN. Are there any questions?

Senator Goldwater?

SENATOR GOLDWATER. I have no questions, Mr. Chairman, but I have a general short statement in summary of these hearings, as one Senator sees it, if the chairman would indulge me for a moment or two.

THE CHAIRMAN. Proceed, Mr. Senator.

SENATOR GOLDWATER. Mr. Chairman, these have been long hearings. I don't think anybody can say that they haven't been tiresome.

I think to many people in the country, and particularly the people here in Washington, they may at times, in total, seemed to have been valueless.

We have read and we have heard in the press that these hearings were a waste of time.

Mr. Chairman, before I comment on my reactions to these nearly 6 weeks of hearings, I want to take this opportunity to pay tribute to our chairman, who I know has been under a heavy strain of work during this period, as he has been for the last over 2 years that I have served with him on the select committee. I know that at times it seemed to him that there were those of us who were against him. I want to assure him that that has not been the case.

I want to thank him for his fairness, and for his impartiality, and for his complete understanding of what we have been wanting to divulge.

Mr. Chairman—

SENATOR CURTIS. Would you yield just at that point? I would like to associate myself with the Senator.

THE CHAIRMAN. I thank my colleagues on the committee. The Chair does have pretty heavy responsibilities at times trying to conduct hearings, particularly when some emotion gets into hearings, like they get into a strike. It brings some of the problems right home to us when those things happen.

I shall always treat any member of this committee or any other committee over which I am chairman—I shall treat him as a Senator. I respect his right to disagree with me. I respect his right to advocate his viewpoint. While we may disagree, there is no reason for us not to work together to accomplish our mission and to carry out our assignment.

The Chair has, I hope, in the past undertaken to do that, and I assure you I will continue to in the future.

SENATOR GOLDWATER. Mr. Chairman, in nearly 6 weeks of hearings before this committee, we have heard two sides to a dispute. It always takes two sides to create a dispute. Out of these, out of this vast volume of testimony, we are going to have to sit down one of these days and recommend legislation or recommend steps to make the legislation we already have work.

We have seen on one side a developing pattern of violence, mass picketing, secondary boycotts, violation of the law, and the abuse of those who disagree with the UAW. Now, on the other hand—and I am speaking now not in contemplation, necessarily, of the Kohler Co. I am only speaking as a man who has spent most of his life working with people, being employed and being an employer—I think there are practices in the Kohler Co. that have been divulged that I certainly would not have engaged in had I been the head of that firm, and I hope that out of these hearings will come an understanding on that company's part that there are two sides to a case, and that they will make the corrections that they will have to make.

(At this point, Senator Kennedy entered the hearing room.)

SENATOR GOLDWATER. Mr. Chairman, the question arises: Do we need new laws?

I think we definitely need a law in one field that has never been developed particularly well before, and that is to provide responsibility for an organization for the acts of its members.

At the present time, we have seen in the testimony here where international representatives can deny any responsibility for acts. We have seen where they have been proven guilty of acts, and yet the union itself can deny any responsibility for them.

This is a field that I, as one Senator, feel we must legislate in and possibly not in this Congress, but in the coming one. Do we have laws that cover this field? Yes, we do have; and out of the violations of these laws has come to me the outstanding disclosure of these Kohler hearings, namely the word "power."

I think we have seen before us in the last 6 weeks the development of power to a degree that, while it might not constitute a danger to the country today, I think there is a definite danger in the future if it is not curbed.

To me, as one Senator, I don't care where power rests. I don't like the power of a large Federal Government; I don't like the power of big business; and I don't like the power of big unions. In this area we have seen the development of the power of an organization that flouts the laws of Wisconsin, and flouts the Federal law.

What do we do about it? We can't blame entirely the union leader for the exercise of this power. We can't blame anybody for something that an act of Congress did. The Congress is responsible for the vesting of power in the hands of these few people who control the unions of this country.

I think it is also the responsibility of Congress to recognize it and act when it is intelligently informed, to control the power that is vested today in the leadership of the union movement.

I think that would be one of the best things that could happen for the union movement, because, Mr. Chairman, if unions continue to be allowed to exercise unbridled control, not only over their membership with their vast sums of money, but in the fields of politics and in the fields of influence, then the American people in their traditional fashion will some day rise up and demand restrictive legislation on the union movement that can only hurt it.

I hope that out of these hearings, if nothing else has happened, that the leadership of the union movement in this country recognizes the fact that they do have power, and that with this power they have responsibility, and that with this responsibility they find it will rest not only to themselves as leaders of this movement but to their members and the country as a whole.

Mr. Chairman, I think these hearings have been productive. They have been violent, yes, at times, and they have been disagreeable, yes, at times. But on the whole, I think they have produced a lot for the American people, and I think as time goes on, we are going to be glad we engaged in them.

THE CHAIRMAN. Senator Curtis?

Anyone else?

Senator Kennedy.

Senator KENNEDY. I did not hear all of Senator Goldwater's statement, but it seems to me one of the problems, at least in the case of the Kohler strike, and I imagine a little in the case of the Perfect Circle, is that on the one hand we criticize the centralization of power in a union, and on the other hand one of the problems which has been brought to bear has been the desire of local groups, local unions, to carry out acts which the central union did not encourage, and, in fact, disapproved of.

It is not always that it is the central authority which has condoned acts of violence, but rather whether the central authority of the union can enforce its discipline, and, if so, would that be regarded as excessive use of power? It seems to me that many of these problems could be solved by a recognition of a willingness on the part of the employer to bargain collectively with a union, by the choice of membership, recognition of local union authority and the necessity of meeting and maintaining order and speedy action by the National Labor Relations Board to make sure that the bargaining authority of the union, if it exists, is recognized by the employer, and if it does not exist, that that is also brought to the attention of the public in general, and also dealing with the problem of economic strikers.

One of the problems, it seems to me, in cases of long strikes, such as we have had in the Kohler matter, has been where strikers are replaced and others come in who are not members of the union. The question comes up as to who is the bargaining agency.

It seems to me that the Permanent Subcommittee on Labor should consider the question and also, speeding up the procedure of the National Labor Relations Board, and the responsibility of local authorities to prevent violence.

Senator GOLDWATER. Will the Senator yield?

Senator KENNEDY. Yes.

Senator GOLDWATER. I think the Senator has touched on some interesting and needed points in the field of labor-management relations.

First, you will recall that Mr. Reuther said last week that he felt the best solution was between the workers immediately affected and the management immediately affected. If we carry that through, we would get through to the Senator's desire of having management bargain with the local people without any interference from the international level.

In other words, allow the workers in the factory or the plant to bargain with management and management with those people.

Now, as to the economic striker, as a member of the Senator's Subcommittee on Labor, I am sure he is aware of an amendment that I have had in for the Taft-Hartley now for the second Congress, in which the economic striker's right to vote would be recognized.

Mine is based on 60 days, but I am open to bargaining on that. It could be 45, 60, or 90, but even the late Senator Taft recognized that that was one of the weaknesses of the Taft-Hartley Act, that the economic striker could not vote.

Now, I will not agree that the economic striker should have for perpetuity the right to come back and vote on grievances or settlements. But certainly there is a period of time that we can agree on that he should have the right to come back and participate in any settlements.

Senator KENNEDY. I am not sure we could agree on that length of time. I do not want to argue it, but I am merely stating that these are matters that I hope our subcommittee can consider.

The CHAIRMAN. The Chair will make that announcement. Senator Mundt is not present. This morning he indicated that he wanted another witness in this particular hearing.

May I inquire, Mr. Rauh, if the witness has been requested to return?

Mr. RAUH. We have sent a telegram, sir, to the witness' wife.

The witness is driving. We have sent a telegram to his wife to let us know the minute he is available, and I think if he gets there to-night—it is about 500 miles, I guess, to Indianapolis or New Castle, which is nearby—we could have him back on the first plane in the morning, which I think gets in here just before 2. If the plane was on time, we would have him here shortly after 2 o'clock.

The CHAIRMAN. When you get in touch with him, will you check with the Chair and if Senator Mundt still wants him, then, we would have him here.

I had anticipated these hearings would last a little longer. If Senator Mundt wants him, we will set up a hearing for him.

The Chair cannot hold a hearing on Thursday. At the conclusion of these hearings, we are going to prepare for another series of hearings involving a matter wholly unrelated to what we have been contending with here in the last few days and the last few weeks.

I shall go Thursday to Philadelphia to hold some executive sessions and take some testimony there. And then the committee will hold no further hearings, except to hear this witness if Senator Mundt wants him. We will hold no further hearings until either the 14th or 15th of April.

A number of the Senators will be away on Easter vacation, and it will take us a few days for the staff to make the necessary preparations.

So if you will check with the Chair as soon as you determine that the witness has arrived home, I will again check with Senator Mundt, and we will discuss it at that time and determine what day we could hear him.

I could hear him Saturday. I would be here. It would probably give him a day at home in the meantime.

Mr. RAUH. I can be here, too, sir, but I must say I would just as leave be home on Saturday.

The CHAIRMAN. Well, if you work for private enterprise, you can do a lot of things, but if you work for the public, you are not your own master. I work for the Government, and I have to do a lot of things that I would like to defer or do at some more convenient time.

But we will work it out so as to accommodate everybody.

If there is nothing further, the committee will stand in recess, subject to the call of the Chair.

(Whereupon, at 2:40 p. m., the hearing was recessed, subject to the call of the Chair, with the following members present: Senators McClellan, Kennedy, Curtis, and Goldwater.)

APPENDIX

EXHIBIT No. 1

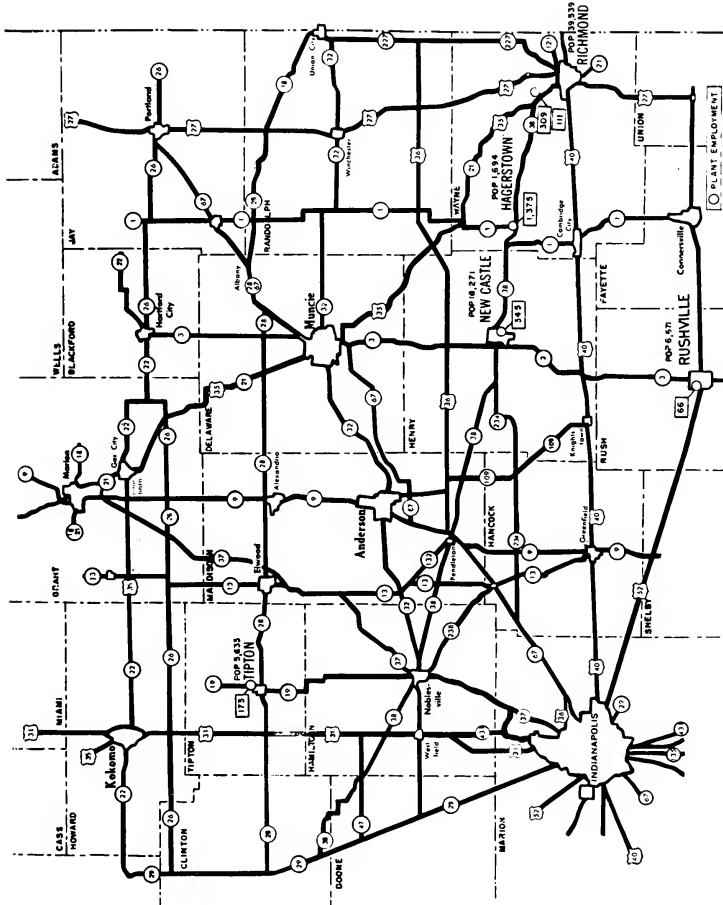


EXHIBIT No. 2

November 12, 1948

National Labor Relations Board
9th Region
1200 Ingalls Building
Cincinnati 2, Ohio

Gentlemen:

Re: Case No. 35-RC-137

The International Union, United Automobile, Aircraft, Agricultural Implement Workers of America (UAW-CIO) in accordance with Article VI of the Agreement for consent election in section 2361B of the National Labor Relations Board Rules and Regulation, files objections to conduct affecting the results of the run-off election.

Specifically it is requested that the Regional Director issue an order voiding the results of the run-off election on November 5, 1948 and conduct a new run-off election.

Specifically the Company through its foreman and agents promised the employees a wage increase if the Union was defeated in the run-off election and the Company carried out its promise.

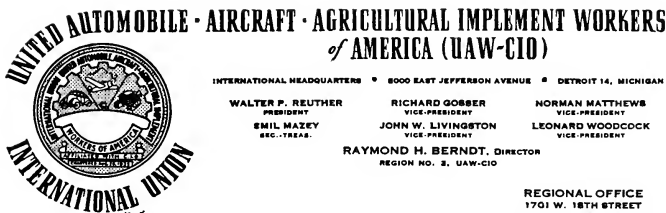
Respectfully,

John Bartee, Int'l Representative
Region 9, UAW-CIO
905 A. of P. Building
Indianapolis, Indiana

JB:ms

cc: Nat'l Labor Rel. Board, Indianapolis
Mr. Lyle Daugherty, Reg. Rep. Logansport, Ind.
Perfect Circle Corp. Richmond, Ind.

EXHIBIT No. 3



TELEPHONE:
REGIONAL OFFICE - MELROSE 4-7884
SUB-REGIONAL OFFICE - AT. 9-1823

INTERNATIONAL HEADQUARTERS • 8000 EAST JEFFERSON AVENUE • DETROIT 14, MICHIGAN

WALTER P. REUTHER
PRESIDENT
EMIL MAZEY
SEC.-TREAS.

RICHARD GOBBER
VICE-PRESIDENT
JOHN W. LIVINGSTON
VICE-PRESIDENT

NORMAN MATTHEWS
VICE-PRESIDENT
LEONARD WOODCOCK
VICE-PRESIDENT

RAYMOND H. BERNDT, Director
REGION NO. 3, UAW-CIO

REGIONAL OFFICE
1701 W. 18TH STREET
INDIANAPOLIS, INDIANA

SUB-REGIONAL OFFICE
742 W. INDIANA AVENUE
SOUTH BEND, INDIANA

July 11, 1955

To All Perfect Circle
UAW CIO Members

Greetings:

On Friday, July 8th, your International Representative, William Caldwell, was requested to appear in Detroit for the purpose of reporting to International Officers and Board Members the status of Perfect Circle negotiations. In view of the fact that Perfect Circle workers have never obtained all of their just rights, the Officers and Board Members were not surprised to hear that Perfect Circle has served a 60-Day Notice to terminate the present agreement and in two meetings with Local Union Representatives, along with International Representative William Caldwell, the Company has made no proposals for a new agreement. The Company has listened to our Union's proposals, but without comment.

The International Union believes that Perfect Circle workers are entitled to the same consideration given workers under contract with firms who use Perfect Circle products. These firms have granted their employees requests and certainly expect their suppliers will do likewise. With this in mind, the International Union is ready and willing to support Perfect Circle workers in their desire to obtain the following benefits:-

Full Union Shop
Ford or General Motors Supplemental Unemployment Benefit Plan
Standard UAW CIO Pension Agreement
Better Vacation Plan, Holiday Provisions, etc.
Wage Increases

The decision is yours -- you must determine whether or not the Company must concede these benefits. You make the decision -- your International Union's position is clear -- your position will have full backing.

With best personal wishes for a successful conclusion to your present negotiations, I am

Fraternally yours,

Raymond H. Berndt
Raymond H. Berndt, Director
Region 3, UAW CIO

RBH:ef
liul805cio

EXHIBIT No. 8

Floyd A. Breckwidge, Chief

City of New Castle

Department of Police

NEW CASTLE, INDIANA

Feb. 17th, 1958

The following list of Gun Permits were issued the months of July, August, September & October, 1955.

Name	Address		Application Number
Paul K. Gibben	2705 Sunnyside Ave.	N.C.	20916
Clayton Ambros Munn	211 S. 22nd St.	N.C.	20917
C. Francis Carmack	924 Thornburg St.	N.C.	20918
Jacquelyn C. Shearer	1310 Circle St.	N.C.	20919
Charley E. Sewell	2302 Roosevelt Ave.	N.C.	20920
James Hugh Caldwell	2308 Plum St.	N.C.	20921
Orvel Glenwood Cable	625 S. 22nd. St.	N.C.	20922
W. Clifford Ricks	627 Goodwin St.	N.C.	20923
Newton E. Leakey	1100 Bundy Ave.	N.C.	20924
Theophilus Lee	1505 Woodward Ave.	N.C.	20925
Clifford R. Chard	1307 Locoin Ave.	N.C.	31576
Paul Heck	2015 Indiana Ave	N.C.	31577
Lester Juday	509 Cedar Drive	N.C.	31578
Paul Pfenninger	1227 Race St.	N.C.	31580
Joseph G. Parlik			31581
Harry S. Lowellen	1101 S. 22nd. St.	N.C.	31582
Leslie Stailey	1620 "G" Ave.	N.C.	31583
Russel L. Chard	2614 Greenview Ave.	N.C.	31584
Chalmer Juday	505 Cedar Drive	N.C.	31585
Hillery B. Billings	2318 "H" Ave.	N.C.	31586
John V. Haynes	1526 "B" Ave.	N.C.	31587
James Meeks	Y.M.C.A. Room #58	N.C.	31588
Beyden Dudley	1221 Webster Ave.	N.C.	31589
Shelby Reagan	1802 Ress St.	N.C.	31590
Lester M. Juday	509 Cedar Drive	N.C.	31591
Fred R. Jones	1618 "P" Ave.	N.C.	31592
Chalmer Juday	505 Cedar Drive	N.C.	31593
Hilda E. Juday	2440 Broad St.	N.C.	31594
Ralph C. Sprinkle	210 N. 14th St.	N.C.	31595
Charles W. Heever	221 Reddingdale Dr.	N.C.	31596
Rebbie Owens	1932 "Q" Ave.	N.C.	31597
Hazel L. Juday	505 Cedar Drive	N.C.	31598
James Elsie Blevins	1608 "P" Ave.	N.C.	31599
Cecil Trexell	1810 Spring St.	N.C.	31600
William Minton	2231 Indiana Ave.	N.C.	21551
John W. Yest	2614 S. 14th St.	N.C.	21552
James Breckman	1204 1/2 Meurer St.	N.C.	21553

Floyd A. Breckwidge
Chief of Police

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