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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-SIXTH CONGRESS
FIRST SESSION
PURSUANT TO SENATE RESOLUTION 44, 86TH CONGRESS

MAY 7 AND 8, 1959

PART 52

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



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SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR
MANAGEMENT FIELD

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1. Letter dated April 25, 1958, addressed to Mr. Leland Head, business manager, lodge 73, and Mr. J. O. Billingsley, business manager, lodge 132, from William A. Calvin, international president, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers-----	18354	18415
2. Letter dated May 15, 1958, addressed to Mr. Leland Head, business manager, lodge 74; Mr. J. O. Billingsley, business manager, lodge 142; and Mr. O. C. Logue, business manager, lodge 577; from William A. Calvin, international president, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers-----	18357	(*)
3. Set of proposed by-laws for district lodge No. 60 never approved by the executive council-----	18358	(*)
4. Check No. 5919, dated May 27, 1958, payable to Jay O. Billingsley, in the amount of \$151.06, drawn by International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers Local No. 132-----	18380	18416
5A. Check No. 5927, dated June 4, 1958, payable to Jay O. Billingsley, in the amount of \$151.06, drawn by International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers Local No. 132-----	18381	18417
5B. Check No. 15 dated June 6, 1958, payable to Jay O. Billingsley, in the amount of \$153.36, drawn by construction district lodge No. 60-----	18381	18418
5C. Check No. 20, dated June 12, 1958, payable to Jay O. Billingsley, in the amount of \$153.36, drawn by construction district lodge No. 60-----	18381	18419
6A. Check No. 5035, dated February 28, 1957, payable to cash in the amount of \$85, drawn by International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers Local No. 132, "To reimburse cash loaned to J. P. McCollum"-----	18384	18420

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

EXHIBITS—Continued

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6B. Check No. 5262, dated June 29, 1957, payable to cash in the amount of \$75, drawn by International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers Local No. 132, "To reimburse cash loaned to J. P. McCollum"-----	18384	18421
7. Check No. 5993, dated July 16, 1958, payable to Jay O. Billingsley in the amount of \$310, drawn by International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers Local No. 132, "Loan on 2 weeks' salary"-----	18385	18422
8. Check No. 4915, dated December 29, 1956, payable to Vic's Jewelry & Loan in the amount of \$135.85, drawn by International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers Local No. 132.-----	18387	28423
9. Check No. 4920, dated January 2, 1956, payable to cash in the amount of \$400, drawn by International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers Local No. 132, "Special prosecution fund"-----	18390	18424
10. Check No. 5910, dated May 10, 1958, payable to construction district account in the amount of \$2,000, drawn by International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers Local 132, "Loan to district"-----	18390	18425
11. Letter dated August 4, 1958, to Mr. William A. Calvin, international president, re case No. 509854, recent injunction proceedings against the international brotherhood and district lodge No. 60, from J. P. McCollum--	18408	(*)
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* May be found in the files of the select committee.

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, MAY 7, 1959

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

The select committee met at 3:30 p.m., pursuant to Senate Resolution 44, agreed to February 2, 1959, in the caucus room of the Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senators John L. McClellan, Democrat, of Arkansas, and Sam J. Ervin, Democrat, of North Carolina.

Also present: Robert F. Kennedy, chief counsel; Pierre E. G. Salinger, investigator; and Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the select committee present at the convening of the session were Senators McClellan and Ervin.)

The CHAIRMAN. The committee moves this afternoon to a brief hearing regarding the activities of local 74 of the International Brotherhood of Boilermakers, Ironworkers, Shipbuilders, Blacksmiths, Forgers, and Helpers. This hearing will deal with the basic democratic rights of union members to govern themselves.

In many areas of the country members of local unions, through fear or apathy, or both, have abdicated their basic democratic rights with the resultant encroachment of racketeering and malfeasance. Such is not the case, however, in local 74. Virtually the entire membership is active and has participated in charting the course of the local. Over a period of many years, the concentrated membership activity in local 74 has cast it in the role of a maverick—a local which refuses to knuckle under to what it considers unfair actions by the international union.

In the last 12 years, the local has been under international supervision three times, and in 1958 it was placed in supervision by a method through which to an outsider it might appear the local is in control of its own affairs.

This hearing will inquire as to how this once-removed trusteeship was achieved and the affects it has had on the membership of local 74, as well as certain other facets relating to the activities of local 74 and local 132 of the same union in Galveston, Tex.

All right, Mr. Kennedy, call the first witness.

MR. KENNEDY. Mr. Alfred Wendelken is the first witness, Mr. Chairman.

The CHAIRMAN. 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. WENDELKEN. I do.

TESTIMONY OF ALFRED HERMAN WENDELKEN

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

Mr. WENDELKEN. My name is Alfred Herman Wendelken; residence, 401 Bickers Street, South Houston, Tex.; occupation, boilermaker; member of Hamilton Lodge, Local 74.

The CHAIRMAN. Thank you very much.

Do you waive counsel?

Mr. WENDELKEN. I beg your pardon?

The CHAIRMAN. Do you waive counsel? You don't have an attorney present, and you waive counsel, do you?

Mr. WENDELKEN. Yes.

Mr. KENNEDY. Mr. Wendelken, how long have you been a member of local 74?

Mr. WENDELKEN. Since 1943.

Mr. KENNEDY. That is the Boilermakers Union in Houston, Tex.?

Mr. WENDELKEN. That is right.

Mr. KENNEDY. And are you a member now of that local's executive board?

Mr. WENDELKEN. Yes, sir.

Mr. KENNEDY. How long have you been a member of the executive board?

Mr. WENDELKEN. Approximately 2 years.

Mr. KENNEDY. Mr. Wendelken, how many members does local No. 74 have?

Mr. WENDELKEN. About 750 members.

Mr. KENNEDY. And are all of them active in the boilermaker trade?

Mr. WENDELKEN. No. I would say about 450 are active members out of the 750 membership.

Mr. KENNEDY. What are the other 300?

Mr. WENDELKEN. Well, some are retired and others are just not working.

Mr. KENNEDY. What does a boilermaker do? What kind of work does he do?

Mr. WENDELKEN. It is work, building boilers, refineries. We have some boilermaking in the shipbuilding industries also, and it includes welding and burning and layout, fabrication, all-steel fabrication.

Mr. KENNEDY. Is this a relatively large construction local in the United States?

Mr. WENDELKEN. Yes; local 74 is the second largest, I believe.

Mr. KENNEDY. Of the construction locals?

Mr. WENDELKEN. Yes, sir.

Mr. KENNEDY. What do you mean by construction local of the Boilermakers? There are two types of Boilermaker locals, or more than two types?

Mr. WENDELKEN. Well, you have the shop locals.

Mr. KENNEDY. What is a shop local?

Mr. WENDELKEN. The shop locals, that is where the men who work on maintenance are regularly employed, in the shop locals.

Mr. KENNEDY. Then you have a railroad local; is that right?

Mr. WENDELKEN. In the international brotherhood; yes.

Mr. KENNEDY. And then you have this construction group?

Mr. WENDELKEN. That is the field construction work.

Mr. KENNEDY. What does that consist of?

Mr. WENDELKEN. That consists of all of the erection of our boilers in the field of construction, and the refineries that we work in.

Mr. KENNEDY. Now, tell me, is local 74 an independent and does that have control over its own affairs at the present time?

Mr. WENDELKEN. No, we do not.

Mr. KENNEDY. Who has control over the local?

Mr. WENDELKEN. We are under supervision of the international at present; district 60 has direct supervision of our local now.

The CHAIRMAN. Supervision; is that somewhat similar to a trusteeship?

Mr. WENDELKEN. Yes; district 60 was forced on us, where they took over all of our dispatching of our men, and are collecting our field dues, whereas we used to do that.

The CHAIRMAN. They have taken over the administration of the local?

Mr. WENDELKEN. Yes, they have.

The CHAIRMAN. In other words, instead of your having it under control of the men and your own local officers operating so as to be responsible to the members, whoever is in charge of it now has to operate so as to be responsible to the supervising authorities?

Mr. WENDELKEN. That is correct.

Mr. KENNEDY. Now, Mr. Chairman, as you know, what we are going into here is the efforts by the membership to get out from under this supervisorship, what amounts to a supervisorship, and the facts which led up to the imposition of this supervisorship on the local membership in the first place.

Mr. WENDELKEN, who has been in the local for a long period of time, has been brought here to testify as to what brought it about and whether this situation is supported by the membership.

The CHAIRMAN. You have been in supervisorship how many times?

Mr. WENDELKEN. What do you mean? Under international supervision, you mean?

The CHAIRMAN. Yes, or any kind of supervision.

Mr. WENDELKEN. Well, we have been two times since I returned from the service that I know of, and I got out of the service in 1946.

The CHAIRMAN. You have been under supervisorship twice since then?

Mr. WENDELKEN. Yes, sir.

The CHAIRMAN. Now, are you under the third time, or is this the second time since then?

Mr. WENDELKEN. I believe this is the third time now, this district formation.

Mr. KENNEDY. Would you relate the circumstance that led to you being placed under this condition, this last time, the one we are primarily concerned with?

Mr. WENDELKEN. Well, the members of local 74 didn't know that we were to be placed under supervision until it actually happened. We had a letter sent to our hall saying that local 132 in Galveston had petitioned for some of our territory.

So Mr. Leland Head, business manager of local 74, and Mr. John T. Kirtley, went to the executive council in Kansas City to protest 132 taking over any of our territory.

We then returned from Kansas City, we were not informed of what happened for about 2 months afterward. We did hear it rumored that we had been placed in a district, but we were not told of this until at least 2 months later. We were then in a district already.

Mr. KENNEDY. You were placed under supervision without even knowing about it, is that right, without even being consulted?

Mr. WENDELKEN. The membership knew nothing of this.

Mr. KENNEDY. Isn't it correct that the local loaned \$2,000 to this district and the membership was unaware of that also?

Mr. WENDELKEN. \$2,000 was taken from us, but we didn't know about it at the time.

Mr. KENNEDY. And when there was a complaint or objection made on this subsequently by the membership, the district had to return the \$2,000; is that correct?

Mr. WENDELKEN. That is correct.

Mr. KENNEDY. Did they take over the operation of your affairs when they stepped in here with the district? For instance, the supervisor, did they take over the dispatching of the employees and the dispatching of the workers? Did they take that over?

Mr. WENDELKEN. Yes, shortly after the district was set up, the dispatching was taken away from our business manager and placed in the hands of district 60.

Mr. KENNEDY. Who runs district 60?

Mr. WENDELKEN. Mr. Orville Logue.

Mr. KENNEDY. How do you spell his name?

Mr. WENDELKEN. L-o-g-u-e.

Mr. KENNEDY. He is the head of it?

Mr. WENDELKEN. Yes, sir.

Mr. KENNEDY. And they took away then the dispatching and he took control of that?

Mr. WENDELKEN. That is correct.

Mr. KENNEDY. You lost the dispatching yourself; what does that involve?

Mr. WENDELKEN. Dispatching is where our business manager, when a company or a foreman or a job steward calls for men, he calls for the number of men he needs on a job, and he states what qualifications the man should have, whether he be a welder that he needs or a burner or a layout man, or a riveter or whatever type of man he needs—then in turn the business manager sends out that type of man requested.

Mr. KENNEDY. So this is a very important job in your local, is it not, very important to you?

Mr. WENDELKEN. Very important.

Mr. KENNEDY. And you like to keep it at the local level, because the individual who has those responsibilities is subject directly to the local membership?

Mr. WENDELKEN. That is correct.

Mr. KENNEDY. And he knows the local membership; is that right?

Mr. WENDELKEN. That is right.

Mr. KENNEDY. And in this way, if it is to a higher official, he might not know anything about the wishes or the skills or abilities of the local membership?

Mr. WENDELKEN. That is what exists now, and Mr. Logue doesn't know the men in our local and he doesn't know the qualifications.

Mr. KENNEDY. Have you found that since you have been objecting to this supervisor, that the people that have been most vociferous in their objections have been discriminated against?

Mr. WENDELKEN. Yes. You mean the members who don't like this; is that your question?

Mr. KENNEDY. Yes.

Mr. WENDELKEN. Very much so.

Mr. KENNEDY. They have been discriminated against?

Mr. WENDELKEN. Yes, sir.

Mr. KENNEDY. And deprived of their jobs?

Mr. WENDELKEN. They aren't sent out on any jobs.

Mr. KENNEDY. They aren't sent out on any new jobs?

Mr. WENDELKEN. Yes, sir.

Mr. KENNEDY. This is a sort of hiring hall arrangement?

Mr. WENDELKEN. Yes.

Mr. KENNEDY. Now, your group in local 74 is under this supervisor, but there are two other locals that have been taken and placed under this supervisor also, under this district, and that is local 132 and local 577; isn't that right?

Mr. WENDELKEN. That is right.

Mr. KENNEDY. And where is local 132?

Mr. WENDELKEN. Galveston, Tex.

Mr. KENNEDY. And where is 577?

Mr. WENDELKEN. In Corpus Christi.

Mr. KENNEDY. Isn't it correct that they still do their own dispatching?

Mr. WENDELKEN. They always have. Since the district has been set up, Corpus Christi dispatches their own men, and J. O. Billingsley did that while he was there, and now I think Mr. Borel does it, and in Corpus Christi Mr. Jerry Adelway is the man who does the dispatching there. Orville C. Logue dispatches only the men from our local 74.

Mr. KENNEDY. So this is a very important discrimination against your people, is it not?

Mr. WENDELKEN. Yes.

Mr. KENNEDY. Isn't it correct that your local is the largest local of these three?

Mr. WENDELKEN. By far; yes.

Mr. KENNEDY. How big is local 132, for instance?

Mr. WENDELKEN. I don't know the membership because those men there formerly were mostly a shop local, working in the shipyard.

Mr. KENNEDY. We can place those figures in the record.

Do you have those figures, Mr. Salinger?

The CHAIRMAN. Mr. Salinger, 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. SALINGER. I do.

TESTIMONY OF PIERRE E. G. SALINGER

The CHAIRMAN. You are a member of the staff of this committee?

Mr. SALINGER. I am.

The CHAIRMAN. Have you checked to ascertain the number of men in local 132, the number of members?

Mr. SALINGER. I have, sir.

The CHAIRMAN. Do you have other information pertinent to this particular inquiry?

Mr. SALINGER. That is right, sir.

The CHAIRMAN. Have you been working on this?

Mr. SALINGER. I have, sir.

The CHAIRMAN. All right.

Mr. SALINGER. These figures were provided to me by the officers of these various locals, and local 132 has approximately 145 members in Galveston, Tex., and local 577 has approximately 260 members in Corpus Christi, Tex.; and, as Mr. Wendelken has testified, local 74 has some 750 members of which, however, only 450 or 500 are active members and the rest being retired or working at other trades.

Mr. KENNEDY. And yours is the only local then under this district arrangement, the only local where the dispatching is taken over by the supervisor?

TESTIMONY OF ALFRED HERMAN WENDELKEN—Resumed

Mr. WENDELKEN. That is right.

Mr. KENNEDY. That is one very important complaint to this operation; but also don't you have some serious complaints regarding the financing, and what has happened to your union's finances, since this local has been taken over by the district?

Mr. WENDELKEN. Yes. At the time that the district took our local over, our bank account was increasing after Mr. Head took office, substantially each month. But now that we are under supervision, the district lodge has nearly bankrupted us. We will soon be bankrupt.

Mr. KENNEDY. Mr. Chairman, could we ask Mr. Salinger to put in the actual figures as to what has happened to this local since it has been placed under this arrangement?

The CHAIRMAN. When was it placed under this arrangement the last time?

Mr. WENDELKEN. That is about a year ago now.

The CHAIRMAN. About 1 year ago when the district supervisorship went into effect?

Mr. WENDELKEN. Yes.

The CHAIRMAN. Mr. Salinger, have you made a check of the financial situation of the local at the time it was taken over and compared to it the situation as of now?

Mr. SALINGER. I have, sir.

The CHAIRMAN. What are the present balances in its treasury?

Mr. SALINGER. The present balance of the local as of yesterday is \$3,606.47. Just prior to the imposition of the district, the bank balance was slightly in excess of \$18,075.

The CHAIRMAN. So in a year you have gone down about \$15,000.

Mr. SALINGER. That only tells part of the story, Senator.

During this period, the local has had to sell both of its automobiles. It has cut the salary of its business manager in half, from \$200 a week to \$100 a week. The total revenue of the local—I will give you comparative figures on that. In the quarter ending March 31, 1958, which was the last quarter before the district went into effect, the total receipts of the local was \$23,481.35.

The CHAIRMAN. That is for the quarter?

Mr. SALINGER. For the quarter. In the succeeding quarter, which was the first quarter during which the district was in existence, the receipts of the local dropped from that \$23,000 figure to \$12,920.23.

The CHAIRMAN. Is there anything to indicate if the dues were reduced, the membership dues being reduced in that period?

Mr. WENDELKEN. No, the dues have not been reduced.

The CHAIRMAN. What is happening? Is the membership not paying their dues?

Mr. WENDELKEN. What happens—what has happened, rather, is that we pay \$4 a month regular monthly dues, as we have in the past. We only get \$1 out of the \$4.

The CHAIRMAN. For your local?

Mr. WENDELKEN. For the local. About \$3 of the \$4 goes to the international.

The CHAIRMAN. That is an unusual division, is it not?

Mr. WENDELKEN. Well, it has been that way ever since I belonged. Then we get—we have about 45 cents out of that \$1 left after other State per capita taxes and so forth are taken.

Before district 60 was forced upon us we kept our own field dues. These field dues amount to 50 cents per day each day worked 8 hours.

Mr. KENNEDY. This is in addition to your dues?

Mr. WENDELKEN. In addition to the regular monthly dues. They are field dues.

Mr. KENNEDY. Everybody pays 50 cents?

Mr. WENDELKEN. Everybody who works 8 hours a day pays field dues.

Mr. KENNEDY. You couldn't finance the local by the regular monthly dues, because most of those go to the international. What actually happens is that you finance the operation of the local by these field dues; is that correct?

Mr. WENDELKEN. That is correct.

Mr. KENNEDY. That is where the problem has been?

Mr. WENDELKEN. That is right. District 60 now collects, and has been collecting since shortly after it was set up, all of our field dues.

Mr. KENNEDY. So they take that money, as well; is that right?

Mr. WENDELKEN. All of it; that is correct.

Mr. KENNEDY. You have never been able to get that money?

Mr. WENDELKEN. None of it.

The CHAIRMAN. That accounts, then, for your revenues falling off in that quarter, because instead of getting the field dues for your local, the district takes those and that causes the income for that quarter, the first quarter after they took over, to depreciate or fall off from about \$23,000, what it had been the previous quarter, down to about \$12,000?

Mr. WENDELKEN. That is right.

The CHAIRMAN. Is that what accounts for that tremendous drop?

Mr. WENDELKEN. Well, of course, you are talking about the first quarter when they took over?

The CHAIRMAN. According to this record, the last quarter that you folks operated before the district took over, your total revenues for the quarter were about \$23,000, in round numbers.

Mr. WENDELKEN. Yes; that is right.

The CHAIRMAN. And the first quarter that the district operated, your local revenues fell off to about \$12,000, according to these figures.

Mr. WENDELKEN. That is correct.

The CHAIRMAN. That is a difference of \$11,000 or \$12,000 there in round numbers in the first quarter that you lost.

Mr. WENDELKEN. That is right.

The CHAIRMAN. Is that due to them taking all of the field dues and not leaving any of it for your local?

Mr. WENDELKEN. That is correct. Had they not taken over our field dues, we could still be——

The CHAIRMAN. In other words, your revenues might continue about the same?

Mr. WENDELKEN. That is right.

The CHAIRMAN. But if they take over your field dues, as a result, you have had to reduce the expenses or salaries of your business manager; is that correct?

Mr. WENDELKEN. We had to reduce them \$100 a week; yes.

The CHAIRMAN. You had to reduce his salary?

Mr. WENDELKEN. Yes.

The CHAIRMAN. I believe also his authority has been reduced by the district. In other words, he can't assign folks out to work any more?

Mr. WENDELKEN. He cannot send anyone on the job.

The CHAIRMAN. What can he do now, since they have taken over? Can he do anything that they won't let him do?

Mr. WENDELKEN. He has very little that the district business manager, Mr. Logue, permits him to do now. He is business manager, but he doesn't have any authority whatever.

The CHAIRMAN. Business manager without authority to manage?

Mr. WENDELKEN. That is right, no authority whatsoever.

Mr. KENNEDY. Even that is not the complete situation financially.

The CHAIRMAN. Let's go further.

Mr. SALINGER. Taking the first quarter as you suggested, Senator, before the district took over the revenue was about \$23,000, and for the first quarter after it dropped to \$12,000, which represented 1 month of the district operation.

The CHAIRMAN. That represented 1 month of the district operation?

Mr. SALINGER. That is correct. A total comparison can be shown by the fact that in the first quarter of 1959, which is a total district operation, the total revenue of local 74 in that quarter was \$1,992.66. In other words, it dropped from \$23,000 to \$1,992.66.

The CHAIRMAN. It dropped from \$23,000 to around \$2,000?

Mr. SALINGER. That is right.

The CHAIRMAN. In other words, where you used to get \$23,000 a quarter for each 3 months, you are getting down to around \$2,000, a total of around \$8,000 a year whereas you were getting, in round numbers, \$100,000 a year.

Mr. WENDELKEN. That is right.

The CHAIRMAN. Is that how you have suffered financially?

Mr. WENDELKEN. That is about right.

The CHAIRMAN. What was the reason for them taking you over? You were not insolvent, were you?

Mr. WENDELKEN. I don't know any reason they should take us over. There is no reason that we should have been placed under supervision. We didn't have any trouble in our local. We got along good.

The CHAIRMAN. In other words, there was nothing in the local that was in the way of being insolvent, not being able to manage its affairs, not being able to assign its men to work, not being able to run an efficient local union. There was nothing on that order that justified them taking over?

Mr. WENDELKEN. Nothing whatsoever.

The CHAIRMAN. It looks like they needed some money from some place, as well as authority.

Senator ERVIN. This district body is between your local and the International; is that the setup?

Mr. WENDELKEN. Yes; it is in between the local and the International.

Senator ERVIN. Local 74 had been operated in the past without any intermediate body like the district?

Mr. WENDELKEN. That is right.

Senator ERVIN. And you were running in a very satisfactory manner. You were having men assigned to work by a business manager who knew them personally, and who knew how to take the skills that each one possessed?

Mr. WENDELKEN. That is true.

Senator ERVIN. Instead of having that kind of an efficient method of assignment, you now have them assigned by a man who does not know most of them and does not know the various skills of the various ones?

Mr. WENDELKEN. That is correct.

Senator ERVIN. When local 74 was placed under supervision on previous occasions, was it placed under supervision by the International? Is this the first time the district has stepped in?

Mr. WENDELKEN. There was a district once before, years ago, but it did not operate like this. I don't know the true history of that district. But since I have been a member, I don't remember ever having been placed under a district lodge.

Senator ERVIN. Where does Mr. Logue make his headquarters?

Mr. WENDELKEN. His headquarters are in Houston, on Westlow Street.

Senator ERVIN. How long has he lived in Houston?

Mr. WENDELKEN. He moved into Houston about the same time he moved into district formation.

Senator ERVIN. Where had he been before that time?

Mr. WENDELKEN. Corpus Christi, Tex. When he moved in, I should add here, if it is permissible, I never did know his niece, Miss Muriel Logue. He moved her in and made her his secretary and Mr. Joseph P McCollum, his son, was moved into the office as some sort of representative there, and Mr. Jerry Attaway was there for a

while They had four people in the district 60 office. That is at the time it was first formed.

Senator ERVIN. As far as you could tell, there was no necessity for even establishing the district?

Mr. WENDELKEN. The only thing it has done has been to create dissension between the members of local 74. We had good relations with Corpus Christi and with Galveston before the formation of district lodge 60. Never did we have any trouble with them before that that I know of.

Senator ERVIN. When placed under supervision in the Boilermakers, the local really loses the right or the power to manage its own affairs; isn't that true?

Mr. WENDELKEN. Yes.

Senator ERVIN. There was no occasion whatever to place you under supervision this time?

Mr. WENDELKEN. No. We got along very well before this supervision was imposed on us.

The CHAIRMAN. This matter of assigning a fellow out to a job, that authority can and frequently is very much abused, is it not? I mean, if you have a business agent, or in this instance you do have somebody in the district who can assign folks out to the jobs—

Mr. WENDELKEN. Mr. Logue assigns the men now to the jobs.

The CHAIRMAN. What is his position?

Mr. WENDELKEN. He is business manager of district 60, I believe.

The CHAIRMAN. In other words, you don't go out and get a job, get on a job, unless he assigns you out there?

Mr. WENDELKEN. No, we don't, not unless we—the only way we could do that would be to hire at the gate. Otherwise we don't get a job unless he sends us out.

The CHAIRMAN. But what I mean is if they call on your local or call on him now, since the district supervises it, if they call on your local when your local business manager had authority, he is the one who would assign you?

Mr. WENDELKEN. That is right.

The CHAIRMAN. Now, it is the district supervisor or someone acting for him who assigns the men out to work when jobs are opened up?

Mr. WENDELKEN. That is right.

The CHAIRMAN. If you get along with the business agent pretty well, you may get assigned out to a job; is that true?

Mr. WENDELKEN. That is the way it is working in district 60; yes.

The CHAIRMAN. That is the way it is working in district 60? That is the way it is working in some other places besides that, too. There is no question about that. The trouble about this arrangement is that you put the power of a man getting a job, though he pays his union dues, you put the power in one man who can and frequently does discriminate against him. He can put his own cronies or those who cater to him or those who show him great favors, put them on the job while others who don't do some of those things go without employment.

Mr. WENDELKEN. That exists at the time in our local in Houston.

The CHAIRMAN. That exists right now under your district supervisors?

Mr. WENDELKEN. That is correct.

The CHAIRMAN. As chairman of this committee, I have had complaints about it from all over the country. That is one of the problems about this union hiring hall, and about the authority of these business agents or business managers, as the case may be, who have the authority to place these folks on jobs.

Unless you get along with him, unless you are in his favor—this does not hold true, I am sure, in many instances, but in many instances it does—unless you stay in his favor, you don't work, and the other fellow gets to do the work.

I will tell you something else that happens, too. A job in the very same union you are talking about can open up, let us say, in Pine Bluff, Ark., in the construction of some plant there. Instead of the men who live in that vicinity being assigned there to work, union members, they are often sent there from out of the State to work at that job while the men who live there, who pay their dues all the years, are idle, because the assignment is from some outside source.

They have no local there. The local headquarters is somewhere else.

I know that has happened in my State and I am sure it has happened in other places.

Mr. WENDELKEN. We didn't have much trouble in 74 before district 60.

The CHAIRMAN. One of the reasons for putting you under district supervision is so that they can have this authority.

Mr. WENDELKEN. I wouldn't doubt that.

The CHAIRMAN. I do not, either.

Senator ERVIN. In other words, as long as the affairs of your local are run by the officers elected by the members of the local, they are likely to be run in a fair way. Is that not true? Your trouble comes when this power is taken away from those who are selected by the members of the local and put it in a district office, which does not get any of its authority at all from the local. Then you have more serious abuses along this line.

Mr. WENDELKEN. We have had trouble since district 60 came in in that respect.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. You were a member of the executive board. Were you locked out of your office for a period of time?

Mr. WENDELKEN. Yes. Out of the executive board meeting after district formation. We were locked out when we went to have a regular meeting one night.

Mr. KENNEDY. What happened?

Mr. WENDELKEN. Well, a number of the executive board members appeared for the meeting, which is on the first Friday of each month, and the hall was locked. Neither Mr. Head nor Mr. Kirtley showed up at the meeting to open the lodge.

Mr. KENNEDY. Did you get any explanation as to why it was locked?

Mr. WENDELKEN. Well, we were told—Mr. Kirtley said there wouldn't be any more meetings.

Mr. KENNEDY. You wouldn't have any more meetings of the executive board?

Mr. WENDELKEN. That is right.

Mr. KENNEDY. Was that the only time you were locked out? Did you have a meeting the next time?

Mr. WENDELKEN. No, that is the only time I recall we were locked out.

Mr. KENNEDY. Did you ever have a vote amongst the members as to whether they wanted this? What I am trying to get at is this: Is this just a dissident group of a small proportion of the membership which objects to the lodge, or are you supported by most of the membership?

Mr. WENDELKEN. It is supported by a vast majority of the membership. This is a class action. For example, we had a meeting, a special meeting, on a Saturday morning last summer, in August, concerning the dissolution of district 60, whether we were in favor of district 60 or whether we were against district 60.

We had a standing vote. I believe the records will bear out the minutes. The vote was 375 against district lodge and 4 for district lodge.

Mr. KENNEDY. So the 1 vote that has been put to the membership as to whether they wanted this supervisor, in that you had a vote of 375 to 4 against it; is that right?

Mr. WENDELKEN. I believe that is correct.

The CHAIRMAN. Is there any prospect of you getting out from under it any way at all?

Mr. WENDELKEN. I don't know for certain. I don't know how to answer that. Right now we are still very much under district supervision.

The CHAIRMAN. Are you very optimistic about getting out from under it soon?

Mr. WENDELKEN. We all have high hopes of doing so.

The CHAIRMAN. Eventually or quickly?

Mr. WENDELKEN. We hope we will do it soon. If we don't the way we are going, with what little money we have, we will soon be bankrupt. We won't exist as local 74 any more.

The CHAIRMAN. If you get bankrupt, then what do you do? They will probably be through with you, then. They won't need you.

Mr. WENDELKEN. I expect it is a way of dissolving local 74. I don't know what the idea is to bankrupt us, when we explained at a meeting in Kansas City, a group of delegates went there to explain our situation and the resentment of district 60, seeking relief so that we would not go bankrupt. But nothing so far has been done. We haven't had an answer from the executive council.

The CHAIRMAN. How long ago was that?

Mr. WENDELKEN. I believe that was September 18 of last year, when we appeared before the committee.

The CHAIRMAN. Was that a committee of the international union?

Mr. WENDELKEN. This was an appearance before the executive council of the international brotherhood in Kansas City, Kans.

The CHAIRMAN. Is that the council or the governing body that would have the authority make a decision in this matter?

Mr. WENDELKEN. Yes.

The CHAIRMAN. You appeared there last September, did you say?

Mr. WENDELKEN. Yes.

The CHAIRMAN. And you have had no answer yet?

Mr. WENDELKEN. We have not received an answer as yet.

The CHAIRMAN. It takes quite a long time for deliberation, doesn't it?

Mr. WENDELKEN. Yes, it seems so.

Mr. KENNEDY. Isn't it correct that after you were locked out, you started having meetings of your own, and then ultimately after you started having some of the meetings, then they opened the office back up to you? Is that correct?

Mr. WENDELKEN. Yes; that is correct. There was much opposition to this district formation. Any place you would see another boiler-maker, the talk was district 60 formation.

Mr. KENNEDY. Didn't you have some formal meetings or semi-formal meetings?

Mr. WENDELKEN. Well, we had some meetings in homes. The members would get together on street corners. Then we did meet out at the Milby Park because we couldn't get the hall to meet in the hall. That was the only thing we could do.

Mr. KENNEDY. So you had the meeting out in the park?

Mr. WENDELKEN. Yes.

Mr. KENNEDY. How many members did you have come to the meetings in the park?

Mr. WENDELKEN. There was no certain amount—there were different numbers of people there at each meeting, you might say, because some of these meetings on Wednesday nights the men are working a long distance from the park and couldn't make it to the meetings, or bad weather; whereas, on Saturdays, sometimes, we would have around 300 members there in the park.

Mr. KENNEDY. Have charges been filed against you, you and your other fellow workers? Have charges been filed by the district, by the international, against you?

Mr. WENDELKEN. Charges were filed against nine named plaintiffs, and business manager, Leland F. Head.

Mr. KENNEDY. Have charges been filed against your group by the union, against you people?

Mr. WENDELKEN. Our local, do you mean?

Mr. KENNEDY. Yes.

Mr. WENDELKEN. No.

Mr. KENNEDY. Have charges been filed by the district against you? The international? Have charges been filed by the international against you?

Mr. WENDELKEN. Yes, charges have been filed by the international, by Russell Berg. He is the man who signed the charges. He is vice president of the international.

Mr. KENNEDY. How many of you have charges been filed against?

Mr. WENDELKEN. Nine men. Well, 10 men, including our business manager, Leland F. Head.

Mr. KENNEDY. This is the group that has been the nucleus of trying to get the trusteeship or the supervisor lifted?

Mr. WENDELKEN. Well, you might say that is the nucleus of it, but the nine men are just nine named plaintiffs. It is just a class action. It

just happens that these nine men were the ones who filed the lawsuit—

Mr. KENNEDY. I am going to get to that. What I am talking about is the charges against you people, not by you against them. Haven't charges been filed against you? Not legal charges.

Mr. WENDELKEN. Yes.

Mr. KENNEDY. How many have they brought charges against?

Mr. WENDELKEN. Ten.

Mr. KENNEDY. Is this the same 10 who brought the legal action against them?

Mr. WENDELKEN. Nine of the ten.

Mr. KENNEDY. What sort of things have they charged you with?

Mr. WENDELKEN. Well, they never have given us any specific charges. The general charge was creating dissension.

Mr. KENNEDY. Generally for creating dissension?

Mr. WENDELKEN. Yes.

Mr. KENNEDY. Was one of the charges that you had gotten in touch with the McClellan committee?

Mr. WENDELKEN. Yes, seeing the McClellan committee. Another one was for having seen Robert F. Kennedy at the Rice Hotel in Houston when he was there.

Mr. KENNEDY. The fact that you got in touch with the committee, or that you contacted me when I was in Houston, those are charges that have been made against you?

Mr. WENDELKEN. That is one of the charges. They are charges A through N.

The CHAIRMAN. Weren't you guilty of that?

Mr. WENDELKEN. Yes, I went to see Mr. Kennedy.

Mr. KENNEDY. And you also wrote to this committee?

Mr. WENDELKEN. I certainly did; yes sir.

Mr. KENNEDY. What are they trying to accomplish? What will happen if the charges are sustained against you? Will you lose your job or get expelled from the union?

Mr. WENDELKEN. Well, I don't know. That has been done. I don't know what they are going to do to us. We haven't heard. We were tried, but we haven't heard yet.

Mr. KENNEDY. Was that the purpose of the charges?

Mr. WENDELKEN. I think so.

The CHAIRMAN. Have you been tried on them?

Mr. WENDELKEN. We were tried in the Sam Houston Hotel by three members sent in by the international to try us, in a room in the Sam Houston Hotel.

The CHAIRMAN. When was that?

Mr. WENDELKEN. That is—I forget the date. It is about going on 3 weeks ago now, something like that. About 3 weeks ago.

The CHAIRMAN. Did you have any witnesses present?

Mr. WENDELKEN. We were not permitted any witnesses.

The CHAIRMAN. You weren't permitted any?

Mr. WENDELKEN. No, sir.

The CHAIRMAN. Did you have a lawyer?

Mr. WENDELKEN. They would not permit us an attorney.

The CHAIRMAN. Did they have a lawyer?

Mr. WENDELKEN. No, they had the three-man trial committee set up. They didn't have an attorney with them.

The CHAIRMAN. They had a three-man trial committee. Who else was there on that side besides the committee?

Mr. WENDELKEN. They brought nine people in there eventually as witnesses, but didn't confront us. We have never been confronted with our accusers, even.

The CHAIRMAN. Do you mean they had their witnesses testify before the committee without your being present?

Mr. WENDELKEN. That is correct.

The CHAIRMAN. And wouldn't permit you any witnesses at all; is that right?

Mr. KENNEDY. As I understand, you could have your own witnesses.

Mr. WENDELKEN. No, we did not. We were not permitted any witnesses. We were permitted a counsel in the room with us, a member of local 74, one man in the room in our presence at the time of the trial. But no witnesses could appear for us.

Mr. KENNEDY. I believe in the record it says that if you have somebody that you want to be called on your behalf, that they will call them. I think the record shows that.

Mr. WENDELKEN. I think the record may show, but they would not permit us to have anyone excepting one man, one man as counsel.

Mr. KENNEDY. Maybe we don't understand one another. If you wanted somebody called from the outside to be called in to testify on your behalf, then they would listen to them.

Mr. WENDELKEN. No. That was refused. We could not have anybody.

Mr. KENNEDY. Did you try to have somebody called?

Mr. WENDELKEN. It was understood we could not have anybody.

Mr. KENNEDY. Anyway, you were not allowed to find out who your accusers were in the first place, is that right?

Mr. WENDELKEN. That is right. We have never been told or confronted with our accusers.

Senator ERVIN. And the record was kept by the court, I imagine, instead of by you, was it?

Mr. WENDELKEN. The transcript? Do you mean the transcript?

Senator ERVIN. Yes. They are the ones who made up the record, the trial committee?

Mr. WENDELKEN. No. We have a transcript of this, also. There were two court reporters, recorders. We had one as well as the international.

Senator ERVIN. Each side had a court reporter?

Mr. WENDELKEN. Correct.

Senator ERVIN. But they didn't allow you to have a counsel?

Mr. WENDELKEN. We had one counsel; yes.

Mr. KENNEDY. Not a lawyer?

Mr. WENDELKEN. Not an attorney; no, sir.

Senator ERVIN. You were not allowed to have an attorney?

Mr. WENDELKEN. We were not.

Senator ERVIN. And you understood you were not allowed to have witnesses?

Mr. WENDELKEN. No. Mr. Osborne said we would not have witnesses to appear. The only man we could have would be one counsel.

The CHAIRMAN. That really amounts to being one sympathizer, doesn't it? It wasn't a lawyer.

Mr. WENDELKEN. Well, he was a sympathizer; yes. He was one who doesn't like district 60 either.

Senator ERVIN. And the main charge against you was that you were guilty of something, guilt by association, because you had some conversation with the chief counsel of this committee?

Mr. WENDELKEN. That was one of the accusations; yes.

Senator ERVIN. In other words, it is apparently considered a very serious offense by the international for any member of a local to even engage in conversation with the chief counsel of this committee.

Mr. WENDELKEN. That is correct.

Senator ERVIN. And one of the other complaints was that some of you had written a letter to this committee?

Mr. WENDELKEN. That is right.

Senator ERVIN. Well, it is good to see that some people in Texas are still like the folks in the Alamo. They are still willing to stand up and fight for the very simple rights for which many Americans have died, namely, the right to counsel and the right to have an open trial and the right to have the privilege of running their own affairs.

I want to congratulate you for doing it.

Mr. WENDELKEN. Thank you. You will find that most of the rank and file members of local 74 are the same way, and none of them want district formation.

Senator ERVIN. And according to the vote that was taken, if my arithmetic is right, approximately 90 members of that local voted against the district to each one who voted for the district.

Mr. WENDELKEN. It was even a greater vote than that against the district.

Senator ERVIN. In other words, it apparently is some kind of an offense against the union for members of a local, dues-paying members of a local, to disagree with the way that those above them are running things. Dissension or dissent from the way things are being run must be an awfully serious high crime and misdemeanor under the rules of the union.

Mr. WENDELKEN. It appears that way.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. You brought a court case, did you, in Houston?

Mr. WENDELKEN. Yes.

Mr. KENNEDY. To try and get out from under the district?

Mr. WENDELKEN. Yes, we did.

Mr. KENNEDY. And the lower court decided against you, and that was reversed; is that correct?

Mr. WENDELKEN. Yes; that is correct.

Mr. KENNEDY. And what is the situation at the present time, in connection with that court case?

Mr. WENDELKEN. Well, we are now waiting an appeal to the supreme court on a writ of error.

Mr. KENNEDY. You have an attorney representing you?

Mr. WENDELKEN. Yes, Mr. Frederick Robinson is our attorney.

Mr. KENNEDY. And are you paying him out of union funds?

Mr. WENDELKEN. No, not out of union funds.

Mr. KENNEDY. You have all chipped in some money together to pay him?

Mr. WENDELKEN. That is correct. None of that is from union funds.

Mr. KENNEDY. No union funds are being used in connection with him?

Mr. WENDELKEN. None whatsoever.

Mr. KENNEDY. But on the other side, the attorney is being paid out of union funds; is he not?

Mr. WENDELKEN. I feel certain that he is; yes, sir. I know he is.

Mr. KENNEDY. Thank you.

Senator ERVIN. If you go over to the House and persuade them to pass the bill that is over there, you will find that there are some provisions in there that will enable people to get relief, locals to get relief against supervision and trusteeship.

Mr. WENDELKEN. Well, we wish to remain loyal to the International Brotherhood. We are strong union men, and we still wish to remain brothers of the International, but we don't like this forced supervision, which we don't need, and which is ruining our local and bankrupting us there.

Senator ERVIN. Well, then, I am glad to say the Senate of the United States doesn't like it. As a result of what has been unearthed by this committee, the Senate passed a bill 90 to 1 that has some provisions in it under which these arbitrary supervisions and trusteeships cannot be imposed, so I hope the House passes it.

There has been constant evidence of the tyranny of these trusteeships and these supervisions imposed on locals, in many of the unions. In other words, all you are fighting for is to let the members of the union run their own affairs, in a democratic fashion.

Mr. WENDELKEN. That is all we want. If we can have our own rank and file say in running our affairs, that is all we want.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. James E. Donnelly.

The CHAIRMAN. Will you be sworn, please?

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. DONNELLY. I do.

TESTIMONY OF JAMES E. DONNELLY

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

Mr. DONNELLY. I have a little impairment in my throat, but my name is James E. Donnelly, and I live at the Warner Mount Hospital, El Dorado, Ark.

The CHAIRMAN. What is your business or occupation?

Mr. DONNELLY. I am a night engineer.

The CHAIRMAN. You live in a good town, and in a good State, and there are a lot of fine people down there around El Dorado, so proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Donnelly, you are a former member of local 74 of the Boilermakers Union, Houston, Tex.?

Mr. DONNELLY. That is correct.

Mr. KENNEDY. If I might interrupt just briefly, Mr. Chairman, we have had the testimony of the first witness in connection with the

problem and difficulties that exist now, and I am calling Mr. Donnelly to give some background.

He was in the local when it was placed in trusteeship some 6 or 8 years ago, and I want him to testify as to what the situation was at that time.

The CHAIRMAN. You are going to testify about another time when this particular local was placed in trusteeship?

Mr. DONNELLY. That is right, sir.

The CHAIRMAN. A time prior to the one testified to by the witness who just preceded you?

Mr. DONNELLY. That is right.

The CHAIRMAN. Were you an officer in the union at that time?

Mr. DONNELLY. I was.

The CHAIRMAN. In that local?

Mr. DONNELLY. Yes.

The CHAIRMAN. What was your position?

Mr. DONNELLY. I was assistant business agent.

The CHAIRMAN. All right. Thank you.

Mr. KENNEDY. Weren't you also president?

Mr. DONNELLY. I was president before that, and I was elected assistant business agent and not appointed.

Mr. KENNEDY. At one time you were president of the local?

Mr. DONNELLY. Just prior to that.

Mr. KENNEDY. So you are very familiar with the affairs of the local at that time?

Mr. DONNELLY. Very familiar.

Mr. KENNEDY. This was in 1945 and 1946?

Mr. DONNELLY. That is right.

Mr. KENNEDY. Now, could you tell the committee how it happened that the local was placed under this supervisor during that period of time?

Mr. DONNELLY. It was imposed by the International vice president, Mr. McCollum, that locals 69 and 74 become consolidated.

Mr. KENNEDY. That is local 469 and local 74?

Mr. DONNELLY. Yes, sir.

Mr. KENNEDY. Local 469 was a shipyard local in Houston?

Mr. DONNELLY. It was a shipyard local. I was a member of the executive board at that particular time, and also president. We had a few meetings with the membership or trustees of 469, as to why and wherefor they wanted to come into local 74.

Mr. KENNEDY. You had objected at that time to having this man J. I. "French" Borel, business manager for local 469, to be made business manager of your local; is that right?

Mr. DONNELLY. I was coming to that. I wanted to know why consolidation was supposed to be made when all they had to do was give a trans-card to the other local. I was told we were to take French Borel, who was business manager for 469, in the local 74 and put him on the payroll as an officer.

I very much objected to that. I didn't think the man was a union man because Mr. McCollum told me at one time shortly before that, the first time he had ever met French, he was a bartender in New Orleans. Well, I knew boilermakers and bartenders didn't speak the same language, in my opinion.

So I objected to that, and I didn't think the man was qualified in any way whatsoever to be an officer in our lodge.

Mr. KENNEDY. Based on this dissention, and, as I understand, you were supported in this feeling by the members of your local—

Mr. DONNELLY. Very much so.

Mr. KENNEDY. But the local, nevertheless, was placed in trusteeship?

Mr. DONNELLY. We had a meeting, with all of the members notified to be at this regular meeting, in the Eagles Hall in Houston, which is a pretty large meeting hall, and most of the members were there. I got on the floor, and I talked against consolidation of the two lodges, and stated why, that we were expected to take these officers in and put them on the payroll of 74 and at that meeting our lodge turned down consolidated.

Some 2 weeks later, I was told we had the members in Freeport, Tex., which were maintenance people.

Mr. KENNEDY. It was some time ago and I don't want to get into all of the details of it. As a general proposition, the situation was that there was an objection by the membership to this consolidation, and being placed under trusteeship, and nevertheless it occurred; is that correct?

Mr. DONNELLY. Very much so.

Mr. KENNEDY. And your local was taken over by the international, and the man who pushed that mainly was this Joseph P. McCollum, an international vice president of the union.

Mr. DONNELLY. Let me explain a little there. My people didn't know a thing in the world about it, and they had this other meeting, and they did vote then to consolidate.

Mr. Mayberry and Mr. McCollum and Mr. Borel went into Kansas City before the executive council. The members of our local, and I, or none of the other officers knew why the meeting was taking place. When they got back, we were notified that the international had taken over the local and put it under a governing board. That was very much of a surprise to all of us, and we knew nothing about it.

Mr. KENNEDY. Did you get any records from local 469?

Mr. DONNELLY. Very little. We had some, a few dollars, but nothing was turned over to us.

Mr. KENNEDY. What happened to the records of 469?

Mr. DONNELLY. Well, Mr. McCollum and Mr. Borel took them down in the basement of the Milam Building and burned most of them.

Mr. KENNEDY. How do you know they burned them?

Mr. DONNELLY. I was a witness to the fact, on a couple of days they were over there piling them on the elevator and to the furnace.

Mr. KENNEDY. While the international had supervision of local 74, did the local financial situation deteriorate rapidly?

Mr. DONNELLY. Very much so.

Mr. KENNEDY. I would like to ask Mr. Salinger to put the figures in as to what happened during that period of time.

TESTIMONY OF PIERRE E. G. SALINGER—Resumed

The CHAIRMAN. All right, Mr. Salinger, you have the figures on the operations of the local at that time?

Mr. SALINGER. We have been able to obtain audits of this local for this period.

The CHAIRMAN. What is that period?

Mr. SALINGER. This is the period from early 1946 until 1947, early 1947.

The CHAIRMAN. About a year?

Mr. SALINGER. Yes, sir. Now it is of interest to note that just prior to the time that the international supervision was placed on local 74 in the early part of 1946, the local owned \$87,100 worth of Government bonds. At the end of the supervision, that figured had dropped some \$40,000—down to \$47,000.

The CHAIRMAN. Does the record show what investment was made with those funds, whether they were used for general operating expenses, or whether they were reinvested?

Mr. SALINGER. Well, the records are a little baffling on that point, and I will explain to you why, sir.

First of all, the receipts of the local materially increased during this period, but the disbursements increased even more materially; and let me give you some examples:

In the quarter ending March 31, 1946, the receipts were \$21,000, in round figures, and the disbursements were \$18,000.

In the following quarter, the receipts had gone up to \$33,000, and the disbursements up to \$36,000.

In the following quarter, the receipts went up to \$39,000, and the disbursements, however, dropped in that quarter to \$27,000.

In the last quarter of 1946, the disbursements had gone up to \$43,000. I don't believe we have the receipts for that quarter.

However, the comparison in the disbursements again show that the disbursements in the first quarter of the year had been \$18,000, while the disbursements in the last quarter were \$46,000.

The first quarter of 1947, the receipts were \$25,000, and the disbursements \$26,000.

However, during the same period, as I stated before, this \$40,000 of bonds were sold off by the local, so that their total asset position in that time had been substantially reduced.

TESTIMONY OF JAMES E. DONNELLY—Resumed

Mr. KENNEDY. Now, did you ask to see some vouchers in connection with some of the disbursements that were being made?

Mr. DONNELLY. No, sir; I never did.

Mr. KENNEDY. Did you ever request from Mr. McCollum to examine the vouchers in connection with any of the cash expenditures that he was making?

Mr. DONNELLY. Cash expenditures, you mean?

Mr. KENNEDY. Yes.

Mr. DONNELLY. No, sir.

Mr. KENNEDY. Any of the expenditures?

Mr. DONNELLY. No, sir.

Mr. KENNEDY. I am thinking particularly about this strike, where there was some \$12,500 paid in connection with the strike. Did you have some difficulty at the time examining the vouchers in connection with that?

Mr. DONNELLY. Some vouchers on the \$12,000, you mean?

Mr. KENNEDY. Yes.

Mr. DONNELLY. Yes. That was on an audit, I believe.

Mr. KENNEDY. Weren't you anxious to see the vouchers in connection with how the money had been spent?

Mr. DONNELLY. Yes, that is very true, and I was given an audit for that time, and that was after the local came back to the membership.

Mr. KENNEDY. Did you ask to see the vouchers at that time?

Mr. DONNELLY. The auditor brought the audit over, and I looked it over, and in one spot there was \$12,500 or \$13,500 called a strike fund. I said to the auditor, "If I spend 50 cents up here I have to have a voucher for it, and I don't see anything here. Where did this \$12,500 go? Where are the receipts for this money?"

The auditor told me that Mr. McCollum told him he didn't have them. I said, "Well, if you will write that down there, and note that under the \$13,500,"—or whatever it was—"in that figure, I will accept that audit. But otherwise, no." I couldn't see an audit being placed in the local in that respect.

So he took the audit and he went back to McCollum's office, and I didn't see the audit any more until after it was revised.

Mr. KENNEDY. Was the audit revised about a year later and then you saw it again?

Mr. DONNELLY. It wasn't a year. It was quite a little while.

Mr. KENNEDY. Approximately a year?

Mr. DONNELLY. Seven or eight months.

Mr. KENNEDY. And then it was presented again?

Mr. DONNELLY. It really was.

Mr. KENNEDY. Was there also an instance where the secretary-treasurer was asked to cash one of the union's \$10,000 bonds and give the cash to Mr. McCollum?

Mr. DONNELLY. I believe on the first night of the executive board meeting, or the governing board which was appointed, Mr. Guidry, financial secretary and treasurer of the organization for many years, Mr. McCollum told him to cash a \$10,000 bond and bring him the cash.

Mr. Guidry stated, "Before I will do that, I will resign."

Mr. McCollum turned around to Mr. Guidry and said, "Well, Mr. Hall will accept the job as financial secretary."

Now, to me I thought that should have been brought up to the board, but the board was the chairman and that was the international vice president.

Mr. KENNEDY. So that the man who refused to cash the bond was replaced; is that correct?

Mr. DONNELLY. He was replaced.

Mr. KENNEDY. You had some very violent disagreements with Mr. McCollum; is that right?

Mr. DONNELLY. I shouldn't say they were violent. I had my own convictions. I stayed by them. I seldom think they was too violent. But I think he thought so. He was always—I was doing something wrong in his estimation. I couldn't play that way. As an officer of the lodge I couldn't feel like going along with his way of doing business.

Senator ERVIN. In other words, you thought whenever an expenditure of as much as \$12,500 was made out of union funds, there should have been vouchers to show what was done with the money?

Mr. DONNELLY. I know if I was financial secretary then, if I spent 50 cents, I had to have a voucher for it. And \$12,500 to me looked pretty large without any explanation of any way.

Senator ERVIN. You thought that your duty imposed upon you the supervision of the funds and you wanted to get supporting vouchers for that expenditure? That caused some friction, did it?

Mr. DONNELLY. Yes, sir, it did.

Senator ERVIN. You never were able to see vouchers and then they claimed they had an audit made but wouldn't permit you to see the audit, about the \$12,500?

Mr. DONNELLY. Yes, sir, that is very true. We had a meeting in Kansas. Well, Mr. McCollum had told me that I had accused him of steading \$13,500 of the local's treasury. I never answered him. But later on at Kansas City when we was up there to a meeting on some other matter of business, before the meeting broke up he said just one more thing, that he would like to bring out in front of the international president, that he had been told on several occasions where I had accused him of stealing this money. I told him at that particular time I had never accused him of stealing a nickel, that I only said there was \$13,000 in the strike fund with no vouchers to show for it.

Mr. McGowan turned around to Mr. McCollum and asked him if he had vouchers for it, and he nodded in the affirmative that he did. He told him to produce them.

Later the auditor produced the vouchers for the money and the trustees of the organization were the only ones allowed to see them. I wasn't allowed to see them. It was all right, but they had the notations there.

The CHAIRMAN. Is there anything further?

If not, thank you very much.

The committee will stand in recess until 10:30 tomorrow morning.

(Whereupon, at 4:31 p.m., the select committee recessed, to reconvene at 10:30 a.m., Friday, May 8, 1959.)

(Members of the select committee present at the taking of the recess were Senators McClellan and Ervin.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

FRIDAY, MAY 8, 1959

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

The select committee met at 10:35 a.m., pursuant to Senate Resolution 44, agreed to February 2, 1959, in the caucus room of the Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Homer E. Capehart, Republican, Indiana; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Pierre E. G. Salinger, investigator; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the select committee present at time of convening: Senators McClellan and Capehart.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Leland F. Head.

The CHAIRMAN. 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. HEAD. I do.

TESTIMONY OF LELAND F. HEAD

The CHAIRMAN. Mr. Head, would you state your name, your place of residence, and your business or occupation, please, sir?

Mr. HEAD. Leland F. Head, 7202 Narcissus, Houston, Tex.; business manager and financial corresponding secretary for Local 74, Boilermakers.

The CHAIRMAN. Local 74?

Mr. HEAD. Yes, sir.

The CHAIRMAN. Thank you very much.

You waive counsel, do you, Mr. Head?

Mr. HEAD. I do.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Head, how long have you been with local 74 in Houston?

Mr. HEAD. I cleared in there in 1941, I believe.

Mr. KENNEDY. And how long have you been an officer of the local?

Mr. HEAD. Three years.

Mr. KENNEDY. Early in 1955 were you approached by the international vice president, Mr. Joseph McCollum, regarding the idea of bringing all the construction members of local 132 into local 74? This was 1957, I think.

Mr. HEAD. 1956, I believe.

Mr. KENNEDY. Mr. McCollum made that suggestion?

Mr. HEAD. Yes, sir.

Mr. KENNEDY. Did he tell you at that time that you would be in charge of the joint local with Billingsley, the manager of local 132, working under your supervision?

Mr. HEAD. He did.

Mr. KENNEDY. What further discussions were there had at that time?

Mr. HEAD. I beg your pardon?

Mr. KENNEDY. What further discussions were there had?

Mr. HEAD. Well, he suggested that he was going to move the president of my local to Galveston and put him over the shop locals.

Mr. KENNEDY. Did you accept that plan, then?

Mr. HEAD. Well, it was never worked out definitely. I would have accepted it; yes.

Mr. KENNEDY. Did he tell you that the arrangements would have to be kept quiet until the financial plans had been made?

Mr. HEAD. He did.

Mr. KENNEDY. Did you keep the plan quiet at that time? Did you relate it to anybody?

Mr. HEAD. I did.

Mr. KENNEDY. You kept it quiet?

Mr. HEAD. Yes.

Mr. KENNEDY. And several months after this there was a meeting held in Mr. McCollum's office; is that correct?

Mr. HEAD. Yes, sir.

Mr. KENNEDY. And at that time there was discussion about setting up a district including locals 74, 132, and 577 in Corpus Christi and possibly local 96 in Fort Worth?

Mr. HEAD. That is true.

Mr. KENNEDY. What was your reaction to setting up a district?

Mr. HEAD. Well, I didn't approve of it at this particular meeting.

Mr. KENNEDY. Shortly after this meeting, did you receive a letter from the international president, Mr. William Calvin, in which he notified you that local 132 had requested some of your territory?

Mr. HEAD. Yes, sir.

The CHAIRMAN. I hand you here what purports to be a copy of the letter, I believe just referred to, dated April 25, 1958. It appears to be addressed to you from Mr. William Calvin, international president of your union.

I ask you to examine it and state if you identify it.

(The document was handed to the witness.)

Mr. HEAD. This is the letter.

The CHAIRMAN. It may be made exhibit No. 1.

(Letter referred to was marked "Exhibit No. 1" for reference and will be found in the appendix on p. 18415.)

Mr. KENNEDY. In this letter, you were notified that local 132 requested some of your territory; is that correct?

Mr. HEAD. Yes, sir.

Mr. KENNEDY. In view of what had gone on in the past, what did you feel the significance of that letter was?

Mr. HEAD. I felt that they was probably putting the pressure on me to force me into a district.

Mr. KENNEDY. To force you into the district? How would that happen?

Mr. HEAD. Well, in order to protect part of my territory from losing it, I felt that I had better go ahead and try to go along with the district.

Mr. KENNEDY. Did you believe that Mr. McCollum was behind this letter that had come to you?

Mr. HEAD. I beg your pardon?

Mr. KENNEDY. Did you feel that Mr. McCollum was the motivating force behind this letter?

Mr. HEAD. I feel that he was solely responsible for it.

Mr. KENNEDY. So you talked it over with local 74's Mr. John Kirtley?

Mr. HEAD. Yes, sir.

Mr. KENNEDY. And you decided you would go up to the international headquarters in Kansas City to oppose the setting up of a district; is that right?

Mr. HEAD. To oppose losing our territory, our jurisdictional territory.

Mr. KENNEDY. To oppose losing your territory?

Mr. HEAD. Yes, sir.

Mr. KENNEDY. So you made the trip to Kansas City?

Mr. HEAD. Yes, sir.

Mr. KENNEDY. When was this, about?

Mr. HEAD. This was over the jurisdiction of those counties.

Mr. KENNEDY. Was this about May of 1958?

Mr. HEAD. Yes, sir.

Mr. KENNEDY. That is when you made the trip to Kansas City?

Mr. HEAD. Yes, sir; a year ago today.

Mr. KENNEDY. Whom did you have your discussions with there? Whom did you discuss the matter with in Kansas City?

Mr. HEAD. Well, Mr. McCollum came up to my room, and Mr. Kirtley, and we talked it over there, and Mr. McCollum told us that if we didn't go along with it, that we were subject to losing our charter of our local.

Mr. KENNEDY. If you didn't go along with what?

Mr. HEAD. With the district.

Mr. KENNEDY. Did he tell you at that time he planned to set up a district?

Mr. HEAD. Yes, sir.

Mr. KENNEDY. And that you would have to go along with the district?

Mr. HEAD. He did.

Mr. KENNEDY. Or you would lose your charter; is that right?

Mr. HEAD. That is right.

The CHAIRMAN. What reason did they give for wanting to set up the district and disrupt these three locals?

Mr. HEAD. Well, I have never been able to figure that out, except that we had quite a bit more work in our territory than the other locals had. That is the only thing that I could figure out.

The CHAIRMAN. Well, the men had not voted for merger or for district or anything, had they?

Mr. HEAD. They had not.

The CHAIRMAN. They had been given no opportunity to do so?

Mr. HEAD. Not one whatsoever.

The CHAIRMAN. In fact, it had been kept secret from them, had it not, that such plans were in progress?

Mr. HEAD. It had.

The CHAIRMAN. So the whole thing was a manipulation from the top?

Mr. HEAD. It was.

The CHAIRMAN. And it was not in the interest of your union, your local, or your men?

Mr. HEAD. You are absolutely right.

The CHAIRMAN. Yet it was being forced upon you, or else they were going to take the charter away from these 750 men down there—the working people; is that right?

Mr. HEAD. You are right.

The CHAIRMAN. That was the threat?

Mr. HEAD. Yes, sir.

The CHAIRMAN. In other words, you were under that compulsion from there on, on what you did or did not do?

Mr. HEAD. That is right.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. So at that time, did you agree that you would set up a district, that you would agree to the district?

Mr. HEAD. I did.

Mr. KENNEDY. Did you agree that you would keep it quiet?

Mr. HEAD. I was asked to keep it quiet until the new representative of the district could meet with our people and explain the functioning of a district lodge.

Mr. KENNEDY. Did you, in fact, keep it quiet?

Mr. HEAD. Yes.

Mr. KENNEDY. You never told the membership?

Mr. HEAD. I told some of them, of course, that we had a district, but I never announced it at a regular meeting.

Mr. KENNEDY. Don't you think you should have announced it?

Mr. HEAD. I sure do.

The CHAIRMAN. How were you going to finance this district?

Mr. HEAD. Financing the district was set up that each local would put in \$2,000 to finance it until it was started, and then they would take our field dues to operate on.

The CHAIRMAN. In other words, you were paying for your own liquidation.

Mr. HEAD. That is right.

Mr. KENNEDY. Here is, Mr. Chairman, the letter in connection with the \$2,000.

The CHAIRMAN. I hand you a letter addressed to you and some others, dated May 15, 1958, signed by William A. Calvin, international president. I ask you to examine this photostatic copy and state if you identify it.

(The document was handed to the witness.)

Mr. HEAD. This is a copy of the letter that I got from William A. Calvin.

The CHAIRMAN. That may be made exhibit No. 2.

(Letter referred to was marked "Exhibit No. 2" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. At that time, were you informed that you would be living under certain bylaws—that you would follow certain bylaws?

Mr. HEAD. Yes. They presented us with a set of bylaws that we were supposed to operate under, but they have never been approved by the executive council up until today.

The CHAIRMAN. Who presented them?

Mr. HEAD. Mr. McCollum.

The CHAIRMAN. Who drafted them? Do you know?

Mr. HEAD. They were sent out of Kansas City—I believe out of Tommy Wands' office.

The CHAIRMAN. Did either of the locals ever adopt these bylaws?

Mr. HEAD. They have not.

The CHAIRMAN. In other words, everything has been kind of canned and served to you in that fashion; is that right?

Mr. HEAD. That is right.

The CHAIRMAN. You were just told to take it and do it this way?

Mr. HEAD. Those might have been drawn up from some other district. I wouldn't say. But they have never been adopted in our district.

The CHAIRMAN. Has there been a request that they be adopted by your union?

Mr. HEAD. There has been.

The CHAIRMAN. But they have never been adopted. What are you operating under? Do you have any bylaws, rules, or regulations?

Mr. HEAD. None whatsoever. There are no officers in district lodge 60.

The CHAIRMAN. No officers in it?

Mr. HEAD. That is right.

The CHAIRMAN. According to the testimony here of yesterday, they are draining off your funds pretty fast?

Mr. HEAD. Yes; it is going right away.

The CHAIRMAN. They are taking your field dues. Your treasury is becoming depleted, the treasury of your local?

Mr. HEAD. It is almost gone.

The CHAIRMAN. It is almost gone?

Mr. HEAD. Yes.

The CHAIRMAN. This is just a dictatorial power being exercised from the top; is that correct?

Mr. HEAD. Absolutely.

The CHAIRMAN. And you folks have no autonomy down there any more; you are told to do it this way, period.

Mr. HEAD. None whatsoever.

The CHAIRMAN. And they are taking your own money to do it.

Is this a copy of the set of bylaws that was presented to you which you were told to adopt?

(The document was handed to the witness.)

Mr. HEAD. This is.

The CHAIRMAN. That may be made exhibit No. 3.

(Document referred to was marked "Exhibit No. 3" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Mr. Chairman, could I ask Mr. Salinger to read some parts of the bylaws and find out from the witness whether even these basic rules have been enforced?

The CHAIRMAN. These are what they proposed?

Mr. HEAD. The ones they proposed.

The CHAIRMAN. And told you you had to operate under, did they?

Mr. HEAD. They did not operate under them.

The CHAIRMAN. Did they tell you to operate under them or tell you to get them approved? What happened about these bylaws?

Mr. HEAD. There is no way that I could get them approved myself.

The CHAIRMAN. Did they presume to be operating under these bylaws now?

Mr. HEAD. I don't think so. When you mention bylaws to them, they tell you that they have never been approved by the executive council.

The CHAIRMAN. In other words, what is the law? What is the rule that governs in this situation?

Mr. HEAD. We don't have any. J. P. McCollum.

The CHAIRMAN. His word becomes the law?

Mr. HEAD. It does.

The CHAIRMAN. In other words, you have no standard to go by. Whatever he says today you do today, and if he changes or says something else tomorrow, you have do it that way; is that correct?

Mr. HEAD. That is correct.

The CHAIRMAN. Have you ever gone into this district operation voluntarily? Have your men ever agreed to go into this district supervisorship?

Mr. HEAD. Have I?

The CHAIRMAN. Your men, your union, your dues-paying members. Have they ever approved this operation?

Mr. HEAD. They have not.

The CHAIRMAN. Do you know whether they have refused to approve it?

Mr. HEAD. We have had a vote on it.

The CHAIRMAN. You had a vote on it. What was the vote?

Mr. HEAD. 375 against the district, to 4 for it.

Mr. KENNEDY. You were told when you went up there that these bylaws would be introduced and that they would be followed in your district; is that correct?

Mr. HEAD. That is right. They would be approved and forwarded to us.

Mr. KENNEDY. Actually, those bylaws have never been approved?

Mr. HEAD. They have not.

TESTIMONY OF PIERRE E. G. SALINGER—Resumed

Mr. KENNEDY. I would like to ask about some of the sections.

The CHAIRMAN. Mr. Salinger, you may read from the bylaws, the proposed bylaws.

Mr. SALINGER. For example, section 5 provides that the district business manager will be selected in district convention from among the

duly elected business managers of the three affiliated lodges. The two remaining business managers will be appointed as district assistant business manager.

This convention speaks of duly elected—excuse me. It refers to another section where they talk about electing delegates, three delegates from each local to represent their local at the district level.

The CHAIRMAN. That would not be exactly democratic, would it? Your particular local has 750 members, and the other 2 combined have only about 400 members?

TESTIMONY OF LELAND F. HEAD—Resumed

Mr. HEAD. That is true.

The CHAIRMAN. So you would have equal representation, 150 members having just as much voice as 750.

Mr. HEAD. That is correct.

Mr. KENNEDY. That sets up the rules as to how the district manager is to be selected by the membership through these delegates. How is he actually selected?

Mr. HEAD. He was selected at Kansas City by, I guess, recommendations by J. P. McCollum, and OK'd by President William Calvin.

Mr. KENNEDY. But the membership has had no control over that whatsoever?

Mr. HEAD. Not any whatsoever.

Mr. KENNEDY. Have any delegates been selected?

Mr. HEAD. There have been no delegates selected.

Mr. KENNEDY. So even these basic bylaws have not been followed; is that correct?

Mr. HEAD. They have not been.

Mr. KENNEDY. Did the membership approve putting up the \$2,000?

Mr. HEAD. We didn't let the membership know it for awhile. They had asked me not to let them know about it for fear that they would tie the money up in the bank. He also asked me not to tell them which bank we opened up the new account in.

Mr. KENNEDY. Who asked you to do that?

Mr. HEAD. Vice President McCollum.

Mr. KENNEDY. And you didn't do it; you didn't notify the membership?

Mr. HEAD. No.

Mr. KENNEDY. Do you think you were right?

Mr. HEAD. No, I wouldn't say that.

Mr. KENNEDY. You made a mistake?

Mr. HEAD. I made a mistake.

Mr. KENNEDY. One of the agreements was that none of the membership would lose their jobs or suffer any loss of pay. Did they fulfill their agreement as far as that was concerned?

Mr. HEAD. After the district was set up, when we got back home, I was notified that I would have to lay one of my girls off in the office, one of my secretaries, and my assistant business agent that patrolled the field, who was well acquainted with all the work, and a very capable man.

The CHAIRMAN. You had \$18,000 or \$19,000?

Mr. HEAD. I had a little better than \$19,000.

The CHAIRMAN. In your local treasury?

Mr. HEAD. Yes. In a year and a half's time, I had built up from approximately \$3,300 or \$3,400 to \$19,000.

The CHAIRMAN. In 2 or 3 years' time you had been in the office?

Mr. HEAD. I did that in one year and a half.

The CHAIRMAN. In a year and a half's time you had built up your treasury that much?

Mr. HEAD. That is right.

The CHAIRMAN. And you had that money in there at the time they were having you fire this man on account of insufficient funds and he had been on the payroll 3 days?

Mr. HEAD. That is correct.

Mr. KENNEDY. You went up to the International in Kansas City to protest, didn't you?

Mr. HEAD. I did.

Mr. KENNEDY. You took a trip up there; is that correct?

Mr. HEAD. That is correct.

Mr. KENNEDY. Mr. Chairman, just to give the picture at that time, I would like to have Mr. Salinger put in what was happening as far as the district funds are concerned.

TESTIMONY OF PIERRE E. G. SALINGER—Resumed

The CHAIRMAN. All right, Mr. Salinger. They got \$2,000 from each of the three locals. Let's see where they go from there.

Mr. SALINGER. While they had to return the \$2,000 to local 74 because the members complained about the \$2,000 being given to the district without their approval, however, they managed to borrow a second \$2,000 from local 577 in Corpus Christi. So that gave them \$4,000 from 577 and \$2,000 from local 132.

In addition, the district has been running at such a deficit since its inception that it has had to borrow \$10,000 from the international union. The international union has financed the district to the extent of \$10,000.

Just to give you an idea of the way in which the district is operating, in the period from its inception in June of 1958 until December 31, 1958, it received a total of \$29,965 in dues money from these various locals.

The CHAIRMAN. That is what you call what—operating dues?

Mr. SALINGER. Field dues.

Mr. HEAD. Field dues.

The CHAIRMAN. They received how much?

Mr. SALINGER. \$29,965.20.

The CHAIRMAN. That is a period of 6 months?

Mr. SALINGER. Seven months. During that time, they spent \$40,299.36, or \$11,000 in excess of their dues income.

Mr. KENNEDY. What sort of things were most of these for?

The CHAIRMAN. Have you anything to show what the unusual expense was for?

Mr. SALINGER. The bulk of the expense was for salaries. They had on the payroll Mr. Logue, who was the district business manager appointed by President Calvin. He was drawing \$200 a week.

They had Mr. Billingsley, from local 132, who was making \$175 a week.

They had Don McCollum, son of Joseph McCollum. He was on the payroll for a month. They had Mr. Attaway, who had been put on at Corpus Christi for \$175 a week.

For a period of time they had Mr. Head. They had a secretary, Muriel Logue, who is the wife of Mr. Logue's nephew. In other words, most of the money went out in salaries.

We made an analysis of the amounts of money received by the district in dues to find out who was contributing the money that the lodge did have. We found this: Local 74 contributed \$14,777.87, or 65 percent of the total dues income of the district lodge.

The CHAIRMAN. That was from these field dues?

Mr. SALINGER. Right.

The CHAIRMAN. That is your local?

Mr. HEAD. That is right.

Mr. SALINGER. They contributed 65 percent of the total. Local 132 showed \$2,025.07, or 9 percent of the total. And local 577, which had the bulk of the people on the payroll, had \$5,709.30, or 26 percent of the total.

TESTIMONY OF LELAND F. HEAD—Resumed

The CHAIRMAN. These field dues, as I understand it, are in addition to the regular dues you pay into your local?

Mr. HEAD. That is correct.

The CHAIRMAN. In other words, the field dues come from earnings. If a man works a day, if one of your members is on a job and works a day, he has to pay 50 cents for what is called field dues; is that right?

Mr. HEAD. That is correct.

The CHAIRMAN. That is in addition to the regular dues that you pay to keep in good standing. It is a takeout of your earnings. That is what it amounts to.

Mr. HEAD. Our regular dues are not sufficient to support a lodge.

The CHAIRMAN. What are your regular dues?

Mr. HEAD. Our local dues are \$4 a month for a mechanic. I pay \$3 in advance for those receipts. I mail a check to the International for those receipts.

The CHAIRMAN. Your international is pretty high, it seems to me. How much do you have to pay out? You take \$4 and you have to send \$3 of that to the International?

Mr. HEAD. Yes, \$3 of the \$4 receipt.

The CHAIRMAN. That leaves you \$1.

Mr. HEAD. That is right.

The CHAIRMAN. That is a pretty high take to the international, isn't it? Have we anything that compares with that? I thought the international was usually about \$1 out of the dues. Isn't that what we usually find?

Mr. KENNEDY. Yes.

The CHAIRMAN. This is an unusual take on the part of the international. That is kind of a per capita tax, isn't it, \$3 per head per month?

Mr. HEAD. Yes, sir; it sure is.

The CHAIRMAN. Well, go ahead. We will proceed further.

Mr. KENNEDY. Out of that \$1 that you had left, as I understand it, you had to pay 55 cents approximately out of that \$1 to the various organizations within the State; is that right?

Mr. HEAD. We pay our building trades and our State per capita tax.

Mr. KENNEDY. That amounted to about 55 cents out of the \$1?

Mr. HEAD. We wind up with about 45 cents out of the dollar.

Mr. KENNEDY. When you went up to talk to the international president, you complained about the situation, and did he tell you to return to Houston and things would be straightened out?

Mr. HEAD. He told me—he said that he had had a conference with McCollum, Logue, and Borel the day before, and that he felt when I got back everything would be straightened out and going better. In the meantime, a few days later, I was dismissed.

Mr. KENNEDY. After you got back to Houston, you were fired from your job?

Mr. HEAD. Fired from my job.

The CHAIRMAN. You pay \$4 a month regular dues to your local for a member; is that right?

Mr. HEAD. Yes, sir.

The CHAIRMAN. And the international gets \$3 of that; is that right?

Mr. HEAD. That is right.

The CHAIRMAN. A man works 5 days a week and that would be 20 days a month, or 21; something like that.

Mr. HEAD. That is right.

The CHAIRMAN. So then they pay 50 cents a day out of that. If he works 20 days, a member would paid \$14 a month dues, field dues, and regular dues?

Mr. HEAD. Correct.

The CHAIRMAN. How much of that \$14 a month does the local union get for its treasury? You get \$1 out of the regular. What do you get out of the field dues?

Mr. HEAD. We get all of that.

The CHAIRMAN. Until they set up this district to take it away from you?

Mr. HEAD. That is right.

The CHAIRMAN. That is the gimmick in this whole thing, isn't it?

Mr. HEAD. That is right.

The CHAIRMAN. That is to get all of that money concentrated so they can use it. Ordinarily the local got the 50 cents a day?

Mr. HEAD. That is correct.

The CHAIRMAN. But when they set up this district, they took that away from the local, so that left the local only the \$1 a month from each member; is that right?

Mr. HEAD. That is correct.

The CHAIRMAN. So if you had 750 active members, that would give your local \$750 a month to operate on.

Mr. HEAD. It won't run that high.

The CHAIRMAN. Because some of them don't pay?

Mr. HEAD. Well, because some of them are on sick receipts.

The CHAIRMAN. I understand.

Mr. HEAD. And out-of-work receipts.

The CHAIRMAN. So it does not run the total \$750?

Mr. HEAD. That is right.

The CHAIRMAN. In other words, your whole revenue to operate the local is less than \$750.

Mr. HEAD. It is less than \$750 a month.

The CHAIRMAN. It is quite a nice gimmick.

Mr. KENNEDY. What are the initiation fees for your union?

Mr. HEAD. At the present it is \$75 for a helper and \$150 for a mechanic.

Mr. KENNEDY. So you came back and the international told you this was going to be straightened out. You returned and you were fired from your job. District 60 has continued to dispatch all of the members of local 74; is that right?

Mr. HEAD. They have.

Mr. KENNEDY. That has been the hardship that was described yesterday?

Mr. HEAD. That is right?

Mr. KENNEDY. That caused the hardship that was described. Your firing took place on August 13, 1958; is that right?

Mr. HEAD. I was.

Mr. KENNEDY. And at that time, then, district lodge 60, which received two-thirds of its income from local 74, had only one man on the payroll who was at all connected with local 74?

Mr. HEAD. Yes, sir.

Mr. KENNEDY. That was John Kirtley?

Mr. HEAD. Correct.

Mr. KENNEDY. And they had three persons on the payroll from local 577, Corpus Christi, including the wife of the nephew of the district manager?

Mr. HEAD. Correct.

Mr. KENNEDY. After you were fired by district lodge 60, you were hired again by local 74; is that right?

Mr. HEAD. My executive board called a special meeting and re-hired me with the approval of the membership.

Mr. KENNEDY. In 1955, Mr. James H. Huff, the business manager of local 132 in Galveston, Tex., was killed by a member of the local, Clarence Wilkins; is that right?

Mr. HEAD. He was.

Mr. KENNEDY. Clarence Wilkins was subsequently tried and acquitted?

Mr. HEAD. He was.

Mr. KENNEDY. Some time thereafter, in a bar altercation, in which Wilkins was present, the newly appointed business manager of local 132, Mr. Billingsley, was stabbed; is that right?

Mr. HEAD. That is correct.

Mr. KENNEDY. Around January 1, 1957, a meeting was held in the office of Mr. McCollum, international vice president?

Mr. HEAD. Yes, sir.

Mr. KENNEDY. At that time it was agreed that each one of the locals would put up some \$500; is that correct?

Mr. HEAD. He asked for each local to contribute \$500.

Mr. KENNEDY. That was in connection with the stabbing of Mr. Billingsley?

Mr. HEAD. It was.

Mr. KENNEDY. Did you put up \$500?

Mr. HEAD. I did not.

Mr. KENNEDY. You refused to do so?

Mr. HEAD. I refused.

Mr. KENNEDY. Did some of the other locals put up \$500?

Mr. HEAD. I couldn't swear to that; no.

Mr. KENNEDY. Do you know what happened to the money?

Mr. HEAD. It was turned over, I understood from Mr. Billingsley, it was turned over to J. P. McCollum.

Mr. KENNEDY. Do you know what happened to the money?

Mr. HEAD. I do not.

Mr. KENNEDY. Well, there was a murder in 1955, and then subsequently there was a stabbing of one of the newly appointed business managers, Mr. Billingsley, and then this money was raised by the various locals. Mr. Head said that he refused to give any of the money from his local.

The CHAIRMAN. Is there anything further?

Have you any questions, Senator Capehart?

Senator CAPEHART. No.

Mr. KENNEDY. Is there anything further you wanted to add about the situation, Mr. Head?

Mr. HEAD. On this \$500 that he had asked us to contribute, he had made the statement in there that morning that we had a man that we had to get rid of, and to abolish, and it was Wilkins, and I told him that I could not go along with that.

The CHAIRMAN. He wanted you to fire someone else and abolish his job; is that what it amounted to?

Mr. HEAD. No; he wanted to have Wilkins killed.

The CHAIRMAN. Wanted to have him killed? You are testifying under oath. Do you know that?

Mr. HEAD. I am.

The CHAIRMAN. Did he make such a suggestion to you?

Mr. HEAD. He did.

The CHAIRMAN. Who did that?

Mr. HEAD. J. P. McCollum.

The CHAIRMAN. The president of this international?

Mr. HEAD. Vice president.

The CHAIRMAN. How did he propose to get rid of this man, by having him killed? How did he propose to do it?

Mr. HEAD. He said he had a man, he would either get one out of old Mexico or Oklahoma to do the job.

The CHAIRMAN. Why did he want him killed?

Mr. HEAD. For killing Huff and cutting Billingsley, I suppose.

The CHAIRMAN. He thought that this man had been responsible for the other killing and the stabbing?

Mr. HEAD. He had been, I think.

The CHAIRMAN. In other words, that was pretty well known, that he was responsible for it?

Mr. HEAD. That is right.

The CHAIRMAN. So he wanted to have him killed, and wanted you to go along with that. Did he want you to put up money to have it done?

Mr. HEAD. He did.

The CHAIRMAN. How much?

Mr. HEAD. \$500.

The CHAIRMAN. That is what the \$500 was for? That happened when?

Mr. HEAD. On or about January 1, 1957.

The CHAIRMAN. I don't imagine the statute of limitations has run against it. If your law enforcement officials are very diligent in performance of their duties, I imagine they will be looking into this.

I would think you would be required to testify further about it before some other tribunal. I hope you know what you are doing. I am not saying you are not telling the truth. If you are, you are to be highly commended, both for your courage and your willingness to expose that sort of tactic. But I want you to know what you are doing.

Mr. HEAD. Yes, sir; I appreciate that.

The CHAIRMAN. All right. Are there any questions?

Senator CAPEHART. I don't believe so. I am rather flabbergasted to hear this testimony.

The CHAIRMAN. I am, too. But I don't want any misunderstanding. I want the record very clear.

Senator CAPEHART. Who is it that wanted you to kill whom?

Mr. HEAD. Not me to kill anyone.

Senator CAPEHART. Who was it that wanted someone killed?

Mr. HEAD. J. P. McCollum.

Senator CAPEHART. He wanted someone else killed?

Mr. HEAD. Yes.

Senator CAPEHART. Who was the other person?

Mr. HEAD. Wilkins.

Senator CAPEHART. Wilkins?

Mr. HEAD. Yes, sir.

Senator CAPEHART. He wanted you to give him \$500 to pay somebody for doing it?

Mr. HEAD. That is right.

Mr. KENNEDY. Mr. Chairman, I might explain that the witness, Mr. Head, has disclosed this to the staff of the committee. There were a number of people who were present during the meeting. We contacted a number of the other individuals. There was some confusion as to what the discussion was, but we could not verify Mr. Head's statement from an independent source.

The other individuals who were present at the meeting are closely associated with Mr. McCollum. As we will develop, the money was raised.

I am not questioning or stating that Mr. Head is not telling the truth, but I was reluctant to have testimony before the committee that we could not verify absolutely. We have interviewed Mr. McCollum, and he has stated that he did not discuss this at the meeting.

So when I was questioning Mr. Head, I just developed the fact that such a fund was raised and that he was requested to give \$500, and that he refused to contribute the \$500 from his union. The money was raised.

I think in view of the seriousness of the charge, the fact that Mr. McCollum is present, you might want to call Mr. McCollum forward immediately. Mr. Head, of course, has added the point about the

killing on his own at the end of his testimony. It was not developed by the counsel or the members of the committee.

The CHAIRMAN. But he had told you about it?

Mr. KENNEDY. That is correct.

The CHAIRMAN. But you felt without verification you would not bring it out?

Mr. KENNEDY. That is right.

The CHAIRMAN. However, it has come out. Maybe I am responsible for it, because I pressed the matter.

Mr. KENNEDY. No.

You want to state it, Mr. Head?

Mr. Head volunteered this.

The CHAIRMAN. Once it came out, I wanted to explore it; I wanted to see what it was all about.

As I said to you, I think you will hear from it again. You ought to know what you are doing. I am not challenging what you are saying; I don't know. But here is a charge of a conspiracy to commit murder.

Mr. HEAD. I believe Mr. Kennedy pretty well explained that, because I would be one by myself.

Mr. KENNEDY. I told him just what I have said to the committee, Mr. Chairman; that we were reluctant to go into any testimony before the committee which we could not prove independently and that this was a problem. I told the attorney that I did not expect to go into this matter.

The CHAIRMAN. Are there any further questions of this witness?

Do you want to make any further statement?

Mr. HEAD. No. That is all.

Mr. KENNEDY. You say without any question that this is the truth, Mr. Head, realizing the seriousness of it?

Mr. HEAD. I do.

The CHAIRMAN. You may stand aside.

Mr. McCollum, do you want to come around and refute the testimony?

Mr. KENNEDY. You can sit behind him, Mr. Head.

The CHAIRMAN. Is Mr. McCollum present?

Are you Mr. McCollum?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. 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?

Mr. McCOLLUM. I do.

TESTIMONY OF J. P. MCCOLLUM, ACCOMPANIED BY COUNSEL, SEWALL MYER

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

Mr. McCOLLUM. May I respectfully request, Mr. Chairman, that there be no pictures?

The CHAIRMAN. Be no what?

Mr. McCOLLUM. Be no pictures.

The CHAIRMAN. Do you think they would detract from your testimony?

Mr. McCOLLUM. I think it would.

The CHAIRMAN. All right. Photographers will observe the admonition of the Chair and withhold taking pictures while the witness is testifying.

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

Mr. McCOLLUM. My name is J. P. McCollum. I am the international vice president for the Boilermakers International Union. I live at 11702 Memorial Drive, Houston, Tex.

The CHAIRMAN. You have counsel, do you, or do you waive counsel?

Mr. McCOLLUM. I have counsel.

The CHAIRMAN. Mr. Counsel, please identify yourself for the record.

Mr. MYER. I am Sewall Myer, of Houston, Tex. I am one of the attorneys for the International Boilermakers Union.

The CHAIRMAN. You represent the International Union?

Mr. MYER. Yes, sir.

The CHAIRMAN. Mr. McCollum, I believe you are vice president of the international; are you?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. The Chair called you at this time to give you an opportunity to comment upon or to refute or do whatever you desire, with respect to testimony which I am sure you have just heard, to the effect that you approached Mr. Head or that you asked Mr. Head to contribute \$500 from his union, I believe, with the idea of your employing someone to kill a Mr. Wilkins. Did you hear such testimony by Mr. Head?

Mr. McCOLLUM. I heard the testimony, sir.

The CHAIRMAN. You heard and fully understood its significance?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. You are free to make any comment you care to make at this time, under oath.

Mr. McCOLLUM. Mr. Chairman, I have never in my life heard a man perjure himself any more than Mr. Leland Head just got through doing. He did not make one statement, to my knowledge, that is true. I have never offered him or suggested to him that he donate any money for any such purpose, and I have never had any criminal charge against me. In fact, I have never been arrested.

The CHAIRMAN. Is there anything further?

Mr. McCOLLUM. Well, I could go into his testimony all the way through, if you want me to explain the entire matter.

The CHAIRMAN. As to the other matters primarily relating to union activities, I think it would be better for us to get that in at a later time when we get to that. You will be given the opportunity; don't misunderstand. But I thought in view of testimony like this, with the press being present—I don't believe we have any TV this morning, but the press is present and possibly radio—it goes out and I wanted in all fairness to give you the opportunity to be heard on this particular point.

Mr. McCOLLUM. I appreciate that.

The CHAIRMAN. Now may I ask you one or two questions?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. They are related to this.

This testimony was in connection with a fund of \$500, I believe, being raised from each of the locals. Is that correct?

Mr. McCOLLUM. No, sir, it wasn't \$500.

The CHAIRMAN. I believe he testified it was \$500.

Mr. McCOLLUM. He said \$500.

The CHAIRMAN. You say that is not true?

Mr. McCOLLUM. That isn't true.

The CHAIRMAN. Was \$500 raised from either of the three locals forming this district?

Mr. McCOLLUM. One local form—two locals, I believe, forming the district—no, one local forming the district put in \$400.

The CHAIRMAN. Did the other put anything into this fund?

Mr. McCOLLUM. Not the other locals in the district.

The CHAIRMAN. Neither of the other two locals?

Mr. McCOLLUM. Neither of the locals.

The CHAIRMAN. Was some more money put into the fund from some other source?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. What source?

Mr. McCOLLUM. From local 592 at Tulsa, Okla.; lodge 96, Fort Worth; and lodge 561 at New Orleans.

The CHAIRMAN. There were three others that contributed?

Mr. McCOLLUM. Contributed certain amounts.

The CHAIRMAN. How much did each of those contribute?

Mr. McCOLLUM. Altogether it was \$1,150.

The CHAIRMAN. Making a total of \$1,550?

Mr. McCOLLUM. No, sir; making a total of \$1,150.

The CHAIRMAN. The grand total?

Mr. McCOLLUM. The grand total of \$1,150.

The CHAIRMAN. Then they made up the difference, those three made up the difference between \$400 and \$1,150?

Mr. McCOLLUM. That is right.

The CHAIRMAN. That would be \$700 or so.

Mr. McCOLLUM. May I explain a little further?

There have been statements made here this morning about the purpose of that fund. That was a special prosecution fund to be used for that purpose. That was the purpose of the fund. I did not even suggest the fund myself.

The CHAIRMAN. Special prosecution fund to prosecute whom?

Mr. McCOLLUM. To prosecute Wilkins.

The CHAIRMAN. To prosecute Wilkins?

Mr. McCOLLUM. He had just previously murdered one business agent and cut another one wide open with a knife.

The CHAIRMAN. Was he under indictment at the time for the murder?

Mr. McCOLLUM. He wasn't under indictment for the murder, but he was under indictment for the cutting.

The CHAIRMAN. For the assault?

Mr. McCOLLUM. To the best of my knowledge he was under indictment at that time for the assault.

The CHAIRMAN. I believe he had previously been acquitted for the murder.

Mr. McCOLLUM. For the murder; yes.

The CHAIRMAN. But he was under indictment at the time for the assault?

Mr. McCOLLUM. That is right.

The CHAIRMAN. What became of this \$1,150?

Mr. McCOLLUM. \$200 of it was spent; \$950 is on hand.

The CHAIRMAN. It is now on hand?

Mr. McCOLLUM. Yes, sir, and has been checked by a representative of your committee.

The CHAIRMAN. In what fund is it?

Mr. McCOLLUM. Sir?

The CHAIRMAN. In what fund is it kept?

Mr. McCOLLUM. It is cash.

The CHAIRMAN. Kept in cash?

Mr. McCOLLUM. Kept in cash.

The CHAIRMAN. Where is it kept? It is a special fund. I assume the whole \$1,150 is actually dues money, money that was collected from members?

Mr. McCOLLUM. This was brought to me by the representatives of the lodges.

The CHAIRMAN. I understand. But they got it out of their treasury, as I understand you, out of the local treasury?

Mr. McCOLLUM. I presume they did.

The CHAIRMAN. In other words, there was no contribution campaign, so far as you know?

Mr. McCOLLUM. As far as I know; no.

The CHAIRMAN. I am assuming at the moment, and if I am in error certainly some of you can correct it. I am assuming this money came out of treasuries, out of the treasuries of the locals, which treasury is replenished from time to time by dues money. Is that correct?

Mr. McCOLLUM. That is possible. But I don't know. I couldn't swear to it.

The CHAIRMAN. What I was getting at is this: You say \$200 of it has been spent. That would leave \$950.

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. That you have as cash on hand?

Mr. McCOLLUM. That is right.

The CHAIRMAN. Not in a bank account?

Mr. McCOLLUM. No, sir.

The CHAIRMAN. Who has control of this cash?

Mr. McCOLLUM. Mr. Sewall Myer, our attorney.

The CHAIRMAN. I didn't quite understand who it is.

Mr. McCOLLUM. Mr. Myer.

The CHAIRMAN. The attorney?

Mr. McCOLLUM. The attorney.

The CHAIRMAN. When did he get possession of it?

Mr. McCOLLUM. He has had it twice. He got it—

(The witness conferred with his counsel.)

Mr. McCOLLUM. Just a few days ago, after they checked it.

The CHAIRMAN. That was after you had been contacted about it by members of the staff?

Mr. McCOLLUM. Yes.

The CHAIRMAN. Then you turned it over to your attorney?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. You had had control of it prior to that?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. It had been in your personal possession?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. I have one other thing.

What was the reason for this special prosecuting fund? Did the international take an interest in this prosecution and ask for these funds, ask for these donations?

Mr. McCOLLUM. No, sir.

The CHAIRMAN. Who originated the idea of developing this special prosecuting fund?

Mr. McCOLLUM. The business managers of the district.

The CHAIRMAN. The business managers of the three locals?

Mr. McCOLLUM. Well, it was several business managers. I can't recall right now how many.

The CHAIRMAN. It wasn't your idea?

Mr. McCOLLUM. I beg your pardon?

The CHAIRMAN. It wasn't your idea?

Mr. McCOLLUM. No, sir.

The CHAIRMAN. Somebody else originated the idea?

Mr. McCOLLUM. That is right.

The CHAIRMAN. Who had the disposition of the money after it was made up, when it was turned over to you? Whose judgment was to be exercised in paying it out?

Mr. McCOLLUM. My judgment, I suppose, and our attorney's judgment.

(The witness conferred with his counsel.)

Mr. KENNEDY. Mr. Myer, he can answer the question.

Mr. MYER. I wanted to bring out one point to clarify it, about taking it up with Mr. Calvin.

Mr. McCOLLUM. I did request President Calvin's permission to employ a special prosecutor, and he advised me that he thought it was wrong or a mistake to employ a special prosecutor, that he thought that was the job that should be done by an elected official, who is the district attorney.

The CHAIRMAN. I may state at this time that I think there is no doubt but what perjury has been committed before the committee this morning. What the final outcome of it will be I don't know. Certainly this is a matter that should address itself to the immediate attention of the Justice Department.

Again I want to say that the transcript will be going to the Justice Department with this testimony.

I want to say sometimes it is impossible, where you have diametrically opposite testimony under oath, to establish clearly which of the witnesses has committed perjury. But where such a flagrant, obviously flagrant, case of perjury is committed, as has been here this morning, it is the duty of the Justice Department to investigate it and try to determine where the guilt lies and to prosecute the one who may be guilty.

That will be a request of the committee. The Chair will so request the Justice Department to give this immediate attention.

I am of the opinion that local authorities, wherever this conversation presumably took place, or wherever it is alleged to have taken place, the local law enforcement officers there will have an active interest in this testimony, too. If they desire a transcript of the testimony, it will be made available to them.

All right, Mr. Kennedy.

Mr. KENNEDY. You had this meeting; is that correct?

Mr. McCOLLUM. Yes.

Mr. KENNEDY. So the testimony of Mr. Head regarding the meeting is correct?

Mr. McCOLLUM. Yes. We had a meeting.

Mr. KENNEDY. Was it decided at that meeting that everybody would contribute how much money?

Mr. McCOLLUM. It wasn't anything especially decided at that meeting. They were to go back. The suggestion was made, and I can't say which one of the committee made the suggestion, the suggestion was made that they go back and see what they could donate.

Mr. KENNEDY. From the union?

Mr. McCOLLUM. Well, I don't know whether they were going to get it from the union or not.

Mr. KENNEDY. Did you think the individual was going to make the donation?

Mr. McCOLLUM. Personally, I wouldn't think so.

Mr. KENNEDY. You knew it was coming from the union?

Mr. McCOLLUM. I think they went back to get permission of the local lodge.

Mr. KENNEDY. You knew, as a matter of fact, that it was money from the union, did you not? In fact, you have one check here that was cashed—

Mr. McCOLLUM. Well, I didn't know that it was coming from the union at the time.

Mr. KENNEDY. It was for the purpose of hiring what?

Mr. McCOLLUM. I beg your pardon?

Mr. KENNEDY. What was the purpose of the money?

Mr. McCOLLUM. For hiring a special prosecutor.

Mr. KENNEDY. Did you speak to some lawyer to hire him?

Mr. McCOLLUM. Yes. I talked to Mr. Myer.

Mr. KENNEDY. I mean did you speak to a special prosecutor?

Mr. McCOLLUM. No, because I got word from Mr. Calvin that we shouldn't hire a lawyer at that time.

(At this point Senator Curtis entered the hearing room.)

Mr. KENNEDY. When did you get word from Mr. Calvin?

Mr. McCOLLUM. I talked to him on the telephone. I got a letter from him the first time when we tried to hire a special prosecutor when the first business manager got killed. He advised me by letter that time.

Mr. KENNEDY. He advised you by letter what?

Mr. McCOLLUM. He advised me by letter that he didn't think it wise to hire a special prosecutor. The next time, after the thing happened to Mr. Billingsley, I called him on the telephone and he advised me at that time that he would think it over, but he didn't think it was wise.

Mr. KENNEDY. Then why did you go ahead and raise the money?

Mr. McCOLLUM. The money had already been raised.

Mr. KENNEDY. Had been raised? Well, let's get it chronologically.

In the first case in connection with the killing of the business agent, the money had not been raised prior to that time?

Mr. McCOLLUM. No, sir.

(At this point Senator McClellan withdrew from the hearing room.)

Mr. KENNEDY. It had not been raised until after his trial and acquittal?

Mr. McCOLLUM. That is right.

Mr. KENNEDY. So by that time you had already heard from Mr. Calvin that you should not raise some money?

Mr. McCOLLUM. Concerning the murder case; that is right.

Mr. KENNEDY. So subsequently, after the murder, did you talk to Mr. Calvin again?

Mr. McCOLLUM. I talked to him several times.

Mr. KENNEDY. Did you talk to him then that you would like to raise another fund?

Mr. McCOLLUM. No.

Mr. KENNEDY. You just went ahead and had this meeting?

Mr. McCOLLUM. I had no idea of raising the fund.

Mr. KENNEDY. Then you went and had a meeting in connection with raising the money?

Mr. McCOLLUM. That wasn't the exact purpose of that meeting, if my memory serves me right. We met on some other matters concerning the district.

Mr. KENNEDY. But that was one of the matters you took up?

Mr. McCOLLUM. That was discussed. That was brought up by one of the men.

Mr. KENNEDY. And you discussed at that time the raising of this money?

Mr. McCOLLUM. That is right.

Mr. KENNEDY. It was after that, after you discussed it, that you talked to Mr. Calvin about it?

Mr. McCOLLUM. They sent me money—

Mr. KENNEDY. Was it after after that, then?

Mr. McCOLLUM. It was after that; yes, sir.

Mr. KENNEDY. If Mr. Calvin told you that he didn't think a public prosecutor should be employed, why did you then participate at this meeting toward raising some money to employ a public prosecutor?

Mr. McCOLLUM. Why did I?

Mr. KENNEDY. Yes. Why didn't you just say that Mr. Calvin didn't want a public prosecutor?

Mr. McCOLLUM. Because he told me not to hire a prosecutor on the Huff case, and the man had been acquitted. That is the reason I didn't contact him on it at the time. I did talk to him later about it.

Mr. KENNEDY. After the money was raised?

Mr. McCOLLUM. After the money was raised.

Mr. KENNEDY. If he told you once he didn't want a public prosecutor raised in another case, and you have a meeting, I would think you would put a call to him at that time or before the people started raising the money to find out how he felt on the second case.

Mr. McCOLLUM. That is possible. Maybe it should have been done that way, but it wasn't done that way.

Mr. KENNEDY. Once you heard from him, did you return the money?

Mr. McCOLLUM. No; I kept the money.

Mr. KENNEDY. Why did you keep the money?

Mr. McCOLLUM. Because we have a lawsuit pending against us in Galveston County, and the boys didn't want to take it back until the entire case was cleared up.

Mr. KENNEDY. Why did you raise the money in cash?

Mr. McCOLLUM. I don't think it was all in cash. I think some of it was in cash.

Mr. KENNEDY. Well, why didn't you say, "When we get a public prosecutor, we will pay him after the public prosecutor is hired"? Let me ask you this: How did you know how much the public prosecutor was going to cost?

Mr. McCOLLUM. I had no way of knowing.

Mr. KENNEDY. Then why did you raise the money at that time until you found that out?

Mr. McCOLLUM. We were raising what we needed, what we thought we might need to start off with.

Mr. KENNEDY. How did you know that until you hired a public prosecutor?

Mr. McCOLLUM. I didn't know.

Mr. KENNEDY. Why did you try to raise the fund until you found out that information?

Mr. McCOLLUM. I didn't try to raise the fund.

Mr. KENNEDY. The money was sent to you.

Mr. McCOLLUM. The money was sent to me. I was custodian.

Mr. KENNEDY. You were custodian of this \$1,100 in cash. Where did you keep it?

Mr. McCOLLUM. At home in my own safe.

Mr. KENNEDY. You kept it at your own home?

Mr. McCOLLUM. Yes.

Mr. KENNEDY. \$1,100 in cash?

Mr. McCOLLUM. Yes.

(At this point Senator McClellan entered the hearing room.)

Mr. KENNEDY. Did you speak to anybody in Tulsa? Is that where you were going to hire the public prosecutor? I mean in Galveston.

Mr. McCOLLUM. Houston or Galveston. We would have hired someone in Houston or Galveston, because the case came up in Galveston.

Mr. KENNEDY. Do you know of any instance where they have hired public prosecutors in Galveston?

Mr. McCOLLUM. Yes. Not in Galveston. We have hired special prosecutors or hired prosecutors in Houston.

Mr. KENNEDY. Have you in Galveston?

Mr. McCOLLUM. I don't think so.

Mr. KENNEDY. Did you discuss with any of the law enforcement people down there as to whether they would allow or permit a public prosecutor to come in?

Mr. McCOLLUM. I believe I spoke to the district attorney once about it, but I am not sure now. But I believe I did speak to him about it, or his assistant. I am not sure.

It was discussed in Galveston, but I couldn't sit here and say who I discussed it with.

Mr. KENNEDY. What I don't understand is that first the money was raised in cash; second, that the cash is all kept in your own box at home; third, when you are told by the international president that the public prosecutor was not necessary you did not return the money, and the money remained in your cash box at home until our investigation began, with no accounting to anyone.

Mr. McCOLLUM. The accounting, oh, yes. I don't think there is a business manager that donated any money that didn't know or didn't have an accounting of it.

Mr. KENNEDY. Mr. Briscoe told our investigators—he is one of those that contributed, is he not, the accountant for that local?

Mr. McCOLLUM. Mr. Briscoe has done some work for us.

Mr. KENNEDY. Mr. Briscoe understood that all of this money had been spent.

Mr. McCOLLUM. I don't know how he understood it, because Mr. Briscoe, I don't suppose, even knew about the money. I don't know how he would know about it.

Mr. KENNEDY. He would know it, because he looked over and examined the audit of the local and he found the \$400, so he examined into it.

Mr. McCOLLUM. It is possibly true, that he knew a local had put \$400 in.

Mr. KENNEDY. We have an affidavit from him, in the course of which he says:

This check was made out to defray expenses in trying to convict the murderer of Mr. Huff.

Mr. McCOLLUM. Well, he is wrong on that.

Mr. KENNEDY. That is what the audit of local 132 shows.

Mr. McCOLLUM. The audit shows wrong, then, because it was a long time after the Huff case.

Mr. KENNEDY. That is why it is so questionable, I think.

Mr. McCOLLUM. Yes, it might be. That is a mistake because the Huff case had been over for some time.

Mr. KENNEDY. He noted that there was no endorsement on the check and did not know who received the money.

Mr. Kaye noted there was no endorsement on this check and did not know who received the money.

After Mr. Kaye completed his fieldwork, and I was reviewing it—this is Mr. Briscoe—

this item came up for discussion. At that time I called Mr. J. P. McCollum, international vice president, with respect to this item.

Do you remember that conversation with him?

Mr. McCOLLUM. I remember him calling me about a matter down at Galveston.

Mr. KENNEDY. Do you remember discussing \$400 with him?

Mr. McCOLLUM. I don't remember whether I did or not.

Mr. KENNEDY. He said he called you specifically about the \$400.

Mr. McCOLLUM. I was thinking it was another bill that I discussed with him. It is possible I discussed that with him.

Mr. KENNEDY. Do you remember the conversation you had with him?

Mr. McCOLLUM. No, I don't. That was some time ago.

Mr. KENNEDY (reading) :

Mr. McCollum informed me that he was aware of this expenditure and that it did have his approval. He did not tell me who received the money nor the specific purpose of the expenditure.

You did not tell him at that time that you still had the money in your safe deposit box?

Mr. McCOLLUM. I don't know whether I did or not.

Mr. KENNEDY. Is this the usual way that your union handles funds such as this?

Mr. McCOLLUM. No. There is nothing unusual about it, because we have a lawsuit pending now.

Mr. KENNEDY. Why do you have to make checks out to cash if it is something that was perfectly proper? Why do you have to make checks out to cash, and keep the cash in your own safe deposit box? Why didn't you keep the money in the bank?

Mr. McCOLLUM. Where would I keep the money?

Mr. KENNEDY. You could have kept it in the bank.

Mr. McCOLLUM. I could have kept it in my account?

Mr. KENNEDY. In a special prosecutor's fund.

Mr. McCOLLUM. It is possible we could have done that.

Mr. KENNEDY. Instead of in your own safe deposit box.

The CHAIRMAN. Incidentally, who got the \$200 you paid out of the fund?

Mr. McCOLLUM. That was spent contacting and getting witnesses for the last trial.

The CHAIRMAN. What happened in the last trial?

Mr. McCOLLUM. I can't tell you for sure. The man was convicted.

The CHAIRMAN. Wilkins was convicted?

Mr. McCOLLUM. Yes. I think he did some time and probably paid a fine. I am not sure.

I might add, Mr. Chairman, that I offered the money back to these people, these representatives, and they requested I keep it case we did have this court case coming up.

Mr. KENNEDY. Doesn't the union have its own funds to pay its lawyers?

Mr. McCOLLUM. Do you mean the international union?

Mr. KENNEDY. Yes.

Mr. McCOLLUM. Yes.

Mr. KENNEDY. Couldn't those funds, the regular union funds, be used?

Mr. McCOLLUM. The international wasn't taking part in this as an organization, to help out the local lodge.

Mr. KENNEDY. Excuse me?

Mr. McCOLLUM. It was to assist the local lodge.

Mr. KENNEDY. But certainly the international—

Mr. McCOLLUM. It happened down in Galveston.

Mr. KENNEDY. Doesn't Mr. Myer represent the international?

Mr. McCOLLUM. Yes.

Mr. KENNEDY. Doesn't the international pay his fee?

Mr. McCOLLUM. They do; but Mr. Myer is not a criminal attorney.

Mr. KENNEDY. You couldn't get any union funds to use to defend the lodge in that case?

Mr. McCOLLUM. I presume we could have: yes.

Mr. KENNEDY. Why did you have to have a special fund for that?

Mr. McCOLLUM. That is what the representatives wanted. They wanted to do something themselves.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Not at this point.

The CHAIRMAN. He will be recalled on other aspects of this hearing.

You may stand aside for the present.

TESTIMONY OF LELAND F. HEAD—Resumed

Mr. KENNEDY. Mr. Head, do you stick by your testimony that you gave?

Mr. HEAD. I do.

Mr. KENNEDY. You were telling the truth?

The CHAIRMAN. Speak a little louder. You have heard this detail in refutation of the statements you made. Do you still state under oath that your testimony is true?

Mr. HEAD. It is true.

The CHAIRMAN. All right. The issue is joined.

Call the next witness.

Mr. KENNEDY. Mr. Billingsley.

The CHAIRMAN. 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. BILLINGSLEY. I do.

TESTIMONY OF JAY OSCAR BILLINGSLEY

The CHAIRMAN. You have been sworn, and will you state your name, your place of residence, and your business or occupation?

Mr. BILLINGSLEY. My name is Jay O. Billingsley, and I live at 7026 Catena Street, New Orleans, La., and I am the executive secretary of the Gulf Coast Iron Shipbuilders Marine Council.

The CHAIRMAN. Do you have counsel?

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. Let the record show the same counsel appears for this witness as appeared for the preceding witness.

Mr. Kennedy, you may proceed.

Mr. KENNEDY. This is your counsel, is it, Mr. Billingsley?

Mr. BILLINGSLEY. I suppose so.

The CHAIRMAN. Now let us not have any funny business about it. Have you employed him as your counsel?

Mr. BILLINGSLEY. Yes; he is our international counsel.

Mr. KENNEDY. I didn't ask you that. I know that.

Mr. BILLINGSLEY. No, sir. I will waive counsel.

The CHAIRMAN. All right. Counsel, stand aside.

Let us get this thing in order. You are entitled to hire counsel of your choice and have him here. The Chair is very indulgent about these counsels representing internationals and other locals to come in if the witnesses say they want them. But it is primarily the purpose of counsel to advise a witness with respect to his legal rights while testifying.

Now if you want to hire him or engage him as your counsel, he will be permitted to sit by you and advise you, and if you waive counsel we will proceed.

Mr. BILLINGSLEY. All right.

The CHAIRMAN. You waive counsel?

Mr. BILLINGSLEY. I do, sir.

Mr. KENNEDY. Could Mr. Salinger question this witness?

The CHAIRMAN. All right, Mr. Salinger, you may proceed.

Mr. SALINGER. You are a former business manager of local 132 in Galveston, Tex.?

Mr. BILLINGSLEY. That is right, sir.

Mr. SALINGER. And you were employed for that position by Mr. McCollum?

Mr. BILLINGSLEY. I was recommended by Mr. McCollum and appointed by President Calvin, sir.

Mr. SALINGER. Now, as I understand your employment for that position came after the murder of Mr. Huff.

Mr. BILLINGSLEY. That is correct.

Mr. SALINGER. Mr. Huff had been murdered in August of 1955, and you were employed soon thereafter; is that correct?

Mr. BILLINGSLEY. Yes, sir.

Mr. SALINGER. Now could you tell the committee who was administering the affairs of the local when you started out with local 132? Were you in full charge of the affairs or was somebody else running the local?

Mr. BILLINGSLEY. When I first came to Galveston, directly after the murder of the business manager, there were two international representatives and they had the affairs of the local there.

Mr. SALINGER. Did Mr. McCollum play any role in the affairs of the local?

Mr. BILLINGSLEY. Yes; he was the vice president over that district, and he was in and out.

Mr. SALINGER. Now, I am trying to get to the point. You stated to me down in Galveston that you were a leg man or office boy. Was that about your role at that time?

Mr. BILLINGSLEY. At first, before I was appointed business manager; I was just helping around, and I wasn't anything actually.

Mr. SALINGER. Now sometime in 1957 did you have a discussion with Mr. Head about the possible amalgamation of your two locals?

Mr. BILLINGSLEY. Yes, sir. Mr. Head, I understand during his election, had made some campaign promises that he would take the Galveston territory over if he became business manager of 74.

He contacted me on the possibility of merging the two locals and I was to go to work for him as his assistant. I told him that I didn't have that authority, and I would have to talk it over with the executive council, and it would have to be their action; and I would have to talk it over with Vice President McCollum, and I didn't have that authority.

Mr. SALINGER. Did you discuss it with Vice President McCollum?

Mr. BILLINGSLEY. Yes, sir.

Mr. SALINGER. What was his reaction to the proposal?

Mr. BILLINGSLEY. Well, he never did give me a definite answer on it, and I understand that he actually didn't have that authority.

Mr. SALINGER. Now, following that, did you attend a meeting in Mr. McCollum's office at which time the possibility of setting up a district was discussed?

Mr. BILLINGSLEY. We met numerous times on that.

Mr. SALINGER. But the subject of a district came up?

Mr. BILLINGSLEY. The subject had been the subject of discussion for quite some time. In fact, I had some members in my local that were periodically—they worked maintenance, and the only time that they would work was when one of these refineries is having a repair job or what we call a turn-around, and it is periodic work, and I had quite a few members that were unemployed for, say, 3 and 4 months out of the year.

So I only had on field construction one county in the Texas City area, although I had five counties down below for maintenance shops and shipyards.

My membership kept after me to try to get 5 of the counties down below, because local 74 had 40 or 50 counties over the State of Texas, and the Galveston local only had one small area that they could work in.

Mr. SALINGER. The idea of the district, you thought it would be a good idea for local 132 to have a district?

Mr. BILLINGSLEY. It couldn't hurt us.

Mr. SALINGER. It couldn't hurt you at all?

Mr. BILLINGSLEY. It couldn't hurt us; no. We would have to come out on it.

Mr. SALINGER. You only had 1 county over which you had jurisdiction and local 74 had about 50 counties?

Mr. BILLINGSLEY. That is correct, and there is one county that I had jurisdiction of field construction on, and I had the other counties down below on maintenance and shipyards and shops.

Mr. SALINGER. Actually, this would be a good thing for local 132?

Mr. BILLINGSLEY. Yes, sir.

Mr. SALINGER. Now did you write a letter subsequently to the international in which you asked them for certain of local 74's counties added to your jurisdiction?

Mr. BILLINGSLEY. I did that, sir.

Mr. SALINGER. Whom did you discuss that letter with before you sent it to the international?

Mr. BILLINGSLEY. As I say, the membership at every meeting or so, would want me to try to get a little more territory so we would have actually more work for them. I approached Vice President McCollum on the possibility of petitioning, which is, under our constitution, the legal way to go about getting more territory.

Mr. SALINGER. So you had a discussion with Mr. McCollum about petitioning the international?

Mr. BILLINGSLEY. Yes, sir; and I had had the discussion with him two or three times since Mr. Head had approached me on the consolidating of the two locals.

Mr. SALINGER. And he was consulted prior to the time you sent the letter to the international?

Mr. BILLINGSLEY. Yes, sir.

Mr. SALINGER. So it would not be a great surprise to him that you had asked for this territory; is that right?

Mr. BILLINGSLEY. No, sir; he knew about it.

Mr. SALINGER. All right. Now you went to Kansas City to discuss this jurisdictional problem?

Mr. BILLINGSLEY. Yes, sir.

Mr. SALINGER. And what was the outcome of the meeting in Kansas City?

Mr. BILLINGSLEY. I had placed my petition before the executive council in Kansas City, and Mr. Head and Mr. Kirtley, who was president of local 74, had made themselves present in Kansas City to combat my petition for their five counties which was in their territory.

Well, in the course of getting together up there, the district—we discussed the formation of a district, but it had been discussed before. We got to talking it over, and Mr. Head was all for it, and he was for it as long as he thought he was going to be the district business manager, but as soon as he found out he wasn't going to be the district business manager, he turned against it.

Mr. SALINGER. In your meeting in Kansas City, it is your testimony that everybody was in favor of the idea and the district was formed; is that correct?

Mr. BILLINGSLEY. Yes, sir; my membership all knew about it and they were all in favor of it.

Mr. SALINGER. Now, Mr. Logue was appointed the district business manager and you were appointed assistant business manager of the district; is that right?

Mr. BILLINGSLEY. Well, as being the acting business manager at Galveston, I would automatically become assistant in the district.

Mr. SALINGER. Now, did you then go on the payroll of district local 60?

Mr. BILLINGSLEY. Yes; I came off the payroll of local 132 and on to the payroll of district lodge 60.

Mr. SALINGER. Now, Mr. Billingsley, did you draw salaries from both district lodge 60 and local 132 simultaneously for a period?

Mr. BILLINGSLEY. I understand since you have checked into it and found that there was a matter of 2 or 3 days overlap there, but we were getting set up, and we were on and off the payroll.

Now there is a possibility that there was a 3-day overlap that I drew a salary from both the district and the local, but if it was, I didn't know it because my checks were sent to me.

Mr. SALINGER. Actually our records indicate that you drew a total week's overlap, and then another 4 days' overlap, so there is a total week plus 4 days that you drew double pay.

Mr. BILLINGSLEY. I don't believe that is so, sir, because I would have noticed that.

The CHAIRMAN. I present you the checks which apparently have your endorsement on them.

Will you just examine those original checks and state if you identify them?

The dates will speak for themselves.

(The documents were handed to the witness.)

The CHAIRMAN. I hand you four original checks made payable to you and bearing apparently your endorsement and we will ask you to examine them and state if you identify them.

Mr. BILLINGSLEY. I couldn't tell. I would just have to look at them.

The CHAIRMAN. You can tell your signature?

Mr. BILLINGSLEY. It is my signature.

The CHAIRMAN. Is that your signature endorsing the checks for payment? Look on the back of them.

Mr. BILLINGSLEY. This is not my signature here.

The CHAIRMAN. We have one which he says is not his signature. Let that one, the one he presents here as not his signature, be made exhibit No. 4.

(Check referred to was marked "exhibit No. 4" for reference, and will be found in the appendix on p. 18416.)

The CHAIRMAN. I am asking you about the endorsement on the reverse side of it, and now you state that is not your signature?

Mr. BILLINGSLEY. No, sir.

The CHAIRMAN. You did not endorse it?

Mr. BILLINGSLEY. No, sir.

The CHAIRMAN. Do you know who did endorse it?

Mr. BILLINGSLEY. No, sir.

The CHAIRMAN. Did you receive the money on that check?

Mr. BILLINGSLEY. Sir, I would have to check. Right offhand I couldn't say.

The CHAIRMAN. What I am asking you about now is about this check. I don't know. Is that your signature on the back of the check, where the name is written?

Mr. BILLINGSLEY. That is not my signature.

The CHAIRMAN. It says "Jay O. Billingsley."

Mr. SALINGER. It is your signature on the front of the check?

Mr. BILLINGSLEY. Yes, sir.

Mr. SALINGER. You were one of the writers of the check?

Mr. BILLINGSLEY. Yes, sir.

Mr. SALINGER. Now you wrote a check to yourself, and who got the money?

Mr. BILLINGSLEY. Well, I would have to check. I couldn't say; presumably I did.

Mr. SALINGER. It is in the books of local 132 as salary to you for a week. Actually, isn't it a fact, Mr. Billingsley, that—

Mr. BILLINGSLEY. I am saying, Mr. Salinger, there is a possibility that someone could have done that. I don't think so, but there is a possibility that the check could have been written for my salary, because that is not my signature on the back of it.

The CHAIRMAN. Did you get the money?

Mr. BILLINGSLEY. I don't remember, sir, if I did or not. My checks were always deposited.

The CHAIRMAN. Did you countersign the check here?

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. In the issuing of it?

Mr. BILLINGSLEY. Yes, sir, that is my signature. Let me look at it again. I think that is my signature.

Mr. SALINGER. Let me ask you this one question. Isn't it a fact that your relationship with the bank down there was such that they would cash many checks of local 132 without even an endorsement on them?

Mr. BILLINGSLEY. That is true, sir. It is not my relationship with the bank because I didn't even know the people, but through their error, or they would let a lot of them go through, and I didn't know that until you brought the fact up.

Mr. SALINGER. That is your signature on the front?

Mr. BILLINGSLEY. It is my signature on the front.

The CHAIRMAN. Look at the other three checks and state if you identify those.

Mr. BILLINGSLEY. Those are my signatures of the endorsement and the ones I countersigned, that is my signature, too.

The CHAIRMAN. Those three may be made exhibit 5-A, 5-B, and 5-C.

(Checks referred to were marked "Exhibits 5-A, 5-B, and 5-C," for reference and will be found in the appendix on pp. 18417-18419.)

Mr. SALINGER. Let us go back to this check that you say is not your signature on the back. You made this check out to yourself; is that right?

Mr. BILLINGSLEY. I didn't make out the check; no, sir.

Mr. SALINGER. You signed the check?

Mr. BILLINGSLEY. I countersign on all checks.

Mr. SALINGER. And the check is listed in the books of local 132 as your salary for the week ending June 3, 1958. Do you think someone stole this check from the local, or what do you think happened to it?

Mr. BILLINGSLEY. I wouldn't know about that. I just only know that that is not my signature on the back of it.

Mr. SALINGER. Did you get the money; that is the main thing.

Mr. BILLINGSLEY. That I can't remember, that far back, and it is possible that I did. But I don't know. I can't remember.

The CHAIRMAN. This is a pretty small matter. We have shown you the checks.

Mr. BILLINGSLEY. I would like to make this statement: If there was an overpayment there, I will make restitution for it, because it wasn't any intent on my part to take it.

The CHAIRMAN. You know that we have found in the course of these hearings that we are having to do a lot of auditing work that ought to be done by your auditors and a lot of restitutions being made that should never have been occasioned to be made in the first place. And in the second place you folks should find it out with honest administration and make them in advance, and not have the Government spend money with the committee here, or a staff like this to go around over the country and investigating your books in order to get money back in the treasury that belongs there or shouldn't have been taken out of there in the first place.

Mr. BILLINGSLEY. I will grant you, sir, that that is correct.

Mr. SALINGER. These checks show, that you drew salary from local 132 for the week ending June 3, 1958, in the amount of \$151.06, and the week ending June 10, 1958, in the amount of \$151.06, and that you drew salary for the week ending June 6, 1958, from the district lodge in the amount of \$153.36, and for the week ending June 13, 1958, in the amount of \$153.36.

The only nonoverlapping period there would be from June 10 to June 13, those 3 days, and the other 2 weeks is an overlap.

Mr. BILLINGSLEY. I think maybe I can explain that, Mr. Salinger. I was drawing this money, and I had the shipyards and the shops, and fabricating shops and the maintenance, taking care of that for the local, for local 132, which had no interest in the district whatsoever.

The district was set up for field construction members of which 145 field construction members is all local 132. We had a membership of 700 people, but 145 of them was construction members.

Mr. SALINGER. Can you see any reason why you should be paid by both of these groups, the district lodge and the local?

Mr. BILLINGSLEY. Yes, because I was working for the local, local 132, taking care of their shipyards and their shops, and their maintenance, and I was also working for the district, too. There is a possibility that I was drawing \$50 a week from the local at the time.

Mr. SALINGER. Let me ask you another question.

Mr. Billingsley, did you ever loan any money to Vice President McCollum?

Mr. BILLINGSLEY. That I cannot say. I understand that there was a tab put in there that I didn't know anything about, but I just don't know about that.

Mr. SALINGER. Would you take a look at these two checks, Mr. Billingsley?

The CHAIRMAN. I hand you two checks, one dated February 28, 1957, made payable to cash, in the amount of \$85, and another one on June 29, 1957, made payable to cash, in the amount of \$75, and I ask you to examine those two original checks and state if you identify them.

(The documents were handed to the witness.)

Mr. BILLINGSLEY. This is another one of those.

The CHAIRMAN. Can you identify those checks?

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. What are they?

Mr. BILLINGSLEY. This check here—

The CHAIRMAN. Which one; the \$85 or the \$75?

Mr. BILLINGSLEY. The \$85 check. This boy's mother died; that is the \$25 part of this. This boy's mother died and he was loaned this much money in an emergency to go to his mother's funeral. I know that was what the \$25 was for. On the other I don't know, and on this other one—

Mr. SALINGER. The check states "Loan to J. P. McCollum, \$50." Is that right?

Mr. BILLINGSLEY. That is what it says.

Mr. SALINGER. And the other one says, "Loan to J. P. McCollum, \$75."

Mr. BILLINGSLEY. That is what it says.

Mr. SALINGER. Did your local loan that amount of money to Mr. McCollum?

Mr. BILLINGSLEY. I didn't.

The CHAIRMAN. Did you countersign the checks?

Mr. BILLINGSLEY. Yes, sir; I countersigned the checks.

The CHAIRMAN. Did you know what you were doing when you countersigned them?

Mr. BILLINGSLEY. Well, now, I understand that was, if the loan was made, it would have been out of petty cash, and these checks were

made out to cash to reimburse the petty cash fund which they keep, which is around \$75.

The CHAIRMAN. What does it say there?

Mr. BILLINGSLEY. It says to reimburse cash, loaned to J. P. McCollum.

The CHAIRMAN. So it was loaned out of the petty cash fund and then the checks were made to cash to reimburse the petty cash fund; is that right?

Mr. BILLINGSLEY. That is the way I understand it.

The CHAIRMAN. Who has control of the petty cash fund?

Mr. BILLINGSLEY. The local secretary.

The CHAIRMAN. Would she have authority or he have authority?

Mr. BILLINGSLEY. It is she.

The CHAIRMAN. Would she have authority to make loans to McCollum out of the petty cash fund?

Mr. BILLINGSLEY. Well, it has been a practice, if a person—no, she wouldn't have the authority.

The CHAIRMAN. Who does have?

Mr. BILLINGSLEY. I don't think anybody does.

The CHAIRMAN. So it was all loaned without authority.

Mr. BILLINGSLEY. I mean I didn't loan it, and I didn't know anything about it until he dug the check up.

The CHAIRMAN. You signed or countersigned the check, didn't you?

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. What was on the check when you countersigned it, and read it?

Mr. BILLINGSLEY. I don't even remember ever seeing the check before.

The CHAIRMAN. Did you sign it blindly?

Mr. BILLINGSLEY. You see, they make out the check for the bills, and they may have 50 or 60 checks in the book, and the treasurer signs them, and I go through them and countersign them, and possibly I missed this one.

The CHAIRMAN. What is the purpose of countersigning a check, to make a check on what the purposes of the expenditure is for? Isn't that correct?

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. Do you do that?

Mr. BILLINGSLEY. I try to; yes, sir.

The CHAIRMAN. Did you try in that instance?

Mr. BILLINGSLEY. Well, I don't remember it, sir.

The CHAIRMAN. Obviously you didn't.

Mr. BILLINGSLEY. Well—

The CHAIRMAN. If you did, you knew what it was for.

Mr. BILLINGSLEY. I had never seen the check before, sir, that I recall, to my memory, until he dug it out of the file.

The CHAIRMAN. Obviously you saw it when you signed it.

Mr. BILLINGSLEY. I must have.

Mr. SALINGER. Either the records of local 132 are phony or you loaned money to J. P. McCollum, and which of those explanations do you think is accurate?

Mr. BILLINGSLEY. Would you repeat the question?

The CHAIRMAN. Those two checks may be made exhibit 6A and 6B.

(Checks referred to were marked "Exhibits Nos. 6A and 6B" for reference and will be found in the appendix on pp. 18420-18421.)

Mr. SALINGER. I stated that either the records of the local are phoney or you loaned the money to McCollum, and I wondered which explanation you might give?

Mr. BILLINGSLEY. I didn't loan the money.

The CHAIRMAN. Who has authority to loan money out of that local?

Mr. BILLINGSLEY. I wouldn't think that anybody did, sir.

The CHAIRMAN. If they loaned money, did they violate their authority or do it without authority, or what would you say about that?

Mr. BILLINGSLEY. I never made it a practice to loan any money out of the treasury.

The CHAIRMAN. You didn't. I hand you another check in the amount of \$310 dated May 6, 1958, made payable to Jay O. Billingsley, and I will ask you to examine that and state if you identify it.

(The document was handed to the witness.)

Mr. BILLINGSLEY. Yes, sir; that is mine.

The CHAIRMAN. What is that?

Mr. BILLINGSLEY. That is an advance on my salary.

The CHAIRMAN. That is a check?

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. What does it say on it—a loan?

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. You loaned yourself some money?

Mr. BILLINGSLEY. Yes, sir; but I think that your records will show it was paid back.

The CHAIRMAN. We will get to that in just a moment. Who authorized that loan to you?

Mr. BILLINGSLEY. Nobody. We were running so short of money—

The CHAIRMAN. You were running so short of money you took it out of the treasury, on that check; is that right?

Mr. BILLINGSLEY. I might have drawn 2 weeks in advance. It is possible, and I don't remember.

The CHAIRMAN. What is the date of that check?

Mr. BILLINGSLEY. July 16, 1958.

The CHAIRMAN. It is not very long ago, is it? It is less than a year.

Mr. BILLINGSLEY. It would be a year next month; nearly a year.

The CHAIRMAN. It will be a year next July. Do you remember the incident now?

Mr. BILLINGSLEY. Let me see the check again. I don't remember it.

The CHAIRMAN. Is that about the time that you left that local?

Mr. BILLINGSLEY. No, sir.

The CHAIRMAN. How long after that before you left?

Mr. BILLINGSLEY. You mean I left the district or the local? I have been in the local.

The CHAIRMAN. That is on the local. It is on local funds. Isn't that check on the local's funds?

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. You had already left the local and you were working for the district at that time?

Mr. BILLINGSLEY. I have never left the local, sir. I have been right in the local all the time.

The CHAIRMAN. You haven't left it yet?

Mr. BILLINGSLEY. I have now, but I hadn't at that time.

The CHAIRMAN. When did you leave it?

Mr. BILLINGSLEY. I left it February 1.

The CHAIRMAN. Of this year?

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. Had that money been paid back on February 1 this year? You said it was an advance on salary, maybe, for 2 weeks. Had it ever been paid back when you left the local?

Mr. BILLINGSLEY. Is this that check that I got a personal check in there on, Mr. Salinger?

Mr. SALINGER. Well, is it?

The CHAIRMAN. We are going to show you the rest of it.

Did you ever pay that money back?

Mr. BILLINGSLEY. No, sir. But I had a check. I had a personal check in there for it.

The CHAIRMAN. But it was never cashed?

Mr. BILLINGSLEY. It could have been run through at any time.

The CHAIRMAN. Who is supposed to run it through?

Mr. BILLINGSLEY. The secretary, I suppose.

The CHAIRMAN. Did you direct that it be run through?

Mr. BILLINGSLEY. I told her to hold it up. I was short on cash.

The CHAIRMAN. You told her to hold it up. I see.

Mr. BILLINGSLEY. I told her that I was short on cash.

The CHAIRMAN. The truth is that it had not been paid back until this investigation got underway and the transaction was discovered. Is that right?

Mr. BILLINGSLEY. No, sir.

The CHAIRMAN. What is right?

Mr. BILLINGSLEY. I had the check in there. I was hard up. I needed the money. This district was out of funds and could not pay me.

The CHAIRMAN. The district. That was after you had gone to work for the district, then?

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. So you went down to the local to get an advance out of the local funds to pay your district—

Mr. BILLINGSLEY. No, I was in the local. I was still in the local.

The CHAIRMAN. As a member?

Mr. BILLINGSLEY. As a member and as the business manager of the local.

The CHAIRMAN. As a member and as an officer. So you took money out of the local to pay the obligation of the district; is that right?

Mr. BILLINGSLEY. I took the money out, sir, to live on, because I live from week to week and I didn't have a dime in the bank and I had to pay my rent with it.

The CHAIRMAN. Go ahead.

This check may be made exhibit No. 7.

(Check referred to was marked "Exhibit No. 7" for reference and will be found in the appendix on p. 18422.)

Mr. SALINGER. First of all, as far as the checks are concerned, showing the loan to Mr. McCollum—the reason I asked you about that is because Mr. McCollum said he never borrowed money from 132. He told us that.

Mr. BILLINGSLEY. May I say something about that? We had a new girl in the office during that time, I believe. This is still a possibility; maybe it might be my fault that she could do that and get away with it. There is a possibility that she did that to cover \$75 of her own taking.

Mr. SALINGER. In other words, somebody stole the money?

Mr. BILLINGSLEY. I say there is that possibility. I don't know any other—

The CHAIRMAN. Who in the world is looking after the affairs of those union men down there and their funds? I never saw such reckless, indifferent manipulation, although it is penny stuff.

Mr. BILLINGSLEY. Sir, there wasn't but—

The CHAIRMAN. Apparently no officer down there has any responsibility or sense of obligation to look after these funds and protect them.

Mr. BILLINGSLEY. Sir, there wasn't but \$144 in the treasury when I took it.

The CHAIRMAN. I know. I said it was peanuts. But there is a principle involved. Certainly that much is involved.

Mr. BILLINGSLEY. I come right out of the field with the tools, and I am not a bookkeeper. I admit that. I had to take the girl's word because I am not a bookkeeper.

Mr. SALINGER. Mr. Billingsley, I think it is outrageous for you to put the blame on this girl who is not here to defend herself. We have gone through this several times in interviews and you have never brought this up before.

Mr. BILLINGSLEY. I am not putting the blame of the girl that is there now. It is one that was there for 3 months. It is a possibility. I don't say she did. But I don't remember the loan either.

Mr. SALINGER. But you never brought this subject up before. Why in the middle of this hearing do you suddenly bring up this girl?

Mr. BILLINGSLEY. Because I happened to think about it when I was thinking about the—

Mr. SALINGER. Well, now, on this other thing, when you borrowed the \$310—isn't it a fact that you put this check in dated August 1, 1958, your personal check, into the cashbox to pay this back, and you then wrote a letter to Mr. McCollum, dated December 9, 1958, in which you said in part:

After being reimbursed by the district, part of this amount has been repaid.

That was untrue, was it not?

Mr. BILLINGSLEY. That is right. May I explain that?

Mr. SALINGER. Well, was it untrue or not? Let me go through this and then you can explain it.

The CHAIRMAN. Was it untrue? Then you can explain.

Mr. BILLINGSLEY. In the letter? Yes, sir; that is an untrue statement in the letter to Mr. McCollum.

The CHAIRMAN. Now you may explain.

Mr. BILLINGSLEY. All right. The day the letter was written, I got some money to pay that back with. By the time I started paying

my bills and my rent and my grocery bill and everything, I didn't have enough money to do it with and the letter had already got off to Joe McCollum saying—you see, it showed on the audit. I insisted that that check that I had in the till show on the audit on the trustee's report.

You see, I am under bond. I am under a bond. Any time I use any of the local's funds, they are going to be made good.

Mr. SALINGER. Speaking of your bond, isn't it a fact that one of your audits shows that you had a burglary and there was supposed to be \$750 cash taken from your local, and the insurance company refused to pay off on the bond because there was no evidence that the safe had been forcibly entered—that they didn't think there had been a burglary?

Mr. BILLINGSLEY. Yes, and we started to sue them for that, too, because they came in—the same bunch of hoodlums that have been trying to take the local over all the time—they came in and wrecked it, turned everything upside down.

Mr. SALINGER. Just to close out the matter on this \$310 check—our investigators went into the local on April 23, and you appeared in Galveston. You came home from New Orleans on April 24, and attempted to substitute one personal check for another.

Mr. BILLINGSLEY. No, sir. I left the check right in there pinned together. I marked it "void," did I not?

Mr. SALINGER. You did mark it "void"; that is correct.

Mr. BILLINGSLEY. Didn't I leave it in the safe with the new check and tell the secretary to show it to you?

Mr. SALINGER. Well, we have both checks. That is true.

Mr. BILLINGSLEY. I told her to show it to you. I never tried to cover nothing in there.

The CHAIRMAN. Here is another check dated December 29, 1956, in the amount of \$135.85. It appears to be countersigned by you. It is made payable to Vic's Jewelry & Loan.

I will ask you to examine this check and state if you can identify it. (The document was handed to the witness.)

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. That may be made exhibit No. 8.

(Check referred to was marked "Exhibit No. 8" for reference, and will be found in the appendix on p. 18423.)

Mr. BILLINGSLEY. Could I explain what the check is, sir?

The CHAIRMAN. Yes, sir.

Mr. BILLINGSLEY. That check is to pay for two revolvers that was purchased at Vic's Jewelry & Loan.

The CHAIRMAN. Revolvers for whom?

Mr. BILLINGSLEY. For me and the president of the lodge, the secretary of the lodge.

The CHAIRMAN. What were you going to do with those?

Mr. BILLINGSLEY. It was to protect myself with.

The CHAIRMAN. Are union members supposed to furnish you pistols out of the union treasury?

Mr. BILLINGSLEY. Let me explain that, sir; how that come about.

The CHAIRMAN. All right.

Mr. BILLINGSLEY. After the murder of this one business manager, and after they had shot my car out from under me, after they had

assaulted me twice, and had cut my stomach open, cut five intestines in two and put me in the hospital just about to die, I goes to the district attorney and asked what could I do?

Well, he can't assign me a bodyguard to follow me around all the time. So he said, "Well, I can't legally tell you to do anything. They don't give you a permit to carry a gun. But a man has a right to protect himself."

So he advised me—I said, "Well, what about the gun? I want a permit for the gun." He said, "Well, I will tell you. My advice would be to go down and buy a gun in the local's name, register it under the local," and I checked this also with the sheriff and he said, "Of course, this is officially off the record. We can't tell you that you can carry a gun, but a man that will just let them come in and kill him without trying to protect himself"—he said I should be able to read between the lines. So I did. I went down to Vic's Jewelry and bought these two brand new .38 Smith & Wesson pistols. That is the check that I paid for them with.

The CHAIRMAN. I don't know, if you have been assaulted and cut open and all those things, I don't know but what most anybody would have carried a gun. I am not condemning you for it. If I got cut open, I expect I would like to have a little something for protection.

I am not condemning you for it, but I am showing how it operates. That was charged to the union. Where is the gun now?

Mr. BILLINGSLEY. The guns—the one that was issued to me is in my possession. I showed it to Mr. Salinger. He asked me—Mr. Rabbitt asked me if I had the gun.

The CHAIRMAN. The only thing I am interested in is if they are still union property.

Mr. BILLINGSLEY. Yes, sir.

The CHAIRMAN. This local owns two guns. Proceed.

Mr. SALINGER. When I interviewed you in Galveston and asked you about the check, you produced the .38-caliber snubnose pistol and it was fully loaded; is that correct?

Mr. BILLINGSLEY. That is correct.

Mr. SALINGER. You are not living in Galveston, and you are not connected with the local.

Mr. BILLINGSLEY. But when I am there, that man is still there, and subject to ripping me open.

Mr. SALINGER. Didn't you tell me at the time of purchasing these guns that somebody had to teach you to use them?

Mr. BILLINGSLEY. No, sir; I didn't tell you somebody had to teach me how to do it. I was in the service for 12 years and I know guns pretty well.

Mr. SALINGER. Isn't it a fact that you were arrested in California in 1947, and you were carrying a gun at that time; you were arrested in Galveston in December 1957, carrying a gun, and you were arrested in January 1958 and you had three guns on you, a Luger, a .22 Smith & Wesson and a .38 Smith & Wesson?

Mr. BILLINGSLEY. That is true.

Mr. SALINGER. That seems to be a lot of guns for a man who didn't know how to use them.

The CHAIRMAN. All of that is true?

Mr. BILLINGSLEY. Yes, sir.

Mr. SALINGER. How many times have you been arrested?

Mr. BILLINGSLEY. You have it there. I told you yesterday I didn't know how many times it was. But when I was recalled into the Air Force during the Korean conflict, I got a top-top secret clearance, and every one of those arrests had to be checked down before they would give me this top secret clearance.

I have never been convicted of anything worse—I am a boiler-maker. Maybe I do a little drinking or something and get into a scuffle. But I have never been convicted of anything. I have never been convicted of a felony or anything like that.

Mr. SALINGER. You have been arrested about 12 or 13 times in Tulsa, Galveston, and Los Angeles?

The CHAIRMAN. Was that for carrying guns?

Mr. SALINGER. Only on a couple of occasions has he been arrested when carrying guns.

Mr. BILLINGSLEY. The carrying of the guns that I was arrested in Galveston for came on an assault on me by this element that was trying to take the local over in Galveston.

Mr. HEAD. I would like to address the Chair.

The CHAIRMAN. All right.

Mr. HEAD. I would be willing to take a lie detector test.

The CHAIRMAN. You volunteer to take a lie detector test on the basis of your testimony this morning?

Mr. HEAD. I do.

The CHAIRMAN. Would the other gentleman like the same service, Mr. McCollum?

Would you like the same test, Mr. McCollum?

Mr. McCOLLUM. Sure, I am not afraid.

The CHAIRMAN. Mr. Counsel, try to arrange with the Government to give that service to both of them.

Gentlemen, you will stand by until we can get the arrangements made, if we can. We will be glad to accommodate both of you.

The committee will stand in recess until 2 o'clock.

(Members of the select committee present at time of recess: Senators McClellan and Curtis.)

(Whereupon, at 12:30 p.m. the select committee recessed, to reconvene at 2 p.m. the same day.)

AFTERNOON SESSION

The select committee reconvened at 2 p.m., Senator John L. McClellan (chairman of the select committee) presiding.

The CHAIRMAN. The committee will come to order.

(Members of the select committee present at time of reconvening: Senators McClellan and Ervin.)

TESTIMONY OF JAY OSCAR BILLINGSLEY—Resumed

Mr. KENNEDY. Mr. Chairman, could we have Mr. Billingsley identify this check?

The CHAIRMAN. Mr. Billingsley, I present to you a check dated January 2, 1956, made payable to cash in the amount of \$400.

I ask you to examine it and state if you identify it.

(The document was handed to the witness.)

Mr. BILLINGSLEY. Yes, sir.

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

(Check referred to was marked "Exhibit No. 9" for reference and will be found in the appendix on p. 18424.)

The CHAIRMAN. I present you another check dated May 19, 1958, in the amount of \$2,000 made payable to construction district account. I ask you to examine it and state if you identify it.

(The document was handed to the witness.)

Mr. BILLINGSLEY. Yes, sir.

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

(Check referred to was marked "Exhibit No. 10" for reference and will be found in the appendix on p. 18425.)

Mr. KENNEDY. This was the \$400, Mr. Billingsley?

Mr. BILLINGSLEY. Sir?

Mr. KENNEDY. The check for \$400 on January 2, 1956—what was this for?

Mr. BILLINGSLEY. Special prosecution fund.

Mr. KENNEDY. What does that entail?

Mr. BILLINGSLEY. It was for the special prosecution of the fellow that had cut me, assault to murder.

Mr. KENNEDY. Were you present at the meeting when it was decided to put up this money?

Mr. BILLINGSLEY. Yes, sir.

Mr. KENNEDY. Was it discussed at all at that meeting about hiring somebody to kill the individual, Mr. Wilkins?

Mr. BILLINGSLEY. To the best of my knowledge, I don't remember that ever being mentioned.

Mr. KENNEDY. Do you know that it was not? Can you testify under oath that it was not mentioned?

Mr. BILLINGSLEY. To the best of my knowledge, I don't remember it ever being.

Mr. KENNEDY. You say "to the best of my knowledge." That would be something that you would remember, would it not, if someone proposed hiring somebody to murder another individual?

Mr. BILLINGSLEY. I never heard it mentioned.

Mr. KENNEDY. It was not mentioned, then?

Mr. BILLINGSLEY. I didn't hear it if it was.

Mr. KENNEDY. You didn't hear it if it was?

Mr. BILLINGSLEY. If it was mentioned, I did not hear it.

Mr. KENNEDY. Was it possible that it might have been mentioned without you hearing it?

Mr. BILLINGSLEY. It might have been possible, but I wouldn't think so.

Mr. KENNEDY. Then it might have been mentioned at the meeting, but you just didn't hear it; is that right?

Mr. BILLINGSLEY. Well, I sure didn't hear anything like that.

Mr. KENNEDY. What was it stated that this \$400 was for?

Mr. BILLINGSLEY. It was for a special prosecuting fund to hire a special prosecutor to assist the district attorney in the trial of the assault to murder on me.

Mr. KENNEDY. Had the district attorney been consulted as to whether he wanted an assistant?

Mr. BILLINGSLEY. That I do not know.

Mr. KENNEDY. Who determined that it should be in the form of cash?

Mr. BILLINGSLEY. No one, sir.

Mr. KENNEDY. Why did you make the check out to cash for \$400?

Mr. BILLINGSLEY. No certain reason for it. I mean, it just was made out to cash and turned over to the committee.

Mr. KENNEDY. To whom did you give the check for cash?

Mr. BILLINGSLEY. I couldn't say who cashed it. Who is it endorsed by?

Mr. KENNEDY. It is not endorsed at all.

Mr. BILLINGSLEY. It must have been cashed at the bank.

Mr. KENNEDY. Who received the \$400?

Mr. BILLINGSLEY. When the check was originally cashed?

Mr. KENNEDY. Yes.

Mr. BILLINGSLEY. I did.

Mr. KENNEDY. You brought it down to the bank and got the \$400 in cash?

Mr. BILLINGSLEY. I wouldn't want to say it was the bank, but wherever I cashed the check I got the \$400.

Mr. KENNEDY. What did you do with the \$400?

Mr. BILLINGSLEY. I gave it to Vice President McCollum.

Mr. KENNEDY. There was another check, a \$2,000 check, which is committee exhibit No. 10. That says "Pay to the order of the Construction District Account, May 9, 1958." What was that \$2,000 for?

Mr. BILLINGSLEY. That was a loan when the construction district was set up. That was a loan to pay the first month's rent and buy the furniture.

Mr. KENNEDY. Did you get approval of the membership?

Mr. BILLINGSLEY. Yes, sir.

Mr. KENNEDY. You turned over a copy of the minutes to Mr. Salinger, and nowhere in the minutes does it appear that the membership gave approval of this \$2,000.

Mr. BILLINGSLEY. The minutes that they did approve it, Mr. Salinger missed it. I noticed the day he left the office in Galveston that they were laying on the desk, and I wondered at that time why he didn't bring them with him. I don't know whether he accidentally missed them or what.

Mr. KENNEDY. The minutes, you say, were laying on the desk. Were they in a folder or just loose?

Mr. BILLINGSLEY. Just loose. They had all been taken out of the folder and they were laying off to the side loose.

Mr. KENNEDY. Why would they be taken out of a folder, these minutes that you say existed?

Mr. BILLINGSLEY. Mr. Salinger was looking at all of them.

TESTIMONY OF PIERRE E. G. SALINGER—Resumed

Mr. KENNEDY. Did you remove any of the minutes from the folder?

Mr. SALINGER. I did not. The only minutes that I removed were the last minutes of 1959, which I was requested to remove by Mr. Borel, because he wanted to read them at the next meeting. He gave me the entire minutes of the meetings since 1955, in **this** folder, and I brought them in here with me.

The only minutes taken out of this folder were those of the last meeting in 1959 so that Mr. Borel could read them.

Mr. KENNEDY. Was there any reference in any of those minutes that you received, giving approval by the membership of the \$2,000?

Mr. SALINGER. There is a reference after the \$2,000 had been sent to the district. The members were informed that it had been sent. It says, "The members of Seaside Lodge 132 were aware and in accord with the \$2,000 loan made to the district."

But this is a meeting held after the money was sent to the district. Nowhere in the minutes is there any prior authorization for the loan.

Mr. BILLINGSLEY. That was when the question of 74's membership, saying that they didn't know anything about their \$2,000, I took it back to the members and they reaffirmed it. That is the reason that shows in those minutes.

Mr. KENNEDY. Can you show us any place in these minutes that it shows anything about the \$2,000 other than what Mr. Salinger told us?

Mr. BILLINGSLEY. I don't know whether he had a complete copy of the minutes. It is possible that Mr. Borel took those minutes out when he took the other minutes out. But they were laying on the desk when I left there.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any questions?

If not, thank you. You may stand aside.

Mr. KENNEDY. Mr. McCollum.

The CHAIRMAN. Mr. McCollum was sworn this morning. He will remain under that oath.

TESTIMONY OF J. P. MCCOLLUM, ACCOMPANIED BY COUNSEL, SEWALL MYER—Resumed

Mr. KENNEDY. Mr. McCollum, we have had testimony here by a number of representatives of local 74 to the effect that they have been placed in what amounts to trusteeship against their wishes, and that the rank and file membership are violently opposed to this arrangement, that they have lost control over their finances, that they have lost control over the hiring. This has all been taken over by the district, and the result has been that local 74 is virtually bankrupt at the present time.

Do you care to comment on that testimony?

Mr. MCCOLLUM. Well, yes, I would. In as far as trusteeship, there has been no trusteeship imposed on lodge 74. The only thing that has happened to lodge 74 was that their field jurisdiction was awarded to the district lodge. The only income of the district lodge is the field dues, which are collected, as has been explained here before.

Mr. KENNEDY. Let me ask you about that. The field dues are collected from local 74?

Mr. MCCOLLUM. The men, when they work up to 5 days a week, they pay 50 cents.

Mr. KENNEDY. Wasn't that the principal source of their income, local 74's?

Mr. MCCOLLUM. That is the district's principal source.

Mr. KENNEDY. Now it is the district's. But prior to this time, prior to this arrangement, it was the local's principal source?

Mr. McCOLLUM. That is right.

Mr. KENNEDY. So you have taken over the principal source of income, the district has?

Mr. McCOLLUM. Well, I suppose the principal sum would be the principal sum part of the time, not all of the time.

The CHAIRMAN. According to the testimony here, \$4 a month dues that they pay regularly—\$3 of that goes to the international; is that correct?

Mr. McCOLLUM. No. Three dollars doesn't go to the international; \$1.25 of that is insurance.

The CHAIRMAN. Well, all right.

Mr. McCOLLUM. It goes to the insurance company.

The CHAIRMAN. It does not stay in the local.

Mr. McCOLLUM. That is right.

The CHAIRMAN. They have only \$1 out of the dues of the members, of the regular dues.

Mr. McCOLLUM. That is right.

The CHAIRMAN. You collect 50 cents a day from each man who works; is that right?

Mr. McCOLLUM. That is right.

The CHAIRMAN. That is what you call the field dues?

Mr. McCOLLUM. That is right.

The CHAIRMAN. So if a man works 20 days out of a month, 5 days a week for 4 weeks, or 21 days, you get \$10, or 50 cents a day from that man for the days he works?

Mr. McCOLLUM. Yes.

The CHAIRMAN. So practically the entire source of the income of the union is taken over when the field dues are taken away from them; isn't that correct?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. Sir?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. All right.

Mr. McCOLLUM. That part of it—

The CHAIRMAN. Do you want to say something?

Mr. McCOLLUM. May I explain it a little further, please, sir?

The CHAIRMAN. On the basis of testimony we have received, I was trying to picture it.

Mr. McCOLLUM. May I go a little further with it?

The CHAIRMAN. All right.

Mr. McCOLLUM. The purpose, of course, of the district is to better police the work.

The CHAIRMAN. That is one claim made for it.

Mr. McCOLLUM. Yes, sir. The field dues are for the sole purpose of taking care of the field construction work.

The CHAIRMAN. I would be interested in a little while in knowing why a local can't police its own work. But if it can't, I want to know.

Mr. McCOLLUM. I want to tell you that right now. The records will show that for 11 months that a representative was in Houston, that 98 percent of his time was spent in handling jurisdictional disputes and handling jobs for lodge 74—100—some jobs he had to go on to settle grievances and matters of that type. That was just previous to installing the district.

Now, sir, we have a five-State agreement, covering five States, with a group of contractors, I think probably 150 or 175 contractors being signatories to that agreement, plus a national agreement with certain contractors who work through that area.

A business manager must be, to operate successfully, familiar with the jurisdiction of the work, know how to handle grievances so that we wouldn't have stoppages of work. That wasn't done in that local lodge. It hadn't been done for some time.

Lodge 74 had, for many years, had a policy that the members of their executive board would have preference on all jobs. In other words, a member of the executive board could be sent out to a job and when that job finishes, there may be 100 men not working, but the board member would have preference to go out on the next job that opened, ahead of those men.

That operated for several years in lodge 74, and we were not successful in stopping it.

The men that brought about this complaint that headed up the complaint are members of that executive board.

The CHAIRMAN. Are you talking about 74 now?

Mr. McCOLLUM. Yes, sir. The executive board of 74.

The CHAIRMAN. Who were on the executive board of 74, how many members?

Mr. McCOLLUM. I couldn't tell you name for name.

The CHAIRMAN. How many?

Mr. McCOLLUM. I believe it is a nine-man board.

The CHAIRMAN. All right, it has a nine-man board.

Mr. McCOLLUM. I believe that is right.

Mr. KENNEDY. You mean they were given preference?

Mr. McCOLLUM. They were.

Mr. KENNEDY. So it was to help the membership that you put the district in; is that right?

Mr. McCOLLUM. Well, it was to help it, to try to help the membership; yes, sir.

Mr. KENNEDY. Did the membership approve of having the district? If your account of the facts is correct, the membership themselves wanted this district in order to avoid discrimination against them.

Did the membership in fact vote for this district?

Mr. McCOLLUM. We found out later that they did not, and I will tell you why.

Will you let me tell you why, please, sir?

The CHAIRMAN. All right.

Mr. McCOLLUM. The business manager of lodge 74 did not report it to his local lodge. That is the reason it wasn't voted on.

The CHAIRMAN. Didn't report what to the local lodge?

Mr. McCOLLUM. That the district was being set up.

The CHAIRMAN. According to the testimony here, instructions were given to keep it secret. Is that true or false?

Mr. McCOLLUM. That is false.

The CHAIRMAN. All right. You say it is false.

Mr. McCOLLUM. Let me clarify that. As far as I am concerned.

The CHAIRMAN. You ought to know. You are vice president. You are in charge out there. You are running this thing pretty well. Did you take your membership into your confidence and tell them what you were doing, by any notice, any publication, or anything?

Mr. McCOLLUM. I did not, personally; no, sir.

The CHAIRMAN. Did you write to the officers of that lodge instructing them as to how you were going to set up the district and to so inform their members and get a vote on it?

Mr. McCOLLUM. I wrote two letters, I believe, to the officers of the lodge, after the district was set up.

The CHAIRMAN. You wrote to those that you talked about it in confidence?

Mr. McCOLLUM. In confidence?

The CHAIRMAN. Yes, that is what they testified.

Mr. McCOLLUM. I didn't talk to them in confidence that I know. We discussed the district several times. I don't follow you what you mean in confidence.

The CHAIRMAN. Well, if you were telling them to keep it quiet, not let the membership know about it, that would be in confidence.

Mr. McCOLLUM. I did not tell anyone to keep it quiet.

The CHAIRMAN. You deny that occurred?

Mr. McCOLLUM. Right.

The CHAIRMAN. What I am trying to understand is why the membership didn't get notice of it until after it was all over.

Mr. McCOLLUM. The district was set up in conformity with our laws, with the international constitution and bylaws, which permits the executive council to assign territory.

Mr. KENNEDY. Have you taken it up with the membership as of this time?

Mr. McCOLLUM. Not me.

Mr. KENNEDY. You are the international vice president.

Mr. McCOLLUM. I know, but that is the business agent's job.

Mr. KENNEDY. Have you instructed them to take it up with the membership?

Mr. McCOLLUM. No, I didn't instruct them.

Mr. KENNEDY. This is May of 1959 and still the membership has not been consulted.

Mr. McCOLLUM. I did do this, now—

Mr. KENNEDY. When you say this is because the membership were being discriminated against—

Mr. McCOLLUM. I instructed Mr. Logue, who is the district representative, to go over and explain to the membership at a special meeting they had.

Mr. KENNEDY. What was the vote at that time?

Mr. McCOLLUM. I think I have heard the statement, I don't know but I have heard the statement, it was 375 to 4.

Mr. KENNEDY. Against?

Mr. McCOLLUM. Against, yes.

Mr. KENNEDY. There you have it. You say they wanted, the local union people wanted it, that they were being discriminated against, that that was one of the reasons the district was put in. Membership is not consulted and then they do have some kind of a vote and the membership votes 375 to 4 against it.

Mr. McCOLLUM. Sir, that was after many months that they took the vote.

Mr. MYER. Mr. Chairman, could I make a statement?

Senator ERVIN. You are not a witness.

Mr. MYER. I am the lawyer. I would like to make a statement.

It has been held in Texas by Judge Bell, in the last 2 months, that the setting up of a district is a matter exclusively with the president and the executives, and the local has no right to vote on it. That is the law in Texas.

Senator ERVIN. That is an enforcement of the rules, of the constitution of the union. That is the kind of thing we have been astounded by, the tyranny that can be practiced upon the rank and file of local unions by the higher-ups.

Mr. MYER. But that is the law in Texas.

Senator ERVIN. Then the law ought to be changed.

The excuse you give for putting this local 74 under supervision is the fact that the members of the executive board of the local gave preference to themselves in the assignment—rather, the business manager of the local gave preference to the board members in the assignments to jobs?

Mr. McCOLLUM. No, sir, I didn't say that that was the reason. I didn't give that as an excuse.

Senator ERVIN. You did say that that was happening, did you not?

Mr. McCOLLUM. That had been happening for a period of years. I don't know that it was happening right at that time. But it had been.

Senator ERVIN. How did the board members get their jobs?

Mr. McCOLLUM. They were sent out by the business manager.

Senator ERVIN. How did they get the jobs as board members?

Mr. McCOLLUM. They were elected board members.

Senator ERVIN. By whom?

Mr. McCOLLUM. By the membership.

Senator ERVIN. So you step in and deny the local membership the right to elect their own board members or to manage their own affairs in order to protect them against the people they have put in office?

Mr. McCOLLUM. No, sir, we did not do that.

Senator ERVIN. Why did you bring in there a while ago about the board members being preferred by the business agent in the assignments?

Mr. McCOLLUM. I brought it in for this reason, that the board members, they are members just the same as anyone else, and they should not be sent out to jobs ahead of other members when the other members have been out of work the longest. We have out-of-work lists that we try to go by, and the top man, the man who has been out of work longest, is the first one sent out when we get calls for men.

Senator ERVIN. Maybe I misunderstood you. Tell me why you put it under supervision.

Mr. McCOLLUM. It is not under supervision, sir. That local has its own autonomy. The district is set up to handle field construction only.

Senator ERVIN. You set up a district in order to deprive it of local autonomy.

Mr. McCOLLUM. I don't think so, sir. I don't think so.

Senator ERVIN. What I am getting at is this: There is a statement here from the International Brotherhood of Boilermakers that this district lodge "will function under the international supervision only as long as such supervision is deemed to be necessary."

Doesn't the same thing apply to your local?

Mr. McCOLLUM. No, sir.

Senator ERVIN. Will you please tell me why you set the district up to take over and perform the functions which a local ordinarily performs for itself?

Mr. McCOLLUM. They are not performing the functions of the local. They are only taking care of the fieldwork, the construction work. There are construction interests in that area.

Senator ERVIN. Well, they assign the jobs.

Mr. McCOLLUM. That is right.

Senator ERVIN. In other words, you take the dues from them——

Mr. McCOLLUM. Let me point out to you——

Senator ERVIN. Wait a minute.

You take the field dues from them, you deprive them of the right, of the power, to collect the field dues, and as a result of that their finances go from a very healthy financial state down to virtually nothing. Isn't that true?

(The witness conferred with his counsel.)

Mr. McCOLLUM. Sir, they did that, they took the field dues, which is due them for taking care of the work, but they also took over the expenses of paying the business managers and their assistant business managers.

Senator ERVIN. But the business managers of the district?

Mr. McCOLLUM. Yes, sir, the business managers of the district.

Senator ERVIN. In other words——

Mr. McCOLLUM. The business managers of the district were the business managers of the local lodges who came in as assistant managers.

Senator ERVIN. The testimony before us was that the business manager of the local had his salary cut half in two.

Mr. McCOLLUM. They did that, I understand, a month or two ago.

Senator ERVIN. So you took the finances away from them, you took the functions of the business manager away from the local, and vested them in the district.

Mr. McCOLLUM. Only on field construction work.

Senator ERVIN. Why did you do that?

Mr. McCOLLUM. We did that because it could be handled better. We wanted better relationships with our contractors and we wanted people that could police the work.

Senator ERVIN. Mr. McCollum, would you please explain to me why you brought in the fact a while ago to justify something—and now I am at a loss to understand that the business manager of the local gave preference to the nine board members in assignments to jobs? Why did you mention that? Why did you mention that if it didn't have anything whatever to do with your district taking over the functions of the local?

Mr. McCOLLUM. Well, that could have been one of the matters that was discussed, because we were looking——

Senator ERVIN. You said it could have been. Was it?

Mr. McCOLLUM. I don't recall. I think it was.

Senator ERVIN. Don't you know?

Mr. McCOLLUM. No, I am not sure that I could say it was discussed in the council meeting.

Senator ERVIN. Would you please tell me why you brought it in here, then, if you don't know that it had any force?

Mr. McCOLLUM. Well, I was trying to explain in my own words to you how we operate. We don't approve of anyone having special—

Senator ERVIN. That is the queer thing, that you suggested, or at least it was the impression that you made on my mind, you were trying to suggest to this committee as a justification for the district taking over the function of the local that the business manager of the local was discriminating in favor of the nine board members in assignments for jobs.

Mr. McCOLLUM. I am sorry if you understood me that way. It wasn't intended.

Senator ERVIN. I couldn't understand that the people felt as though they were being discriminated against down in the local, these 450 or 500 members of the local, if they would elect to office the nine men that you were trying to protect the members of the local from discrimination at their hands.

Mr. McCOLLUM. It certainly wasn't my intention to convey that impression.

Senator ERVIN. You know that these people had a meeting to pass on the question of whether they wanted the district to take charge of their affairs, as the district has, and you know that they voted 91 to 1 against what had been done to the local by the district.

Mr. McCOLLUM. Yes, sir. This was after—

Senator ERVIN. And despite the fact that you had a vote of 91 to 1 of the people who were primarily affected, you refused to do anything to grant them the power again to run their own affairs.

Mr. McCOLLUM. Sir, may I explain my thoughts on that? We haven't refused to do anything.

Senator ERVIN. When there was a vote like that—the evidence was that that was many months ago.

Mr. McCOLLUM. Please, sir. Our laws provide that before a group goes to court, the court of the land, that they process it through a regular procedure that is set up in our laws, and they go before the executive council, or complain to the international president. This was not done by that group until they had gone to court, and it has been in court ever since.

Yesterday afternoon, I believe it was, or yesterday morning, Mr. Kennedy asked me a question. I don't know whether I can phrase it as he did—

Mr. KENNEDY. Shall I—

Senator ERVIN. These people say that the first time they received notice that they had been deprived of the power to run their own affairs was July 18, and then they wired about it, a telegram which has been put into the record, 5 days later, and said,

Members of local 74 urgently request that delegation of three members be granted appearance before the executive council immediately with regard to the following grievances: First, involuntary incorporation of local 74 into district lodge 60; second, usurpation of field dues and job dispatches by district lodge 60.

Don't you know that the people of this local made that demand upon the International Union of Boilermakers within 5 days after they learned how they had been deprived of the power to manage their own affairs?

Mr. McCOLLUM. Sir, I think it was later than 5 days after they learned, because we were already in court. They hadn't taken any action until it went to court.

Senator ERVIN. When did it go to court?

Mr. McCOLLUM. I couldn't give you the date exactly, but it was soon after the district was set up.

Senator ERVIN. Who went to court?

Mr. McCOLLUM. Nine members.

(The witness conferred with his counsel.)

Senator ERVIN. They certainly didn't go to court on account of it being placed under control of the district until they found they had been placed under control of the district, did they?

Mr. McCOLLUM. No, I guess they found they were under control of the district, but they hadn't made any effort to adjust it through the international, as provided by our laws. They had not followed our laws.

Senator ERVIN. They asked for this hearing, didn't they?

Mr. McCOLLUM. They got that hearing.

Senator ERVIN. But they never got a decision on the hearing, did they?

Mr. McCOLLUM. We couldn't give a decision because we were in court all the time.

(The witness conferred with his counsel.)

Senator ERVIN. You could give a decision in their favor any time and then the court case would have stopped.

Mr. McCOLLUM. That is strictly a matter, of course, that the entire executive council handles.

Senator ERVIN. Didn't they send a delegation up to talk to a committee of the international in August 1958?

Mr. McCOLLUM. They sent three men to the executive council; yes.

Senator ERVIN. And they were granted a hearing. Those three men asked them to release them from control by the district 60, didn't they?

Mr. McCOLLUM. I believe they did.

Senator ERVIN. When was that hearing held?

Mr. McCOLLUM. It was during the council meeting, but I couldn't give you the date.

Senator ERVIN. Can't you tell within a month?

Mr. McCOLLUM. No, I couldn't. It might have been May or June.

Senator ERVIN. Of last year?

Mr. McCOLLUM. We had a late meeting last year, and then we had a January meeting. It must have been late last year.

Senator ERVIN. And 5, 6, or 7 months have gone by since then and they still have no decision on their petition.

Mr. McCOLLUM. Yes, sir; they have been in court all that time.

Senator ERVIN. You are not in court. This is before the brotherhood.

Mr. McCOLLUM. No; we were in the court, in the courts of Texas.

Senator ERVIN. But they came before the brotherhood and asked for relief.

Mr. McCOLLUM. Not until they violated our laws by going to the courts first. They made no effort before they went to court, before they filed this case they made no effort to come to the executive council. My office is within 10 or 20 blocks of local 74's office. Not one

man came to my office, not one man contacted President Calvin or the executive council before they went to court.

Senator ERVIN. As a matter of fact, wasn't this meeting of the executive council, this hearing, held back in September 1958?

Mr. McCOLLUM. We held a council meeting late in 1958. It could have been.

Senator ERVIN. Well, September 18, 1958?

Mr. McCOLLUM. It could have been.

Senator ERVIN. And they came before you and asked you to allow local 74 to resume the management of its own affairs, didn't they?

Mr. McCOLLUM. I believe they did.

Senator ERVIN. And they have gotten no decision on that yet?

Mr. McCOLLUM. I wouldn't know. No; I know they haven't. They haven't got a decision on it.

Senator ERVIN. That was September. That is a good many months ago.

Mr. McCOLLUM. That is right. That is true.

Senator ERVIN. And the only excuse you can give us for their not having the request passed on one way or another was the fact of the court case pending?

Mr. McCOLLUM. They went to court.

Senator ERVIN. And that court case was brought by about eight or nine men?

Mr. McCOLLUM. Nine men.

Senator ERVIN. And because 8 or 9 men brought a court case in what you conceive to be a violation of the rules of the union, you deny 450 or 500 other men their right to manage their own affairs; isn't that so?

Mr. McCOLLUM. No, sir; I don't think so, because that was brought as a class case, and it would cover every member—in my understanding of it. I am not an attorney. It would cover every member in lodge 74.

Senator ERVIN. It would cover every member similarly situated, but it would not make those other members parties to the case. So here you have—

Mr. McCOLLUM. We were so told that it did.

(The witness conferred with his counsel.)

Senator ERVIN. I belong to an organization and I bring a suit and call it a class case. That doesn't bind you?

Mr. McCOLLUM. Well, I don't know.

Senator ERVIN. I do.

Mr. McCOLLUM. I hope you are right, because we have been told differently.

Senator ERVIN. I am right. A person, by making a class suit, can't drag people into court against their will. Here you have a situation where your union has known for 8 months at least that what they have done is against the will of 91 out of every 92 members of the local; these members of the local appealed to you for relief, and you don't even grant them the courtesy of a decision on their application over a period of 8 months. They can't even get you to say "Yea" or "Nay."

Mr. McCOLLUM. Well, sir, I am only 1 member of a 16-member executive council.

Senator ERVIN. What have you done as an individual to get the other 15 to do the right thing about this?

Mr. McCOLLUM. I beg your pardon?

Senator ERVIN. What action have you taken as an individual to persuade the other 15 to let a local have its authority to manage its own affairs back again?

Of course, you can't answer for the other 15, but what have you done to persuade the other 15 to do right?

Mr. McCOLLUM. I haven't done anything except attend the council meetings and discuss it when it came up. The council took action in accordance with the laws of this brotherhood to set up the district, which we were instructed to do—to set up districts—by the last international convention—to set up districts where possible, I believe was the language.

Senator ERVIN. Do you know the day the suit was brought?

Mr. McCOLLUM. I beg your pardon?

Senator ERVIN. Do you know the date the suit was brought?

Mr. McCOLLUM. Do I know the date?

Senator ERVIN. Yes.

Mr. McCOLLUM. No, sir; I don't.

Senator ERVIN. Do you know if it was brought before or after September 18?

Mr. McCOLLUM. I believe it was before.

Senator ERVIN. Don't you know the vote was taken back in August, the preceding month, and they voted, 91 to 1, against having their affairs run by the district?

Mr. McCOLLUM. That was after the districts had been set up for several months, I believe.

Senator ERVIN. Don't you pay any attention to the wishes of the people from whom you get the dues?

Mr. McCOLLUM. Yes, sir.

Senator ERVIN. That is a queer thing. You know, some of us are officeholders elected by the people and if our people voted 91 to 1 for a certain course of action, you can be certain they would get it. But somehow or other the officers in some internationals and district officers in unions don't seem to care what their constituents wish.

If the law permits you to do it this way, to refuse to make a decision for 8 months, it is about time for your law to be changed.

Mr. McCOLLUM. Let me answer it, if I may—if I can find the words that will fit.

This entire matter, as I said to you, has been in court. These same questions have come up in court. Our executive council has not been in position to do anything while this matter was in court.

Senator ERVIN. To my mind that is inconceivable, because you would certainly give these people back the management of their own affairs—and that would put an end to the lawsuit.

Mr. McCOLLUM. Would it?

Senator ERVIN. Yes. I have never heard of anybody yet who wanted to carry on a lawsuit if they could get the point.

Mr. McCOLLUM. Those people have never told us that.

Mr. KENNEDY. We can ask them right now. Their attorney is here.

Mr. McCOLLUM. Well, sir, I don't have the authority to say—I told you in your office yesterday morning—

Mr. KENNEDY. You are questioning what Senator Ervin said. Isn't it correct, if they would return the autonomy to the local people, of this local, that the lawsuit would be settled?

STATEMENT OF FREDERICK W. ROBINSON

Mr. ROBINSON. As long as went with it—an injunction against punitive measures for having taken the action.

Mr. KENNEDY. Obviously that. But isn't that all you are interested in?

Mr. ROBINSON. That is all.

Mr. KENNEDY. He said as long as there were no punitive, retaliatory measures taken against individuals of the local, that is all they are interested in—having their autonomy returned.

You wanted the answer to your question. There it is.

TESTIMONY OF J. P. McCOLLUM—Resumed

Mr. McCOLLUM. I will say again I have never before this been approached, or I don't think the international president has. Let me, please, sir, go a little further.

Senator ERVIN. You were saying a while ago you were having trouble finding words, or you wanted to find some words to express this thing.

The word that applies to this, according to my way of thinking, is "tyranny." That is the right word.

Mr. McCOLLUM. Well, sir, of course I don't agree with you.

The CHAIRMAN. What happened to the nine men who brought the suit?

Mr. McCOLLUM. I beg your pardon.

The CHAIRMAN. What happened to the nine men who brought the suit that you have been talking about?

Mr. McCOLLUM. They were tried under the laws of the brotherhood.

The CHAIRMAN. What happened to them?

Mr. McCOLLUM. I don't know. I don't think there has been any decision made. As far as I know, there hasn't. I have not been in touch.

The CHAIRMAN. I don't quite understand you. They were tried, did you say?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. Do you mean charges were filed against them?

Mr. McCOLLUM. Charges were filed by the international vice president who was in charge of the office while the international president was out of town.

The CHAIRMAN. Who is the international vice president?

Mr. McCOLLUM. Vice President Russell Berg.

The CHAIRMAN. Are you an international vice president, too?

Mr. McCOLLUM. Yes, sir.

The CHAIRMAN. Does he have authority to file charges without approval of the executive board?

Mr. McCOLLUM. The only man that files charges without the approval of the executive board is the international president or his designated representative. At this time, Mr. Berg was his designated representative.

The CHAIRMAN. What are the charges that were filed against them? (The witness conferred with his counsel.)

Mr. McCOLLUM. I couldn't quote the charges to you.

The CHAIRMAN. What was the general nature of them?

Mr. McCOLLUM. One charge involved carrying the case to court before using the machinery set up by our international constitution; the other was causing dissension by certain acts they had performed.

The CHAIRMAN. Is it a crime in your union for someone to cause dissension by disagreeing with what their officers are doing?

Mr. McCOLLUM. No, sir.

The CHAIRMAN. What do you mean by dissension?

Mr. McCOLLUM. Well, dissension by—I don't know. You can cause dissension a lot of ways. There are many ways of causing dissension.

The CHAIRMAN. I know; that is why I asked you.

You are international vice president. Suppose I am a worker down here belonging to the union and I pay my dues. I don't like the way you are running this thing and I say something about it. That is dissension. I can go around and talk to my fellow workers. I can say, "Look what that international vice president is doing, trying to put us in the district, take away all of our money, all of our field dues, and take it up there and run the thing themselves, not letting us have anything to do with it."

Is that what you mean by dissension?

Mr. McCOLLUM. No, sir; I think any man has a right to express his opinion at any time.

The CHAIRMAN. That is what I would think. So that is not the kind of dissension you are talking about?

Mr. McCOLLUM. I didn't file the charges, sir.

The CHAIRMAN. You come up here and play this ignorant stuff. You are bound to have some knowledge of what goes on down there. Don't pretend to be so ignorant. You are not fooling anybody.

Mr. McCOLLUM. I know what is going on and I am not trying to act ignorant.

The CHAIRMAN. Do you know what these charges are?

Mr. McCOLLUM. I absolutely do.

The CHAIRMAN. What are they?

Mr. McCOLLUM. I just told you—that they were charged with going to court before using the machinery—

The CHAIRMAN. I asked you what else and you said dissension. What kind of dissension?

Mr. McCOLLUM. I think there were eight or nine charges spelled out to the court.

The CHAIRMAN. Do you mean the charges that are in the complaint that they brought?

Mr. McCOLLUM. Yes.

The CHAIRMAN. Nothing else?

Mr. McCOLLUM. Nothing else that I know of.

The CHAIRMAN. The whole charge against these nine men is because they took this lawsuit to court?

Mr. McCOLLUM. No, sir.

The CHAIRMAN. What are the other charges?

Mr. McCOLLUM. There are other charges. I don't have a list of them. There are 8 or 10 charges.

The CHAIRMAN. Have you any idea what they are?

Mr. McCOLLUM. I have an idea. I read them.

The CHAIRMAN. Was one of them because they wrote this committee and complained about conditions? Is that one of the charges?

Mr. McCOLLUM. I believe that was contained. I am not sure.

The CHAIRMAN. I believe so.

Mr. McCOLLUM. But I believe it was.

The CHAIRMAN. In other words, you don't want them to appeal for help anywhere. They just have to bow to the rule of the heads of your union?

Mr. McCOLLUM. No, sir; they do not.

The CHAIRMAN. Well, they can't go to court.

Mr. McCOLLUM. They can go to court after they go to the international organization that they belong to.

The CHAIRMAN. It was then that they wrote us after they had been to you, wasn't it?

Mr. McCOLLUM. It was after, but they have never as yet gone through the regular procedure of our laws in going to the international.

The CHAIRMAN. In other words, you just have to bow.

Mr. McCOLLUM. No, sir; we don't operate that kind of organization.

The CHAIRMAN. You have one of the charges because they talked to the counsel of this committee, haven't you?

Mr. McCOLLUM. I didn't make those charges. And I just said to you I thought that charge was contained in there. But I wouldn't say it under oath because I am not sure.

Senator ERVIN. Who appoints the people that did the trying?

Mr. McCOLLUM. The international president.

Senator ERVIN. The international president. He prefers the charges?

Mr. McCOLLUM. That is right.

Senator ERVIN. In other words, he is the prosecutor. Then he appoints the judges who will pass on the charges he makes?

Mr. McCOLLUM. That is right.

(The witness conferred with his counsel.)

Mr. McCOLLUM. The constitution provides that.

Senator ERVIN. Your constitution. The English law, common law, under which we live, after which your constitution is not modeled, states that no man can be a judge in his own case, or appoint the judges, or have the prosecutor appoint the judges. Now, when was this trial held?

(The witness conferred with his counsel.)

Mr. McCOLLUM. The last part of March.

Senator ERVIN. The last part of March?

Mr. McCOLLUM. That is what my attorney advises me.

Senator ERVIN. And the only charges you can tell us that were preferred, and you say there were eight or nine, the only one you can recall is one was a charge that they were placed on trial because they saw fit to exercise their right as American citizens to go to a court of justice and ask a court of justice to give them justice.

Mr. McCOLLUM. I don't agree with your interpretation of it.

Senator ERVIN. Well, you tried them for going to court. Don't you consider the courts in Texas as the courts of justice?

Mr. McCOLLUM. We tried them, too, for violating our constitution, which provides that first they come to the international organization. Then they can go to court.

Senator ERVIN. But you have a remedy under the law for that.

Mr. McCOLLUM. I beg you pardon?

Senator ERVIN. You have a remedy. Instead of trying them, you should have gone into court and set that up and said they were in court too early. But you don't do that. You place them on trial on the charges that were preferred at the instance of the international president or his representative before a court selected by the international president.

Mr. McCOLLUM. You are talking about points of law that I am not familiar with to answer.

Senator ERVIN. It seems to me that I am not familiar with putting a man on trial in a union because he sees fit to seek relief at the hands of a court of justice.

The only other thing you say you can tell us was that they were put on trial under another charge to the effect that they had communicated with this committee, which had been set up by Congress to investigate improper practices in labor and management in the United States. You say that, don't you?

Mr. McCOLLUM. I say that that may be contained. I think it is contained in the charges.

Senator ERVIN. In other words, you are so much opposed to this senatorial committee receiving information about complaints in the internal affairs of your union that you actually put people on trial because they communicated with the committee?

Mr. McCOLLUM. No, sir. I am not against this committee.

Senator ERVIN. Why does your union try men because they communicate with this committee?

Mr. McCOLLUM. They tried them because they violated our international constitution, which says first they will come through those procedures.

Senator ERVIN. But you did try them. The reason you tried them was because they communicated with this committee.

Mr. McCOLLUM. That wasn't the sole reason; no, sir.

Senator ERVIN. That was one of them.

Mr. McCOLLUM. It is possible that it was one of them. I don't know.

Senator ERVIN. Wait a minute. You are a member of the international executive board, aren't you?

Mr. McCOLLUM. Yes, sir.

Senator ERVIN. And a vice president of the international?

Mr. McCOLLUM. Yes, sir.

Senator ERVIN. Is there any doubt that that is one of the charges? Is it?

Mr. McCOLLUM. It is a doubt because I wasn't on the trial committee and I don't recall reading those charges except over in a courtroom when we explained through our counsel to the court the charges under the dissension.

(The witness conferred with his counsel.)

Mr. McCOLLUM. And the court told us what we could try them on. I couldn't list those different, various charges at all. I don't remember them. I read it once.

(The witness conferred with his counsel.)

Senator ERVIN. It seems to me that a man in your position who comes up here to defend your organization against these charges ought to at least find out what the charges were.

Are you able to say either yes or no to the question as to whether one of these charges is based on the fact that these persons placed on trial communicated with this committee of the Senate?

(The witness conferred with his counsel.)

Mr. McCOLLUM. I don't know, sir.

Senator ERVIN. You don't know?

Mr. McCOLLUM. Wait a minute. I believe the court—that would be in the records of the court.

(The witness conferred with his counsel.)

Senator ERVIN. I am not talking about the court. I am talking about this trial committee that was set up by the international to try these men. You are telling me now—I understood you to tell Senator McClellan a few minutes ago you knew what the charges were.

Mr. McCOLLUM. Yes, sir.

Senator ERVIN. You tell me now you don't know what the charges are.

Mr. McCOLLUM. No, sir. I am not telling you that. The charges were, as made by the international president—one charge included the court case, going to court and filing before coming to the regular procedure, coming to the international president.

The next charge was causing dissension. I can't quote the paragraph because I don't have my constitution law book with me.

And out of those charges, the court ruled that we could not try them on the first charge because we were in court on that charge, and the court took jurisdiction. Just a moment.

(The witness conferred with his counsel.)

Mr. McCOLLUM. The court took jurisdiction over the case. But we could try them on the other charge of causing dissension.

Senator ERVIN. The other charges were that they had gone to court instead of seeking relief in the union, by union law, and the charge was based on the fact that they had sought relief in a court and had appealed to this committee?

(The witness conferred with his counsel.)

Senator ERVIN. As a matter of fact, weren't you the man who recommended that the charges be preferred?

Mr. McCOLLUM. No, sir.

Wait a minute. I will take that back.

Senator ERVIN. I thought you would.

Mr. McCOLLUM. Not these charges when they were filed. I suggested when this court case first came up, I suggested that charges be filed; yes, sir. I sure did.

Senator ERVIN. In other words, you are the man who started the charges in motion, aren't you?

Mr. McCOLLUM. I don't think so, because they weren't filed for several months later.

Senator ERVIN. You wrote a letter to Mr. William A. Calvin. Is he the international president?

Mr. McCOLLUM. Yes, sir.

Senator ERVIN. On August 4, 1958?

Mr. McCOLLUM. Yes, sir.

Senator ERVIN. You said, "I am of the opinion that charges should be filed against these men because there can be no doubt but they are guilty of violating the laws of this brotherhood."

Mr. McCOLLUM. Right.

Senator ERVIN. What laws of the brotherhood had they been guilty of violating?

Mr. McCOLLUM. They had violated the law by going to court and causing a court case without following the machinery set up in our international constitution.

Senator ERVIN. Then you did what they——

Mr. McCOLLUM. That was after the court case had been filed.

Senator ERVIN. They came in September, didn't they?

Mr. McCOLLUM. I believe it was September. It was somewhere in the latter part.

Senator ERVIN. And they tried to follow the machinery set up by your organization for granting relief and they got no relief, did they?

Mr. McCOLLUM. I don't think they followed the exact procedure.

Senator ERVIN. Well, they came there and begged you.

Mr. McCOLLUM. They made a special request to come before the council and they did come before the council.

Senator ERVIN. And that has not been acted on, and you say the only reason it hasn't been acted on was because they had gone into court?

Mr. McCOLLUM. As far as I know, we have been in court ever since, and as far as I know that has not been acted upon.

Senator ERVIN. You must like to be in court.

Mr. McCOLLUM. No, sir; I do not.

Senator ERVIN. You could have gotten out of court in September if you had given these people back what I think were their plain rights.

Mr. McCOLLUM. No one offered us that chance.

Senator ERVIN. I have been in a lot of law suits, I spent most of life in a courthouse, and I have never yet had a client that wanted to have a law suit when they offered to give him what he was after in the first place in a peaceable manner.

Mr. McCOLLUM. Well, they never come to me.

Senator ERVIN. Do you mean to tell me right now that you think these people wouldn't stop this court case if you restored them their full power to run their own affairs?

Mr. McCOLLUM. I think the majority of them would. But there is a lot of them that wouldn't, that would fight against it.

Senator ERVIN. Therefore, you are going to deny the majority who would like to put an end to it, you are going to deny them their rights because you don't approve of the conduct of a half dozen men?

Mr. McCOLLUM. I don't follow you, Senator.

The CHAIRMAN. You know, I still have an idea, and it isn't a bad idea, to require labor unions to put into their constitutions provisions that will protect and guarantee the rights of union members. I still think it is a pretty good idea. The poor men in this case are helpless.

Mr. KENNEDY. What was the name of the judge who gave the decision that you talked about?

Mr. McCOLLUM. Judge Pershing Bell.

Mr. KENNEDY. What was in Judge Boyd's court. What was that?

Mr. McCOLLUM. Judge Boyd? That is the district court.

Mr. KENNEDY. What decision did they render?

Mr. MYER. Would you like me to discuss the decision with you? He is not a lawyer.

Mr. KENNEDY. That doesn't matter. He is involved in the case. He can tell me. I am not going into anything technical.

The CHAIRMAN. You can state it from a layman's standpoint.

Mr. McCOLLUM. I will try to explain it. I think the decision was that they hadn't used the procedure of our laws. I believe that was the decision.

Mr. KENNEDY. This, as I understand it, and you can correct me, was the so-called rank and file group bringing a case against the international to get their autonomy restored, and the lower court ruled that they should have followed certain other procedures; is that correct? That is Judge Boyd.

Mr. McCOLLUM. Yes, sir; I believe it is. That is to the best of my knowledge.

Mr. KENNEDY. They appealed that to a higher court and the higher court reversed that decision, at least in part.

Mr. MYER. That is not a correct statement. They appealed to the court of civil appeals and they held that they should have been given the right to offer evidence in the district court, which the district court didn't give them.

Mr. KENNEDY. All right. That was Judge Boyd's court originally?

Mr. McCOLLUM. I believe it was.

Mr. MYER. Judge Boyd's court originally.

Mr. KENNEDY. Would you identify this letter of August 4, 1958?

The CHAIRMAN. I present to you a carbon copy of a letter dated August 4, 1958, addressed to William A. Calvin, international president, Kansas City, Mo., signed with typewriting, J. P. McCollum.

I ask you to examine it and state if you identify it as a photostatic copy of the original.

(The document was handed to the witness.)

Mr. McCOLLUM. That is a copy of the letter.

The CHAIRMAN. It may be made exhibit No. 11.

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

Mr. KENNEDY. This is a letter, Mr. Chairman, of August 4, 1958, to Mr. Calvin, international president, signed by Mr. McCollum. It discusses this first case.

Upon appearing in Judge Boyd's court, Judge Boyd suggested to the attorneys for both sides that the matter be handled strictly on the points of law without testimony by witnesses. Attorney Robinson, who was representing the plaintiffs, objected to this procedure and insisted that he be permitted to put a long string of witnesses on the stand.

During the recess, while the judge was thinking the matter over, I contacted Mr. Sewall Myer, a former judge and a very prominent attorney in the city of Houston, who for many years represented the State federation of labor, knowing that he was a personal friend of Judge Boyd's, and I requested that he attend the hearing when it resumed.

After explaining the entire matter to Mr. Myer, he assured me that he would be at the hearing. I was of the opinion that his presence would be a great influence on the judge in making a decision on how the matter would be handled.

When the judge came back into court, he spoke to Mr. Myer for a few moments, and then he had the court called to order.

He immediately advised the matter would be heard only on the points of law and instructed our attorney to proceed. The attorney, in my opinion, did a wonderful job in presenting the matter to the court. Their attorney, of course, objected to almost every statement made by our attorneys. However, the result was very gratifying when the judge advised he was dismissing the plaintiff's request for injunction, and stated that through experience, the court had found that labor unions were better equipped to handle their internal affairs through their constitution and bylaws and he further commented that our constitution and bylaws certainly gave to a person all the machinery necessary to settle disputes and grievances.

Their attorney immediately advised the judge that he was filing an appeal and on the following day did file an appeal.

That was the appeal where the higher court overruled the judge.

The CHAIRMAN. I expect that judge has learned now it is pretty difficult for union members—

Mr. McCOLLUM. I beg your pardon?

The CHAIRMAN. I expect that judge has learned now, based upon the testimony here, that it is pretty difficult for union members to get relief within their own union. Here they have been before you 8 months asking for it, and you have made no decision either way.

Is there anything further?

Do you want to make any further comment?

Mr. McCOLLUM. I did want to explain a few things about the job dispatching and those things that was brought up. Is it all right if I explain that?

The CHAIRMAN. Yes.

Mr. McCOLLUM. The statement was made, I believe, that the dispatching wasn't being carried out right. I am not sure about this statement, but it is my understanding.

The statement was made that the party doing the dispatching was not familiar with the people and the area. Mr. John Kirtley, who is president of local 74, and who formerly dispatched all the members—I say all the members; that was his regular job of dispatching—is still the dispatcher, and dispatches the men out to the jobs. Maybe occasionally Mr. Logue will dispatch some when he gets an order. That is information furnished me as to the way they operate.

Mr. KENNEDY. Do you know that to be a fact yourself?

Mr. McCOLLUM. I don't know it to be a fact. It is information furnished me, and that is the setup procedure.

Mr. KENNEDY. Who furnished you that information?

Mr. McCOLLUM. Mr. Logue. Mr. Logue at times has to dispatch when Mr. Kirtley is out of the office. Mr. Kirtley is not in the office all the time. He also takes care of—

Mr. KENNEDY. What about local 577? Who dispatches?

Mr. McCOLLUM. My understanding is that the district is called by the contractors when they are in need of men.

Mr. KENNEDY. What about 577?

Mr. McCOLLUM. They call the district and the district calls the assistant business manager down there and gives him men off of the out-of-work list.

Mr. KENNEDY. So they dispatch their own down there?

Mr. McCOLLUM. They dispatch out of there. Now, let me go a little further with that. The district was dispatching men out of 74's, and Mr. Kirtley was in that office, and Mr. Head, in my presence,

requested Mr. Logue to move Mr. Kirtley out of the office and do the dispatching over at the district office.

That was in my presence, and other people were there, too. That change was made. The district maintains an out-of-work list, and I believe they try to be just as fair as they can be about it. If a contractor calls in for 10 welders, they do down that list of qualified welders and the first qualified welder is the first sent out, and the second and third and so on, or if he calls for a boilermaker, if he calls for a chipper, or whatever he might call for.

After he works, of course, on that job, he goes to the bottom of the list and he is not sent out until his name comes up.

(The witness conferred with his counsel.)

Mr. McCOLLUM. I am informed it is the practice also in the district, and I believe it to be so because that was the way it was set up originally, is that the local area man—if a job comes up near Houston, the local man that lives in Houston gets preference on that job, or vice versa. If it is in Texas City, the man on the out-of-work list that lives in that area and who belongs to the Galveston local gets the preference.

The CHAIRMAN. Where is your headquarters?

Mr. McCOLLUM. Houston.

(The witness conferred with his counsel.)

Mr. McCOLLUM. Of course, it rotates. The out-of-work list continually rotates. If a man is sent out to a job, his name is removed after a certain length of time on that job and he goes to the bottom of the list.

The CHAIRMAN. Let's see how it works. Here is a man who has been on the job 6 months, working regularly. Another fellow gets on the job. He is at the bottom of the list and when they call in they send this man from the bottom of the list. He works 1 week and he goes to the bottom of the list again?

Mr. McCOLLUM. No, sir.

The CHAIRMAN. I don't care anything about it, but how do you keep the balance of the number of days they work so one man will not get to work 6 months and another man just a week?

Mr. McCOLLUM. We have never found a way to keep a balance. But you do this: If a man goes out on a job and works—I don't know just how many days the rule applies—if he works as many as, I believe, 8 days, or some certain number of days, then his name is removed and he goes to the bottom of the list.

The CHAIRMAN. That is the point I was making. One man might work 6 months and he goes to the bottom of the list. Another one may work 8 days and he goes to the bottom of the list right under that fellow, and the fellow who has worked 6 months gets the next job, notwithstanding this fellow has been out of work all that time.

Mr. McCOLLUM. That is true. It is true to this extent, that it rotates all the time. In other words, every man is given a fair chance at the work.

The CHAIRMAN. That is kind of like spinning a wheel. You may come up with No. 1 or No. 30.

Mr. McCOLLUM. For instance, Senator, if I am dispatched out on a job, and I work 4 months, maybe there is 50 men underneath me that hasn't worked in 3 or 4 months themselves. Then I come in and go to the bottom of that list and wait my turn.

The CHAIRMAN. Have you anything else?

Mr. McCOLLUM. Well I have a few things.

The CHAIRMAN. Go right ahead. I will try not to interrupt you any more.

Mr. McCOLLUM. I would like to explain to you, Senator, that the work shortage in that area in the past year has been awfully bad. We just haven't had any construction work. It has been that way all over the country, as far as that is concerned. But we have had a terrible work shortage throughout that area. I think that is it.

The CHAIRMAN. This morning—

Mr. KENNEDY. Could I bring one point out?

I just wanted to explain that if there had been some corruption, or if there had been a considerable amount of dissension, or if something similar to that had existed in the local, and you came in and presented evidence of that kind, and that was the reason you went in, certainly there would be support for that kind of effort.

Here, of course, we have the situation where there is no evidence of that kind of an operation, and where the local seemed to be successful and seemed to have been supported by the membership. Yet the international came in. That is the kind of operation, of course, in which we have been interested for 2½ years, where in certain cases the international comes in and takes over locals where there does not seem to be any reason whatsoever, and secondly, on the other hand, where there does seem to be reason for their coming in, where you have members stealing or extorting, the international does not come in.

Mr. McCOLLUM. I told you yesterday—I made a call to President Calvin after I discussed it with you. When you asked me the question, I didn't have the authority to answer it. I called him and he told me that this matter would be brought up and thoroughly discussed at the next executive council meeting, which is to be on the 14th of July, I believe.

Mr. KENNEDY. As to whether you would restore the former autonomy?

Mr. McCOLLUM. Yes. He said the matter would be thoroughly handled.

Mr. KENNEDY. Would you recommend that the autonomy be restored?

Mr. McCOLLUM. I will have to look at a lot of the facts. Right now, I wouldn't be in a position to say strictly yes or no. But I think it is possible that I would. Let me go just a little further, please. I think if the matter could be adjusted that way; it is a possibility.

The CHAIRMAN. Let me point out to you that by taking all of the field dues from this local 74 you have reduced their monthly income to around somewhere between \$500 and \$750 a month for 750 members. That is impossible to operate, I assume, and pay the salaries of the officers and other expenses on that small amount: wouldn't you agree?

Mr. McCOLLUM. Senator, let me please answer you this way: Lodge 74 has the lowest set dues of any—

The CHAIRMAN. That is all right. They were getting along pretty well. They had a bank account.

Mr. McCOLLUM. We are talking strictly about dues now, the monthly dues.

The CHAIRMAN. I am talking about the monthly dues and the other, too. Go ahead.

Mr. McCOLLUM. I am trying to answer on both. They have the lowest dues of any lodge that I am familiar with in my area. All the other lodges raised their dues a few years ago. But they were getting along all right, I suppose, so they didn't raise theirs.

We have a lodge in Houston, lodge No. 469, that has less than 400 members steadily employed in the shipyards and shops. They have no income except their dues. However, they have a treasury of \$15,000 or \$16,000, something in that amount—I don't know just how much—and they have two full-time employees, the business manager and the secretary-treasurer being full-time employees. Their salaries are, I think, probably \$90 and \$100, respectively, and they manage pretty good.

The CHAIRMAN. But they work all the time?

Mr. McCOLLUM. I beg your pardon?

The CHAIRMAN. They are pretty much full-time employees?

Mr. McCOLLUM. They are steady employees. Well, I would not say full time, but the majority of them would be; yes.

The CHAIRMAN. But you have to admit that this lodge was getting along pretty well, too, on its \$4 a month, because they had eighteen or nineteen thousand dollars in the treasury, or \$23,000, when you took it over. You took it away and now it only has four, five, or six hundred dollars a month to operate on.

Of course, the reserves in the treasury have been depleted now to where they are down to about \$3,000.

If you have a real interest in the healthy union and locals being solvent, how do you rationalize that you serve the interests of this local and its members by the kind of supervisory position you have put it in and are keeping it in against the will and the protest of the membership? How do you maintain you have served the interest and welfare of the workingmen?

(The witness conferred with his counsel.)

Mr. McCOLLUM. Well, of course, the international doesn't get one penny of those field dues; that goes to the district.

The CHAIRMAN. You are taking it away from these people. I don't know who gets it.

Mr. McCOLLUM. It goes to the district for the purpose of paying the policing of construction work. That is the reason for the field dues in the first place.

(The witness conferred with his counsel.)

The CHAIRMAN. Is there anything further?

The Chair will announce that the arrangements were made pursuant to the voluntary offer of Mr. Head this morning, which was joined in by Mr. McCollum, to take a lie detector test to determine which one of them may have committed perjury before the committee this morning. That arrangement has been made. The Government service is standing by ready to receive you gentlemen. If you will, report to them—

Mr. KENNEDY. We will have somebody take them.

The CHAIRMAN. At the naval service buildings, near the Navy Annex, in Virginia. The committee has arranged to see that you get transportation over there. So you can go over there and take the test and we will get a report back on it.

Mr. MYER. Mr. Chairman?

The CHAIRMAN. Yes, sir?

Mr. MYER. Mr. McCollum wants his attorney to be with him.

The CHAIRMAN. He can have his whole family with him if the tester is willing. I have no objection to the attorney or anybody else.

Mr. MYER. The reason he can't go over there now is because I have this other matter that is coming up now. As soon as we get through with that, he can go.

Mr. KENNEDY. Hasn't Mr. Judd another attorney with him? Does he need both attorneys with him?

Mr. MYER. I am the regular man who has been handling it.

Mr. KENNEDY. The key questions, Mr. Chairman, are these: Was the subject of hiring a man to kill Clarence Wilkins discussed during the meeting of January 1, 1957?

Mr. MYER. Isn't it proper that the persons who are taking the lie test have the same questions submitted to them that were submitted right here?

Mr. KENNEDY. I thought we would work them out now. This is what we asked, in substance.

Mr. MEYER. I will be glad to get with you a little later on and try to work them out.

Mr. KENNEDY. Let me ask you that question now: Was the subject of hiring a man to kill Clarence Wilkins discussed during the meeting of January 1, 1957?

Mr. MYER. It was not.

Mr. KENNEDY. Mr. Head? Was it discussed?

The CHAIRMAN. Ask him the question.

TESTIMONY OF LELAND F. HEAD—Resumed

Mr. KENNEDY. Was the subject of hiring a man to kill Clarence Wilkins discussed during the meeting of January 1, 1957?

Mr. HEAD. It was.

The CHAIRMAN. Somebody is not telling the truth.

Mr. KENNEDY. The second question: Was this man to be paid out of the fund? What is your answer to that question?

Mr. McCOLLUM. No.

Mr. MYER. Wait a minute.

Mr. McCOLLUM. You got me into something. You said "this man." What man?

The CHAIRMAN. The man to do the killing.

Mr. McCOLLUM. I just answered the question that there was no man mentioned.

Mr. KENNEDY. Well, then, the answer would be "No," by you.

Mr. McCOLLUM. I hope it would.

The CHAIRMAN. The first question was: Was it discussed, the man to kill Wilkins?

Mr. McCOLLUM. It was not discussed.

The CHAIRMAN. The next question is: Was the man to kill Wilkins to be paid out of the funds? You said there was no such discussion, and then you say there is no fund for that purpose?

Mr. McCOLLUM. That is right.

The CHAIRMAN. And there is no payment to be made out of the fund to get someone to kill Wilkins?

Mr. McCOLLUM. That is right.

The CHAIRMAN. How about you? Answer the same questions.

Mr. KENNEDY. Was this man to be paid out of the fund?

Mr. HEAD. Yes; he was to be paid out of the fund.

The CHAIRMAN. The man who was to kill Wilkins was to be paid out of the fund?

Mr. HEAD. That is correct.

The CHAIRMAN. Is that right?

Mr. HEAD. That is right.

Mr. KENNEDY. The question may be rephrased over there.

Mr. MYER. The question was, Did Mr. McCollum—not somebody around? There were 8 or 10 people there. That wasn't the question. The question was, Did Mr. McCollum do it?

Mr. KENNEDY. I have asked him the question here today. I will ask him now whether it was discussed.

Was it discussed?

Mr. McCOLLUM. It was not.

The CHAIRMAN. All right.

What is next?

Mr. KENNEDY. Mr. Chairman, as you know, we expected to go into a different matter. We have run so late we will not be able to get through all the witnesses. Some of them come from far parts of the country, but without giving the whole story this afternoon it would be incomplete. We will hear some of them in executive session and maybe release that testimony.

The CHAIRMAN. The open session of the committee now stands adjourned. There will be an executive session of the committee, at which the taking of testimony will proceed.

(Whereupon, at 3:30 p.m., the committee recessed and proceeded into executive session.)

APPENDIX

EXHIBIT No. 1



Office of
WILLIAM A. CALVIN
INTERNATIONAL PRESIDENT

April 25, 1958

File: 23(a-1)-Tamm-1

Mr. Leland F. Hood
Business Manager, Lodge #73
8203 Leander Street
Houston, Texas

Mr. J. O. Billingsley
Business Manager, Lodge #132
902 52nd Street
Galveston, Texas

Gentlemen and Brothers:

Lodge #132, Galveston, Texas, has submitted to the International Executive Council a request for the allocation to that Local jurisdiction over field construction work in the following counties in the State of Texas, which are now under the jurisdiction of Lodge #74, Houston, Texas:

Brazoria County
Chambers County (that
portion west of the
Trinity River)

Atascosa County
Jackson County
Wharton County
Fort Ben County

This request for jurisdiction will be considered by the Executive Council at 1:00 P.M., Wednesday, May 7, and if it is desired, representatives of your Local Lodge will be given an opportunity to appear before the Executive Council concerning this jurisdiction.

Will you please advise us whether or not your Local will have a representative and the name of the representative, if one is sent to appear before the Council.

Mr. Hood
Mr. Billingsley

Cordially and fraternally,

W. A. Calvin

WILLIAM A. CALVIN
International President

WAC:bc
cc:

J. P. Robinson, VP

cc: #200 off-cc

EXHIBIT No. 5A

128
 H. C. ...
 SECRETARY

DAVENPORT, TEXAS June 4 - 10 50 5927

THREE THOUSAND NATIONAL BANKS
 ••••• OF HOUSTON •••••

17
 PAY TO THE ORDER OF

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS,
 IRON SHIP BUILDERS, BLACKSMITHS, FORGERS,
 AND HELMERS, LOCAL NO. 732

\$ 151.06

06 / 00 DOLLARS

O. J. ...

46-2
 1131

COUNTERFEITED BY

Joy O. Ballys

151.06

AA 36-4

FOR DEPOSIT ONLY

MADE THROUGH HOUSTON CLEARING HOUSE OR PAY TO THE ORDER OF ANY BANK, BANKER OR TRUST CO. IN ANY STATE

JUN 05 1950

JUN 05 1950

NATIONAL BANK OF COMMERCE

FEDERAL RESERVE BANK OF HOUSTON, TEXAS

HOUSTON, TEXAS

195

No.

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175.00
17.70 w.t.
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153.86

GULFGATE STATE BANK

35-99
1131

PAY TO THE ORDER OF

\$ 153.86

DOLLARS



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Handwritten signature: Joyce Bell...

Stamp collage including: HOUS TEXAS, FEDERAL RESERVE BANK OF DALLAS, CALVESTON CLEARING HOUSE, JUN 25 1959, and various 35-4 codes.

HOUSTON, TEXAS General 195 8 No. 20

GULFGATE STATE BANK
OF HOUSTON

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Wm. A. B...
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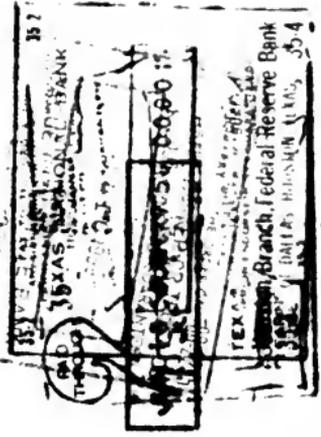
DOLLARS

DISTRICT LODGE #50

35-99
Wm. A. B...
D. V. Head

175.00
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Feb. 28 1957

GALVESTON, TEXAS

THE FIRST NATIONAL BANK
OF GALVESTON, TEXAS

46-2
1131

PAY TO THE ORDER OF Cash



No. \$ 85.00

Eight Five Dollars and

00 DOLLARS

BY ENDORSEMENT THIS CHECK WHEN PAID IS ACCEPTED IN FULL PAYMENT OF THE FOLLOWING ACCOUNT

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS,
IRON SHIP BUILDERS, BLACKSMITHS, FORGERS,
AND HELPERS, LOCAL NO. 132

To reimb. cash loaned to

J. P. McCollum	50.00
D. E. McCollum	10.00
J. E. Armbrstrong	25.00

C. V. Gann

SECRETARY

J. P. McCollum

COUNTERSIGNED BY



International Brotherhood of Boilermakers,
Iron Ship Builders, Blacksmiths, Forgers and
Helpers, Local No. 132

FOR DEPOSIT ONLY

5262

48-2
1131

GALVESTON, TEXAS June 29 1957

THE FIRST NATIONAL BANK
OF GALVESTON, TEXAS

\$ 75.00
No / 00 DOLLARS

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS,
IRON SHIP BUILDERS, BLACKSMITHS, FORGERS,
AND HELPER, LOCAL NO. 132

O. J. Grew

TREAS.

Seven Five Dollars and

20	reimb.	cash loaned			
	to	J. P. McCallum			

Cash

TO THE
ORDER OF

Jay O. Butler

COUNTERSIGNED BY

International Brotherhood of Boilermakers,
Iron Ship Builders, Blacksmiths, Forgers and
Helpers, Local No. 132

FOR DEPOSIT ONLY

5262

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GALVESTON, TEXAS July 16 19 58

TRUST FIRST NATIONAL BANK
OF GALVESTON

\$ 3100.00

No. 1 00 DOLLARS

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS,
IRON SHIP BUILDERS, BLACKSMITHS, FORGERS,
AND HELPERS LOCAL NO. 132

O. L. Jones

31000-3

TREAS.

SECRETARY *Jay C. Berry*

DAY TO THE ORDER OF

BY ENDORSEMENT THIS CHECK MUST BE ACCEPTED IN FULL PAYMENT OF THE ACCOUNT

COUNTED BY

Jay C. Berry

PAID THE
CLEARING HOUSE
or Pay to Order of
Bank Banker
INTERNATIONAL BROTHERHOOD OF BOILERMAKERS

JUL 16 58 1 20

HUTCHINGS
46-1 NATIONAL BANK 46-1
OF GALVESTON, TEXAS

EXHIBIT No. 8

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GALVESTON, TEXAS: 1-2-29

THE FIRST NATIONAL BANK
OF GALVESTON, TEXAS

RECEIVED BY

DAY THE ORDER OF

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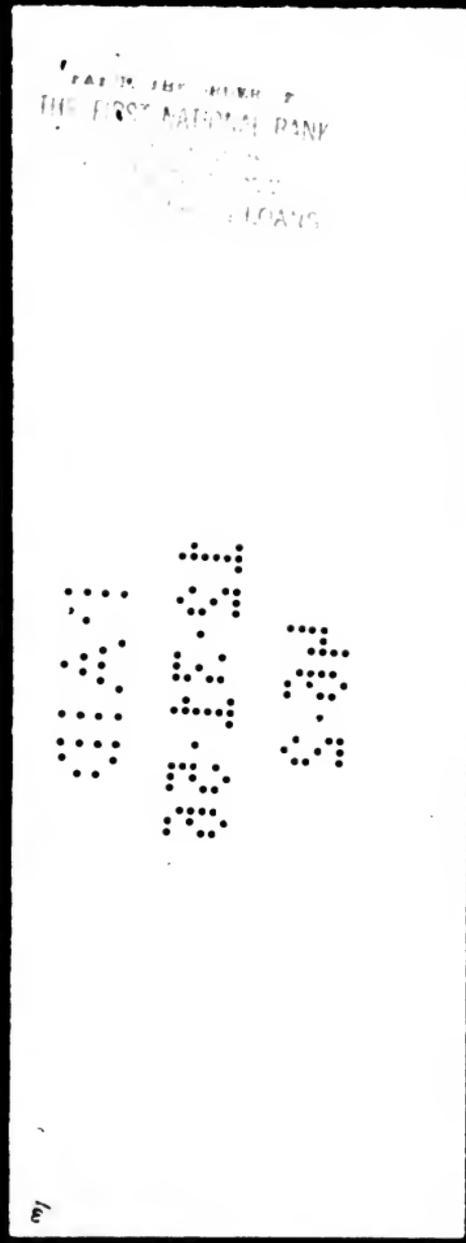
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INTERNATIONAL BROTHERHOOD OF BOILERMAKERS,
SHIP BUILDERS, BLACKSMITHS, FORGERS,
AND HELPERS, LOCAL NO. 132

O. V. Jones

COUPON REISSUED BY

TRICAL



4920
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Galveston, Texas Feb. 2 1956

THE FIRST NATIONAL BANK
OF GALVESTON, TEXAS

SECRETARY

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DAY TO THE ORDER OF

BY ENCLOSURE THIS CHECK WHEN PAID IS ACCEPTED IN FULL PAYMENT OF THE FOLLOWING ACCOUNT

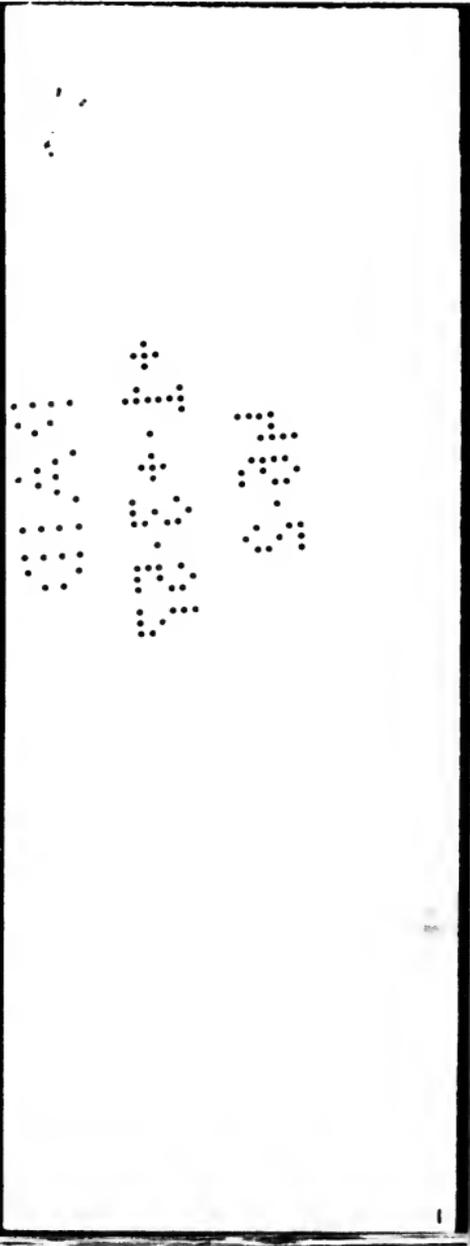
INTERNATIONAL BROTHERHOOD OF BOILERMAKERS,
IRON SHIP BUILDERS, BLACKSMITHS, FORGERS,
AND WELDER, LOCAL NO. 132

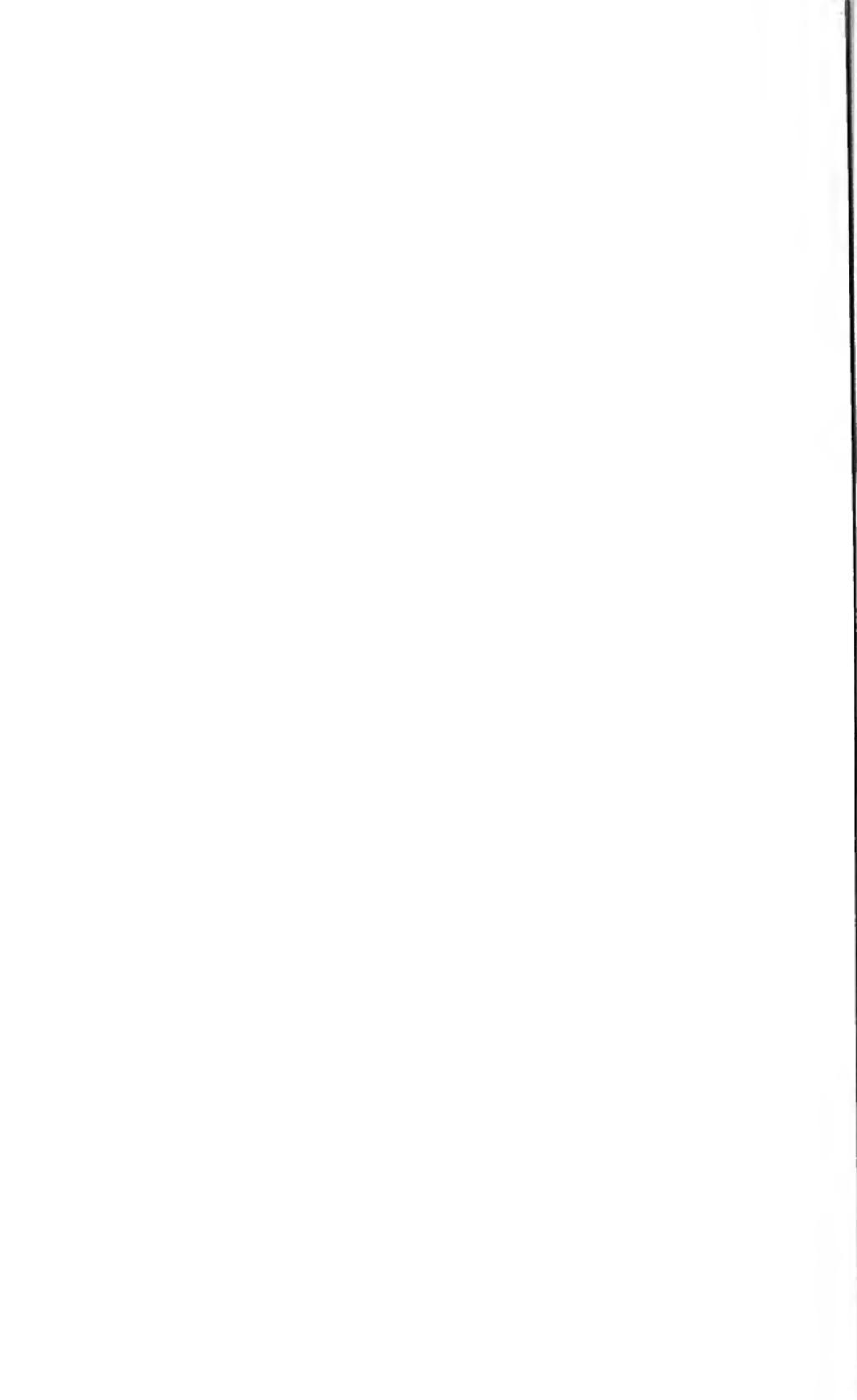
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